

## **MINUTES**

**June 28, 2005**

The Davidson County Board of Commissioners met on Tuesday, June 28, 2005, at 7:00 P.M. in the Commissioners' Meeting Room of the Governmental Center, 913 Greensboro Street, Lexington, for a regularly scheduled meeting and public hearing.

### **PRESENT**

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

County Manager Robert Hyatt, County Attorney Robert Hedrick, Assistant County Manager Zeb M. Hanner, Clerk to the Board Anne Burkhart, Finance Director Jane Kiker, Sheriff David Grice, Tax Administrator Joe Silver, Public Works and Services Director Bill Clutter, Senior Services Director Kathryn Pritchard, Planning and Zoning Director Guy Cornman, 911 Communications Director Terry Bailey, Fire Marshal Perry Tyler, Davidson Visions Director Ben Ross, Health Director Layton Long, Watershed Coordinator Scott Leonard, Planning and Zoning Officer Lee Crook

### **A. CALL TO ORDER AND WELCOME**

Chairman Truell called the meeting to order and welcomed guests.

### **B. INVOCATION**

Commissioner Fred Sink

### **C. PLEDGE OF ALLEGIANCE**

### **D. RECOGNITION**

Chairman Truell recognized David Congdon, representing the Davidson County Council of Chambers, Sheriff David Grice, School Board Members, School Superintendents, and DCCC Board of Trustees members.

Chairman Truell then recognized and presented \$3,000 Teaching Scholarships to the following: Amanda Christine Barnes, Courtney Elizabeth Black, Melissa Dawn Carroll, Maria Laurin Clinger, Lauren Kristina Darr, Kelly Lauren Hine. (Exhibit 1a)

### **E. REGISTER FOR PUBLIC ADDRESS**

Chairman Truell noted the register for public address.

F. ADOPTION OF AGENDA

On a motion by Vice Chairman Larry Potts and a second by Commissioner Cindy Akins the Board voted unanimously 7-0 to adopt the agenda with the following amendments:

Delete: I.14.a. Food Lion Sewer Easements

I.14.b. Food Lion Procedural Matters on the Project

Personnel from Closed Session

Add: I.14. License Agreement for Installation and Use of Relay Link on Antenna

I.3.a. Addition to Budget Amendment for Sheriff's Office

Real Estate to Closed Session (Exhibit 1)

G. PUBLIC ADDRESS

Billy Joe Kopley spoke in support of the Master Plan for Tourism and Recreation and noted the amount of hard work and dedication that has gone into the plan.

Barney W. Hill expressed concerns with the amendments to the Fire Prevention and Protection Ordinance.

H. PUBLIC HEARING – Amend Fire Protection and Prevention Ordinance

On a motion by Vice Chairman Potts and a second by Commissioner Sink the Board voted unanimously 7-0 to open the public hearing to receive public comment and consider amendments proposed to the Fire Protection and Prevention Ordinance to address the control and safety issues with regard to fires and other hazardous conditions within the County.

Fire Marshal Perry Tyler noted the purpose of the amendments to the ordinance, in particular, the ability to make changes in the code. He further noted that the changes would affect commercial property rather than residential.

Vice Chairman Potts asked for clarifications on the fees.

Barney Hill spoke in opposition to the adoption of the Amended Fire Prevention and Protection Ordinance and noted the unavailability of supporting documentation for the creation of the position of Fire Marshal for Davidson County.

Vice Chairman Potts questioned the definitions. Discussion followed with reference to deletion of some definitions.

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

Commissioner McClure questioned the lack of exemptions for churches.

On a motion by Commissioner Akins and a second by Vice Chairman Potts the Board voted unanimously 7-0 to adopt the Amended Fire Protection and Prevention Ordinance with deletions and additions noted. (Exhibit 2)

#### I. ITEMS FOR DECISION/INFORMATION

##### Consent

On a motion by Commissioner Akins and a second by Vice Chairman Potts the Board voted unanimously 7-0 to adopt the consent agenda with the removal of I.7., m. from I.3. and I.5.

##### 1. Minutes

The Board approved the minutes of June 14, 2005 Davidson County Board of Commissioners' meeting.

##### 2. Tax Report of Refunds by Joe Silver, Tax Administrator

The Board approved the Tax Report of Refunds for May 2005. (Exhibit 3)

##### 3. Budget Amendments by Zeb M. Hanner, Assistant County Manager

The Board approved the following budget amendments:

State - \$1,600 for spay/neuter program to Humane Society.

