

MINUTES

August 23, 2005

The Davidson County Board of Commissioners met at 7:00 P.M., Tuesday, August 23, 2005, in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina, for a regularly scheduled meeting and six public hearings.

PRESENT

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

County Manager Robert Hyatt, Assistant County Manager Zeb M. Hanner, County Attorney Robert Hedrick, Clerk to the Board Anne Burkhart, Finance Director Jane Kiker, Health Director Layton Long, Economic Development Director Steve Googe, Tax Administrator Joe Silver, Planning and Zoning Director Guy Cornman, Fire Marshal Perry Tyler, ALCOA'S Technical Manager of Yadkin Division Mark Gross, Purchasing Director Dwayne Childress, Senior Services Director Kathryn Pritchard, Sheriff David Grice

A. CALL TO ORDER AND WELCOME

Chairman Don Truell called the meeting to order and welcomed guests.

B. INVOCATION

Chairman Don Truell

C. PLEDGE OF ALLEGIANCE

D. RECOGNITION

Chairman Truell recognized Dr. Tom Smith, representing the 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 Commissioner Walser and a second by Vice Chairman Potts the Board voted unanimously 7-0 to adopt the agenda with the addition of Economic Development under Closed Session.

(Exhibit 1)

G. PUBLIC ADDRESS

Eugene Queen referenced the Board's agenda for the meeting and withdrew his claim to speak.

Barney W. Hill expressed his opinion on the validity of the bond orders, noting errors in the publication in THE DISPATCH.

H. PUBLIC HEARINGS

1. Bond Order Authorizing Issuance of Davidson County Community College General Obligation Bonds

Jane Kiker, Finance Director, noted the introduction of the Bond Order Authorizing the Issuance of \$5,200,000 of General Obligation Community College Bonds of the County of Davidson, North Carolina on August 9, 2005, published on August 12, 2005, and with notice given of the public hearing for August 23, 2005, 7:00 P.M. Mrs. Kiker further noted that a statement of debt complying with provisions of the local Government Bond Act has been filed in her office showing the net indebtedness of the County to be 1.18% of the assessed valuation of property in Davidson County subject to taxation.

On a motion by Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to open the public hearing on the Bond Order Authorizing the Issuance of Davidson County Community College General Obligation Bonds in the amount of \$5,200,000.

Barney Hill spoke in opposition to the proposed bond order.

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

On a motion by Commissioner Walser and a second by Commissioner Sink the Board voted unanimously 7-0 to authorize the bond order. (Exhibit 2)

2. Bond Order Authorizing Issuance of General Obligation School Bonds of Davidson County

Jane Kiker, Finance Director, noted the introduction of the Bond Order Authorizing the Issuance of \$66,400,000 General Obligation School Bonds of the County of Davidson, North Carolina on August 9, 2005, published on August 12, 2005, and with notice given of the public hearing for August 23, 2005, 7:00 P.M. Mrs. Kiker further noted that a statement of debt complying with provisions of the local Government

Bond Act has been filed in her office showing the net indebtedness of the County to be 1.18% of the assessed valuation of property in Davidson County subject to taxation.

On a motion by Vice Chairman Potts and a second by Commissioner Watford the Board voted unanimously 7-0 to open the public hearing on the Bond Order Authorizing the Issuance of \$66,400,000 General Obligation School Bonds of the County of Davidson, North Carolina.

Barney W. Hill spoke in opposition to the proposed Bond Order.

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 Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to authorize the Bond Order with amendments to correct the errors in wording in the bond order.

Commissioner Walser noted the importance of the bond order for the education of the children in the County in order to have good facilities and also for the economic development of the County.

Commissioner McClure noted the lack of support from state legislation in providing facilities for education and emphasized the need for the County's efforts.

