

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
Monday, February 16, 2009

The Yadkin County Board of Commissioners met in Regular Session on Monday, February 16, 2009, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

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

Staff present: County Attorney, James Graham; County Manager, Stan Kiser; Clerk to the Board, Gina Brown; and Administrative Clerk, Colleen Rumphlach.

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

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Catherine Joyce. Miss Joyce is an 8th grade student at Forbush Elementary. She is the Student Council President. Miss Joyce enjoys Forbush Elementary for the many opportunities it offers for community involvement and student leadership. Miss Joyce has been able to participate in community fundraisers through Forbush Elementary; including, Lowes "Friends Feeding Friends", "Jump Rope for Heart", and the American Heart Association. Miss Joyce especially loves the small population and relaxed atmosphere of Forbush Elementary School. Miss Joyce has been involved in sports such as volleyball and softball and has participated in dance and gymnastics. Miss Joyce would like to pursue a career in radiology once in college.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Clerk to the Board, Gina Brown asked that recess be held after the library presentation in order for library representatives to pack their equipment without interrupting the meeting.

Commissioner Moxley made a motion to approve the agenda with the noted adjustment. Commissioner Wooten second.

Vote: 5/0

PUBLIC COMMENTS

The floor was open for public comment at 7:15 pm.

David Pardue of Styers Mill Road in Yadkinville, stated that he had listened to gunshots one right after the other for hours on end. Mr. Pardue stated that this was very upsetting to him. Mr. Pardue remarked that no law may be broken by this activity, but it certainly disturbs his peace. Mr. Pardue would appreciate any action the Board could take in reducing the noise pollution. Mr. Pardue also spoke in opposition of the household solid waste fee; stating that the poor of Yadkin are paying as much as the wealthy but with less garbage. Mr. Pardue referenced an article he had read stating that each person should be charged for the waste they produce rather than everyone paying the same fee. Lastly, Mr. Pardue stated that the current teachers in the elementary schools have claimed that they cannot teach middle school curriculums in the elementary school, yet each and every one was hired for the new middle schools.

The public comments portion of the meeting closed at 7:17pm.

APPROVAL OF MINUTES

Chairman Chad Wagoner requested the following changes:

Page 5, #2: should read “Surry County will potentially be getting”.

Page 11, 2nd paragraph: change “tax rate greater than 100%” to “tax rate versus the state average greater than 100%”.

Commissioner Wooten made a motion to approve the February 2, 2009 Regular Meeting Minutes with noted adjustments. Vice Chairman Austin second.

Vote: 5/0

PUBLIC HEARING

There were no issues for public hearing at today’s meeting.

BOARD APPOINTMENTS

Bobby Todd, Yadkin Chamber Director, appeared before the Board to address appointees to the Yadkin Tourism Development Authority. There are 2 seats that will expire on February 28, 2009. The Yadkin TDA requests the appointment of Cindi Conti and Brenda Doub. In addition, Kurt Bryant has retired and sold Pine Ridge Campgrounds. There is one year remaining on his term. Yadkin TDA requests the appointment of Beth Gardner to complete this term. Appointments will be effective March 1, 2009.

Commissioner Wooten made a motion to appoint Brenda Doub, Cindi Conti and Beth Gardner to the Yadkin Tourism Development Authority Board, as recommended. Commissioner Garner second.

Vote: 5/0

In addition, Mr. Todd reported that the Yadkin Tourism Development Authority is working on a new marketing plan. Graphic Design students from Surry Community College have designed a new logo. The Yadkin TDA has secured a toll free phone number which is 1-877-4YADKIN. The Yadkin TDA website is under development and the brochure is being revised. Mr. Todd remarked that the TDA is quickly moving forward.

Fire Marshal, **Eddie Weatherman**, requested the appointment of Dean Cornelius and Ray Hoots to the Forbush Volunteer Fire Department Firefighters Relief Fund Board.

Commissioner Garner made a motion to approve the appointment of Dean Cornelius and Ray Hoots to the Forbush Volunteer Fire Department Firefighters Relief Fund Board. Vice Chairman Austin second.

