

MINUTES

February 13, 2007

The Davidson County Board of Commissioners met on Tuesday, February 13, 2007, at 7:00 P.M., in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina, for a regularly scheduled meeting and public hearing.

PRESENT

Commissioners: Chairman Fred McClure, Vice Chairman Don Truell, Larry Allen, Billy Joe Kepley, Larry Potts, Dr. Max Walser, Sam Watford

County Manager Robert Hyatt, Assistant County Manager Zeb M. Hanner, County Attorney Robert Hedrick, Human Resources Director Jim Tysinger, Cooperative Extension Services Director Robert Lopp, IT Director Joel Hartley, Finance Director Jane Kiker, Tax Administrator Joe Silver, Social Services Director Catherine Lambeth

A. CALL TO ORDER AND WELCOME

Chairman McClure called the meeting to order and welcomed guests.

B. INVOCATION

Commissioner Larry Potts

C. PLEDGE OF ALLEGIANCE

D. RECOGNITION

E. REGISTER FOR PUBLIC ADDRESS

Chairman McClure noted the register for public address.

F. ADOPTION OF AGENDA

On a motion by Commissioner Potts and a second by Commissioner Allen the Board voted unanimously 7-0 to adopt the agenda. (Exhibit 1)

G. PUBLIC ADDRESS

Barney W. Hill addressed the Board concerning use of the Land Use Plan and the Animal Control Ordinance.

Tommy Hedrick, Chairman of the Economic Development Commission, addressed the Board in support of the Voluntary Agricultural District Ordinance (VAD) and not allowing areas designated for economic opportunity into it.

Rev. Cynthia Arnold, Linwood United Methodist Church, addressed the Board with a request for truth and integrity in decision for the Voluntary Agricultural District.

Paul Wiley addressed the Board concerning the Voluntary Agricultural District and requested inclusion of Gold Print and Creekside Farms.

Kathy Poole addressed the Board requesting inclusion in the VAD.

Carolyn Ingle offered suggestions to lower fees for the spay/neuter program.

H. PUBLIC HEARING – Animal Ordinance (Spaying and Neutering Section)

On a motion by Commissioner Potts and a second by Commissioner Watford the Board voted unanimously 7-0 to open the public hearing to receive public input on proposed amendments to the Davidson County Animal Control Ordinance, to address the issue of adding a spay/neuter provision to the current Ordinance.

Health Director Layton Long, serving as Chairman of the ad hoc Animal Ordinance Committee, spoke in support of the Animal Ordinance and reviewed the process for the revisions to the ordinance, modeled after the Buncombe County Animal Control Ordinance.

Mary Cullop, member of the Animal Ordinance Committee and Humane Society, presented a report on the spaying and neutering program.

Dr. Mark Hamrick, Veterinarian and member of Animal Ordinance Committee, spoke in support of the spay/neuter program.

Artie Burkhardt, member of the Animal Ordinance Committee, addressed the Board and presented statistics in support of the spay/neuter program revisions proposed for the Animal Control Ordinance.

Shelley Moore, Buncombe County resident, presented statistics from Buncombe County Animal Control.

Gloria McKinney, member of Friends in Need Animal Rescue, spoke in support of the spay/neuter program.

Kelly Robinson spoke in support of spay/neuter program with alterations.

Jackie Gooch spoke in support of the spay/neuter program.

Craig Denny spoke in support of the spay/neuter program to reduce euthanizing.

Becky Everhart spoke in support of the spay/neuter program

Jayne Livengood spoke in support of the amendments to the ordinance and education for the public on the spay/neuter program.

Carolyn Ingle asked about animals that are contained.

Chairman McClure responded that the amendments to the ordinance are for animals in violation.

J.D. Hayworth, Sr., property owner for Brigadune Kennel, spoke in favor of the amendments to the ordinance.

Renee Smith, trainer, addressed the Board with concerns for the fees involved for breeders and trainers.

Barney Hill spoke in opposition to the amendments to the Animal Control Ordinance.

Owen Moore, West Lexington Avenue resident, spoke in opposition to the amendments to the Animal Control Ordinance and asked for rewording.

Bayne Koontz, spoke on behalf of petitioners, stated that the problem is unwanted animals and stated further that the spay/neuter program proposed in the amendments to the ordinance are not the solution.

Shirley Lanning spoke in opposition to the amendments to the ordinance.

Michelle Golding, breeder, spoke in opposition to the proposed spay/neuter program and supported revisions to it.

Bayne Koontz asked about good breeding and hunting dogs that get lost from the hunters.

Harvey Hunt, hunting dog breeder, spoke in opposition to the proposed spay/neuter program.

Celeste Gonzalez spoke in opposition to the program and presented some statistics to support her statements. She asked that the Board consider other alternatives.

Amy Hunt spoke in opposition to the program.

Drew Kennedy, Thomasville resident, spoke in opposition to the amendments to the ordinance and stated that fines are too high.

Steve Shell opposed the amendments to the ordinance as written.

Gerald Williams, hunter, spoke in opposition.

Derrick Palmer, dairy farmer from southern part of county, spoke in opposition.

Robert Stone spoke in opposition to the representation on the Animal Control Ordinance Committee.

Joe Hayworth spoke in opposition.

S..Henri McClees, Attorney for Sporting Dog Association, spoke in opposition.

Don Strout, trainer and breeder, spoke in opposition and supported a county-wide leash law.

