

## MINUTES

September 28, 2004

The Davidson County Board of Commissioners met on Tuesday, September 28, 2004, in the Commissioners' Meeting Room, Governmental Center, Lexington, for a regularly scheduled meeting and public hearing.

### PRESENT

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

County Manager Robert Hyatt, County Attorney/Clerk to the Board Robert Hedrick, Budget Director Zeb M. Hanner, Finance Director Jane Kiker, Public Works and Services Director Bill Clutter, Social Services Director Catherine Lambeth, Human Resources Director John Dean, Planning and Zoning Director Guy Cornman, Regional Cable TV Administrator Dave Harris, Piedmont Cable TV Director Edwin Perrell, Economic Development Representative Jason Clodfelter, Stephanie Saintsing of Saintsing Management

### A. CALL TO ORDER AND WELCOME

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

### B. INVOCATION

Commissioner Don Truell

### C. PLEDGE OF ALLEGIANCE

Chairman Sink recognized Lindsay Barnes, a junior at North Davidson High School, and member of Scout Troop 703, who then led the pledge to the flag.

### D. RECOGNITION

Chairman Sink recognized Phillip Mahan, representing Davidson County Council of Chambers.

Chairman Sink then recognized Finance Director Jane Kiker for her award in the receipt of the Certificate of Achievement for Excellence in Financial Reporting. Chairman Sink noted that this is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

### E. REGISTER FOR PUBLIC ADDRESS

Chairman Sink noted the register for public address.

F. ADOPTION OF AGENDA

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

Delete I.7. Career Progression.

Add I.10. Work First Plan 2005-2007 by Catherine Lambeth, Social Services Director

Add Public Hearing for Renewal of Piedmont Cable Franchise

Add Public Hearing for Renewal of Uwharrie Cable Franchise (Exhibit 1)

G. PUBLIC ADDRESS

*Barney Hill* noted his concerns with the cable ordinance and amendments.

H. PUBLIC HEARING – An Ordinance Amending the Davidson County Code Governing Cable Television Services

The Board was assisted by Dave Harris, Piedmont Triad Council of Governments Regional Cable Television Administrator, in conducting a public hearing to receive public comments concerning An Ordinance Amending the Davidson County Code Governing Cable Television Services.

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

Dave Harris spoke in support of the amended ordinance to get the county in sync with regulations.

Barney Hill spoke in opposition to the amended cable ordinance except for the repeal of the 1989 ordinance.

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

Commissioner Walser inquired to Commissioner Kepley about the past history of franchises in Davidson County.

Commissioner Kepley noted that the Ordinance directs how the service will be delivered.

Edwin Perrell, Executive Director of Piedmont Cable, noted that the Ordinance gives the County some control and the franchises give the cable companies the right to operate.

On a motion by Commissioner Akins and a second by Vice Chairman Watford the Board voted unanimously 7-0 to approve An Ordinance Amending the Davidson County Code Governing Cable Television Services. (Exhibit 2)

PUBLIC HEARING – Renewal of Franchise for Piedmont Cable

The Board was assisted by Dave Harris in conducting the public hearing for the renewal of the franchise for Piedmont Cable TV.

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

Dave Harris noted that the franchise began in 1981 and that June 2006 is the expiration date for the proposed franchise.

Barney Hill spoke in favor of the renewal of the franchise for Piedmont Cable TV.

On a motion by Commissioner Hege and a second by Commissioner Akins the Board voted unanimously 7-0 to close the public hearing. (See Exhibit 2)

PUBLIC HEARING – Renewal of Franchise for Uwharrie Cable

Dave Harris again assisted the Board in conducting a public hearing to receive public comments on the renewal of the Uwharrie Cable TV Franchise.

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

Dave Harris spoke in support of the proposed renewal of the franchise.

Barney Hill spoke in support of renewing the franchise.