Vote: 5/0

BOARD ACTION

(1) **RESOLUTION DECLARING MARCH 2009 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 reported that there are many people who have moved from Yadkin County that return to locate their ancestral homes and ancestral cemeteries. 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. There have been 50 abandoned cemeteries identified in the Forbush Township alone. When multiplied by the remaining 12 townships, there is an estimate of 600 abandoned cemeteries in the County. Fewer than 200 have been located thus far. 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 Courts office to maintain 4 cemeteries. The Yadkin County Sheriff’s Office will be providing cemetery maintenance by weekend inmates beginning in March.

Commissioner Garner made a motion to approve the Resolution Declaring March 2009 Abandoned Cemeteries Awareness Month. Commissioner Moxley second.

Vote: 5/0

[RESOLUTION DECLARING MARCH 2009 ABANDONED CEMETERIES AWARENESS MONTH is attached as Addendum A]

(2) Budget Amendments

(a) Economic Development:

The Board reviewed a budget amendment for economic development providing for a water and sewer study for the eastern part of Yadkin County in association with the Rural Center grant.

Commissioner Wooten made a motion to approve the budget amendment for Economic Development providing for a water/sewer study for eastern Yadkin County in association with the Rural Center Grant. Vice Chairman Austin second. Vote: 5/0

(b) DSS:

Eddie Wooten, DSS Director, presented a budget amendment for Crisis Funds. DSS had received federal dollars for crisis services. DSS had also received an insurance settlement from an accident involving a County vehicle. Mr. Wooten would like these funds added to the DSS budget for use.

On a separate note, Mr. Wooten thanked the Board for providing the necessary funds to address the needs of children in foster care. The Board expressed appreciation for Mr. Wooten and the service of his department.

Commissioner Wooten made a motion to approve budget amendments for DSS. Commissioner Garner second. Vote: 5/0

[Budget Amendments are attached as Addendum B]

(3) Advertisement of Tax Liens:

Phyllis Adams, Tax Administrator, presented the Advertisement of Tax Liens on Real Property for Failure to Pay Taxes. Mrs. Adams reported that the number of names to be advertised would not be available until the end of February.

Commissioner Wooten made a motion to approve the Advertisement of Tax Liens on Real Property for Failure to Pay Taxes. Vice Chairman Austin second. Vote: 5/0

[Advertisement of Tax Liens is attached as Addendum C]

(4) Administration Proposal of Hobbs, Upchurch and Associates:

Beth Sullivan, Planning Assistant, presented a proposal from Hobbs, Upchurch and Associates for the administration of the Courtney-Huntsville Infrastructure Grant. Hobbs, Upchurch and Associates offered the only proposal after 2 advertisements.

Commissioner Garner made a motion to accept the proposal of Hobbs, Upchurch & Associates for the Courtney/Huntsville Infrastructure Grant. Vice Chairman Austin second.

Vote: 5/0

Mrs. Sullivan also offered an update on the Urgent Repair Program Grant. Yadkin County did not receive this award. Only 20 grants were awarded with Yadkin ranking 40 out of 67. Yadkin County was not able to provide matching funds and could not provide programs or services in addition to the housing. Yadkin County is eligible to apply in the next fiscal year.

(5) Letter of Intent – Hoots Hospital:

County Manager Kiser, reported that 6 management firms had expressed interest in managing Hoots Hospital. In summary, Alliant is not going to submit a letter of intent. Gerald Moore of Carolina Medical Center indicated that there is not sufficient time for his firm to prepare a proposal. Coram did not respond to the request. Proposals were submitted by HMC, Brim, and Pioneer.

Doug Atkinson, Vice President of Business Development for Baptist Hospital, appeared before the Board. He was accompanied by McLain Wallace, the in-house hospital attorney. The County will assume the responsibility of Hoots Hospital on April 1, 2009 at the end of the current lease. Ownership of accounts receivable will be discussed with the management firm chosen by the County.

