

**YADKIN COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MINUTES**  
**Monday, February 15, 2010**

The Yadkin County Board of Commissioners met in Regular Session on Monday, February 15, 2010, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, North Carolina.

**Present were:**

Chairman Chad Wagoner  
Vice Chairman Kevin Austin  
Commissioner Tommy Garner  
Commissioner David Moxley  
Commissioner Brady Wooten

**Staff present:** County Attorney, James Graham; Interim Manager, Jim Haynes; Deputy Manager, Aaron Church; and Clerk to the Board, Gina Brown.

**CALL TO ORDER** by Chairman Wagoner at 7:00pm.

**INVOCATION** led by James Graham.

**PLEDGE OF ALLEGIANCE** led by Chairman Wagoner.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

**Vice Chairman Austin made a motion to approve the agenda as presented.**

**Commissioner Garner second.**

**Vote: 5/0**

**PUBLIC COMMENTS**

The floor was open for public comment at 7:04 pm.

Diane Doub of East Bend stated that she continues to study and work through various animal issues and complaints. Ms. Doub thanked Chairman Wagoner for his honesty in stating "I don't know" in reference to a solution to the animal abuse and neglect issues that have been presented in the last couple of weeks. Ms. Doub also thanked the Board for being receptive to her concerns and thanked those citizens that share her concern for animal welfare. Ms. Doub reported that on one Sunday afternoon, she observed a small child and 2 pit bulls walking alongside Highway 67 in Forsyth County. Since there was no adult in sight, Ms. Doub stopped her vehicle to provide for the safety of the child until the proper authorities arrived. Ms. Doub hopes this illustrates that her heart is capable of caring for anyone or any beast. Ms. Doub

stated that nothing would deter her effort. Further, Ms. Doub hopes that someday Yadkin County will have the heart to promote “education, legislation, and sterilization.”

Alice Singh of East Bend reported that as of today she had made 5 requests for public documents that she is yet to receive. Ms. Singh had been informed that there was one document outstanding and that the request would be provided once the outstanding document was available. Ms. Singh also provided each Board member with the recent amendment to NCGS 130A-192 regarding certain changes in policies and procedures at all North Carolina animal control facilities. Ms. Singh noted that these changes are effective as of January 1, 2010.

Allen Sneed of Yadkinville presented a copy of the statute that states real and personal property for religious purposes is not subject to tax. Churches and parsonages are tax exempt yet Yadkin County has been taxing at least 1 church for 3 years. Mr. Sneed also presented documentation of his property tax history. Mr. Sneed stated that his property tax had increased each year for 5 consecutive years. Mr. Sneed noted that his tax amount was \$1649.36. Mr. Sneed stated that he always pays his taxes early in order to receive the 2% discount. However, the \$34.19 discount was added to the total rather than subtracted and then repeated for a second time the following year. Mr. Sneed commented that there is an element of trust between the people and County services. Mr. Sneed indicated that others may be experiencing errors just as he.

The public comments portion of the meeting closed at 7:12pm.

### **APPROVAL OF MINUTES**

Chairman Wagoner requested the following adjustment:  
Page 30, 2<sup>nd</sup> line: should read “...in his own position.”

Vice Chairman Austin requested the following adjustment:  
Page 13, next to last line: should read “...any potential for the perception of bias should be avoided.”

**Commissioner Wooten made a motion to approve the February 1, 2010 Regular Meeting Minutes and February 1, 2010 Closed Session Minutes with noted adjustments.**

**Commissioner Moxley second.**

**Vote: 5/0**

### **PUBLIC HEARING**

(1) Public Hearing: Proposal from HMC for Purchase of Hoots Hospital

Chairman Wagoner opened the public hearing on the proposal from HMC for the purchase of Hoots Memorial Hospital at 7:15pm.

Gordon Docking, Chief Operating Officer for HMC, appeared before the Board. Mr. Docking introduced other HMC staff; Dennis Davis, Chief Legal Officer; Jeff Judd, Vice President of Regional Operations; Ted Chapin, Chief Administrator of Hoots Hospital; along with other hospital personnel. Mr. Docking provided a PowerPoint presentation of the HMC proposal.