Planning - \$1,690 for permanent projector for Commissioners' Meeting Room

Professional Services – transfer \$143,170 (\$66,590 from General Fund, \$18,726 for amounts billed to Thomasville, Lexington and Denton, and \$57,854 from Contingency) for legal fees for non-attainment defense.

Social Services – accept \$540 for Domestic Violence.

Professional Services – transfer \$41,000 from general fund for Juvenile Detention Fees.

Mental Health – appropriate \$3,346 for Contracted Services and telephone.

EMS – transfer \$327 to Denton EMS Base Capital Project.

Debt Service – appropriate \$74,344 interest earnings to Debt Service Budget.

Cooperative Extension – appropriate program revenues for 4-H (\$12,011), Family Consumer

Sciences (\$4,825), Horticulture & Field Crops (\$2,749).

JCPC – appropriate \$5,800 grant funds for Mills Home Emergency Care.

Sheriff- appropriate \$7,300 insurance proceeds to Vice Narcotics Equipment.

- appropriate \$45,000 of seized monies from the Davidson County highways to be used for repair of the HVAC in the old portion of the jail, improve the intercom system required by the State to be done by September 2005, and replace a commercial dryer.

General Fund – appropriate \$368,000 for additional 2004-2005 Medicaid cost.

Social Services – transfers to adjust accounts to actual for 2004-2005 budget.

County Administration Departments - transfer to adjust line items to actual expenditures.

JCPC – transfer \$1,670 to adjust line items to actual expenditures.

Volunteer Fire Departments – fire tax overages to Central (\$2,461), Horneytown (\$6,840)

A-RC-H (\$20,500), Tyro (\$8,385), Healing Springs (\$3,082), Welcome (\$13,515),

Reeds (\$4,091), Gumtree (\$6,697), Churchland (\$16,003)

(See Budget Amendment under deliberation)

(Exhibit 4)

4. Pyrotechnics Permit by Perry Tyler, Fire Marshal

The Board approved the Pyrotechnics Permit for First Penecostal Holiness Church for a July 4, 2005 celebration. (Exhibit 5)

6. Airport Grant Agreement by Jane Kiker, Finance Director

The Board approved the grant (AIR 21) agreement for \$150,000 with the local match of \$16,667 and adopted the accompanying resolution authorizing and empowering Davidson County to enter into the grant agreement with NCDOT. (Exhibit 6)

8. Reclassifications by John Dean, Human Resources Director

The Board approved reclassification of the Assistant County Manager to salary grade 78 and an annual salary of \$70,000, and reclassification of Assistant to the County Manager/Clerk to the Board to salary grade 69 and \$45,000 annual salary. (Exhibit 7)

9. Salary Adjustments by John Dean, Human Resources Director

The Board approved the salary adjustments to the Environmental Health positions, Assistant County Manager position, and Assistant to the County Manager/Clerk to the Board position that will

provide compensation that is equitable to other counties. (Exhibit 8)

**Deliberation**

**I.3.a. Budget Amendment**

On a motion by Vice Chairman Potts and a second by Commissioner Akins the Board voted unanimously 7-0 to approve the budget amendment for Professional Services – transfer \$40,000 from general fund for Medical Examiner for autopsies. (See Exhibit 4)

**5. Appointment of Anne Burkhart as Clerk to the Board 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 appoint Anne Burkhart as Clerk to the Board. (Exhibit 9)

**7. Memorandum of Understanding between Davidson County Sheriff and United States Marshal by Robert C. Hedrick, County Attorney**

On a motion by Commissioner McClure and a second by Commissioner Sink the Board voted unanimously 7-0 to approve the Memorandum of Understanding for a Federal and State Joint Fugitive Task Force. (Exhibit 10)

**10. Master Plan for Tourism and Recreation by Gene Klump, Vickie Holder, Bill Patterson, Paul Kron, Davidson Long, and Jo Ellen Edwards**

Bill Patterson presented information on the Master Plan with reference to the part that the Childress Vineyards plays in the overall plan.

Vickie Holder made references to the information contained in each chapter of the 150-page report.

Gene Klump cited the activities and events that can become a reality through implementation of the plan.

The Childress Vineyards Winemaker, Mark Friszolowski, noted a growing list of customers for the Childress wine product.

Commissioner Walser provided the history of the task force and formation of the Tourism Committee.

