

MINUTES

November 23, 2010

The Davidson County Board of Commissioners met at 7:00 PM on Tuesday, November 23, 2010, in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina for a regularly scheduled meeting and public hearing.

PRESENT

Commissioners: Chairman Max Walser, Vice Chairman Sam Watford, Cathy Dunn, Billy Joe Kopley, Fred McClure, Larry Potts, Don Truell

County Manager Robert Hyatt, County Attorney Chuck Frye, Assistant County Manager Zeb Hanner, Clerk to the Board Anne Burkhart, Planning and Zoning Director Guy Cornman, Purchasing Director Dwayne Childress, Human Resources Director Jim Tysinger, Recycling Coordinator Steve Swaim, Integrated Solid Waste Director Charlie Brushwood, Finance Director Jane Kiker, Davidson County Schools Superintendent Dr. Fred Mock, Davidson County Schools Board of Education Chairman Allan Thompson, Veterans Director Boyd Morgan, Senior Services Director Thessia Everhart-Roberts, 911 Director Terry Bailey, Board of Elections Chairman Randall Lanier, Commissioner-Elect Todd Yates, Social Services Chairman Artie Burkhart, School Boards Member Kenny Meredith, Karen Craver, Carol Crouse, Jay Temple, Fire Marshal Brad Needham, Assistant County Attorney Mike Newby, Social Services Director Dale Moorefield, EMS Interim Coordinator Larry Morgan

A. CALL TO ORDER AND WELCOME

Chairman Walser called the meeting to order and welcomed guests.

B. INVOCATION

Chairman Max Walser

C. PLEDGE OF ALLEGIANCE

D. RECOGNITION

Chairman Max Walser thanked his family, former staff members and friends for the support they have afforded him as commissioner. He commended his fellow commissioners and thanked them for their support. He noted the 2,500 jobs created this past year. He noted the schools built, the supplies sent to aid victims of Hurricane Katrina, the Community Assistance brochure, I-85 Bridge Project, Wilcox Bridge

Project, and school bonds. He recognized former board and staff members Jack Briggs, Andy Hill, Peggy Barnhardt, Carol Carter, Barbara Everhart, Jakie Koontz, Dr. Fred Mock, Thad Hartley, James Palmer, Ray Murphy, Kenny Meredith, Nancy Nuckols, Ken Drum, grandsons Sam and Will and mention of Henry Max (one-year old), son Wes, daughter-in-law Joy, sisters Marilyn and Penny, and wife Peggy.

Vice Chairman Sam Watford recognized Chairman Max Walser for his years of service to Davidson County as Commissioner and to the Board as Chairman. Chairman Walser received a plaque commemorating his honored service.

Commissioner Billy Joe Kepley presented a gift (red oak hand-crafted gavel) from the maverick republicans (anonymous) to Chairman Max Walser. Chairman Walser read the warranty as requested by Commissioner Kepley.

Commissioner Don Truell presented a Davidson County “Walking Stick #10” award to Chairman Max Walser and gave the history of its creation.

Chairman Max Walser recognized Petra Leonard for her assistance to him throughout his tenure.

E. REGISTER FOR PUBLIC ADDRESS

Chairman Walser noted the register for public address.

F. ADOPTION OF AGENDA

On a motion by Commissioner Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to adopt the agenda. (Exhibit 1)

G. PUBLIC ADDRESS

Barney Hill referred to the 7th verse of the 7th Chapter of Matthew. He criticized the conveyance of the surplus car to the Davidson County Airport and additional transportation drivers and routes.

Randall Lanier spoke in support of a new middle school for the North Davidson/Ledford area and noted the overcrowding at North Davidson Middle School and encouraged the spending of bond money for that effort.

Judy Butler, of Welcome area, noted the heavy traffic in the North Davidson Middle School area and encouraged the building of a new middle school.

H. PUBLIC HEARING - Planning and Zoning Amendment Application for Alton and Angela

Beauchamp

(Presented by Planning and Zoning Staff and Minutes prepared by Planning and Zoning)

(Exhibit 2)

I. ITEMS FOR DECISION/INFORMATION- *Consent*

On a motion by Vice Chairman Watford and a second by Commissioner Dunn the Board voted 6-1 to adopt the consent agenda; Commissioner Kepley voted “No.”

1. Minutes

The Board approved the minutes of November 4 and 9, 2010 Board of Commissioners’ meetings.