The highlights of the presentation are as follows:

- HMC specializes in critical access hospitals. Critical access is a designation by Medicare that includes no more than 25 beds and is located in a rural area. Currently, there are 25 critical access hospitals in the U.S.
- The mission of HMC is to develop the premiere network of critical access hospitals. The vision is to construct a total of 40 hospitals that meet this designation. Thus far, HMC has established 12 with 15 others in some stage of development.
- The model for HMC is to assume management of an old hospital that may be financially challenged and in need of replacement. Once the hospital is acquired, it will be replaced with a new structure at a cost of \$12-15 million.
- The presentation included slides of potential hospital designs.
- The new facility would be equipped with modern technology and have up to 25 private inpatient rooms.
- Outpatient facilities and day services are an important component of a critical access hospital. These offices would outline the perimeter of the facility.
- HMC is offering \$1.6 million for the hospital and all liabilities with the exception of an existing debt with Diamond Healthcare.
- HMC will replace the current hospital within 5 years at an investment of \$12-15 million. The time frame for new construction will be largely determined by the Certificate of Need process.
- HMC is currently in sensitive negotiations for land to construct a new hospital.
- If HMC is successful in acquiring Hoots Hospital, a strategic plan will be developed with a focus on demographics, market share, and growth. There will also be a staff development plan and an advisory board will be established.
- Since HMC assumed the management of Hoots Hospital in April 2009:
  - Ted Chapin was named CEO.
  - The hospital has attained financial stability.
  - New computer systems have been installed that will improve medical record-keeping.
  - Group purchasing and vendor relationships have been established as well as a new relationship with Novant Health.
  - The business office is being maintained independently.
  - The hospital has experienced a major culture change which includes a Standard of Behavior document for all employees.
  - The hospital successfully completed a joint commission survey.

Mr. Docking completed his presentation stating that HMC is committed to providing quality and safe patient care for the citizens of Yadkin County and the surrounding area.

Attorney Graham noted that the \$1.6 million is for the hospital only and does not include the real estate.

Commissioner Wooten asked how many beds HMC plans for the new facility. Mr. Docking stated that the current hospital has 22 beds. In his best assumption, Mr. Docking believes that

the new facility will be approved for 15 beds. There was a question regarding the name of the new hospital. Mr. Docking stated that the name would change. Generally, all HMC properties are named relative to the community. It was also asked if the hospital could be expanded if the 15 beds were consistently in use. Mr. Docking remarked that the hospital will be designed such that expansion can be accomplished without a great deal of difficulty.

Mitzi Crawford of East Bend stated that she supports the sell of the hospital. Mrs. Crawford would like to see the current programs continue. Particularly, Mrs. Crawford stated that the respiratory program has allowed her husband to have a better quality of life and will enable him to live longer.

Elizabeth Winebarger of Forsyth County stated that she is a patient of the pulmonary rehabilitation maintenance program of Hoots Hospital. Ms. Winebarger stated that this program has helped her tremendously and feels that the sell of the hospital will enable this program to continue.

The public hearing on the proposal from HMC for the purchase of Hoots Memorial Hospital closed at 7:36pm.

Chairman Wagoner commented that the public hearing is one step in the process of the sell. The Board will evaluate the proposal from HMC and will determine the next step in the process.

(2) Public Hearing: Zoning Map Amendment Parcel #4876954211

Christopher Ong, Director of Planning and Development, appeared before the Board to present data for the rezoning request of Daniel and Angelita Vargas for 0.736 acres located off of Buxton Road from RA to CB-CD. Mr. Ong provided addendums to the documents already supplied in the agenda packet. Mr. Ong reported that the property owners intend to extend an existing barn by 15' in order to operate a vehicle repair shop. The area is primarily agricultural, low density, and residential. Applicants have been made aware that the entire structure must meet current codes. The applicants must further request a variance from the Board of Adjustment for the site plan.

Chairman Wagoner opened the public hearing on this rezoning matter at 7:45pm.

