

Commissioners Meeting Minutes

May 4, 2009

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 and Lanier were present. Commissioner Kemp was absent. Capt. Dwight Ayers, Randolph County Sheriff's Department Chaplain, gave the invocation, and everyone recited the Pledge of Allegiance.

Recognition of Retiree

Chairman Holmes recognized Capt. Charles Ratcliffe for 30½ years of service to the Randolph County Sheriff's Office and presented him with an engraved clock.

Public Comment Period

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

Change to Consent Agenda

Chairman Holmes announced the following addition to the Consent Agenda: item *M. Appoint David White to the Archdale Planning Board/ Board of Adjustment.*

Approval of Consent Agenda

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

- *approve minutes of regular meeting of April 6, 2009;*
- *unseal two sets of closed session minutes from March 9, 2009;*
- *reappoint Warren Dixon and Bill Johnson to the Randolph County Historic Landmark Preservation Commission;*
- *reappoint Dr. Roscoe Andrew Sykes to the RCC Board of Trustees;*
- *reappoint Belva Hancock to Randolph County Jury Commission;*
- *appoint Judge James Hill to fill the unexpired term of Judge Brad Long on the JCPC;*
- *reappoint Ann Shaw, Harold Holmes and Sue McCullah to the Sandhills Mental Health Board;*
- *approve amendments (ATTACHED) to Sheriff's Dept. Records Retention Schedule, as recommended by the NC Dept. of Cultural Resources, Archives & Records Section and the Randolph County Sheriff;*
- *approve resolution against Senate Bill 1004 and House Bill 1252 (Level Playing Field Act), as follows:*

RESOLUTION AGAINST SENATE BILL 1004 and HOUSE BILL 1252- Level Playing Field Act

WHEREAS, Senate Bill 1004 (HB 1252), The Level Playing Field Act, have been introduced in the 2009 Session of the General Assembly of North Carolina, and referred to the Senate Commerce Committee and House Public Utilities Committee, respectively; and

WHEREAS, these bills do not provide a "level playing field" to cities, towns and counties. but greatly hinder local governments from providing needed communications services, especially advanced high-speed broadband services, in underserved areas; and

WHEREAS, the bills do not provide a “level playing field,” but instead impose numerous obligations on cities and towns that private broadband companies do not have to meet; and

WHEREAS, private companies, despite having received favorable regulatory and tax treatment to enable broadband investment, have chosen to avoid the financial commitment necessary to provide top quality services, instead offering lesser quality, slow non-state-of-the-art infrastructure technologies that are **not even** available to all residents; and

WHEREAS, while private companies declare top quality service is cost-prohibitive in our country, the United States continues to lose ground to other nations in broadband access, cost and growth in number of users, falling behind the United Kingdom, Korea, France, Japan and Canada to name a few, and Japan has internet access that is at least 500 times faster than what is considered high-speed in the United States and at less cost; and

WHEREAS, the U.S. Congress provided funds in the American Recovery and Reinvestment Act (federal stimulus) to reverse our country’s catastrophic broadband decline by making local and state governments, and not private communication companies, directly eligible for \$4.7 billion in federal grants to provide affordable access to high capacity broadband services in unserved and underserved areas; and

WHEREAS, the bills would prohibit North Carolina cities and towns from using federal grant funds to deploy or operate locally-owned or operated broadband systems, thereby denying N.C. residents access to billions of dollars of federal assistance available to the rest of the country and hindering employment opportunities; and

WHEREAS, deployment of true high-speed broadband internet is a new public utility vital to the future economic development, educational outreach, and community growth in North Carolina necessary to replace lost textile, tobacco, furniture and manufacturing jobs; and

WHEREAS, the General Assembly has already established 1) statutory provisions for Public Enterprises (NCGS Chapter 160A, Article 16); 2) conservation finance provisions in the Budget and Fiscal Control Act (NCGS Chapter, 159 Article 3); and 3) oversight by the Local Government Commission (NCGS Chapter, Article 2) and a local government must comply with all of those requirements in order to undertake providing an enterprise service to its community; and