On a motion by Commissioner Watford and a second by Commissioner Sink the Board voted unanimously 7-0 to adopt a resolution and schedule a bond order referendum for November 8, 2005 with the school bond as the first item and the community college as the second item. (Exhibit 3)

3. North Carolina Department of Commerce's Small Cities Community Development Block Grant Program

County Manager Robert Hyatt provided information on the grant program.

On a motion by Vice Chairman Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to open the public hearing to obtain citizen input on the CDBG Program.

Barney W. Hill spoke in opposition to the CDBG Program.

Steve Googe spoke in support of the CDBG Program and provided information on the industry that has come to Davidson County as a result of the grants.

On a motion by Vice Chairman Potts and a second by Commissioner Sink the Board voted unanimously 7-0 to close the public hearing. (Exhibit 4)

4. Proposals to Purchase Home Health Agency

Health Director Layton Long provided information on the bids received for purchase of the Home Health Agency.

On a motion by Vice Chairman Potts and a second by Commissioner Watford the Board voted unanimously 7-0 to open the Public Hearing on proposals to purchase the Home Health Agency.

Barney W. Hill spoke in support of the sale of the Home Health Agency.

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 Commissioner McClure and a second by Commissioner Akins the Board voted unanimously 7-0 that the Davidson County Health Director be and he is hereby authorized to proceed with all due diligence to obtain a Final Sales Agreement (Contract) for sale of the Davidson County Home Health Agency to Amedisys, Inc.; the Final Sales Agreement (contract) is to be prepared according to the REQUEST FOR HOME HEALTH AGENCY ACQUISITION PROPOSALS and the BID PROPOSAL FORM submitted to and be, Amedisys, Inc., respectively; and approval of the Final Sales Agreement (Contract) shall be at a regular meeting of the Board of Commissioners, provided Notice of the regular meeting to approve the proposed Final Sales Agreement (Contract) is given at least 10 days before the regular meeting. (Exhibit 5)

5. Economic Development Incentive Grant to Dantherm Filtration

Steve Googe provided the details of the proposed economic development incentive grant to Dantherm Filtration.

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 comments on an economic development incentive grant, to be paid over 5 years not to exceed \$8,100 per year (calculated at .0027 times the total investment of \$3,000,000), to Dantherm Filtration, a metal fabricator in the air handling business.

George Sowers spoke in support of the grant.

Barney W. Hill spoke in support of the grant.

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

On a motion by Commissioner McClure and a second by Vice Chairman Potts the Board voted unanimously 7-0 to approve the incentive grant to Dantherm Filtration.

6. Economic Development Incentive Grant to Stridemark, LLC

Steve Googe presented information on the grant for Stridemark, LLC.

On a motion by Commissioner McClure and a second by Commissioner Watford the Board voted unanimously 7-0 to open the Public Hearing to receive public comments on an economic development incentive grant, to be paid over 5 years not to exceed \$5,400 per year (calculated at .0027 times the total investment of \$2,000,000), to Stridemark, LLC, an automotive supplier.

Barney W. Hill spoke in favor of the grant.

Steve Googe spoke in favor of the grant.

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

On a motion by Commissioner McClure and a second by Vice Chairman Potts the Board voted unanimously 7-0 to approve the incentive grant to Stridemark, LLC.

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 approve the Consent agenda consisting of I.1., I.2., I.3., I.4., excluding I.3.b. and I.5.

1. Minutes

The Board approved the minutes of August 4, 2005 and August 9, 2005 Board of Commissioners' meetings.

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

The Board approved the Tax Report of Refunds for July 2005. (Exhibit 6)

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

The Board approved the following budget amendments:

Health – line item transfer of \$3,700 in Bioterrorism Budget from supplies to Capital Equipment.

Wallburg Volunteer Fire Department – accept overages on fire taxes of \$14,838 for 2004-2005.

Sheriff - appropriate \$552 in Medical co-payments received.

Solid Waste/Sanitation – appropriate \$18,000 from General Fund to part time salaries to keep Evans Rd. Box Site open.

