

## MINUTES

May 13, 2008

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

### PRESENT

Commissioners: Vice Chairman Billy Joe Kepley, Larry Allen, Fred McClure, Don Truell, Dr. Max Walser, Sam Watford

County Manager Robert Hyatt Assistant County Manager Zeb M. Hanner, County Attorney Robert Hedrick, Paralegal to the County Debbie Harris, Purchasing Director Dwayne Childress, Finance Director Jane Kiker, Assistant Fire Marshall Brad Needham, Human Resources Director Jim Tysinger, DSS Staff Attorney Charles E. Frye III, IT Director Joel Hartley, Health Director Layton Long, Assistant Finance Director Kevin Davis, Day Reporting Director Angela Scott, Tax Department Supervisor Amy Jones, Finance Department Senior Accountant/Investment Officer Lorrie Cooper, Sheriff David Grice, Captain Tony Roberson, Tom Smith, Buck Yarbrough, Bill Pickett, Richard Ballentine, Gerald Sink, Gene Clump, Barney Hill, Jim Everhart, Sue Everhart, Winston-Salem Journal Reporter Michael Hewlett, and Dispatch Reporter Seth Stratton.

### A. CALL TO ORDER AND WELCOME

Vice Chairman Kepley called the meeting to order and welcomed guests.

### B. INVOCATION

The invocation was led by Commissioner Truell.

### C. PLEDGE OF ALLEGIANCE

### D. RECOGNITION

Vice Chairman Kepley recognized Natalie Dawn Charles and Katie Elizabeth Smith for being awarded teaching scholarships and Commissioner Walser presented checks to the individuals. The presentation of these scholarships brings the total number of recipients to 73.

On a motion to excuse Chairman Larry Potts from participation in this meeting by Commissioner McClure and a second by Commissioner Allen the Board voted unanimously 6-0 to excuse Chairman Potts from participation at this meeting.

E. REGISTER FOR PUBLIC ADDRESS

Vice Chairman Kepley noted the register for public address.

F. ADOPTION OF THE AGENDA

Commissioner Allen requested that an item be added under the deliberation section of the Agenda to review the Zoning Ordinance regarding junk and unlicensed cars on private property. Vice Chairman Kepley requested that an item be added under the deliberation section regarding complaints on Bud Sink Road. County Attorney Robert Hedrick requested that he would like to add the issue of handling claims to the Closed Session section of the Agenda. On a motion by Commissioner Truell and a second by Commissioner McClure the Board voted unanimously 6-0 to adopt the amended agenda. (Exhibit 1)

G. PUBLIC ADDRESS

There were two (2) individuals signed up to speak at Public Address.

Teresa Baker addressed the Board to present an update of the Denton Skate Park Committee and indicated that the Committee will be making a formal request and presentation at the May 27, 2008, meeting of the Davidson County Board of Commissioners.

Barney W. Hill addressed the Board regarding his opposition to funding of the HDR Water Supply Safe Yield Study and remarked that this Agenda item should be removed from the Consent Agenda and destroyed.

H. PUBLIC HEARING – Economic Incentive Grants

1. Diebold, Inc.

On a Motion by Commissioner Watford and a second by Commissioner McClure the Board voted unanimously 6-0 to open the public hearing to consider awarding an economic incentive grant to Diebold, Inc.

EDC Director Steve Googe addressed the Board and proposed that the Board of Commissioners approve an economic incentive grant to Diebold, Inc., in the amount of .0027 times the investment for expansion each year for five (5) years, provided the Company meets the requirements of the grant as to the new investment and jobs. The Company plans to invest a minimum of \$4,500,000.00 and a maximum of \$4,700,000.00 in the project, subject to depreciation, and maintain a minimum of 250 employees with an average wage in excess of the average wage of Davidson County. Commissioner Walser inquired of Mr. Googe if Diebold was requesting similar incentives from the City of Lexington and Mr. Googe responded

that there was a proposal made to the City of Lexington that was to be heard and voted on at the end of this month.