Martha Holden of Yadkinville appeared before the Board opposing the rezoning request. Mrs. Holden stated that she and her mother, Francis Branon, have property that adjoins the property for rezoning. Mrs. Holden stated that the area is surrounded by farmland. The building to be converted into a vehicle repair shop is actually a 50 year old grainery on the farm in which she grew up. The neighbors fear increased traffic on the dead-end road and fear that their property values will decrease as a result. Further, Mrs. Holden stated that she and her family are concerned that this will not be a legitimate business and may actually become a junkyard.

Mr. Ong had received a telephone call from neighboring property owners that were unable to attend the public hearing. As an impartial representative of Jane White, Mr. Ong stated that Ms. White's concerns are for the safety of the neighborhood and children playing in the area. Ms. White is also concerned for the increased traffic as there is no thru-road. Similarly, Wayne Fife expressed concerns for the gravel drive on the access easement.

The Public Hearing for this rezoning matter closed at 7:50pm.

Commissioner Garner asked for additional information on conditional rezoning. Mr. Ong explained that the applicant would be held strictly to the proposed use and must operate according to the submitted plans. Commissioner Moxley asked what options the applicant would have if the rezoning request was denied. Mr. Ong reported that there are a number of options; one of which is to return to the Planning Board for additional work and more creative design. Mr. Ong pointed out that the applicant must appear before the Board of Adjustment for a variance regardless of tonight's decision. After some discussion, the Board agreed to postpone the decision on this rezoning request until the applicant has appeared before the Board of Adjustment and met any additional requirements.

## **BOARD APPOINTMENTS**

Mr. Ong addressed the Board regarding appointments to the Land Use Plan Committee. Mr. Ong provided a revised list of applicants. Though there are 19 applicants, there remain 3 townships without representation. Mr. Ong would like to continue to receive applications and asked the Board to postpone these appointments for a future meeting. The Board agreed to readdress this issue at the March 15, 2010 regular meeting. Commissioner Garner suggested that Mr. Ong contact Gilbert Hemric or Van Hemric. Vice Chairman Austin noted that Van Hemric serves on the Soil and Water Board and would be a great choice for the Land Use Plan Committee.

## **BOARD ACTION**

- (1) **RESOLUTION TO DECLARE MARCH 2010 ABANDONED CEMETERIES AWARENESS MONTH**

**Andrew Mackie**, representing the Yadkin County Historical Society, addressed the Board on abandoned cemeteries and their value to the heritage of Yadkin County. Mr. Mackie explained that "abandoned" did not refer to neglect; it was a term indicating that there had been no burials in the cemetery for a period of 50 years. The North Carolina General Assembly has established that abandoned cemeteries become the property of the County and that the County has the responsibility to maintain these cemeteries. Based on the number of abandoned cemeteries identified in the Forbush area, there is an estimate of 600 abandoned cemeteries throughout the County. North Carolina General Statutes also require that a record of those cemeteries be established in the Register of Deeds Office. Yadkin County has a preliminary record and continues to update as new information is available. Currently, Yadkin County has

a cemeteries maintenance fund held in the Clerk of Court's office. Chairman Wagoner asked if citizens were receptive to researchers on their property. Mr. Mackie stated that most have been very receptive. Vice Chairman Austin asked how the committee determined what area to research first and what area to research next. Mr. Mackie stated that the South Buck Shoals area will be researched next and it is generally based on phone calls he receives.

**Yadkin County**

**Administrative Offices**

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**Jim Graham, County Attorney**

**Jim Haynes, Interim Manager**

**Aaron Church, Deputy Manager**

**Gina Brown, Clerk to the Board**

**C. Chad Wagoner, Chairman of Board**

**Kevin Austin, Vice Chairman**

**Tommy Garner, Commissioner**

**David Moxley, Commissioner**

**Brady Wooten, Commissioner**

**A RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS  
TO DECLARE MARCH 2010  
ABANDONED CEMETERIES AWARENESS MONTH**

**WHEREAS**, the abandoned cemeteries of Yadkin County constitute a valuable part of the County's cultural heritage; and

**WHEREAS**, an abandoned cemetery is defined as not having had a burial in over 50 years, and there are approximately 600 abandoned cemeteries in Yadkin County; and

