

## MINUTES

**August 12, 2003**

The Davidson County Board of Commissioners met at 7:00 P.M., on Tuesday, August 12, 2003, in the Commissioners' Meeting Room, Governmental Center, Lexington, for a public hearing and a regularly scheduled meeting.

### PRESENT

Commissioners: Chairman Fred Sink, Vice Chair Priscilla Hege, Cindy Akins, Billy Joe Kepley, Don Truell, Dr. Max Walser, Sam Watford

County Manager Robert Hyatt, County Attorney/Clerk to the Board Stephen Holton, Budget Director Zeb M. Hanner, Finance Director Jane Kiker, Social Services Director Catherine Lambeth, Planning and Zoning Director Guy Cornman, EMS Director Doug Lowe, Tax Administrator Joe Silver, Purchasing Director Dwayne Childress, Solid Waste Director Charles Brushwood, Health Director Diane Crouse, JTEC Director Pat Everhart, Senior Services Director Kathryn Gentry and Donna Campbell, Economic Development Director Steve Gooze, Davidson County Schools Superintendent Dr. Fred Mock, Buddy Kiger, Don Palmer, Kenny Meredith, Owen Moore, Allen Beck, Larry Potts, Rick Lanier, Fred McClure

### A. CALL TO ORDER AND WELCOME

Chairman Sink called the meeting to order and welcomed guests.

### B. INVOCATION

Vice Chair Priscilla Hege

### C. PLEDGE OF ALLEGIANCE

### D. RECOGNITION

### E. REGISTER FOR PUBLIC ADDRESS

Chairman Sink noted the register for public address.

### F. ADOPTION OF AGENDA

On a motion by Commissioner Akins and a second by Commissioner Watford the Board voted unanimously 7-0 to adopt the agenda with the following amendments:

Delete - J. Recess

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- K. Reconvene Reeds Community County Sewer District
- L. Adjourn Reeds Community County Sewer District
- M. Reconvene Pilot Community County Sewer District
- N. Adjourn Pilot Community County Sewer District
- O. Reconvene Davidson County Board of Commissioners (Exhibit 1)

G. PUBLIC ADDRESS

*Chairman Fred Sink* read a statement noting the County's position on the lawsuit filed against the County for the placement of the national motto "IN GOD WE TRUST" on the outside of the Davidson County Governmental Center:

*The Davidson County Commissioners previously voted on and approved the placement of the signage, "In God We Trust" on the front of the Davidson County Governmental Center. As you all are aware, a lawsuit has been filed against Davidson County in Federal District Court demanding that the signage be removed from the Governmental Center. The County has hired the law firm of Womble, Carlyle, Sandridge & Rice to defend the County's interest in this matter, and the Commissioners have agreed to defend the action of Davidson County in this litigation.*

*Rick Lanier* spoke in support of the adoption of a Resolution In Support of the Motto.

*Attorney Roger Wiles*, on behalf of Rick Lanier, Larry Potts, and Fred McClure, in support of Adoption of a Resolution In Support of the Motto.

*Dwight Cornelison* spoke in support of the adoption of a Resolution In Support of the Motto.

*Reverend Ron Baity* spoke in Support of the adoption of a Resolution In Support of the Motto. He noted that he has the name of a law firm that will defend the placement and position of the motto on the Governmental Center free of charge.

*Barney Hill* spoke in opposition to placement of the motto on the Governmental Center and expressed his support for removal of the motto.

*Steve Livengood* spoke in support of the display of the motto and noted other historical and governmental placements of the motto.

*Donald Puckett* noted his support for the display of the motto.

*Attorney Charles Lambeth* spoke in opposition to the display of the motto and noted that it may violate the First Amendment. He noted that he favored the previously proposed compromise that would place the motto on the inside of the Governmental Center.

*Attorney George Daly* did not speak but yielded his time to Mr. Lambeth.

*Jason Grubb* noted his support for fighting the lawsuit and keeping the motto as currently displayed.

*Don Swink* expressed his support for the display of the motto. (Exhibit 2)

H. PUBLIC HEARING – Economic Development Incentives for Summer Industries

The Board scheduled a public hearing to receive input and public comment on the proposed appropriation and expenditure of funds for economic development incentives for Summer Industries.

Economic Development Director Steve Gooze reviewed the proposed incentives: 1) \$20,000 to assist with grading cost, 2) an economic development grant equal to .00265 multiplied by the company's capital investment in the plant and machinery each year for five years on a pro rata basis with incentives contingent upon a \$5,000,000 investment, 120 jobs in 36 months, and an average wage of at least \$18.00 per hour.

On a motion by Vice Chair Hege and a second by Commissioner Akins the Board voted unanimously 7-0 to open the public hearing.