2. Budget Amendments by Zeb Hanner, Assistant County Manager

The Board approved budget amendments for 911 Communications, Davidson Works, Fire Marshal, Finance for Sewer Fund 2010. (Exhibit 3)

3. Agreement for Installation of Antennas on Water Tower of Davidson Water by Chuck Frye, County Attorney

The Board approved the Agreement for Installation of Antennas on the Water Tower of Davidson Water. (Exhibit 4)

4. Appointments – Planning Committee for Services to the Elderly by Thessia Everhart-Roberts, Senior Services Director

The Board approved the appointments of Dianne Ferguson, Margaret Beeker, Neal Pruett, and Dwight Cartner for two-year terms, November 2010 to November 2012, and the reappointments of Adelaide Talbert, Ann Corn, Boyd Morgan, Janette Deang, Reverend Lamar Moore, and Jim Wikle for two-year terms, November 2010 to November 2012. (Exhibit 5)

5. Sale of Surplus – X-ray Machine, Garage Doors, Houses, Tobacco Barns by Dwayne Childress, Purchasing Director

The Board approved the sale of surplus items consisting of an X-ray machine, 2 garage doors, 2 houses, and 3 tobacco barns. (Exhibit 6)

6. Conveyance of Car to Airport by Dwayne Childress, Purchasing Director

The Board approved the conveyance of a 1999 Ford Crown Victoria to the Davidson County Airport. (Exhibit 7)

7. Addition of Temporary Part-time Positions by Jim Tysinger, Human Resources Director

The Board approved the two requested temporary part-time positions for truck drivers for the Integrated Solid Waste Management Department. (Exhibit 8)

J. ITEMS FOR DECISION/INFORMATION - *Deliberation*

1. Discuss Budget Retreat by Zeb Hanner, Assistant County Manager

Zeb Hanner apprised the Board of the Budget Retreat proposed for February 10, 2011, at Davidson County Community College. On a motion by Commissioner Truell, second by Commissioner Potts, the Board voted unanimously 7-0 to schedule the retreat for February 10, 2011 and to replace the February 3, 2011 informational meeting.

2. Amendment to Qualified School Construction Bonds for the Davidson County Schools by Zeb Hanner, Assistant County Manager

On a motion by Commissioner McClure and a second by Commissioner Truell the Board voted unanimously 7-0 to approve the Amendment to the Qualified School Construction Bonds for Davidson County Schools. (Exhibit 9)

3. Amendment to the Solid Waste Management Plan (Electronics) by Steve Swaim, Recycling Coordinator

On a motion by Commissioner Potts and a second by Commissioner Dunn the Board voted unanimously 7-0 to approve the amendment to the Integrated Solid Waste Management Plan (Electronics).

(Exhibit 10)

4. Proposed Revisions to Rules of Procedures for Davidson County Board of Commissioners by Chuck Frye, County Attorney

County Attorney Frye noted changes and made clarifications.

On a motion by Commissioner Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to approve the proposed period of 72 hours prior to Commissioners' meetings for receipt of the agenda packet to allow time for review of the packet and study of its contents.

On a motion by Vice Chairman Watford and a second by Commissioner Kepley the Board voted unanimously 7-0 to approve the proposed revisions to the Rules of Procedures for Davidson County Board of Commissioners. (Exhibit 11)

5. Request from Davidson County Board of Education Regarding construction Bids and

Funding for Northern Area Middle School by Chairman Max Walser

Dr. Fred Mock presented the request. Mr. Clark Pierce, the architect for the project, answered questions and presented the plans for proceeding.

Commissioner Potts questioned the action of the school board in awarding the bid without consulting with the Board of Commissioners prior to taking action on the bid. He suggested it would be a great costs savings if the 18,000 cubic yards of rock and dirt can be moved to another place on the 130-acre property rather than having it transported by 15 tandem trucks to another location. He questioned the location of the school construction on the site, noting that a one-story building is proposed and the site has been deemed suitable for a 2 or 3-story building. Discussion followed. He continued to emphasize that negotiations with the contractor can continue until January 8, 2011; therefore, action can wait until the December 14, 2010 Commissioners' meeting. Commissioner Potts pointed out that the Board had agreed on funding of \$20 million and this request has been presented at \$4.6 million over that. He stated that if the Board voted at this time, the bonds could not be sold fast enough.

Commissioner Truell spoke in favor of moving ahead with the building of the school.