Senior Services – appropriate \$10,000 from Medicare part D grant to Part time Salaries and Travel, accept \$2,600 Care Giver Funds, \$3,603 Senior Center Funds, \$3,330 Care Management-Crisis Funds to be appropriated to Contracted Services, Departmental Supplies, and Care Management-Crisis Fund, and accept additional Management-Crisis funds of \$5,804 to be appropriated to Care Management-Crisis Fund.

Contingency – transfer \$5,664 set aside in 2005-2006 funds for Storm Water Outreach and Education to Planning and Zoning Contracted Services. (Exhibit 7)

4. Pyrotechnics Permit by Perry Tyler, Fire Marshal

The Board approved the application for Pyrotechnics Permit for the fireworks displays at the Davidson County Agricultural Fair for September 19-24, 2005. (Exhibit 8)

Deliberation

3.b. *Public Works & Services – line item transfer of \$7,500 from Salaries to Other Improvements.*

Commissioner Akins made a motion to table I.3.b.- line item transfer of \$7,500 from Salaries to Other Improvements. Commissioner McClure seconded the motion. Upon a vote the motion carried unanimously 7-0. (Exhibit 9)

5. *Additions to the NC Secondary Road System by Guy Cornman, Planning and Zoning Director*

On a motion by Vice Chairman Potts and a second Commissioner Watford, the Board voted unanimously 7-0 to approve the addition of Royal Fern Drive, Cinnamon Way (Fern Hill Subdivision), Wildflower Trail (Lingle Farms Subdivision), Golden Rod Lane (County Creek Subdivision), Hummingbird Pass (Lingle Farms Subdivision), and Wood Duck Run (Lingle Farms Subdivision) for addition to the NC Secondary Road System for maintenance and adopted SR2 Resolutions supporting the additions. (Exhibit 10)

6. *Presentation from ALCOA by Mark Gross, Technical Manager of Yadkin Division*

Mr. Mark Gross presented a \$25,000 check from ALCOA to the Sheriff's Department for purchase of a patrol boat to enable the continued patrolling on High Rock Lake by the Sheriff's Department. Sheriff Grice, accompanied by Deputy Davis of the Lake Patrol, was present to accept the check.

On a motion by Commissioner Watford and a second by Commissioner Akins the Board voted unanimously 7-0 to accept the check and appropriate the \$25,000 for purchase of the boat.

7. Compensation for Larsen Allen by Robert Hyatt, County Manager

On a motion by Commissioner Watford and a second by Vice Chairman Potts the Board voted unanimously 7-0 to approve the additional payment of \$5,000 (raising the cap from \$25,000 to \$30,000) to Larsen Allen for services by Mr. Ron Clittherow on the sale of the Home Health Agency.

8. Schedule Public Hearing for Rezoning Applications by Guy Cornman, Planning and Zoning Director

On a motion by Commissioner Akins and a second by Vice Chairman Potts the Board voted unanimously 7-0 to accept the application for rezoning from Larry and Nancy Harvey, Lexington Township, for a change from RA-3 to that of RC, refer to Planning Board, and schedule a public hearing for 6:00 P.M., September 12, 2005, Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington. (Exhibit 11)

9. Appointments and Reappointments

On a motion by Commissioner McClure and a second by Vice Chairman Potts the Board voted unanimously 7-0 to reappoint Mary Michael and appoint Evelyn Kepley to the Home and Community Care Block Grant Committee.

On a motion by Commissioner McClure and a second by Vice Chairman Potts the Board voted unanimously 7-0 to appoint Doug Lowe, Layton Long, Catherine Lambeth/Keith Johnson, Dr. Amy Suttle, Dr. Ed Timberlake, Martha Musselman, Allison Duckworth, Sheriff David Grice, Chief Jim Barber/designee, Chief Larry Murdock/designee, Dr. Fred Mock/designee, Dr. Becky Bloxam/designee, Dr. Dan Cockman/designee, Jan Russell, Sam Swaim, and Commissioner Fred McClure to the Meth-Amphetamine Task Force. (Exhibit 12)

10. Purchase of 345 BL Hydraulic Excavator by Dwayne Childress, Purchasing Director

On a motion by Commissioner Watford and a second by Commissioner Walser the Board voted unanimously 7-0 to approve the purchase of a 345 BL Hydraulic Excavator as offered from Carolina Cat of Charlotte for \$298,000 less \$16,000, rendering a purchase price of \$282,000 plus sales tax, with funding to come from Capital Outlay.

