

**MINUTES**  
**April 13, 2010**

The Davidson County Board of Commissioners met at 7:00 PM on Tuesday, April 13, 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, Fred McClure, Larry Potts, Don Truell

County Manager Robert Hyatt, Assistant County Manager Zeb Hanner, County Attorney Chuck Frye, Clerk to the Board Anne Burkhart, Finance Director Jane Kiker, Purchasing Director Dwayne Childress, Human Resources Director Jim Tysinger, Planning and Zoning Director Guy Cornman. Emergency Services Director Doug Lowe, Public Works and Services Rex Buck, Integrated Solid Waste Director Charlie Brushwood, TRIP Director William Deal, Tax Administrator Joe Silver

ABSENT

Commissioner Billy Joe Kepley was absent due to illness.

On a motion by Commissioner Potts and a second by Commissioner Truell the Board voted 6-0 to excuse Commissioner Kepley.

A. CALL TO ORDER AND WELCOME

Chairman Walser called the meeting to order and welcomed guests.

B. INVOCATION

Commissioner Fred McClure

C. PLEDGE OF ALLEGIANCE

D. RECOGNITION

Chairman Walser recognized Dr. Lee Jessup, who presented the United Way's Donna Black Award to Davidson County for first place in contributions. Dr. Jessup recognized Jim Tysinger and the Davidson County employees who worked on the campaign. Jim Tysinger thanked the Board for allowing the employees to take the time to participate.

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 Vice Chairman Watford the Board voted 6-0 to adopt the agenda with additions:

J.5. Wil-Cox Bridge by Commissioner Larry Potts

J.6. Resolution of Opposing House Bill 813 (Comparative Fault)

Closed Session for Economic Development by Steve Googe (Exhibit 1)

G. PUBLIC ADDRESS

Barney Hill expressed concerns with the amount in the County's fund balance.

Randy Vaughn, a resident of Bud Sink Road, addressed the Board concerning the Pugh's business traffic, noise, and scrap hauling. He advocated that the Pugh business pursue other property for operation of their business and the County could perhaps offer assistance with an incentive.

Marlyce Vaughn expressed concerns with the Pugh Recycling operation on Bud Sink Road.

Allen Bunton spoke with concerns about the Pugh's business involving the volume of the noise, and the deterioration to Bud Sink Road.

Angie Jones addressed the Board with concerns for her parents, Mr. and Mrs. Bunton, due to the pollution from the Pugh's business traffic. She noted that her mother has asthma and she is very concerned for her health.

Parker McLendon spoke in support of the statements by the Vaughns and the Buntons. He noted that the roads are in bad shape due to the 18-wheeler trucks.

Chairman Walser invited Guy Cornman to respond.

Guy Cornman responded that the Planning and Zoning Department are monitoring the area weekly. Mr. Cornman further responded that NC Department of Transportation is responsible for the roads

and the County has no control over the traffic on the roads. Mr. Cornman stated that the operation is Monday through Saturday 7:30 AM to 5:30 PM for employees and 8:00 AM to 5:00 PM for customers.

Lois Bunton expressed her opposition and dismay with the noise.

Chairman Walser asked that the Planning and Zoning Staff visit and study the situation and report back to the Board.

#### H. PUBLIC HEARINGS

1. Community Development Block Grant (CDBG) Infrastructure Grant

Attorney Chuck Frye asked that the public hearing be rescheduled to April 27, 2010 to allow proper notice.

On a motion by Commissioner Potts and a second by Commissioner Truell the Board voted 6-0 to move the public hearing for the CDBG Infrastructure Grant application to April 27, 2010. (Exhibit 2)

2. Acquisition of Real Property for the Davidson County Board of Education

On a motion by Commissioner Potts and a second by Commissioner Truell , the Board voted 6-0 to open the public hearing on the acquisition of property located on Midway School Road containing 133.1 Acres which is presently owned by Michael A. Long and Patricia F. Long for use by the Davidson County Board of Education.

Robert Bates, a North Davidson Advisory Council representative and parent, spoke in support of new construction and the purchase of the land.

Jean Leonard spoke with concerns about the traffic and addition homes in area.

Wally Jackard, President of North Davidson Middle School Advisory Council, spoke with concerns about the crowding at the Middle School and High School.