David Gardner, coon hunter, spoke in opposition.

Ronnie Wright, Yadkin County Coon Club member, spoke in opposition.

Alice Sing, Yadkin County resident, spoke in support of the amendments to the Animal Control Ordinance.

Jesse Ewert spoke in opposition.

Sharon Flugler, Doberman breeder, spoke in support of a leash law and fencing for multi-dogs.

Steve McDaniel spoke on enforcement of rules.

On a motion by Commissioner Potts and a second by Vice Chairman Truell the Board voted unanimously 7-0 to close the public hearing.

Commissioner Allen stated he does not support the ordinance as written because it does not address irresponsible pet owners.

Commissioner Walser stated that his intent is not to penalize any one group (breeder, trainer, farmer, etc.).

Commissioner Walser made the following motion:

“I move approval of the spay-neuter animal ordinance revision by the committee with the following wording changes:

No person who is in violation of any other provision of this Ordinance shall own or harbor any dog or cat over the age of six months that has not been spayed or neutered unless such person holds an unaltered animal permit issued by animal control for each un-spayed or un-neutered animal.

A citation will only be issued under this Section if the person is in violation of another provision(s) of this Ordinance.”

Commissioner Watford seconded the motion.

Commissioner Potts stated he could not support the motion.

Vice Chairman Truell advocated exemptions in the amendments to the ordinance.

Commissioner Kepley stated he could not support it because it is a mandate.

Chairman McClure stated that the amendments to the ordinance does not make the spay/neuter program a mandate.

Upon a vote the motion failed 5-2 with Commissioner Walser and Chairman McClure voting in favor of the amendments to the ordinance, Vice Chairman Truell, Commissioner Allen, Commissioner Kepley, and Commissioner Potts and Commissioner Watford voted “No.” (Exhibit 2)

I. ITEMS FOR DECISION/INFORMATION

Consent

On a motion by Commissioner Potts and a second by Commissioner Walser the Board voted 6-1 to approve the consent agenda; Chairman McClure noted that Commissioner Kepley voted “No” on items I.1. – I.5. of the consent agenda.

1. Minutes

The Board approved the minutes for Commissioners’ meetings on January 23, 2007, February 1, 2007, and November 13, 2006 Planning and Zoning Public Hearing.

2. Budget Amendments by Zeb M. Hanner, Assistance County Manager

The Board approved budget amendments for EMS, Social Services, Davidson County Schools, Health, Tax, Jail and County Manager. (Exhibit 3)

3. Reclassification and Additions by Jim Tysinger, Human Resources Director

The Board approved the reclassification of a Maintenance Assistant in the Public Works and Services Department, and the additions of a temporary Accounting Technician I in the Finance Department, a temporary Systems Administrator II in IT, and a Real Property Appraiser I in the Tax Department.

(Exhibit 4)

4. Right of Way Easement from Owners of the Barbeque Center by Robert Hedrick, County

Attorney

The Board accepted and approved the recording of the Deed of Right of Way Easement from the owners of the Barbeque Center. (Exhibit 5)

5. Tax Report of Refunds by Joe Silver, Tax Administrator

The Board approved the Tax Report of Refunds for January 2007. (Exhibit 6)

Deliberation

6. Recommendations from Lexington City Schools to Award Bids for New Charles England Intermediate School by Superintendent Becky Bloxam, Superintendent, and Donna Smith, Ramsey-Smith Architects

On a motion by Commissioner Walser and a second by Commissioner Potts the Board voted unanimously 7-0 to approve the recommendation from Lexington City Schools to accept and award the base bid of \$9,829,664 for the new Charles England Intermediate School to R. L. Casey and proceed with construction with a total project cost of \$12,957,740, with the balance of funding to be taken from fund balance, and to be built on the Eanes School site. (Exhibit 7)

7. Voluntary Agricultural District

The Board received a request by Attorney Stephen Holton for Notice of Appeal to include three farms (Gold Print, Creekside, Hillcrest, all owned by the Stokes Family) into the Voluntary Agricultural District (VAD) Program. Mr. Holton presented the statistics of production of the farms.

Planning and Zoning Director Guy Cornman reviewed the origin and purpose of the Land Use Plan

Discussion followed.

On a motion by Commissioner Potts and a second by Commissioner Allen the Board voted 6-1 to include the three farms in the Voluntary Agricultural District; Chairman McClure voted “No.”

(Exhibit 8)

8. Appointment

On a motion by Commissioner Watford and a second by Commissioner Watford the Board voted to appoint Larry Potts to fill the expired term on the Social Services Board to June 30, 2007. (Exhibit 9)

J. CLOSED SESSION- Real Estate and Personnel

On a motion by Commissioner Potts and a second by Commissioner Truell the Board voted unanimously 7-0 to go into Closed Session for matters of Real Estate and Personnel.

RETURN TO OPEN SESSION

On a motion by Commissioner Potts and a second by Commissioner Walser the Board voted unanimously 7-0 to return to Open Session.

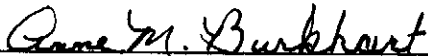
County Attorney reported discussion of Real Estate and Personnel matters with no action taken.

K. ADJOURNMENT

On a motion by Commissioner Kepley and a second by Commissioner Watford the Board voted unanimously 7-0 to adjourn.



Fred D. McClure, Chairman
Davidson County Board of Commissioners



Anne M. Burkhart, Clerk to the Board
Davidson County Board of Commissioners