Rob Tavern provided information on the competitive bids. (Exhibit 13)

11. School Resource Officer Agreements by Robert Hedrick, County Attorney

On a motion by Commissioner Walser and a second by Commissioner Watford the Board voted unanimously 7-0 to approve the School Resource Officer Agreements between the Davidson County Board of Education, Davidson County Sheriff's Office, and the Davidson County Board of Commissioners.

(Exhibit 14)

12. Courthouse Security by Vice Chairman Larry Potts

Vice Chairman Potts provided the details for securing the courthouse.

On a motion by Commissioner McClure and a second by Commissioner Watford the Board voted 3 to 4 to approve the proposals for courthouse security including the County's portion at \$46,500, which is the operational expense effective July 1, 2006; Commissioners Akins, Walser, Sink and Vice Chairman Potts voted "No." The motion failed. Discussion followed.

On a motion by Vice Chairman Potts and a second by Commissioner Sink the Board voted 4 to 3 to implement the courthouse security plan, allowing personnel employed for the courthouse security to be on payroll beginning January 2, 2006 and allowing for purchase of equipment as soon as possible.

(Exhibit 15)

13. Agreement with Piedmont Triad Council of Governments for Public Education Outreach Regarding Phase II Storm Water Management by Guy Cornman, Planning and Zoning

On a motion by Commissioner Watford and a second by Commissioner Walser the Board voted unanimously 7-0 to approve the Agreement with Piedmont Triad Council of Governments for Public Education Outreach Regarding Phase II Storm Water Management at \$5,013 for the fiscal year 2005-2006, with the cost to remain the same for two subsequent fiscal years. (Exhibit 16)

14. Close-out Items for Sewer Projects in Lexington Service Area by Robert Hedrick, County Attorney

Tyro Sewer

The Board adopted a RESOLUTION AUTHORIZING ASSIGNMENT OF SEWER EASEMENTS AND SEWER LINES IN CONNECTION WITH THE TYRO SEWER PROJECT upon a motion by Vice Chairman Potts, seconded by Commissioner Watford, and affirmative vote of all the Commissioners. (Exhibit 17)

Reeds Sewer

RECESS Davidson County Board of Commissioners and Convene Reeds Sanitary Sewer District Board

On a motion by Commissioner Watford and a second by Vice Chairman Potts the Board voted unanimously to recess the Davidson County Board of Commissioners and convene the Reeds Sanitary Sewer District Board.

The Board adopted a RESOLUTION AUTHORIZING ASSIGNMENT OF SEWER EASEMENTS AND SEWER LINES AND PUMP STATION IN CONNECTION WITH THE REEDS COMMUNITY COUNTY SEWER DISTRICT on a motion by Vice Chairman Potts, seconded by Commissioner McClure, and affirmative vote of all the Commissioners. (Exhibit 18)

ADJOURN Reeds Sanitary Sewer District Board and Reconvene the 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 adjourn the Reeds Sanitary Sewer District Board and reconvene the Davidson County Board of Commissioners.

J. CLOSED SESSION – Real Estate and 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 matters of Real Estate, Attorney/Client, and Economic Development.

RETURN TO OPEN SESSION

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


County Attorney Robert Hedrick reported discussion of Real Estate, Attorney/Client, and Economic Development in Closed Session with no action taken.

K. ADJOURNMENT

On a motion by Vice Chairman Potts and a second by Commissioner Watford 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