

## MINUTES

April 26, 2005

The Davidson County Board of Commissioners met at 7:00 P.M., on Tuesday, April 26, 2005, in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina, for a regularly scheduled meeting and three public hearings.

### PRESENT

Commissioners: Chairman Don Truell, Vice Chairman Larry Potts, Cindy Akins, Fred McClure, Fred Sink, Dr. Max Walser, Sam Watford

County Attorney/Clerk to the Board Robert Hedrick, County Manager Robert Hyatt, Assistant County Manager Zeb M. Hanner, Fire Marshal Perry Tyler, Health Director Layton Long, Finance Director Jane Kiker, Transportation Director Zeb F. Hanner, Economic Development Representative Jason Clodfelter and Davidson Vision President Ben Ross, Purchasing Director Dwayne Childress, Social Services Director Catherine Lambeth, Public Works and Services Director Bill Clutter, Bill Pickett, Jim Everhart, Rick Lanier, Senior Services Director Kathryn Pritchard, Bett Hargrave, Billy Joe Kepley

### A. CALL TO ORDER AND WELCOME

Chairman Truell called the meeting to order and welcomed guests.

### B. INVOCATION

Chairman Don Truell

### C. PLEDGE OF ALLEGIANCE

### D. RECOGNITION

Chairman Truell and Social Services Director Catherine Lambeth recognized Carol Cartner on her upcoming retirement from Davidson County Social Services with 30 years of service and presented her with a gift certificate as a token of appreciation.

Chairman Truell also recognized Teenie Bingham, representing Davidson County Council of Chambers.

### E. REGISTER FOR PUBLIC ADDRESS

Chairman Truell noted the register for public address.

### F. ADOPTION OF AGENDA

On a motion by Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to adopt the agenda with amendments as follows:

Move of I.6. Resolution – Support of Defense of Marriage Amendment to follow Public Address

Add Closed Session for Attorney Client

Delete I.10. Appointments/Reappointments (Exhibit 1)

G. PUBLIC ADDRESS

*Gene Beck* spoke in opposition to an increase in taxes.

*William Bourguignon* expressed concerns with the *Animal control Ordinance* and the *Disturbing the Peace Ordinance* and presented a request for changes to address the nuisance of barking dogs.

*Dwight Cornelison* spoke in support of the Resolution – Support of Defense of Marriage Amendment.

*Barney Hill* spoke in opposition to the Resolution – Support of Defense of Marriage Amendment.

*David Fulcher* spoke in support of the Resolution – Support of Defense of Marriage Amendment.

*Rick Lanier* spoke in support of the Resolution – Support of Defense of Marriage Amendment.

*Dr. Ron Baity* spoke in support of the Resolution – Support of Defense of Marriage Amendment.

*Nancy Smith* spoke in support of the Resolution – Support of Defense of Marriage Amendment.

*Hugo Hodgin* stated that Commissioners would better serve the County if they focused on County issues.

*Pam Hooker* spoke in opposition to the Resolution – Support of Defense of Marriage Amendment.

*Christie Fisher* spoke in opposition to the Resolution – Support of Defense of Marriage Amendment.

*Jackie Hester* spoke in opposition to the Resolution – Support of Defense of Marriage Amendment.

*Alicia Huddle* spoke in opposition to the Resolution – Support of Defense of Marriage Amendment.

*David Hedrick* spoke in support of the Resolution – Support of Defense of Marriage Amendment.

*Donelle Griffin* spoke in opposition to the Resolution – Support of Defense of Marriage Amendment.

*Lori Mancuso* spoke in opposition to the Resolution – Support of Defense of Marriage

Amendment.

*Todd Clark* spoke in support of the Resolution – Support of Defense of Marriage Amendment.

*Travis Gaddy* spoke in opposition to the Resolution – Support of Defense of Marriage

Amendment.

*Ashley Miller* spoke in opposition to the Resolution – Support of Defense of Marriage

Amendment.

*Kris Stewart* spoke in opposition to the Resolution – Support of Defense of Marriage Amendment.

(Exhibit 2)

I.6. Resolution – Support of Defense of Marriage Amendment by Commissioner Fred McClure

Commissioner Fred McClure read the Resolution and noted that the Resolution will be sent to our legislators who are holding it up in committee.

Discussion followed.

Commissioner Akins spoke in support of the Resolution.

Commissioner Walser spoke in opposition to the Resolution.

Commissioner Sink spoke in opposition to the Resolution.

Commissioner Watford spoke in opposition to the Resolution.

Commissioner McClure noted that the purpose of the Resolution is to allow the vote by the people of Davidson County on the proposed Marriage Amendment issue.

