

## MINUTES

September 14, 2010

The Davidson County Board of Commissioners met at 7:00 PM, on Tuesday, September 14, 2010, in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina, for a regularly scheduled meeting.

### PRESENT

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

County Manager Robert Hyatt, County Attorney Chuck Frye, Assistant County Manager Zeb Hanner, Deputy Clerk to the Board Debbie Harris, Library Director Ruth Ann Copley, Public Works and Services Director Rex Buck, Emergency Services Director Doug Lowe, Fire Marshall Brad Needham, Planning Director Guy Cornman, Public Works and Services Employee Rick Privette, Finance Director Jane Kiker, Health Director Layton Long, Human Resources Director Jim Tysinger, Risk Manager Jim Price, Major Chris Coble of the Davidson County Sheriff's Department, Public Works and Services Employee Randy Mitchell, NCDOT Division 9 Engineer Pat Ivey, Davidson County Economic Development Director Steve Googe, Davidson County United Way Director Lee Jessup representing the Davidson County Council of Chambers, Davidson County Economic Development Employee Jordan Googe, Barney Hill, Dispatch Reporter Eric Bodenheimer, and Thomasville Times Reporter Erin Witgen.

### A. CALL TO ORDER AND WELCOME

Chairman Max Walser called the meeting to order and welcomed guests.

### B. INVOCATION

The invocation was led by Vice Chairman Sam Watford.

### C. PLEDGE OF ALLEGIANCE

#### Recognition

Chairman Max Walser recognized Jane Kiker for her and her staff's accomplishment in being recognized by the Governmental Finance Officers Association (GFOA) with a Certificate of Achievement for Excellence in Financial Reporting. Ms. Kiker reported that this is the 22<sup>nd</sup> time that her office has been presented with this award.

D. REGISTER FOR PUBLIC ADDRESS

Chairman Max Walser noted the need for interested individuals to register for public address.

E. ADOPTION OF AGENDA

Chairman Max Walser reported that there was a need for the Board of Commissioners to go into Closed Session after the adoption of the agenda and that this matter would be moved from its present location on the agenda to follow the adoption of the agenda.

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

J. CLOSED SESSION – Economic Development

On a motion by Vice Chairman Sam Watford and a second by Commissioner Don Truell the Board voted unanimously 7-0 to go into Closed Session for a matter of economic development.

RETURN TO OPEN SESSION

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

County Attorney Chuck Frye reported that the Board addressed an economic development issue and that no action was taken.

On a motion by Commissioner Larry Potts and a second by Commissioner Cathy Dunn the Board voted unanimously 7-0 to amend the agenda to report on potential economic development issues and to schedule public hearings. Economic Development Director Steve Googe was called to address the Board of Commissioners.

Mr. Googe addressed the Board and reported that Project Z is attempting to secure a location for expansion at this time. This company is planning to invest \$2,000,000.00 in plant, equipment and machinery and provide 20 jobs at or equal to the current County wage. Mr. Googe requested that a public hearing be scheduled for September 28, 2010 to consider awarding an economic development incentive grant in the amount of .0027 times the investment in plant, machinery and equipment for five (5) years, not to exceed \$5,400.00 per year.

On a motion by Commissioner Fred McClure and a second by Commissioner Don Truell the Board voted unanimously 7-0 to schedule a public hearing for September 28, 2010, to consider the above referenced economic development incentive grant for Project Z.

Mr. Googe requested that a second public hearing be scheduled for September 28, 2010, to consider the award of an economic development incentive grant to Denton Recycling for an expansion project wherein the Company would invest \$200,000.00 in plant, equipment and machinery and create two (2) jobs at or equal to the current County wage. He requested that the County consider awarding a grant in the amount of .0027 times the investment in the plant for five (5) years and a second grant in the amount of .0054 times the investment in the equipment and machinery for one (1) year, with the grants not to exceed \$700.00 per year.

On a motion by Commissioner Fred McClure and a second by Commissioner Don Truell the Board voted unanimously 7-0 to schedule a public hearing for September 28, 2010, to consider the above referenced economic development incentive grant for Denton Recycling.

Mr. Googe requested that a third public hearing be scheduled for September 28, 2010. He reported that Project Plus is planning to invest \$5,000,000.00 in plant, equipment and machinery and provide 500 jobs within seven (7) years. It is proposed that Davidson County will partner with the Town of Wallburg to purchase a site for the company for a sum not to exceed \$1,500,000.00. It is further proposed that a land lease will be entered into with the company wherein they will pay the County the amount of \$50,000.00 per year for the lease of the property for a period of 20 years. Mr. Googe further proposed an economic incentive grant to the company in the amount of \$50,000.00 per year.

On a motion by Commissioner Larry Potts and a second by Commissioner Fred McClure the Board voted unanimously 7-0 to schedule a public hearing for September 28, 2010, to consider the above referenced economic development incentive grant to Project Plus.

F. PUBLIC ADDRESS

There were no individuals signed up to speak at public address.

G. PUBLIC HEARING

Chairman Max Walser declared the public hearing open regarding Project Lynx.