**WHEREAS**, the NC General Assembly has directed every county in North Carolina to assume responsibility for the protection of its abandoned cemeteries and to establish a record of said cemeteries in the Office of the Register of Deeds, which has been established in the Yadkin County Register of Deeds, and that each county should establish a cemetery maintenance fund in the Office of the Clerk of Court, which has been established in Yadkin County; and

**WHEREAS**, while some of these cemeteries are maintained by the citizens of Yadkin County and other surrounding counties, most are not maintained and are subject to desecration and destruction; and

**WHEREAS**, Carl C. Hoots made an initial survey of cemeteries in Yadkin County and published a record of the same in 1987, and the Yadkin County Historical Society, Inc. is now updating that work,

**NOW, THEREFORE, BE IT RESOLVED** that the abandoned cemeteries of Yadkin County constitute a valuable part of Yadkin County's cultural heritage. The maintenance of these cemeteries by citizens in and out of the County is appreciated, and the desecration and destruction of said cemeteries is deplorable and illegal. The efforts of Carl C. Hoots and the Yadkin County Historical Society, Inc. to locate these cemeteries and record them is appreciated, and the property owners in the County are encouraged to record these cemeteries on the deeds of their properties.

**BE IT FURTHER RESOLVED** that March 2010 be declared Abandoned Cemetery Awareness Month in Yadkin County.

**Adopted by the Yadkin County Board of Commissioners on the 15<sup>th</sup> day of February, 2010.**

s/ C. Chad Wagoner  
C. Chad Wagoner, Chairman  
Yadkin County Board of Commissioners

ATTEST: s/ Gina H. Brown  
Gina Brown, Clerk to the Board

**Vice Chairman Austin made a motion to approve the RESOLUTION TO DECLARE MARCH 2010 ABANDONED CEMETERIES AWARENESS MONTH.**

**Commissioner Moxley second.**

**Vote: 5/0**

In addition, Mr. Mackie introduced information regarding the Yadkin River Heritage Corridor Partnership. Mr. Mackie stated that the partnership intends to apply for a \$250,000 grant from the N.C. Rural Center. The grant will require a 20% match to be divided between the partners of Caldwell, Wilkes, Surry, and Yadkin counties. The Yadkin County portion will be \$5000. Chairman Wagoner suggested that this discussion be concluded during the budget sessions. On a side note, Mr. Mackie reported that Christopher Ong will be joining the committee and welcomed any other participants. Commissioner Moxley stated he would be willing to participate and to let him know of the meeting dates and times.

(2) Advertisement of Tax Liens

Interim Manager Haynes reported on this issue in the absence of Tax Administrator, Phyllis Adams. Mr. Haynes reported that property tax collections are down 0.67% from this time last year. Commissioner Garner asked if lowering the tax rate would help increase collections. Mr. Haynes surmised that the economy is the biggest factor in the collection rates. Mr. Haynes noted the Advertisement of Tax Liens and asked the Board to act on this matter.

**Commissioner Wooten made a motion to approve the Advertisement of Tax Liens.**

**Commissioner Garner second.**

**Vote: 5/0**

(3) DPG Audit Agreement

Mr. Haynes reported that the County audit has been delayed due to the outstanding audit of Hoots Hospital for the period April 1, 2009-June 30, 2009. This delay requires an extension with the Daniel Professional Group. The DPG agreement extends the audit procedure through March 15, 2010.

**Commissioner Wooten made a motion to approve the extension on the Contract to Audit Accounts with the Daniel Professional Group. Commissioner Moxley second.**

Vice Chairman Austin questioned the fee for this extension. Mr. Haynes reported a \$2500 fee for this action. Chairman Wagoner pointed out that this should be a one-time expense related to the hospital transition.

**Vote: 5/0**

(4) Underground Storage Tank

Randy Darden of JJ&G appeared before the Board for an update on the matter of the underground storage tank at the EMS Building. The groundwater monitoring is complete and samples have been sent to DENR. Results should be received by Friday, February 19, 2010. If the results are within limit, the matter will be closed and the forms for reimbursement will be completed. If the results exceed the allowable limit, there will be additional remediation with DENR.