WHEREAS, the bills are counter to the Local Development Act of 1925 in NCGS Chapter 158 that allows local governments to aid and encourage economic development in communities throughout North Carolina; and

WHEREAS, North Carolina law has long permitted local governments to engage in public enterprises and there is no justification for treating communications enterprises differently from other public enterprises that are essential for a sound economy; and

WHEREAS, historically it was government that funded much of the current corporate telecommunications infrastructure in the United States and government paid for and developed the Internet; and

WHEREAS, there are telecommunications designers, equipment manufacturers and suppliers in North Carolina who will be negatively affected if local governments are not allowed to provide needed communications services, meaning that **North Carolina will stand to lose more jobs by not investing** in top-quality broadband infrastructure than it will lose due to government provision of such services; and

WHEREAS, many for-profit companies with operations in North Carolina joined our local governments in opposing these bills.

NOW THEREFORE, BE IT RESOLVED, THAT THE RANDOLPH COUNTY BOARD OF COMMISSIONERS opposes Senate Bill 1004 and House Bill 1252 and urges all members of the North Carolina General Assembly to vote “no” in committee and, if necessary, on the floor of the General Assembly.

- approve Budget Amendment #37 for Public Health (Title X Bonus Funds), as follows:

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment # 37		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$ 2,800	

<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Public Health</i>	\$ 2,800	

- *approve Budget Amendment #38 for Public Health (Flu Mist Pilot Project), as follows:*

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment # 38		
<i>Revenues</i>	<i>Increase</i>	<i>Decrease</i>
<i>Restricted Intergovernmental</i>	\$ 27,547	
<i>Appropriations</i>	<i>Increase</i>	<i>Decrease</i>
<i>Public Health</i>	\$ 27,547	

- *approve easement for sewage disposal system & maintenance agreement for Ramseur Ambulance Base;*
- *appoint David White to the Archdale Planning Board/ Board of Adjustment.*

Adoption of Proclamation Recognizing May as Motorcycle Safety Awareness Month

On motion of Lanier, seconded by Haywood, the Board voted unanimously to adopt a proclamation recognizing May as Motorcycle Safety Awareness Month, as follows:

MOTORCYCLE SAFETY AWARENESS MONTH

WHEREAS, motorcycle riding is a popular form of transportation and recreation for hundreds of Randolph County citizens; and

WHEREAS, it is important that the citizens of Randolph County be aware of motorcycles on the roadways and recognize the importance of motorcycle safety and of sharing the roadways; and

WHEREAS, the safe operation of a motorcycle is enhanced through a combination of rider training, experience, good judgment and a thorough knowledge of traffic laws and licensing requirements; and

WHEREAS, numerous national, state and local organizations, such as the Randolph County Concerned Bikers Association and the Asheboro Harley Owners Group, as well as local motorcycle clubs and riding clubs, are committed to promoting the safe operation of motorcycles by educating both motorists and motorcycle riders; and

WHEREAS, motorists are encouraged to “Look Twice, Save a Life. Motorcycles are Everywhere”; and

WHEREAS, the month of May is designated annually to be the national Motorcycle Safety Awareness Month, which is designed to increase public awareness of motorcycles and to encourage their safe and proper use by motorcycle riders.

NOW THEREFORE, the Randolph County Board of Commissioners hereby proclaims the month of May to be designated as Motorcycle Safety Awareness Month each year in Randolph County.

Adoption of Proclamation Recognizing May as “Bike Month”

Zach Ausband, Vice President of Operation Red Sleigh, Inc., thanked the Randolph County Sheriff’s Department, Health Department, Randolph County and Asheboro City Schools and all the emergency service branches that serve Randolph County for their continued support of Operation Red Sleigh and its events. Mr. Ausband said that the month of May is dedicated to boost public awareness of the need for bicycle safety. There are more than 900 bicycle-motor vehicle crashes reported to the N.C. Division of Motor Vehicles each year, so the N.C. Department of Transportation and the NC Highway Patrol would like to remind bicyclists and motorists to safely share the roads

and be more alert during the spring and summer months. He asked the Commissioners to recognize May as Bike Month in Randolph County, via proclamation.