Economic Development Director Steve Googe addressed the Board and requested that an incentive package for Project Lynx be approved. The company has reported that it will create 42 jobs over 26 months of

the inception of the project. Mr. Googe requested that Davidson County purchase one-half interest in property owned by the City of Lexington in an amount not to exceed \$688,500.00 and enter into a land lease jointly with the City of Lexington with Project Lynx for twelve (12) years in the amount of \$72,916.67 each year as the County's share of the rent. Project Lynx proposes to invest \$20,000,000.00 in new plant, machinery and equipment and create 42 new jobs over three (3) years.

Barney Hill addressed the Board and requested that they delete Item I.5 from the original agenda from the meeting. Mr. Hill spoke in opposition to the purchase of property for Project Lynx.

Chairman Max Walser declared the public hearing closed.

On a motion by Vice Chairman Sam Watford and a second by Commissioner Don Truell the Board voted unanimously 7-0 to appropriate the expenditure of no more than \$688,500.00 from its General Fund to purchase from the City of Lexington a one-half interest in certain property located in the Lexington Business Center, and to enter into a land lease jointly with the City of Lexington with Project Lynx for twelve (12) years in the amount of \$72,916.67 each year as the County's share of the rent. (Exhibit 2)

#### H. ITEMS FOR INFORMATION/DECISION - *Consent*

Commissioner Fred McClure requested that Item H.3 be removed from the Consent Agenda for discussion.

On A motion by Commissioner Larry Potts and a second by Vice Chairman Sam Watford the board voted 6-1 to approve the Consent Agenda, with the exception of H.3. Commissioner Billy Joe Kepley voted "no."

#### *Consent*

##### 1. Minutes

The Board approved the Minutes of the August 24, 2010 Board of Commissioners meeting and the August 2, 2010 Davidson County Board of Commissioners Zoning Public Hearing. (Exhibit 3)

##### 2. Budget Amendments

The Board approved budget amendments for EMS, Sheriff's Department, Tax Department, Library, Senior Services, and Health Department. (Exhibit 4)

##### 4. Request for Reclassification of Position

The Board approved a request from Health Director Layton Long to reclassify the Office Support III (authorization #11 only), Grade 57, staff position to Office Support IV, Grade 59. (Exhibit 6)

3. Pyrotechnics Permit

Commissioner McClure commented on the Certificate of Insurance which was included in the packet provided to the Board; in that the policy limits included in the information was less than the insurance currently carried by the County. He reported that he feels that the individuals requesting the permit should carry the same amount of insurance coverage as the County; therefore, if something goes wrong, the County is not responsible for damages. Fire Marshall Brad Needham reported that it was his understanding that Hale Artificer's intentions were to carry the same amount of liability insurance as the County and that he would address this issue with Mr. Hale tomorrow. (Exhibit 5)

On a motion by Commissioner Fred McClure and a second by Commissioner Larry Potts the Board voted 6-1 to approve the issuance of the requested Pyrotechnics Permit to Artificer Hale, with changes being made to the Certificate of Insurance for the Pyrotechnics Permit to reflect the same policy limits as that of Davidson County. Commissioner Billy Joe Kepley voted "no."

I. ITEMS FOR INFORMATION/DECISION - *Deliberation*

*Deliberation*

Chairman Max Walser requested that Item K.6. be addressed at the beginning of the Deliberation section of the agenda.

6. Update on Wil-Cox Bridge by NCDOT

North Carolina Department of Transportation (NCDOT) Division 9 Engineer Pat Ivey addressed the Board and provided an update on the status of the estimated costs for the Wil-Cox Bridge repairs which has been prepared by Flatiron-Lane, the construction company that has been awarded the bid for the I-85 bridge construction project. He reported that the information before the Board are costs to complete the cosmetic repairs on the bridge and to complete the transformation to a pedestrian traffic area once the bridge is taken out of commission by NCDOT. Mr. Ivey reported that this figure was in addition to the expenses incurred by NCDOT to make the bridge usable during the construction of the new I-85 bridges. He reported that the State costs for this project will be in excess of \$3,000,000.00. If approved, the County's portion of these repairs would come out of the previously agreed upon funds that will be paid to the County by the State upon transfer

of the bridge to Davidson County. Mr. Ivey reported that a decision needed to be made at this time to avoid delays in the project, so Flatiron-Lane can be informed which avenue to follow; to make the additional bridge repairs or not. He reported that he felt that this was an excellent route for the County to take as with this contractor making the repairs there is no mobilization fees as the contractor is already on site working on the project. Vice Chairman Watford urged the Board not to approve the project as he felt that the repairs could be made cheaper once the bridge is transferred to the County. Upon inquiry, Mr. Ivey reported that even though some of the repairs are cosmetic at this time that they may become structural issues in the future. He reported that the unit costs contained in the Board's price are the same costs that NCDOT is being charged for the work being completed at their request to make the bridge structurally sound. Also, NCDOT will have inspectors on the site during the process to ensure the work is completed to their standards. When asked who the entire bridge belongs to, Mr. Ivey reported that both ends of the bridge are owned by NCDOT, but the section of the bridge that crosses the river is owned by Alcoa and that a perpetual agreement with Alcoa exists wherein a request to move the bridge will never be made. He further reported that he would look into which State agency owns the boat landing property adjacent to the bridge. A discussion by the Board regarding this issue ensued.

