

MINUTES

March 22, 2011

The Davidson County Board of Commissioners met at 7:00 PM on Tuesday, March 22, 2011, in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina, for a regular scheduled meeting and four public hearings.

PRESENT

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

County Manager Robert Hyatt, County Attorney Chuck Frye, Assistant County Manager Zeb Hanner, Clerk to the Board Anne Burkhart, IT Director Joel Hartley, Finance Director Jane Kiker, Public Works and Services Director Rex Buck, Transportation Manager George Hodges, Human Resources Director Jim Tysinger, Inspections Director Ron Triplette, Health Director Layton Long, Social Services Director Dale Moorefield, Davidson Works Director Cindy Livengood, Economic Development Director Steve Googe, Emergency Services Director Jeff Smith, Planning and Zoning Director Guy Cornman

A. CALL TO ORDER AND WELCOME

Chairman Watford called the meeting to order and welcomed guests.

B. INVOCATION

Commissioner Billy Joe Kepley

C. PLEDGE OF ALLEGIANCE

D. RECOGNITION

Chairman Watford recognized Davidson County Council of Chambers representative Pam Myers.

E. REGISTER FOR PUBLIC ADDRESS

Chairman Watford noted the register for public address.

F. ADOPTION OF AGENDA

On a motion by Commissioner Truell and a second by Vice Chairman Potts the Board voted unanimously 7-0 to adopt the agenda with the addition of Economic Development to Closed Session.

(Exhibit 1)

G. PUBLIC ADDRESS

Kevin Degner expressed concerns about the mud pit off I-85, particularly noting the pollution, amount of run-off, noise levels and disturbing the peace issues.

Barney Hill addressed the Board concerning the Financing Contract.

Bobby Hammond addressed the Board concerning the mud pit relating to the amount of noise and the pollution that is going into the creek.

Guy Cornman addressed the Board with information that the issue with the mud pit is being looked into.

H. PUBLIC HEARINGS

1. Economic Development Incentive to Project L11

Chairman Watford declared the public hearing open to receive information and public comments on the proposed economic development incentive to Project L11.

Steve Googe addressed the Board in favor of the project and presented the details of the project and its proposed incentive.

Barney Hill spoke in favor of the incentive.

Chairman Watford declared the public hearing closed.

On a motion by Vice Chairman Potts and a second by Commissioner Yates the Board voted unanimously 7-0 to approve the proposed economic development incentive to Project L11, which would entitle the company to a grant each year for 5 years to be paid by the County, provided the Company meets the requirements of the Contract, as to investment, jobs, and wages; and the grant will begin January of the first full year after the first full year of operation following the investment, with the calculation for payment of the grant at .0027 times the total investment each year for five years, and the total grant not exceeding \$4,860.00 per year for the term of the Contract; and the company plans to invest at least \$1,800,000.00 in plant, machinery and equipment, and provide 25 jobs over the duration of the Contract with an average hourly wage about that of the County average. (Exhibit 2)

2. Economic Development Incentive to Project LW

Chairman Watford declared the public hearing open to receive information and public comments on the proposed economic development incentive to Project LW.

Steve Googe addressed the Board in favor of the project and presented the details of the project and its proposed incentive.

Barney Hill spoke in favor of the proposed incentive.

Chairman Watford declared the public hearing closed.

On a motion by Commissioner McClure and a second by Commissioner Dunn the Board voted unanimously 7-0 to approve the proposed economic development incentive to Project LW, which would entitle the company to a grant each year for 5 years to be paid by the County, provided the Company meets the requirements of the Contract, as to investment, jobs, and wages; and the grant will begin January of the first full year after the first full year of operation following the investment, with the calculation for payment of the grant at .0027 times the total investment each year for five years, and the total grant not exceeding \$2,160.00 per year for the term of the Contract; and the company plans to invest at least \$800,000.00 in plant, machinery and equipment, and provide one fulltime job over the duration of the Contract with an average hourly wage about that of the County average. (Exhibit 3)

3. Application for the 2011-2012 Community Transportation Program Grant

Chairman Watford declared the public hearing open to receive information and public comments on the application for the 2011-2012 Community Transportation Program Grant.

George Hodges presented the details of the 2011-2012 Community Transportation Program Grant.

Commissioner Yates asked how many riders per day use the transportation. Mr. Hodges reported 260 riders per day, 6 days per week, and one trip on Sunday.

Timisha Carvers spoke in favor of the transportation program.

Michael Edwards spoke in favor of the transportation service.

Woodie Williams spoke in favor of the program and noted the help that he has received following a traffic accident.

Linda Ross spoke in support of the transportation program and commended the drivers of the buses for their helpfulness and courtesy.

Doris Eddinger thanked the Board for its support of the transportation program.

Bonnie Jones addressed the Board and expressed her views on the need for the transportation system for seniors.

David Miller thanked the Board for the transportation system.

Angie Williamson read a poem she had written expressing her gratitude for the transportation system.