On motion of Frye, seconded by Lanier, the Board voted unanimously to adopt a proclamation recognizing May as "Bike Month," as follows:

Proclamation Declaring May as Bike Month – 2009

***WHEREAS**, for more than a century, the bicycle has been an important part of the lives of most Americans; and*

***WHEREAS**, millions of Americans engage in bicycling because it is an excellent form of exercise, a viable and environmentally sound form of transportation, and a fun and enjoyable activity; and*

***WHEREAS**, the education of cyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and*

***WHEREAS**, bicycle commuting is an effective means to reduce air pollution, save money and conserve energy; and*

***WHEREAS**, the League of American Bicyclists and independent cyclist throughout our state are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries and fatalities for all.*

***NOW, THEREFORE**, the Randolph County Board of Commissioners hereby proclaim May 2009 as "**Bike Month**" throughout the county and encourage all residents to recognize the importance of bicycle safety and be more aware of cyclists on our streets and highways.*

Historic Landmark Preservation Commission Annual Report

Hal Johnson, Chairman of the HLPC, presented the annual report and update of activities of the HLPC as required by the Commission's adopting Ordinance, which was adopted June 2, 2008. The purpose of the Commission is to identify and formally recommend to the County Commissioners or participating municipalities, historic landmarks that embody important elements of the history, architecture, and heritage of Randolph County. The Commission consists of 10 members appointed by the County Commissioners. The first meeting of the Historic Landmark Preservation Commission was held on June 25, 2008. The Commission meets the fourth Wednesday of each month, at 2:00 p.m., in the Board of Commissioners' Meeting Room and has met every month since June 25.

One of the Commission's first goals was to create the opportunity for cities in Randolph County to participate with the County in landmark recognition. All municipalities in Randolph County, through interlocal agreement, have designated the County Historic Landmark Preservation Commission as its advisory body to the municipal elected officials.

Mr. Johnson stated that the following local Landmarks have officially been designated in Randolph County: 1909 Old County Courthouse, 1802 Sandy Creek Primitive Baptist Church, 1922 Old County Rest Home, and 1838 Franklinsville Mfg. Co. (These Local Landmarks fall within the planning jurisdiction of three different local governments: County, City of Asheboro, and Town of Franklinville.) Eight individual public hearings have been conducted by the HLPC and related local governments (County, Asheboro and Franklinville) in relation to these specific landmark designations.

The Commission is currently processing two additional landmarks: 1782 Andrew Balfour Cemetery, and 1855 Trinity Museum/Winslow House. The Commission has also placed on a "study list" several other possible local landmarks, which include the Asheboro Female Academy, Martha McGee Bell Cemetery, and the Mt. Shepherd Archeological Pottery Site. It was the intent of the

HLPC that each of the first official designations represent the following part of Randolph County's history: our government/religion; commerce/industry/and our Revolutionary War heritage.

The Commission designed and approved the layout for standard local landmark signs that will be placed on designated landmarks.

The HLPC has established a website (www.co.randolph.nc.us/hlpc), which is designed to provide historic landmark education and information concerning the Commission, local landmarks, and the designation processes.

The Commission has begun the process of applying for Certified Local Government status with the North Carolina Historic Preservation Office. This would allow the County or participating cities to apply for grants through the Federal Historic Preservation Fund for Certified Local Governments. Each CLG in the state is eligible to compete for a portion of money to be used as a matching grant for eligible survey, planning, pre-development, or development activities. The CLG certification would also allow the County HLPC to review all new nominations to the National Register of Historic Places for properties within Randolph County. This would give the County and municipalities a say in state and federal recognition of historic resources in their areas. Finally, CLG certification will provide special education and training for HLPC members. The County will benefit from the increased expertise of the HLPC members.

Staff support and budget allocations are those approved for the Randolph County Planning Department. Approved Planning Department funding has been sufficient to meet the goals and mission of this new Commission.

Mr. Johnson announced the following HLPC 2009-2010 goals: 1) continue efforts to obtain Certified Local Government designation; 2) continue, within budgetary limitations, identifying and recommending local historic landmark designations; and 3) enhance public education opportunities concerning our County's history and heritage.