*Steve Gooze* spoke in support of the location of Summer Industries, a paper tube/fabrication industry, to Davidson County and the incentives as proposed.

*BarneyW. Hill* spoke in support of the incentive grant but opposed the \$20,000 incentive to help with grading. He noted his ongoing support for the privatization of solid waste collection and asked that his remarks of February 25, 1997 be exhibited.

*Steve Summer* spoke in support of locating his industry in Davidson County and noted his fondness for Davidson County and its citizens.

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

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On a motion by Vice Chair Hege and a second by Commissioner Walser the Board voted unanimously 7-0 to adopt a resolution and enter into a contract with Summer Industries. (Exhibit 3)

I. ITEMS FOR DECISION/INFORMATION

**Consent**

On a motion by Commissioner Akins and a second by Vice Chair Hege the Board voted 6-1 to approve the consent agenda; Commissioner Kepley voted "No."

1. Minutes

The Board approved the minutes of June 24, 2003 and June 27, 2003 Commissioners' meetings and May 5, 2003 Planning and Zoning Public Hearing.

2. Additions to the NC Secondary Road System by Guy Cornman, Planning and Zoning

Director

The Board approved the addition of Moss Brook Drive, North Miners Trail, and South Miners Trail in the Moss Brook subdivision in Silver Hill Township to be added to the NC Secondary Road System for maintenance. (Exhibit 4)

3. Tax Administrator's Year End Disclosure Statement by Joe Silver, Tax Administrator

The Board approved the Tax Administrator's Year End Disclosure Statement FY2002-2003.

(Exhibit 5)

4. Commissioners' Order of Collection to Tax Administrator by Joe Silver, Tax

Administrator

The Board approved the Order of Collection to the Tax Administrator. (Exhibit 6)

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

The Board approved the Tax Report of Refunds for June and July 2003. (Exhibit 7)

6. Budget Amendments by Zeb M. Hanner, Budget Director

The Board approved budget amendments as follows:

Library – appropriate \$75,000 for LSTA Automated System Grant for Library Software System.

Cooperative Extension – appropriate \$834 to Cooperative Extension for Horticulture (\$417) and Field Crops Program (\$417).

Social Services – accept grant of \$15,000 from Children's Trust Fund.

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Sheriff Office – accept \$263.99 in medical co-payments.

Sheriff Office – accept \$1,882 in commissary funds.

Senior Services – accept donations of \$21,770.

Senior Services – accept donations of \$6,230

Health Department – accept an additional \$1,620 for Family Planning Program from NC Division of Public Health.

Health Department - \_accept \$4,152 for Breast and Cervical Cancer Control Program from NC Division of Public Health.

Health Department – accept \$8,500 for Breast and Cervical Cancer Control Program from Blue Cross and Blue Shield Foundation.

Health Department – accept \$9,661 reimbursement from NC Division of Public Health for Sixth Grade School Site Hepatitis Immunizations and plan to use funds to purchase head lice shampoo and additional software for school nurses’ computers.

Health Department – accept additional funds of \$1,500 from Charity League to purchase car seats.

Health Department – accept additional funds of \$3,000 from NC Division of Public Health for Bioterrorism Program and plan to purchase a computer and printer for the Lab. (Exhibit 8)

**Deliberation**

7. Addition of Position for JTEC by Keli Greer, Human Resources Director/Pat Everhart,

JTEC Director

On a motion by Commissioner Akins and a second by Vice Chair Hege the Board voted unanimously 7-0 to approve the addition of an Accountability Specialist (SG 65) to the pay plan with 100% funding from a North Carolina Division of Employment and Training Grant for \$50,000. (Exhibit 9)

Appointments

On a motion by Commissioner Akins and a second by Commissioner Walser the Board voted unanimously 7-0 to approve the list of board members for the **Juvenile Crime Prevention Council** to include the reappointments of Commissioner Cindy Akins, Carlos Jane, and Dr. Amy Suttle and the appointments of Father Albert Gondek and Cassandra Roman.

On a motion by Commissioner Truell and a second by Commissioner Akins the Board voted unanimously 7-0 to reappoint LeeAnn Peele and appoint Randy Williams to the **Day Reporting Center Advisory Board**.

On a motion by Vice Chair Hege and a second by Commissioner Akins the Board voted unanimously 7-0 to appoint Nancy McCrary to the **Nursing Home Advisory Committee**.

On a motion by Commissioner Akins and a second by Commissioner Truell the Board voted unanimously 7-0 to appoint Mary Michael to the **Planning Committee for Services to the Elderly (Home Care Community Block Grant Planning Committee)**.

On a motion by Vice Chair Hege and a second by Commissioner Watford the Board voted unanimously 7-0 to appoint Theresa Gardner to the **Adult Care Home Committee**. (Exhibit 10)

On a motion by Commissioner Watford and a second by Commissioner Truell the Board voted 7-0 to appoint Commissioner Walser as voting delegate to the **NCACC Conference** taking place August 14-17, 2003.