Wilma Horne thanked the Board for allowing citizens to speak on the transportation system.

Joella Harlan spoke in support of the bus runs and thanked the Board for its support.

Susan Fritts, Nutrition Site Manager in Thomasville, shared information on the activities of the seniors at the site and thanked the Board.

Ms. Cunningham thanked the Board for the transportation system.

Barney Hill addressed the Board in opposition to the grant application.

Gwen Swing, Nutrition Site Manager in Linwood, shared information about the citizens who ride the bus to the Linwood site and noted that great need for it and her appreciation for the service.

Chris Elliott spoke in support of the transportation system and thanked the Board.

Commissioner Yates questioned the cost of fuel. Mr. Hodges responded that he had given Mr. Yates the total fuel cost for the County. Zeb Hanner noted that Transportation's share is about 12% of the total cost.

Chairman Watford declared the public hearing closed.

On a motion by Commissioner Truell and a second by Commissioner Dunn the Board voted unanimously 7-0 to approve submittal of the application for the 2011-2012 Community Transportation Program Grant. (Exhibit 4)

4. 2011 Installment Financing Contract by Jane Kiker, Finance Director

Chairman Watford declared the public hearing open to receive information and public comments on the 2011 Installment Financing Contract.

Jane Kiker presented the details of the 2011 Installment Financing Contract, with the numbers for each project. Mrs. Kiker noted that the contract will include the QSCB allocation for the new middle school, a sewer line extension to Stoner-Thomas School, Extended Day School, and the County school administrative complex, and the refinancing of the 1998 COPS that included the jail and courthouse renovation and addition, and the parking deck. She stated that the principal amount of the contract will not exceed \$20,500,000.

Barney Hill addressed the Board in opposition to the contract.

Chairman Watford declared the public hearing closed. (Exhibit 5)

I. ITEMS FOR DECISION/INFORMATION - CONSENT

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

1. Minutes

The Board approved the minutes of March 3, 2011, March 8, 2011, and March 14, 2011.

2. Budget Amendments by Zeb M. Hamner, Assistant County Manager

The Board approved budget amendments for Health, Social Services, Sheriff, and Davidson Works. (Exhibit 6)

3. Time Warner Cable Business Class Service Agreement Renewal by Joel Hartley, IT

Director

The Board approved the Time Warner Cable Business Class Service Agreement Renewal, which is a renewal and upgrade for the Sheriff’s Office internet service. (Exhibit 7)

J. ITEMS FOR DECISION/INFORMATION - DELIBERATION

1. Resolution to Request a Parade Permit for an Easter Parade in Welcome, North Carolina

On a motion by Commissioner McClure and a second by Commissioner Dunn, the Board voted unanimously 7-0 to adopt the Resolution to Request a Parade Permit for an Easter Parade in Welcome, North Carolina. (Exhibit 8)

K. CLOSED SESSION – Personnel and Economic Development

On a motion by Vice Chairman Potts and a second by Commissioner Truell the Board voted unanimously 7-0 to go into Closed Session for Personnel and Economic Development.

RETURN TO OPEN SESSION

On a motion by Vice Chairman 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 three Personnel matters and one Economic Development matter in Closed Session with no action taken in Closed Session. Attorney Frye noted that the settlement matters are to be incorporated into the minutes to the Clerk to the Board.

*Pursuant to authority provided by the Board of Commissioners a settlement was reached on behalf of the County with **Brandt Peoples** in that matter before the U.S. Equal Employment Opportunity Commission, charge nos. 846-2008-52256 and 846-2010-81533.*

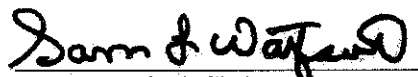
Mr. Peoples executed a Settlement Agreement and Release on march 14, 2011 in which he accepted the sum of \$26,500.00 as a release and discharge of all claims and causes of action. Peoples agreed to resign his position of employment with Davidson County. The County agreed to provide a stipulated letter of reference, upon request. Peoples agreed to the dismissal of the pending EEOC claims. Peoples agreed he would not apply for employment with Davidson County. (Exhibit 9)

*Pursuant to authority provided by the Board of Commissioners a settlement was reached on behalf of the County with **Bobbie Byerly** in that matter before the U.S. Equal Employment Opportunity Commission, charge no. 840-2010-18533.*

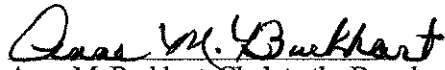
Following the mediation on March 17, 2011, Ms. Byerly accepted payment of \$52,289.60 as settlement of all claims and causes of action. The County agreed to not contest unemployment benefits if Ms. Byerly should apply for such. Ms. Byerly agreed to resign from employment. The County agreed to provide a neutral reference. Ms. Byerly agreed to not apply for reemployment with the County. (Exhibit 10)

L. ADJOURNMENT

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



Sam L. Watford, Chairman
Davidson County Board of Commissioners



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