Request from Duke Energy for Easement Across County Property

David Townsend, III, Public Works Director, reminded the Commissioners that the request by Duke Energy for a utility easement across property owned by Randolph County had been discussed at their March and April meetings, and a decision on the request is now needed. The property in question is located at 5417 Old Greensboro Road (Level Cross Elementary School), and the easement is necessary for the upgrade of power lines across the property due to the Randleman Lake Water Plant project. Mr. Townsend stated that the preferred route for the line would go across property owned by a private citizen who has refused granting the easement to Duke Energy, making it necessary to cross Old Greensboro Road to erect a pole on school property. Commissioner Haywood stated that he had contacted the property owner who stated that he does not want to lose the three trees in his yard that would have to be cut. If an easement is not granted by the private property owner or the County, Duke Energy would be forced to seek permission to erect three poles closer to the road on State DOT right-of-way. Having poles closer to the road increases the chance that someone could run off the road and hit the poles.

Following discussion, Commissioner Haywood said that he would contact the private citizen to arrange a meeting between the citizen and Duke Energy representatives to determine whether the citizen might accept monetary compensation from Duke Energy for the three trees that would need to be cut in exchange for his granting of an easement across his property.

Approval to Let Bids for Hwy 64 Water Line Project

David Townsend, III, Public Works Director, stated that following several months of discussion with the City of Asheboro, Consultants, and NC Dept. of Environment and Natural Resources (DENR), the Public Works Department is recommending proceeding with the water line on Highway 64. The County proposes to install a 12-inch water line along Highway 64 beginning at the Highway 64 and Salisbury Street intersection and continuing eastward to the Blue Mist Restaurant area.

The County has secured a Rural Center Grant for \$500,000 towards this project and has had several discussions with DENR to secure funding for the balance of the project. The Public Works Department is confident that once bids are opened, we can submit the information to DENR and request a "pre-approval letter" from the agency for reimbursement for the cost of the water line to serve 22 residents in the area who need assistance. Mr. Townsend stated that our consultants have advised that the time is right to bid this size of project, and they feel that we should get very good unit prices. The Public Works Department plans to submit the project for final permitting and open bids in approximately six to eight weeks. The project will be bid within a 60-day window to receive the "preapproval letter" from DENR. Once the approval is received, the County will begin construction and should complete the project in the first quarter of 2010.

Mr. Townsend said that the County and City of Asheboro are continuing to work together to ensure that the end result will be that the County is reimbursed for the water line over time and the City of Asheboro receives new customers and provides the operation and maintenance on the water line.

Mr. Townsend requested authorization to proceed with the bid process.

On motion of Haywood, second by Lanier, the Board voted unanimously to approve the request to proceed with the bid process for the Hwy 64 water line project.

Announcement of Application for COPS Hiring Recovery Program Grant

Col. Allen McNeil stated that as part of the Federal Recovery Act, COPS Hiring Recovery Program (CHRP) grants are available for local agencies to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts. There is no local match requirement for CHRP, but grant funding will be based on current entry-level salary and benefits packages and, therefore, any additional costs for higher salaries or benefits for particular individuals hired will be the responsibility of the grantee agency. The grants provide 100 percent funding for approved entry-level salaries and benefits for three years for newly-hired, full-time sworn officer positions (including filling existing unfunded vacancies) or for rehired officers who have been laid off, or are scheduled to be laid off on a future date, as a result of local budget cuts. There is no cap on the number of positions an agency may request, but awards will be limited to available funding. After three years, grantees must retain, for one year, all sworn officer positions awarded under the CHRP grant. The retained CHRP-funded position(s) should be added to the grantees' law enforcement budget with state and/or local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant.

Col. McNeill said that the Sheriff's Office has completed and submitted an application to request \$1,112,520 from the CHRP to hire eight new deputies at the Sheriff's Office. The application had to be submitted by April 16, 2009 in order to be eligible. If granted, the award is subject to the Commissioners' review and approval. It is likely that the outcome of the application will not be

known for several months due to the high volume of agencies applying. Col. McNeil stated that he believes the available federal money will go to other areas of the country if not requested locally. He added that the hiring of eight new deputies will greatly enhance the ability of the Sheriff's Office to provide needed law enforcement service to the citizens of Randolph County. It will further create eight new jobs in Randolph County. A copy of the grant request was presented and explained in more detail. No action is required by the Board until the grant has been approved.

