

## **MINUTES**

**September 25, 2007**

The Davidson County Board of Commissioners met in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina at 6:00 P.M. for the North Carolina Secondary Roads Public Hearing and at 7:00 P.M. for a regularly scheduled meeting.

### **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, Finance Director Jane Kiker, Tax Administrator Joe Silver, Human Resources Director Jim Tysinger, Purchasing Director Dwayne Childress, Integrated Solid Waste Director Charlie Brushwood, Planning and Zoning Director Guy Cornman, Public Works and Services Director Rex Buck, Libraries Director Ruth Ann Copley, Recil Wright of Wright Associates, Register of Deeds David Rickard, Clerk of Court Brian Shipwash, Sheriff David Grice, Major Chris Coble, IT Director Joel Hartley, Clerk to the Board Anne Burkhart, Davidson County Schools Superintendent Dr. Fred Mock, Stephanie Saintsing of Saintsing Management

### **LATE ARRIVAL**

Commissioner Larry Potts and Commissioner Sam Watford were not present for the Public Hearing and were excused for their attendance to another meeting as so indicated in the minutes of the public hearing. Both commissioners arrived in time and were present for the Board of Commissioners' meeting.

### **PUBLIC HEARING – NC Secondary Roads Program**

This public hearing preceded the Davidson County Board of Commissioners' regular meeting and minutes are prepared by the Planning and Zoning Department Staff.

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

Chairman Fred McClure called the meeting to order and welcomed guests.

#### **B. INVOCATION**

Commissioner Billy Joe Kepley

C. PLEDGE OF ALLEGIANCE

D. RECOGNITION

E. REGISTER FOR PUBLIC ADDRESS

Chairman Fred McClure noted the register for public address.

F. ADOPTION OF AGENDA

On a motion by Vice Chairman Truell and a second by Commissioner Walser, the Board voted unanimously 7-0 to adopt the agenda. (Exhibit 1)

G. PUBLIC ADDRESS

Barney Hill commented on County contributions to non-profit organizations.

H. ITEMS FOR DECISION/INFORMATION

Consent

Commissioner Potts asked that Item 3.a. be removed from consent agenda.

On a motion by Commissioner Watford and a second by Vice Chairman Truell the Board voted 6-1 to approve the consent agenda with the exception of 3.a. under Budget Amendments; Commissioner Kepley voted "No."

1. Minutes

The Board approved the minutes of August 28, 2007, September 6, 2007, and September 11, 2007 Board of Commissioner meetings and the August 28, 2007 Planning and Zoning Public Hearing.

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

The Board approved the Tax Report of Refunds for August 2007. (Exhibit 2)

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

The Board approved budget amendments for Lexington City Schools, Social Services, Library, Senior Services, Davidson County Schools, and JTEC. (Exhibit 3)

4. Reclassifications by Jim Tysinger, Human Resources Director

The Board approved the reclassifications for the Senior Services Department including the addition of a temporary, part-time Office Support III staff position. (Exhibit 4)

5. Addition to the NC Secondary Road System by Guy Cornman, Planning and Zoning

Director

The Board approved the addition of Orinico Drive in Abbotts Creek Township to the NC Secondary Road System for maintenance and adopted the SR-2 resolution. (Exhibit 5)

**Deliberation**

**3.a. Inspections Budget Amendment**

On a motion by Commissioner Potts and a second by Vice Chairman Truell the Board voted unanimously to approve 3.a. Budget Amendment for Inspections for stolen computer and printer replacement.