Jack Cox spoke with concerns about the Ledford High and Ledford Middle School over-crowding.

Barney Hill spoke in opposition to the acquisition of the property.

On a motion by Commissioner McClure and a second by Vice Chairman Watford the Board voted 6-0 to close the public hearing.

On a motion by Commissioner Truell and a second Commissioner Dunn the Board voted 6-0 to adopt Resolution for acquisition of property located on Midway School Road containing 133.1 Acres which is presently owned by Michael A. Long and Patricia F. Long for use by the Davidson County Board of Education. (Exhibit 3)

#### I. ITEMS FOR DECISION/INFORMATION

##### Consent

On a motion by Vice Chairman Watford and a second by Commissioner Truell the Board voted 6-0 to approve the consent agenda with the removal of I.2.c. and I.4.

##### 1. Minutes

The Board approved the minutes of March 23, 2010 and April 1, 2010

Commissioners' meetings and the March 1, 2010 Planning and Zoning Public Hearing.

##### 2. Budget Amendments by Zeb Hanner, Assistant County Manager

The Board approved budget amendments for Public Works, Health, Tyro Fire Department, Cooperative Extension Services, Finance for Handy Sanitary District, County Manager, Tax, Garage, Sheriff's Office, and Library. (Exhibit 4)

3. Davidson County Employee Health Insurance/Voluntary Health Related Benefits by Jim Tysinger, Human Resources Director

The Board approved the renewal plan for Davidson County Health Insurance and Voluntary Health Related Benefits. (Exhibit 5)

5. Auctioning Services by Dwayne Childress, Purchasing Director

The Board approved the award of the two-year auction service contract to Dave's Auction Company. (Exhibit 6)

6. Declare Items Surplus – Light Fixtures & Horizontal Bailer by Dwayne Childress, Purchasing Director

The Board approved the sale of surplus light fixtures at the Cecil School facility and the surplus Max Pack Horizontal Bailer at the Landfill to be sold on Gov Deals after proper advertising with the cost at 7.5% of sale price plus advertising expense. (Exhibit 7)

7. Declare Items Listed Surplus & Set Date of Sale & Grant Authority to Add Items to the List as Needed & Cover Advertising by Dwayne Childress, Purchasing Director

The Board declared the miscellaneous items and vehicles as surplus, set May 15, 2010 as the date of sale, and granted authority to add minor items to the list as needed and the cost of advertising.

(Exhibit 8)

8. Declare Real Property surplus & Approve Procedure for Selling by Dwayne Childress, Purchasing Director

The Board declared the property next to the Bulk Storage business as surplus and approved the procedure for selling at \$4,500.00. (Exhibit 9)

9. Reclassification by Jim Tysinger, Human Resources Director

The Board approved the reclassification of one part-time position (Senior Activities Director) to full-time. (Exhibit 10)

10. Street Additions by Guy Corman, Planning and Zoning Director

The Board approved the additions of Rainy Day Court, Sugarberry Court, and Mayberry Street in the Brushy Creek Subdivision in Midway Township and Scott Drive in N. Oakwood Acres Subdivision in Lexington Township for addition to the NC Secondary Road System for maintenance and adopted the SR 2 Resolutions supporting the additions. (Exhibit 11)

11. Reappointments

The board approved the reappointments of Scott McLaughlin to the Davidson County Community Action Board and Evelyn Kepley and Mary Michael to the Davidson County Planning Committee for Services to the Elderly. (Exhibit 12)

J. ITEMS FOR DECISION/INFORMATION

*Deliberation*

2.c. Budget Amendment for Health Department by Zeb Hanner, Assistant County Manager

On a motion by Commissioner Potts and a second by Commissioner Dunn

the Board voted 6-0 to approve the budget amendment for the Health Department for a line item transfer from Contracted Services to Equipment of \$41,000 to be used for purchase of a commercial refrigerator for vaccines and radios. (See Exhibit 4)

4. Conveyance of Personal Property to Lexington City Schools by Dwayne Childress, Purchasing Director

On a motion by Commissioner Truell and a second by Commissioner McClure the Board voted 5-1 to declare items as surplus (from Davidson Academy facility) and convey the property to Lexington City Schools to enable the continuation of work in the community; Commissioner Potts voted “No.” (Exhibit 6)

1. Schedule Public Hearing for Hazardous Mitigation Plan by Guy Cornman, Planning and Zoning Director

On a motion by Commissioner Potts and a second by Commissioner McClure, the Board voted 6-0 to schedule a public hearing to receive public comment on the final draft plan of the Multi-jurisdictional Hazardous Mitigation Plan for May 3, 2010, 7:00 P.M. in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina. (Exhibit 13)

2. Contract Award of Pilot Community Sanitary Sewer District Sewer Repair by Dwayne Childress, Purchasing Director

Dwayne Childress introduced Mark Wright, Engineer on the project. Mr. Wright noted that four bids were received on the project. He noted that the engineering certifications are in process.