Approval of JAG Assistance Grant

Col. Allen McNeil stated that Randolph County has been awarded a grant for \$68,999 from the Bureau of Justice Assistance (JAG). The grant is a formula grant and is non-competitive. The amount of the award is based on population and crime statistics. The JAG grant funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, and contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities that will improve or enhance law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation). The Sheriff's Office proposes to use the grant award to purchase mobile data computers and printers, surveillance equipment, crime scene investigation equipment, tasers, mounting equipment for radar units in vehicles, and forensic computer equipment. Col. McNeill said that per grant requirement, an ad was placed in the Courier Tribune on April 18, 2009 announcing the grant and seeking public comments. Also per grant requirement, a copy of the grant application was delivered to the County Manager on April 16, 2009. Col. McNeill requested that the \$68,999 be accepted if our application is approved and that the Sheriff's Office be allowed to purchase the requested equipment, as proposed, with the funds.

On motion of Frye, second by Haywood, the Board voted unanimously to approve the request of the Sheriff's Department to accept the JAG Grant in the amount of \$68,999, if awarded, and to purchase equipment, as presented.

Approval of Contract Between DSS and Vanguard Eligibility Solutions, Inc. Using Federal Stimulus Funds for Food Stamp Program and Related Budget Amendment

Beth Duncan, DSS Director, said that the American Recovery and Reinvestment Act (Federal Stimulus Package) contains some key provisions affecting low income individuals; it includes an increase of 13.6% to maximum food stamp benefits, effective April 2009. The ARRA also provides administrative money to help manage the rising caseloads during the recession. The funds may be used to pay overtime, hire new staff or contract staff to assist with the increased demand for food assistance. The administrative funds are available during the following allocation periods: from April 9, 2009 through September 30, 2009 and from October 1, 2009 through September 30, 2010.

On April 13, 2009, Randolph County DSS was notified it will receive \$55,052 in administrative money for the first allocation period. Matching County funds are not required.

Ms. Duncan recommended that the County Commissioners approve two items: 1) a Budget Amendment increasing the DSS budget and Restricted Intergovernmental Revenues by \$55,052, and 2) a contract with Eligibility Solutions, Inc. to process food stamp applications.

On motion of Frye, second by Lanier, the Board voted unanimously to approve Budget Amendment #39, which reflects \$55,052 in Federal Stimulus funds for the Food Stamp Program, as

follows, and a contract between DSS and Eligibility Solutions, Inc. for Food Stamp case processing, as presented.

2008-2009 BUDGET ORDINANCE		
GENERAL FUND- Amendment # 39		
Revenues	Increase	Decrease
<i>Restricted Intergovernmental</i>	\$ 55,052	
Appropriations	Increase	Decrease
<i>Social Services</i>	\$ 55,052	

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

At 5:11 p.m., on motion of Frye, seconded by Haywood, 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 5:40 p.m. the Board returned to regular session.

Action from Closed Session

On motion of Haywood, seconded by Lanier, the Board voted unanimously to set a public hearing for 5:00 p.m. on June 1, 2009 for a performance-based incentive grant in the amount of \$5,625 to be used for infrastructure gas extension for Stickley Furniture Company in Archdale.

The company proposes to add a second manufacturing facility for a recently acquired line: Nichols and Stone. The project includes the purchase and retrofit of a currently leased facility at 701 Eden Terrace in Archdale. The incentive specifies the creation of twenty new jobs, beginning in 2010 and that the company remain in operation in Archdale for two years following the grant payment. The City of Archdale will also pay \$5,625 as an incentive grant.

Adjournment

At 5:40 p.m., there being no further business, the meeting adjourned.

J. Harold Holmes, Chairman

Darrell L. Frye

Arnold Lanier

Stan Haywood

Cheryl A. Ivey, Clerk to the Board