On a motion by Commissioner Fred McClure and a second by Commissioner Cathy Dunn the Board voted 4 to 3 to accept the guaranteed repair costs provided by NCDOT to repair the Wil-Cox Bridge. County Attorney Chuck Frye polled the Board for their vote as follows: Commissioner Cathy Dunn: yes; Commissioner Billy Joe Kepley: yes; Commissioner Fred McClure: yes; Commissioner Larry Potts: no; Commissioner Don Truell: no; Vice Chairman Sam Watford: no; and Chairman Max Walser: yes. (Exhibit 12)

1. Proclamation for Library Card Sign-Up Month

Library Director Ruth Ann Copley requested that September 2010 be proclaimed as Library Card Sign-Up Month and read the Proclamation that had been prepared.

On a motion by Commissioner Larry Potts and a second by Commissioner Don Truell the Board voted unanimously 7-0 to proclaim September 2010 as Library Card Sign-Up Month. (Exhibit 7)

2. Engineering Services Contract Amendment for Extended Day School Sewer

Public Works and Services Director Rex Buck addressed the board and reported that the requested Amendment provides for an added cost of \$47,500.00 for engineering services to design and bid the gravity

sewer extension to serve the Stoner Thomas School, Davidson County Schools Administrative Offices and The Workshop of Davidson. This allows Davis Martin Powell to begin work on this project. Mr. Buck reported that approximately an additional ten easements would need to be acquired to complete this project. A discussion of the Board ensued wherein it was discussed that it was a possibility to subcontract an engineer to work the project at a substantially smaller amount than what was being estimated.

On a motion by Vice Chairman Sam Watford and a second by Commissioner Larry Potts the Board voted unanimously 7-0 to approve the engineering services contract amendment for the Extended Day Sewer Project to provide for engineering services to design and bid the gravity sewer extension to serve the Stoner Thomas School, Davidson County Schools Administrative Offices and The Workshop of Davidson as follows: Design Services, \$18,000.00 increase; Additional Services/Easements, \$7,000.00 increase; Bidding Services, \$2,500.00, and subject to re-negotiation of the Construction Administration fee originally estimated at a \$20,000.00 increase. (Exhibit 8)

3. Appointment

PBH has requested that Dean Vick be appointed to serve to fill a vacant position on the PBH Board of Directors. Commissioner Fred McClure addressed the Board regarding his thoughts on why Dean Vick should be appointed to fill the vacancy.

On a motion by Vice Chairman Sam Watford and a second by Commissioner Larry Potts the Board voted unanimously 7-0 to approve Dean Vick to fill the vacant position on the PBH Board of Directors. (Exhibit 9)

4. Proposed Code of Ethics for the Board of County Commissioners

County Attorney Chuck Frye addressed the board regarding the proposed Code of Ethics that has been drafted by the Office of the Davidson County Attorney for consideration of the Board pursuant to North Carolina General Statutes § 160A-86.

On a motion by Commissioner Don Truell and a second by Commissioner Cathy Dunn the Board voted unanimously 7-0 to approve the Code of Ethics as drafted by the Office of the County Attorney. (Exhibit 10)

5. Purchase of Hangar and Attached Building at Davidson County Airport

Assistant County Manager Zeb Hanner addressed the Board and reported that the County has been approached regarding the availability of a hangar and attached building at the Davidson County Airport which is owned by Sponsorship Services Group LLC. Mr. Hanner reported that the Airport Authority currently has two (2) similar hangars at the airport and reported on the build costs and tax values of each.

On a motion by Commissioner Larry Potts and a second by Vice Chairman Sam Watford the Board voted unanimously 7-0 to approve the purchase of the hangar and attached building at the Davidson County Airport from Sponsorship Services Group LLC for the purchase price of \$160,000.00. (Exhibit 11)

6. Discussion of Proposed Legislative Goals

Chairman Max Walser requested that a statewide school bond referendum for school construction be added to the proposed legislative goals to assist all 115 school systems in the State, which would be of particular benefit to counties that cannot afford school construction renovation without the assistance of these bonds. A discussion regarding the remaining proposed Legislative Goals ensued by the Board.

On a motion by Commissioner Larry Potts and a second by Commissioner Fred McClure the Board voted 7-0 to approve the proposed Legislative Goals with the addition of a request for a statewide school bond referendum for school construction to assist all 115 school systems in the State. (Exhibit 13)

K. ADJOURNMENT

On a motion by Commissioner Fred McClure and a second by Vice Chairman Sam Watford the Board voted unanimously 7-0 to adjourn.

  
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W. Max Walser, Chairman  
Davidson County Board of Commissioners

  
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Deborah J. Harris, Deputy Clerk to the Board  
Davidson County Board of Commissioners