On a motion by Commissioner Akins and a second by Commissioner Hege the Board voted unanimously 7-0 to close the public hearing. (See Exhibit 2)

I. ITEMS FOR DECISION/INFORMATION

Consent

On a motion by Commissioner Hege and a second by Commissioner Akins the Board voted 6 to 1 to approve I.1. and I.2. on the consent agenda; Commissioner Kepley voted “No.”

1. Minutes

The Board approved the minutes of the September 14, 2004 meeting.

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

The Board approved the Tax Report of Refunds for August 2004

(Exhibit 3)

Deliberation

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

On a motion by Vice Chairman Sam Watford and a second by Commissioner Walser the Board voted unanimously 7-0 to approve the following budget amendments:

- *Davidson County Community College* – appropriate revenue from DCCC for the College Resource Officer position, \$48,000 for salaries and benefits, \$14,500 for supplies.
- *Family Services* – receive appropriation of \$129,682.92 and \$230,188 in pass through funds.
- *Junior Police Academy* – receive appropriation of \$13,890 in pass through funds.
- *Baptist Children’s Homes of North Carolina* – receive appropriation of \$27,500 in pass through funds.
- *Daymark Recovery Services* – receive appropriation of \$49,463 in pass through funds.
- *Project Challenge North Carolina, Inc.* – receive appropriation \$54,827 in pass through funds.
- *Board of Elections* – accept grant of \$1,155 for the Help America Vote Act.
- *Transportation* – accept additional funding of \$30,000 from DSS to transport clients.
- *Health* - accept \$1,057 for Family Planning Program from NC Dept. of Health and Human Services.
- *Emergency Services* - appropriate \$26,220 from Performance Based Management savings to Bonus/Longevity, \$2006 to FICA, \$1,689 to Retirement, and \$2,101 to Workers’ Compensation.
- *Cooperative Extension* - appropriate \$2,453 to Capital Outlay from Performance Based Management savings.
- *Tax* – appropriate \$10,000 to Capital Outlay, \$5,000 to Part-time Salaries, \$2,000 to Overtime, \$5,000 to Departmental Supplies, \$9,700 to Bonus/Longevity, \$1,278 to FICA, \$753 to Retirement, and \$234 to Workers’ Compensation.

- *Delinquent Tax Revenue* - appropriate collection of \$24,070 per Tax Debt Setoff Letters to pay Bob Segal CPA, PA for his fee of 7%.
- *911 Emergency Communications* – appropriate \$18,600 to Projects to fund 911 Radio Study and remaining funds of \$30,000 to be transferred from Contingency. (Exhibit 4)

4. Proclamation – Barbecue Festival Month

On a motion by Commissioner Akins and a second by Commissioner Hege the Board voted unanimously 7-0 to adopt the Proclamation proclaiming October 2004 as Barbecue Festival Month in Davidson County. (Exhibit 5)

5. Authorizing Resolution by Robert Hyatt, County Manager

On a motion by Vice Chairman Watford and a second by Commissioner Truell the Board voted unanimously 7-0 to adopt the Authorizing Resolution by Governing Body of the Applicant (Industrial Park) which authorizes the filing of an application with the State of North Carolina (NCREDC “rural Center”) and authorizes the Chairman to execute and file the application for the \$40,000 grant (accompanying match of \$40,000 to come from Davidson Vision) and also approve the accompanying Certificate of Recording Officer (County Clerk to the Board). (Exhibit 6)

6. Reclassification by Robert Hyatt, County Manager

Chairman Sink recognized Transportation Director Zeb F. Hanner, father of Zeb M. Hanner. The Chairman also recognized Charley Hanner, wife of Zeb M. Hanner, and also Ryan Hanner, son of Mr. Zeb M. Hanner.