Commissioner McClure spoke in favor of building the school but noted he has a problem with the process and the timing. He questioned the proposed use of asphalt instead of concrete and why wasn't Alternate 7 chosen?

Jay Temple noted that the concrete was bid as an alternate, but the company did not want to do concrete.

Commissioner Kepley noted that the middle school was planned for part of the bond funds, but the funds gave out before it was built. Commissioner Kepley advocated moving ahead with making application for the funds.

Commissioner Dunn spoke in support of moving ahead with approval of the request.

Vice Chairman Watford spoke in favor of moving forward if questions can be answered before signing contract. He stated that the rock and dirt excavated should remain on the 130-acre property for use in the future when needed.

Commissioner Potts asked Dr. Mock if work would begin right away. Dr. Mock replied that it would. Commissioner Potts then reminded him that site work in the winter costs more.

Commissioner McClure supported getting more details, taking time to get the answers to some of the questions and then placing the item on the agenda for December 14, 2010. He stated that there is nothing to lose by waiting to get the questions answered.

Commissioner-elect Todd Yates stated that there is an opportunity to save ½ to 2 million dollars by keeping the rock and dirt on the property.

Vice Chairman Watford suggested that all the concerns expressed by the Board of Commissioners be taken into consideration before awarding the contract.

Commissioner Potts requested that the school board members confer with Commissioner-elect Todd Yates, also, and be present at the December 14th meeting with a report.

Chairman Walser stated that he had called school board members, asked if there is urgency in applying for the funds and then stated that he was told that there is. He spoke in support of moving forward.

Commissioner Truell made a motion to authorize the Board of Education to enter into a contract with Lyon Construction, Inc., based in King, North Carolina, to build a middle school at the intersection of Midway School Road and Hoy Long Road at a cost not to exceed \$18,190,000. Davidson County will fund the cost of this construction contract, sewer line and other supplies and materials at a cost not to exceed \$23 million. These funds will be derived from \$13 million QSCB Bonds; \$7 million Lottery and Average Daily Membership (ADM) funds; and \$3 million from the Davidson County Government's fund balance. Of the \$23 million appropriated for this project, \$21.5 million will be distributed to the Davidson County Board of Education for the construction of this school and \$1.5 million will be retained by Davidson County Government for use to provide sewer service to this new school. Davidson County's contribution of \$23 million is contingent upon the Davidson County Board of Education providing \$1,624,661.50 for the remaining costs of the project. Commissioner Kepley seconded the motion.

Commissioner McClure moved to amend the motion by adding at the end that any County monies not spent on the construction project be returned to Davidson County. Both Commissioner Truell and Commissioner Kepley accepted this friendly amendment to the motion. Mr. Potts requested that the Board of Education not execute the contract with Lyon Construction until Mr. Yates' position regarding potential cost savings had been considered by the Board of Education. Dr. Mock, on behalf of the Board of

Education, concurred both with the amendment to the motion tendered by Mr. McClure and with Mr. Potts' request.

Upon a vote of 6-1 the Board approved the motion, as amended, to approve the request from the Davidson County Board of Education regarding construction bids and funding for the new middle school.

Robert Hyatt requested permission to move forward with the QSCB bonds. The Board agreed by consensus for the County Manager to make an early request for the QSCG bonds . (Exhibit 12)

6. Energy Usage/Conservation by Chairman Max Walser

Deferred to another time.

K. CLOSED SESSION – Real Property

On a motion by Commissioner Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to go into Closed Session for Real Property.

RETURN TO OPEN SESSION

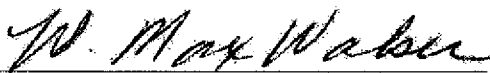
On a motion by Commissioner Potts and a second by Commissioner Truell the Board voted unanimously 7-0 to return to Open Session.

County Attorney Chuck Frye reported discussion of Real Property in Closed Session and gave direction for further negotiation in the matter. He suggested that the Chairman call for a special meeting on December 6, 2010.

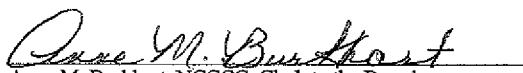
On a motion by Commissioner Potts and a second by Commissioner McClure the Board voted unanimously 7-0 to call for a Special Meeting on December 6, 2010 for Real Property.

K. ADJOURNMENT

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



W. Max Walser, Chairman
Davidson County Board of Commissioners



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