9. Replacement of Tractor for Landfill by Dwayne Childress, Purchasing Director

On a motion by Commissioner Watford and a second by Commissioner Kepley the Board voted unanimously 7-0 to approve the offer from Carolina Tractor for the County's purchase of a Caterpillar D8R II Tractor at a cost of \$360,553.00. (Exhibit 11)

10. Resolution In Support of Motto by Commissioner Cindy Akins

Commissioner Akins made a motion to adopt the Resolution In Support of the Motto "In God We Trust" located on the Davidson County Governmental Center in Lexington. The motion died for lack of a second. (Exhibit 12)

11. Proposal for 911 Space Needs Study by Robert C. Hyatt, County Manager

On a motion by Commissioner Truell and a second by Vice Chair Hege the Board voted unanimously 7-0 to approve the proposal for a study of the 911 space needs to be contracted with *Solutions for County Government, Inc.* with cost not to exceed \$4,340. (Exhibit 13)

12. Memorandum of Agreement for Homeland Security Grant Including Annex A and Annex

B by Robert C. Hyatt, County Manager

On a motion by Vice Chair Hege and a second by Commissioner Watford the Board voted unanimously 7-0 to approve the Memorandum of Agreement for Homeland Security Grant Including Annex A and Annex B. (Exhibit 14)

13. Small Pox Policy by Keli Greer, Human Resources Director

On a motion by Commissioner Truell and a second by Vice Chair Hege the Board voted 6-1 to approve the Small Pox Policy; Commissioner Akins voted "No." (Exhibit 15)

14. Winston-Salem Urban MPO by Robert Hyatt, County Manager

On a motion by Commissioner Kepley and a second by Vice Chair Hege the Board voted to accept the invitation from the Winston-Salem Urban Area Transportation Advisory Committee (TAC) for membership in the Winston-Salem MPO and requested that a letter be sent acknowledging that the Board will participate but that the board members are not happy with the concessions. (Exhibit 16)

15. Commissioners' Resolution for Local Government Commission Application by Zeb M. Hanner, Budget Director

On a motion by Commissioner Akins and a second by Commissioner Walser the Board voted unanimously 7-0 to adopt the Resolution Authorizing the Filing of an Application for Approval of a Guaranteed Energy Savings Contract Authorized by North Carolina General Statute 143-64.17C, and directed that the current date be included. (Exhibit 17)

16. Selection of Architectural Firm for Construction of Ledford Area Elementary School by Robert C. Hyatt, County Manager **AND**

17. Funding Requests – Ledford Area Elementary School by Robert C. Hyatt, County Manager

Chairman recognized Superintendent Dr. Fred Mock, Buddy Kiger, Don Palmer, Kenny Meredith, Owen Moore, and Allen Beck who were present for a combined representation of Davidson County School Administration, Board of Education, and School Construction Committee.

On a motion by Vice Chair Hege and a second by Commissioner Watford the Board voted unanimously 7-0 to approve the recommendation to contract with *Martin Boal Anthony and Johnson*,

*Architects* to provide the architectural work, and to approve the following funding request for \$210,062 for preliminary work and design for the Ledford area elementary school to enable the commencing of the process for construction.

J. CLOSED SESSION – Personnel

On a motion by Vice Chair Hege and a second by Commissioner Akins the Board voted unanimously 7-0 to go into Closed Session for matters of Personnel.

Return to Open Session

On a motion by Vice Chair Hege and a second by Commissioner Truell the Board voted unanimously 7-0 to return to Open Session.

County Attorney/Clerk to the Board Stephen C. Holton reported discussion of personnel matters with no action taken.

On a motion by Vice Chair Hege and a second by Commissioner Watford the Board voted unanimously 7-0 to approve the request by County Manager Robert Hyatt to amend the agenda to accept the resignation of Stephen C. Holton as County Attorney/Clerk to the Board and to appoint an interim County Attorney/Clerk to the Board.

On a motion by Commissioner Watford and a second by Vice Chair Hege the Board voted unanimously 7-0 to accept the resignation of Stephen C. Holton effective August 25, 2003.

On a motion by Commissioner Walser and a second by Vice Chair Hege the Board voted unanimously 7-0 to employ Attorney Robert Hedrick as Interim County Attorney/Clerk to the Board.

County Manager Robert Hyatt commended Mr. Holton for his work and thanked him for his three years of service to the County. Mr. Hyatt was joined by the commissioners in comments of appreciation to Mr. Holton.

K. ADJOURNMENT

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

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Fred C. Sink, Chairman  
Davidson County Board of Commissioners



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