Barney W. Hill spoke during the public comment section of the Public Hearing and spoke in support of this economic development incentive.

On a motion by Commissioner Watford and a second by Commissioner Allen the Board voted unanimously 6-0 to close the public hearing.

On a motion by Commissioner Watford and a second by Commissioner Walser the Board voted unanimously 6-0 to grant the economic incentive grant to Diebold, Inc. (Exhibit 2)

2. Project Blount

On a Motion by Commissioner Watford and a second by Commissioner McClure the Board voted unanimously 6-0 to open the public hearing to consider awarding an economic incentive grant regarding Project Blount.

EDC Director Steve Googe addressed the Board and proposed that the Board of Commissioners approve an economic incentive grant for Project Blount in the amount not to exceed \$1,800,000.00 for grading the land for the Project and cash grants of \$125,000.00 in year one (2009), \$75,000.00 in year two (2010), and \$50,000.00 in year three (2011). The Company plans to invest \$173,000,000.00, subject to depreciation, for improvements and equipment to be placed on the land. Mr. Googe reported that this economic incentive grant is to build the largest solar farm in existence in the United States at this point in time, which would generate 21.5 megawatts of power. The business will employ approximately 80 employees during the construction phase and three full time employees once construction is completed. Ms. Googe further reported that he feels that this project, if located in Davidson County, would place Davidson County on the leading edge of technology. Commissioner Watford inquired into the amount of time it would take for the County to recoup its investment, to which Mr. Googe replied approximately three years. Commissioner Walser inquired into what the Company's obligation to the County would be if they sold out. Mr. Googe responded that a clause would be put into the economic incentive contract that the Company would reimburse the County for monies expended on their behalf should they sell prior to the expiration of the three year period of the contract.

Barney W. Hill spoke during the public comment section of the Public Hearing and spoke in opposition of this economic development incentive due to the structure and form of the request for the incentive.

On a motion by Commissioner McClure and a second by Commissioner Truell the Board voted unanimously 6-0 to close the public hearing.

On a motion by Commissioner Walser and a second by Commissioner McClure the Board voted unanimously 6-0 to grant the economic incentive grant. (Exhibit 2)

I. ITEMS FOR DECISION/INFORMATION

Consent

Commissioner Walser requested that Agenda Item I-2 be pulled from the Consent Agenda. On a motion by Commissioner Watford and a second by Commissioner McClure the Board voted 6-0 to approve the amended consent agenda.

1. Minutes

The Board approved the Minutes of April 22, 2008 and May 1, 2008 Board of Commissioners meeting. (Exhibit 3)

3. Declare Surplus Property

The Board approved declaring County property attached to this Exhibit as surplus property and authorize listing the items for sale on GovDeals. (Exhibit 5)

4. HDR Water Supply Safe Yield Study

The Board approved the execution of an Agreement with HDR by County Manager Robert Hyatt to conduct the Yield Study for the Water Supply Reservoir. (Exhibit 6)

5. Resolution of Intent to Reimburse

The Board voted to reimburse itself for the costs associated with the Northwest Sewer Project; the Midway Sewer Project; the South Central Sewer Project; and the Silver Valley Sewer Project. All of these projects are in progress, which complies with the Notice of Consent Orders for the school system. These projects will be grouped together as a single bank financing package in 2008 to receive a bank qualified interest rate. (Exhibit 7)

6. Pyrotechnics Permit

The Board approved the issuance of a pyrotechnics permit to Hale Artificer, Inc., for a fireworks display at the Hi-Toms baseball game on May 30, 2008. (Exhibit 8)

7. Reclassifications

The Board approved the request of David Rickard, Register of Deeds, for reclassification of a Register of Deeds, Deputy I position, Grade 58, to a Register of Deeds, Deputy II position, Grade 60. The Board further approved the request of Jim Tysinger, Human Resources Director, for reclassification of a Human Resources Technician II position, Grade 64, to a Human Resources Payroll Technician position, Grade 65. (Exhibit 9)

2. Budget Amendments

Commissioner Walser inquired of Assistant County Manager Zeb Hanner the reason for the reimbursements to the Wallburg and Holly Grove Volunteer Fire Departments. Mr. Hanner responded that the VFD's had excess tax collection over and above their original budgeted funds and were entitled to request the disbursement of these additional funds to be utilized by the respective Department.