Chairman Truell stated wording from the Constitution noting the rights of all people, not necessarily the majority over minorities.

On a motion by Vice Chairman Potts and a second by Commissioner Akins the Board voted 4-3 to deny adoption of the Resolution – Support of Defense of Marriage Amendment; Commissioner Walser,

Commissioner Sink, Commissioner Watford, and Chairman Truell voted “No;” Commissioner Akins, Vice

Chairman Potts, and Commissioner McClure voted “Yes.” (Exhibit 3)

H. PUBLIC HEARINGS

1. Sale of Home Health Agency

Health Director Layton Long presented information on the intent to sell the Home Health Agency and noted the potential buyers at the present time. Mr. Long apprised the Board that two more public hearings are required. Discussion followed.

On a motion by Commissioner Watford and a second by Commissioner Akins the Board voted unanimously 7-0 to open the public hearing to receive public comments on the intent of the Board to sell the Home Health Agency.

*Barney Hill* spoke in support of the intent to sell the Home Health Agency.

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

On a motion by Commissioner Akins and a second by Commissioner Watford the Board voted unanimously 7-0 to adopt the Resolution for Sale of the Home Health Agency. (Exhibit 4)

2. Rural Operating Assist Program (ROAP)

Transportation Director Zeb F. Hanner presented information on the application for the FY2005-2006 Rural Operating Assistance Program Funds.

On a motion by Vice Chairman Potts and a second by Commissioner Watford the Board voted unanimously 7-0 to open the public hearing to receive public comments on the submittal of a grant application for the Rural Transportation Assist Program (ROAP).

*Barney W. Hill* spoke in opposition to the proposed application for grant for the ROAP.

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

On a motion by Commissioner Sink and a second by Vice Chairman Potts the Board voted unanimously 7-0 to approve the submittal of the application for the FY2005-2006 Rural Operating Assistance Program Funds. (Exhibit 5)

3. Economic Development Incentive Grant

Economic Development Representative Jason Clodfelter provided information on the proposed economic development incentive grant for Imaflex Corporation, an international plastics extrusion company. Mr. Clodfelter noted that the company must invest and maintain a minimum of \$10,000,000 in a manufacturing plant, equipment and machinery. He further noted that the County would make five annual

cash incentive payments to the company equal to a maximum of .00265 times the Company's annual value of the capital investment in the plant, equipment and machinery, not to exceed \$30,000 per year. He noted that the grant contract is contingent upon the Company locating its plant, machinery and equipment in Davidson County and during the term of the contract maintaining a minimum new capital investment in the plant, machinery and equipment of \$10,000,000. He stated that the Company must employ and maintain 55 to 60 full-time employees within 36 months of occupancy for the balance of the contract and document employment numbers no later than 30 days after the end of each calendar year. He further stated that the Company must remain current regarding all financial obligations to all local government entities and must at all times remain in compliance with all local, state and federal laws. In addition, Mr. Clodfelter noted that the County will document the capital investment required under the incentive grant contract and fund the project with available revenues from the County's Economic Development Fund.

On a motion by Commissioner Akins and a second by Commissioner McClure the Board voted unanimously 7-0 to open the public hearing to receive public comments on the proposed economic development incentive grant.

*Barney W. Hill* spoke in support of the request for an economic development incentive grant.

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

On a motion by Vice Chairman Potts and a second by Commissioner Akins the Board voted unanimously 7-0 to approve entering into an economic development incentive grant contract with the Imaflex Corporation. (Exhibit 6)

#### I. ITEMS FOR DECISION/INFORMATION

##### Consent

Vice Chairman Potts requested the removal of I.5. Proclamation – National Day of Prayer from the consent agenda, in order to read the Proclamation.

On a motion by Commissioner McClure and a second by Commissioner Watford the Board voted unanimously 7-0 to approve the consent agenda consisting of I.1., I.2., I.3., and I.4. as follows with the removal of I.5.:

1. Minutes

The Board approved the Minutes of April 7, 2005 and April 12, 2005.

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

Sheriff – acceptance of \$1,279.05 in commissary funds, \$466.52 in medical co-payments, and a line item transfer of \$5,000 from Hand Gun Instruction to Department Supplies for Officers College Courses for Training Purposes.

Senior Services - acceptance of \$3,000 in donations, \$4,750 in Care Giver funds, and \$14,855 in HCCBG funds and appropriate \$3,032 to Crisis Management fund, \$2,000 to Contracted Services, \$6,355 to Transportation, \$4,500 to Food Services Contract, \$4,000 to Travel, and \$2,750 to Departmental Supplies.