On a motion by Commissioner Truell and a second by Commissioner Walser the Board voted unanimously to approve the reclassification of Budget Director Zeb M. Hanner to Assistant County Manager and the accompanying job description and salary grade. (Exhibit 7)

7. Career Progression - Deleted

8. Food Lion Sewer by Bill Clutter, Public Works and Services Director

Bill Clutter, Public Works and Services Director, discussed how to extend sewer service to the location of the Tyro Food Lion Project. Mr. Clutter noted that a private pump station (on the development site) and a forced main (along Highway 150) is not a desirable alternative. Mr. Clutter stated that a more feasible solution is to install a 2,000 foot long gravity line that would serve the Food Lion development,

provide a receiving gravity line for a private pump station needed for the remainder of the Mary Long Development, provide for other development in the immediate vicinity along Highway 150, provide for an acceptable environmental alternative for any adjacent failing septic systems, and get service that much closer to the Churchland area, where, by the year 2010, a solution must be found for the elementary school. Mr. Clutter further stated that such an extension is feasible, provided that a short portion (maybe 400 feet) of the existing sewer project is lowered by two or three feet and an agreement can be reached with Food Lion which would provide for it reimbursing the County for all expenses. Mr. Clutter advised that any agreement for reimbursement and paying of fees and charges by Food Lion would have to include reimbursement of all design costs, all costs of obtaining any necessary easements (including surveys, agents and appraisers, attorneys' fees, etc.), all costs associated with lowering about 400 feet of Tyro sewer project, and all costs of installation and construction including inspection and construction administration. Mr. Clutter noted that fees and charges would be, such as but not limited to, treatment plant capacity relative to Lexington agreement and capital recovery fee as established by existing County Sewer Policy. Mr. Clutter explained to the Board that the agreement should also provide for a proper mechanism for timely reimbursement such as an escrow fund or similar.

Mr. Clutter then told the Board that the needed action is to authorize staff to negotiate an agreement with Food Lion for the funding and/or reimbursing of costs relative to the extension of sewer service to the proposed site and to bring such agreement back to the Board for its consideration.

Following the presentation, Commissioner Truell made a motion, with a second by Vice Chairman Watford, to authorize staff to negotiate an agreement with Food Lion for the funding and/or reimbursing of costs relative to the extension of sewer service to the proposed site and to bring such agreement back to the Board for its consideration. Upon a vote, the motion carried unanimously 7-0. (Exhibit 8)

9. Resolution Endorsing Handy Wastewater Treatment Plant by Robert C. Hyatt, County Manager

Mr. Timothy Loflin, Chairman of the Handy Sanitary District Board, was present for consideration of the Resolution Endorsing Handy Wastewater Treatment Plant.

On a motion by Commissioner Kepley and a second by Commissioner Hege the Board voted unanimously 7-0 to adopt the Resolution Endorsing Handy Wastewater Treatment Plant. (Exhibit 9)

10. Discussion of Work First Plan 2005-2007 by Catherine Lambeth, Social Services

Director

Ms. Lambeth advised the Board that the Social Services Board has recommended no change in the plan and has requested that a public comment period be established for September 29, 2004 to October 8, 2004. She further noted that the plan must be submitted by November 1, 2004.

On a motion by Commissioner Hege and a second by Commissioner Truell the Board voted unanimously 7-0 to approve the establishment of the public comment period from September 29, 2004 to October 8, 2004. (Exhibit 10)

J. CLOSED SESSION – Real Estate

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

RETURN TO OPEN SESSION

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

County Attorney/Clerk to the Board Robert Hedrick reported discussion of a real estate matter with no action taken.

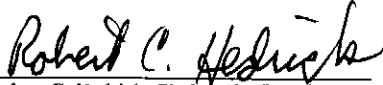
AMENDMENT TO AGENDA

On a motion by Commissioner Hege and a second by Commissioner Akins the Board voted unanimously 7-0 to amend the agenda for a matter of real estate.

On a motion by Commissioner Walser and a second by Commissioner Hege the Board voted unanimously 7-0 to approve the acquisition of real estate for Ledford Elementary School (9,841 square feet) for \$5,609.37 with funds to come from Davidson County Board of Education.

J. ADJOURNMENT

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

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

  
Fred C. Sink, Chairman  
Davidson County Board of Commissioners