After discussion regarding these two items from the Budget Amendments Commissioner Walser made a motion to approve Item I-2 of the Consent Agenda which was seconded by Commissioner Watford and unanimously approved 6-0. (Exhibit 4)

Deliberation

8. Proclamation – Motorcycle Safety Awareness Month

The Motorcycle Safety Awareness Month Proclamation was read by Jim Everhart, Legislative Coordinator for the Davidson County Safe Biker Association, and his wife Sue. On a motion by Commissioner Walser and a second by Commissioner McClure the Board voted unanimously 6-0 to proclaim the month of May, 2008, as Motorcycle Safety Month in Davidson County. (Exhibit 10)

9. Proclamation – Mental Health Month

The Mental Health Month Proclamation was read by Bill Pickett, Administrative Assistant to the Davidson County Mental Health Association. On a motion by Commissioner McClure and a second by Commissioner Truell the Board voted unanimously 6-0 to proclaim the month of May, 2008, as Mental Health Month in Davidson County. (Exhibit 11)

10. Resolutions – Naming of Highways in Honor of Outstanding Citizens

County Manager Robert Hyatt requested that the Board enter into resolutions naming portions of I-85 after Bob Timberlake and Richard Childress. During the discussion of this matter the question was asked of who requested that these resolutions be entered into. Mr. Hyatt responded that Representative Hugh Holliman had made the requests and that the resolutions entered into by the Board was only one step in the process with NCDOT, but that the Board must make their recommendation before it could be formally entertained by the Department of Transportation. Commissioners Walser, Watford and Allen all commented on the fact that there are many deserving citizens in Davidson County to bestow this honor upon, and that it may be a good idea for the County to look into establishing a procedure/protocol regarding this issue.

On a motion by Commissioner Truell and a second by Commissioner Watford the Board voted unanimously 6-0 to adopt a resolution requesting and recommending that the North Carolina Department of Transportation name portions of Interstate Highway 85 in honor of Bob Timberlake. (Exhibit 12)

On a motion by Commissioner Allen and a second by Commissioner McClure the Board voted unanimously 6-0 to adopt a resolution requesting and recommending that the North Carolina Department of Transportation name portions of Interstate Highway 85 in honor of Richard Childress. (Exhibit 12)

11. Resolution – Workforce Investment Act by Buck Yarbrough

The Workforce Investment Act Resolution was read by Buck Yarbrough, Chairman of the Board of Davidson Works, Inc. On a motion by Commissioner Walser and a second by Commissioner Truell the Board voted unanimously 6-0 to adopt a resolution in favor of opposing further reductions or rescissions to the Workforce Investment Act and seeking to reinstate Federal WIA formula funding in the same range as the initial funding level for states in Program Year 2002. (Exhibit 13)

12. Resolution to set Public Hearing for Sewer Project Financing by Jane Kiker, Finance Director

After a brief presentation by Jane Kiker, Finance Director, regarding the necessity of scheduling a public hearing in this matter and on a motion by Commissioner McClure and a second by Commissioner Watford the Board voted unanimously 6-0 to adopt a resolution authorizing the negotiation of an installment financing contract and directed the publication of a notice of public hearing, scheduling such

hearing for Tuesday June 10, 2007, at 7:00 p.m., as required by the LGC for the financing of the Midway, South Central, Silver Valley and Northwest School Sewer projects. (Exhibit 14)