Care Giver Funds (pass through) - \$11,575 to Life Center.

JJDP Funds (pass through) - \$11,575 to Family Services.

Day Reporting Funds - appropriate \$8,471 to Day Reporting Center and appropriate \$2,753 to Contracted Services, \$4,218 to Departmental Supplies, and \$1,500 to Capital Outlay. (Exhibit 7)

3. Reclassifications by John Dean, Human Resources Director

The board approved the request to reclassify nine School Health Nurse positions from PHNI (Grade 67) to PHN2 (Grade 69). (Exhibit 8)

4. Pyrotechnics Permit by Perry Tyler, Fire Marshal

The Board approved the Pyrotechnics Permit for May 7, 2005 at the Davidson County Fairgrounds for a training exercise for personnel in the Fire Prevention Field to gain knowledge to safely handle pyrotechnic displays and personnel associated with these displays. (Exhibit 9)

Deliberation

5. Proclamation – National Day of Prayer by Vice Chairman Larry Potts

On a motion by Vice Chairman Potts and a second by Commissioner Akins, the Board voted unanimously 7-0 to adopt the Proclamation proclaiming May 5, 2005 as a “Day of Prayer” in Davidson County. (Exhibit 10)

7. Proclamation – Motorcycle Safety Awareness Month, May 2005 by Jim Everhart

On a motion by Commissioner Walser and a second by Commissioner Watford the Board voted unanimously 7-0 to adopt the proclamation proclaiming May 2005 as Motorcycle Safety Awareness Month. (Exhibit 11)

8. Proclamation – Mental Health Month by Bill Pickett

On a motion by Vice Chairman Potts and a second by Commissioner Sink the Board voted unanimously 7-0 to proclaim May 2005 as Mental Health Month in Davidson County. (Exhibit 12)

9. Change Order – Pilot Sewer by Bill Clutter, Director of Public Works and Services

Bill Clutter addressed the Board on the requested Change Order CON1 CO-002 from Pease Associates for the Pilot SSD Sanitary Sewer Improvements – Contract No.1. Mr. Clutter explained the requested Change Order and supplied the Board with his outline of the presentation.

Commissioner Watford questioned if action should be taken on the Change Order by the Davidson County Board of Commissioners or by the entity, the Pilot Community County Sewer District Board.

RECESS DAVIDSON COUNTY BOARD OF COMMISSIONERS

On a motion by Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to recess the Davidson County Board of Commissioners' meeting.

RECONVENE PILOT COMMUNITY COUNTY SEWER DISTRICT BOARD

On a motion by Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to reconvene the Pilot Community County Sewer District.

On a motion by Vice Chairman Potts and a second by Commissioner Watford the Board voted unanimously 7-0 to approve Change Order CON1 CO-002 from Pease Associates for the Pilot SSD Sanitary Sewer Improvements – Contract No.1. (Exhibit 13)

ADJOURN PILOT COMMUNITY COUNTY SEWER DISTRICT BOARD

On a motion by Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to adjourn the Pilot Community County Sewer District Board.

RECONVENE DAVIDSON COUNTY BOARD OF COMMISSIONERS

On a motion by Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to reconvene the Davidson County Board of Commissioners' meeting.

On a motion by Vice Chairman Potts and a second by Commissioner Watford the board voted unanimously 7-0 to approve Change Order CON1 CO-002 for the Pilot SSD Sanitary Sewer Improvements – Contract 1. (See Exhibit 13)

10. Appointments/Reappointments - Deleted

11. Park Ordinance by Zeb M. Hanner, Assistant County Manager

On a motion by Commissioner Sink and a second by Commissioner Akins the Board voted unanimously 7-0 to adopt Ordinance 130.14 TRESPASSING IN PARK. (Exhibit 14)

CLOSED SESSION – Attorney Client

On a motion by Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to go into Closed Session for a matter of Attorney/Client.

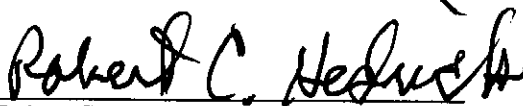
RETURN TO OPEN SESSION

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

County Attorney/Clerk to the Board Robert Hedrick reported discussion of an Attorney/Client matter in Closed Session with no action taken.

J. ADJOURNMENT

On a motion by Vice Chairman Potts and a second by Commissioner Sink the Board voted unanimously 7-0 to adjourn.

  
Robert C. Hedrick, Clerk to the Board  
Davidson County Board of Commissioners

  
Don W. Truell, Chairman  
Davidson County Board of Commissioners