On a motion by Commissioner Akins and a second by Commissioner Walser the Board voted unanimously 7-0 to accept the Master Plan for Tourism and Recreation. (Exhibit 11)

11. Schedule Public Hearing for Zoning Amendment Applications and Consideration of Dates for Secondary Roads Public Hearing by Guy Cornman, Planning and Zoning Director

On a motion by Vice Chairman Potts and a second by Commissioner Watford the Board voted unanimously 7-0 to schedule a public hearing for August 1, 2005, 6:00 P.M. for a zoning amendment application from Michelene Dawson, Wilma Hall, and Jerry and Velma Byerly, and was receptive to scheduling 6:00 P.M. September 12, 2005 or possibly September 13, 2005 for the Secondary Roads Public Hearing. (Exhibit 12)

12. Performance Bond for The Meadowlands by Scott Leonard, Watershed Coordinator

On a motion by Vice Chairman Potts and a second by Commissioner Akins the Board voted unanimously 7-0 to approve the Performance Bond for The Meadowlands Development Phase II at \$74,000, which will enable developers of The Meadowlands to record Phase II and begin selling lots.

(Exhibit 13)

13. Northwest Elementary School Sewer Easements by Bill Clutter, Public Works and Services Director

On a motion by Commissioner Watford and a second by Commissioner Sink the Board voted unanimously 7-0 to approve the contract for negotiation with property owners for sewer easements relative to the Northwest School Force and Main and Outfalls with Peele Consulting, Inc. (Exhibit 14)

14. License Agreement to Permit Relay Link on an Antenna by Terry Bailey, 911 Communication Director

On a motion by Commissioner Sink and a second by Commissioner Walser, the Board voted unanimously 7-0 to approve the agreement to allow Douglas Everhart to install and use a relay link to an amateur band radio on an unused antenna that is on the North Carolina Forest Service Fire Tower on High Rock Mountain, Hwy. 8, Davidson County for an amount of \$1.00 per year. (Exhibit 15)

15. Appointments

The Board agreed to representation by Commissioner Akins with Commissioner McClure as an alternate to the annual NACO conference, and Commissioner Watford with Commissioner Walser as an alternate to the annual NCACC conference.

On a motion by Commissioner Walser and a second by Commissioner Sink the Board voted unanimously 7-0 to approve the appointment of Commissioner Watford to the Social Services Board and Larry Potts as liaison to the Social Services Board.

On a motion by Vice Chairman Potts and a second by Commissioner Walser the Board voted unanimously 7-0 approval of appointment of Vernon Worrell to the Piedmont Behavioral Healthcare Board, reappointments of John Fowler and Linda Hunt to Senior Services Advisory Board, reappointments of Keith Albert, Dr. Becky Bloxam, Windy Cole-Hedrick, Richard Dickerson, Keith Loflin, Dr. Fred Mock, Ricky Murphy, Jim Tysinger, Buck Yarborough and appointments of Beth Bunce, Phil Simmons, Brian McIlwain, and Archie Hicks to the Workforce Development Board, reappointment of Gloria Smith and appointment of Margaret Buggs and Detective Kim Kelley to the Youth Council. (Exhibit 16)

16. Report from School Bond Referendum Committee by Commissioner Max Walser

Commissioner Walser reviewed past events including the formation of the committee to study the feasibility of the School Bond Referendum to address the well-documented needs of the schools. He noted that 616 A-1 voters were surveyed. He noted that the survey showed loss of jobs, educational space as the main concerns. He further noted that \$71.6 million will be the request for the bond referendum and 62.8% of citizens surveyed said they would vote for the bond. He stated that November 8, 2005 is the date for the bond referendum to be presented on the ballot as recommended by committee and the referendum will be presented as two separate projects with DCCC as one and the school systems as the other project.

On a motion by Commissioner Watford and a second by Commissioner Walser the Board voted unanimously 7-0 to adopt the **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DAVIDSON, NORTH CAROLINA DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS.**

On a motion by Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to adopt the **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DAVIDSON, NORTH CAROLINA AUTHORIZING THE FINANCE OFFICER TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE**

**COUNTY'S PROPOSED GENERAL OBLIGATION BOND FINANCING AND TO SUBMIT  
SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION.**

On a motion by Commissioner Akins and a second by Commissioner Sink the Board voted unanimously 7-0 to adopt the **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DAVIDSON, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE.** (Exhibit 17)

J. CLOSED SESSION – Attorney/Client, Real Estate

On a motion by Vice Chairman Larry Potts and a second by Commissioner Fred McClure the Board voted unanimously 7-0 to go into Closed Session for matters of attorney/client and real estate.

RETURN TO OPEN SESSION

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

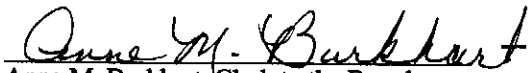
County Attorney Robert Hedrick reported discussion of attorney/client and real estate matters with no action taken.

K. ADJOURNMENT

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



Don W. Truell, Chairman  
Davidson County Board of Commissioners



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