12a. Bud Sink Road Complaints by Vice Chairman Billy Joe Kepley

Vice Chairman Kepley presented the nature of the citizen complaint in this matter and added that due to the increase in the value of metals, the demand for the services of Pugh Auto Crushing and Metal Recycling has increased dramatically. As this has transpired, there have been issues of metal not being restrained and falling off of vehicles as well as increased vehicle traffic on the small road creating congestion issues. Sheriff David Grice presented each Commissioner with an informational report (Exhibit 15) which explains the criteria for these types of facilities in Davidson County. Planning Director Guy Cornman presented additional information regarding Pugh Auto Crushing and acknowledged that his department started receiving complaints approximately 30 days ago. (Exhibit 16) He further reported that a new traffic pattern has been devised and that Mr. Pugh is in the process of applying for modification of his Conditional Use Permit. This application will be brought to the Planning Board for approval and then a recommendation will be submitted to the Board of Commissioners. The NCDOT is proposing trying to collect all of the vehicles onto the Pugh property. Director Cornman reminded the Board that the hearing will be under quazi-jurisdictional proceedings when brought before the Board, that this evening is not the proper avenue for a hearing regarding this matter, and that this presentation was merely a tool to make the Board of Commissioners aware of the complaints/circumstances that exist in this area. Vice Chairman Kepley suggested that the neighborhood try to schedule a meeting to get together in an attempt to come to a mutual consensus of what can and needs to be done; that there was much misinformation regarding this issue and he felt that if a dialogue could be started it would make a difference while the procedure is being worked through in the Planning Department.

13. Animal Control Services for the Town of Denton by Robert Hyatt, County Manager

County Manager Robert Hyatt provided information to the Board regarding the services which have been provided by the Sheriff's Department to the Town of Denton in the area of animal control. Mr. Hyatt reported that these services have been successful and feels that it is a good process that needs to be continued. Further, that an agreement between the Sheriff's Department and the Town of Denton should be drafted and brought back before the Board for approval once drafted. On a motion by Commissioner Watford and a second by Commissioner McClure the Board voted unanimously 6-0 to authorize that the

County Attorney draft an Agreement with the Town of Denton for the Sheriff's Department continuing to provide animal control services to the Town of Denton, with such Agreement being brought back before the Board for approval. (Exhibit 17)

14. Davidson County Sheriff's Department Mutual Assistance Agreements by Robert C. Hedrick, County Attorney

County Attorney Robert Hedrick and Sheriff David Grice requested that the Sheriff be authorized to enter into Mutual Assistance Agreements, when deemed necessary, to assist other law enforcement agencies in their jurisdiction or to be assisted in our jurisdiction by other law enforcement agencies. A need is anticipated for such agreements with other law enforcement agencies in the future. One specific incident of the need for this type of Agreement was when other law enforcement agencies call for K-9 assistance. Mr. Hedrick reported that the execution of these Agreements has been recommended by the Attorney General's Office. Sheriff Grice reported that it is a two step process in that both law enforcement entities must sign the Agreement. On a motion by Commissioner McClure and a second by Commissioner Truell the Board voted unanimously 6-0 to adopt a resolution authorizing the Sheriff of Davidson County to execute Mutual Assistance Agreements on behalf of Davidson County. (Exhibit 17A)

15. Banking Services Bid Award by Dwayne Childress, Purchasing Director

Purchasing Director Dwayne Childress provided an overview of the information contained in the Agenda Packet and addressed the Board regarding the decision to recommend BB&T as the financial institution to have the banking services bid award. Commissioner Walser requested that County Manager Robert Hyatt make his position known. Mr. Hyatt reported that he fully backs the Committee in their recommendations; that Davidson County allows open competition in all other avenues, but have until now, not done so in the banking industry. Further, taking into consideration all of the information provided, BB&T has the best level of potential performance for the County. When asked, Dwayne Childress replied that the contract would be a five year contract – four years with a one year option. Commissioner McClure inquired into the fairness to all responders of the process. Mr. Hyatt responded that this was a very tedious process to establish, interview and for proposal presentation. Due to the exhaustive process that had been completed he felt at the Committee had chosen the best bank to service all of Davidson County's needs within the next several years. Assistant Finance Director Kevin Davis addressed the Board regarding his sentiments in recommending the change in financial institutions. Tax Department Supervisor Amy Jones