On a motion by Commissioner McClure and a second by Commissioner Truell the Board voted 6-0 to award the contract for the Pilot Community Sanitary Sewer District Sewer repair to the low bidder, H&C Utilities, at \$100,437.93. (Exhibit 14)

3. Purchase of Real Property for EMS Base by Chuck Frye, County Attorney

On a motion by Commissioner Potts and a second by Commissioner Dunn the Board voted 6-0 to approve the request for purchase of certain real property in the North Davidson area (Arcadia Community \$27,500, owned by Mrs. Judy Hartman) to build a replacement EMS Base that will serve the Arcadia, Welcome, Midway and Clemmons areas and adopt a Resolution to that effect. (Exhibit 15)

4. Update on Clean-up Efforts – March 28, 2010 Tornado by Robert Hyatt, County Manager

Robert Hyatt apprised the Board of the progress made in clean-up efforts after the March 28, 2010 tornado. Mr. Hyatt noted that a private business owner volunteered to assist with removal of debris and

has hauled away 26.4 tons and asked that the fees be waived. On a motion by Commissioner Potts and second by Commissioner Truell, the Board approved 6-0 to waive the fees.

5. Wil-Cox Bridge by Commissioner Larry Potts

Commissioner Potts questioned the news of the deterioration and closing of the Wil-Cox Bridge recently following the agreement with Davidson County for acceptance of the bridge.

Chairman Walser stated that Pat Ivey, District Engineer for NCDOT, has said that the County will be consulted before any repair is made to the recently identified deterioration of the structure and funding for the repair to that deterioration would not be a part of the funds agreed upon for Davidson County's acceptance of the bridge.

6. Resolution House Bill 813 by Commissioner Fred McClure

On a motion by Commissioner McClure and a second by Commissioner Truell the Board voted 6-0 to adopt the Resolution Opposing Comparative Fault (House Bill 813) with a change in the first paragraph of wording from *contributory faults* to *contributory negligence*. (Exhibit 16)

K. CLOSED SESSION – Real Estate and Economic Development

On a motion by Commissioner Potts and a second by Commissioner McClure the Board voted 6-0 to go into Closed Session for matters of Real Estate and Economic Development.

RETURN TO OPEN SESSION

On a motion by Commissioner McClure and a second by Vice Chairman Watford the Board voted 6-0 to return to Open Session.

County Attorney Chuck Frye reported discussion Real Estate and Economic Development matters in Closed Session with no action taken. He noted that the agenda needs to be amended to allow the Board to call for a public hearing.

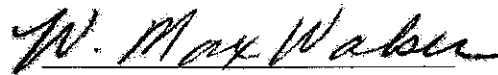
On a motion by Commissioner Potts and a second by Commissioner Truell the Board voted 6-0 to amend the agenda to schedule two public hearings.

Steve Googe requested that the Board call for a public hearing to receive public comment on the offer of an economic development incentive of .0027 x company' investment to Project Heel and an offer of an economic development incentive of .0027 x company's investment to Project SI for May 11, 2010, at 7:00 PM, in the Commissioners' Meeting Room, Governmental Center, 913 Greensboro Street, Lexington, North Carolina.

On a motion by Vice Chairman Watford and a second by Commissioner Dunn the Board voted 6-0 to call for public hearings on May 11, 2010 to receive public comments on the offers of economic development incentives to Project Heel and Project SI.

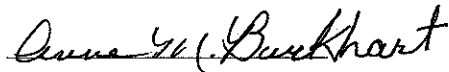
L. ADJOURNMENT

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



W. Max Walser, Chairman

Davidson County Board of Commissioners



Anne M. Burkhart, Clerk to the Board

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