(5) Courtney-Huntsville Waterline Extension

Mr. Darden reported that the recent CDBG grant will allow a waterline extension to 70 additional properties at the end of the existing line in the Courtney area. Mr. Darden requested \$62,000 to begin the design phase of this project. Administrative fees are covered under the grant.

**Vice Chairman Austin made a motion to approve the expenditure of \$62,000 for the design phase of the Courtney-Huntsville waterline extension under the CDBG project. Commissioner Wooten second.**

**Vote: 5/0**

Regarding the underground storage tank, Attorney Graham reminded the Board of the \$15,000 enforcement fine for non-compliance in reporting. After working with Mr. Darden, the State has settled for an amount of \$549 for its cost and has withdrawn other action. The files on enforcement will be closed. The County must continue to follow through with the clean-up requirements of DENR.

Chairman Wagoner asked if the expenditure on the underground storage tank and the removal of contamination have reached the maximum for reimbursement. Mr. Darden stated that the project is 100% reimbursable after the County's expenditure of \$20,000.

**CALENDAR NOTES**

Chairman Wagoner noted the calendar items.

**MANAGER REPORTS/COMMENTS**

Mr. Haynes introduced information regarding a sales tax referendum. Mr. Haynes noted his earlier report regarding the 2010 collection rate of County property taxes compared to 2009. There is an additional concern for the State sales tax collections and distributions. Effective October 2009, the State changed the collection process from a distribution method to a point of sale method. Rather than getting a proportion of all of the State sales tax, the County is now receiving only the portion for sales in Yadkin County. In order to compensate these losses, the State is allowing a referendum on a 0.25% sales tax increase. Voter approval is required to implement this increase. The Board must act quickly to have this item on the May ballot at no additional cost. Mr. Haynes noted that the Board was not required to levy the sales tax increase even if approved by the voters.

There was a question regarding the amount of revenue potential. The best estimate was between \$250,000 and \$475,000. January 1, 2011 is the earliest possible effective date. Vice Chairman Austin believes the effective date is restricted to the beginning of a quarter. Chairman Wagoner asked if there was a time limit for levying the tax once approved by the voters. Mr. Haynes feels confident that the NCGS place no limit on the implementation.

Vice Chairman Austin stated that it may be feasible to add this referendum to the November ballot but prefers a thorough examination of next year's budget before committing. Chairman Wagoner noted that the referendum on the November ballot would certainly allow the levy to begin on July 1, 2011.

**Commissioner Garner made a motion to include the referendum for a 0.25% sales tax increase on the November 2010 election ballot. Commissioner Moxley second.**

Commissioner Moxley asked for the success rate with primary ballot versus election ballot. There have been 10 of 53 successful referendums. Of the 10, 7 were held during November elections. Vice Chairman Austin pointed out that Davie County was unsuccessful in the election of November 2007. Commissioner Wooten remarked that a sales tax would affect the family budget for the citizens of Yadkin County. Further, Commissioner Wooten commented that revenue is not the problem, but rather County spending. Commissioner Garner stated that a sales tax is the most fair tax as it does not solely burden the property owner. Commissioner Wooten stated that it is still a tax and he could not support it. Chairman Wagoner pointed out that Commissioner Wooten has always advocated for putting decisions before the voters. The referendum may not be successful but it lets the people decide what is fair. Vice Chairman Austin stated that he could not disagree with those statements but would rather wait on this decision until closer to November.

**Vote: 3/2 (Austin and Wooten against)**

*Chairman Wagoner called for a recess at 8:41pm. Meeting resumed at 9:00pm.*

## **COMMISSIONER COMMENTS**

Vice Chairman Austin had no additional comments at this time.

Commissioner Garner had these additional comments:

Commissioner Garner reported that Vice Chairman Austin was quoted in *The Yadkin Ripple* as having been threatened by current and past Board members. Commissioner Garner asked Vice Chairman Austin if the quote was accurate. Vice Chairman Austin stated that the quote may not have been word for word. Commissioner Garner asked Vice Chairman Austin if he had felt threatened by him. Vice Chairman Austin stated, "not directly." Chairman Wagoner stated that this was not the proper venue for an interrogation of Vice Chairman Austin and asked Commissioner Garner to end this discussion.