6. **Proclamation – Barbecue Festival Month by Stephanie Saintsing**

On a motion by Commissioner Potts and a second by Vice Chairman Truell the Board voted unanimously to proclaim October 2007 Barbecue Festival Month in Davidson County. (Exhibit 6)

7. **Hearing of Bid Withdrawal from Lovingood Construction by Dwayne Childress, Purchasing Director and Robert Hedrick, County Attorney**

County Attorney Robert Hedrick stated that nine bids were received September 11, 2007, with Lovingood, Inc. being the lowest bid at \$1,608,075.40 for the Phase II Fryes Creek Outfall Sewer Extension. Mr. Hedrick further stated that by letter dated September 14, 2007, Lovingood, Inc. requested that its bid be withdrawn because the bid price as submitted was the result of a substantial clerical error in that the cost of stone and hauling was typed \$2.20 per ton by mistake in place of \$22.00 per ton. He stated that the correct cost was \$281,928.55 and the bid amount was \$28,604.40; the difference before markup was \$253,324.15 and the difference after markup was \$272,323.46. Mr. Hedrick noted that the mistake was clerical in nature and was actually due to an unintentional omission of a substantial amount of cost of materials and services made directly in the compilation of the bid. He further noted that the error is clearly shown by objective evidence in the documents used in the preparation of the bid. Mr. Hedrick then advised the Board that a motion to grant the request to withdraw the bid is in order.

On a motion by Commissioner Watford and a second by Commissioner Potts the Board voted unanimously 7-0 to accept the bid withdrawal from Lovingood Construction, Inc. on the Fryes Creek Outfall Sewer Extension. (Exhibit 7)

8. **Contract Award of Phase II Fryes Creek Outfall Sewer Extension by Recil Wright, Wright Associates, and Rex Buck, Public Works and Services Director**

On a motion by Commissioner Potts and a second by Commissioner Watford the Board voted unanimously 7-0 to award the Phase II Fryes Creek Outfall Sewer Extension Contract serving Midway Elementary School to Jimmy R. Lynch & Sons, the next lowest bidder on the project, in the amount of \$2,344,100.00. (Exhibit 8)

9. Central Davidson Area Elementary School Project by Dr. Fred Mock, Davidson County Schools Superintendent

The Board approved the appointment of Chairman McClure and Commissioner Kepley to serve on the Central Davidson Area Elementary School Construction Committee by acclamation on a motion by Commissioner Potts.

On a motion by Commissioner Potts and a second by Commissioner Allen the Board voted unanimously 7-0 to approve the request for start-up funding for the Central Davidson Area Elementary School project (Southmont) in the amount of \$320,000.00 to pay architectural, engineering, and miscellaneous costs associated with beginning the design phase of the school. (Exhibit 9)

10. Incorporation of Southmont by Robert Hyatt, County Manager

On a motion by Commissioner Potts and a second by Commissioner Kepley the Board voted unanimously 7-0 to table the request for the County Manager to develop a letter from the Board stating that the County would provide services to the Southmont Community in the event that it is incorporated and to place the item on the October 4, 2007 agenda. (Exhibit 10)

11. Integrated Land Record System by Dwayne Childress, Purchasing Director

On a motion by Vice Chairman Truell and a second by Commissioner Allen the Board voted unanimously 7-0 to approve the Integrated Land Record System for the Register of Deed's Office at a cost of \$216,000.00 to come from the Preservation Fund.

On a motion by Commissioner Watford and a second by Commissioner Walser the Board voted unanimously 7-0 to amend the motion to give authorization to the County Manager for his approval of the Contract when the negotiations are complete. (Exhibit 11)

12. Request for Leachate Storage Tanks by Charlie Brushwood, Integrated Solid Waste Management Director

On a motion by Vice Chairman Truell and a second by Commissioner Potts the Board voted unanimously 7-0 to approve the request for one leachate tank at a cost of \$900,000, which includes secondary containment, footings, etc. as required for the tank. (Exhibit 12)

Amend the Agenda

On a motion by Commissioner Potts and a second by Commissioner Allen the Board voted unanimously 7-0 to amend agenda to add Real Estate to Closed Session.

I. CLOSED SESSION – Personnel and Real Estate

On a motion by Vice Chairman Truell and a second by Commissioner Watford, the Board voted unanimously 7-0 to go into Closed Session for Personnel and Real Estate.

RETURN TO OPEN SESSION

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

County Manager Robert Hyatt reported discussion of three Personnel items and one Real Estate item in Closed Session with no action taken.

J. ADJOURNMENT

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



Fred D. McClure, Chairman  
Davidson County Board of Commissioners



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