also addressed the Board regarding her recommendations and reasoning behind the recommendations, as did Assistant County Manager Zeb Hanner. It was discussed that there were several factors that were taken into account during the process and what set BB&T apart from the other financial institutions was the additional services they have the capability of offering, that were not offered by the other institutions. It was reported that BB&T could offer more advanced technological services that when utilized would ultimately make Davidson County more efficient. Commissioner Walser added that as Davidson County makes a point of hiring the best possible minds and that these individuals were on the Committee, it would be a slap in the face of these individuals if we did not take their advice on this issue, as it was their area of expertise. On a motion by Commissioner Truell and a second by Commissioner McClure the Board voted 5-1 to approve the initiation of contract negotiations with BB&T to be utilized as the financial institution for all Banking Services for the County, with Vice Chairman Kepley voting "No." (Exhibit 18)

16. Appointments

After a brief discussion regarding the appointments a vote was taken. On a motion by Commissioner Walser and a second by Commissioner McClure the Board voted unanimously 6-0 to appoint James Wikle to the Adult Care Home Community Advisory Committee. (Exhibit 19)

On a motion by Commissioner McClure and a second by Commissioner Walser the Board voted unanimously 6-0 to appoint Blair Crouse, Wayne Wilkins, Nolan Smith, Dawn Titus, Darren Brock, Mark Cauble, Steve Yokley, Ed Jordan and Jim Davis to the Land Development Plan Update Steering Committee. (Exhibit 19)

16a. Zoning Ordinance Review by Commissioner Larry Allen

Commissioner Allen proposed that he would like for Planning and Zoning Staff and possibly the County Attorney, along with the District Attorney review the current Zoning Ordinance to come up with a proposal that would provide the County and the Court with more authority, possibly in the form of penalties, to ensure compliance with the Ordinance. On a motion by Commissioner Allen and a second by Commissioner Watford the Board voted unanimously 6-0 to direct that the Planning and Zoning Staff, the County Attorney and the District Attorney meet to discuss a proposed amendment to the current Zoning Ordinance with regard to penalties and enforcement.

17. Presentation of Recommended 2008-2009 Davidson County Fiscal Year Budget by Robert Hyatt, County Manager

County Manager Robert Hyatt presented the highlights of the Budget Message. Reasons for increases in some sections and decreases in other sections were discussed. On a motion by Commissioner Truell and a second by Commissioner Watford the Board voted unanimously 6-0 to approve setting a public hearing regarding the budget for May 27, 2008, at 7:00 p.m. (Exhibit 20)

J. CLOSED SESSION- Real Estate and Economic Development

On a motion by Commissioner McClure and a second by Commissioner Allen the Board voted unanimously 6-0 to go into Closed Session for issues of personnel and the handling of claims

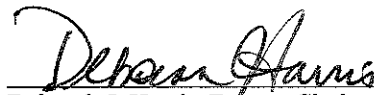
RETURN TO OPEN SESSION


On a motion by Commissioner McClure and a second by Commissioner Truell the Board voted unanimously 6-0 to return to Open Session.

Robert Hyatt, County Manager, reported that the Board discussed a personnel issue and the need for the appointment of a Deputy Clerk to the Board of Commissioners. On a motion by Commissioner Allen and a second by Commissioner McClure the Board voted unanimously to appoint Debbie Harris to the position of Deputy Clerk to the Board of Commissioners.

K. ADJOURNMENT

On a motion by Commissioner Allen and a second by Commissioner McClure the Board voted unanimously 6-0 to adjourn.

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

  
Billy Joe Kepley, Vice Chairman  
Davidson County Board of Commissioners