Commissioner Moxley had these additional comments:

Commissioner Moxley's father-in-law recently spent 12 days in Hoots Memorial Hospital. Commissioner Moxley stated that his father-in-law could not have received any better, loving care in any other facility. Further, Commissioner Moxley stated that it was a pleasant experience to visit.

Commissioner Wooten had no additional comments at this time.

Chairman Wagoner had these additional comments.

(1) Chairman Wagoner stated that he had not read *The Yadkin Ripple* but understood that there was article referring to the meeting of February 1 entitled “Chairman Loses It” or “Chairman Loses Control”. Chairman Wagoner feels that this is not the case. Chairman Wagoner offered his humble apology to those that were in attendance for that meeting if it appeared that he had lost composure. Chairman Wagoner stated that he believed the Board had reached an impasse. Commissioner Wooten had made a motion to adjourn that received no second. After concluding that there would be no quick resolution, Chairman Wagoner asked for another motion to adjourn. Chairman Wagoner again offered an apology to anyone that may have been offended.

(2) In regard to the February 1, 2010 meeting, Chairman Wagoner stated that there is an unfinished item. According to the minutes of that meeting on page 26, the Board had agreed 5/0 to accept the amended motion that states:

**Chairman Wagoner made a motion to approve the Amendment to the Professional Services Agreement with Moseley Architects, striking paragraph 4 of the amendment, at the expenditure of \$36,750, contingent upon the receipt of the noted letter from the State. Commissioner Garner second.**

Chairman Wagoner reentered the motion as noted. Commissioner Wooten stated that this motion no longer stands. Vice Chairman Austin stated that the motion died upon adjournment. Vice Chairman Austin stated that in the spirit of being open to the public and to the media, there should be no surprise agenda items. Further, Vice Chairman Austin reported that, according to *Robert’s Rules of Order*, if the item remains on the floor, it should have been the first item of business at today’s meeting. In addition, motions are not allowable under Commissioner Comments. Chairman Wagoner stated that motions have been made under Commissioner Comments and that a precedent had been set. Vice Chairman Austin remarked that having made the mistake in the past does not mean it should be allowed to continue. The time for discussing this matter has passed and discussing it at today’s meeting does not represent an open relationship with the media or the public. Chairman Wagoner stated that he agreed. In an effort to be as transparent as possible, Chairman Wagoner asked that this be an agenda item for the March 1, 2010 regular meeting and that the stated motion be the foundation in which to begin debate. Chairman Wagoner stated that as he had graciously dropped his motion, he would ask his fellow Board members to be just as respectful. If this shall be the ongoing standard, Board members are asked not to make motions under Commissioner Comment. Commissioner Wooten stated that he could not agree across-the-board to that request. Vice Chairman Austin noted that the rules could be suspended under certain circumstances.

(3) Chairman Wagoner addressed Mr. Sneed regarding his earlier comments. Chairman Wagoner stated he would meet individually with Mr. Sneed after the regular meeting.

Attorney Graham stated he had one matter for closed session.

**Commissioner Wooten made a motion to enter a Closed Session per NCGS 143-318.11 (a) (3) to consult with attorney and NCGS 143-318.11 (a) (6) for a personnel issue. Commissioner Moxley second.**

**Vote: 5/0**

**Commissioner Wooten made a motion to end the Closed Session. Commissioner Moxley second.**

**Vote: 5/0**

**Vice Chairman Austin made a motion to create an 80% position in the public buildings department. Commissioner Moxley second.**

**Vote: 5/0**

**Chairman Wagoner made a motion authorizing the County Manager or the Interim Manager to write a job description for the Deputy Manager position and granting the authority to edit the job description of other positions as appropriate. Commissioner Wooten second.**

**Vote: 5/0**

Attorney Graham reported that an EEO suit has been filed by an applicant for the County Manager position. The suit alleges age discrimination. Mr. Graham stated that the EEOC will review the allegation to determine if there are grounds for the claim.

**Commissioner Wooten made a motion to adjourn. Commissioner Moxley second.**

**Vote: 5/0**

Meeting adjourned at 10:05pm.

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Prepared by Clerk to the Board, Gina Brown

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Date Approved by the  
Yadkin County Board of Commissioners