Commissioner Wooten asked for a clear answer on the ownership of the accounts receivable. McLain Wallace responded that the County has the option to buy the outstanding capital, including accounts receivable or allow those to remain with the current corporation under North Carolina lease law. Mr. Atkinson added that Baptist Hospital would comply with terms and conditions expressed in the lease and as negotiated with Yadkin County.

Commissioner Garner stated that the management firm of HMC may be more costly on the front end, but would save Yadkin County dollars in the long term.

Commissioner Garner made a motion to approve HMC/CAH as the management firm for Hoots Memorial Hospital pending a written contract that the Board can review. Commissioner Moxley second.

Baptist Hospital representatives indicated that a management firm should be in place to facilitate the negotiations. Negotiations will set forth the financial responsibility of the County. Baptist Hospital will indemnify Yadkin County for the remainder, including Medicaid that was improperly billed. Hoots Hospital would be required to secure a

separate provider number if operations do not continue uninterrupted at the April 1 transition. Medicare provider numbers can take between 4 to 6 months to receive.

Vice Chairman Austin made a substitute motion designating HMC as the firm that will negotiate the terms of the transition with Baptist Hospital and Yadkin County. Terms of the negotiations should be reported to the Board within a week. Commissioner Moxley second.

Vote: 5/0 to accept the substitute motion of Vice Chairman Austin and the second of Commissioner Moxley.

Vote: 5/0 to approve the designation of HMC as the firm that will negotiate the terms of the transition of Hoots Hospital from Baptist Hospital to Yadkin County with a report of the results within a week.

(6) JJ&G Task Orders:

Randy Darden, Project Manager for JJ&G, provided project updates. Lydall is now producing waste water and discharging to the sewer system. Lydall is receiving water service from Jonesville. Mr. Darden is working with Perry Williams, Public Works Director for the Town of Yadkinville, to place a billing system in order to determine the amount of water discharging into the waste water system. Jonesville has an accurate reading on water usage and has been reconciling those numbers. The surcharge on the waste water from the County's perspective needs to be determined.

Mr. Darden announced issues on the maintenance of generators at the Lydall and Maranatha pump stations. Perry Williams has a current contract with Carolina Caterpillar for an annual inspection of generators, including oil changes, fluid checks, and a check of electrical systems. The next inspection is due in September. Generators are exercised once per week to ensure that they are functional. Some diesel fuel is used in this process. Yadkin County owns the generators while the Town of Yadkinville maintains them. Quality Oil is currently delivering the necessary fuel. Yadkin County needs to choose its own provider. As a side note, Mr. Darden reported that an alarm will sound if the generator does not activate, is not functioning properly, or if water levels get too high.

Commissioner Garner made a motion to contract with Carolina Caterpillar for the service of the generators at the sewer pump stations. Vice Chairman Austin second.

Vote: 5/0

Mr. Darden announced that Yadkin Valley Construction, the chosen contractor for the 5D mitigation, was unable to secure their own performance bond. The project specifications allow the County to cover the cost of the bond and deduct this from the payment. Cost of the bond is estimated at \$3000.

Vice Chairman Austin made a motion to secure the performance bond for Yadkin Valley Construction for the 5D mitigation and deduct this from the payment amount. Commissioner Garner second.

Vote: 5/0

Mr. Darden presented Task Order #1 of \$40,000 for on-call services for an 8-12 month period. Yadkin County paid in one lump sum in the prior year but Mr. Darden can provide an itemized statement.

Commissioner Wooten made a motion to approve JJ&G Task Order #1 of \$40,000 for on-call services and to have Randy Darden provide detailed billing to County Manager Kiser. Vice Chairman Austin second.

Vote: 5/0

Commissioner Wooten commented on a water and sewer grant for Mountain Crest. Commissioner Wooten felt the first step was to evaluate existing wells to determine if there is an adequate water supply. Commissioner Wooten reported that the original pipes contain asbestos. These pipes would have to be removed and replaced prior to joining the Jonesville water line. Mr. Darden and County Manager Kiser will continue to research grant options.

Mr. Darden presented JJ&G Task Order #2 involving the water study for the eastern part of Yadkin County. Mr. Darden will meet with town and County officials to map out existing water and sewer lines and determine the ongoing needs.

Vice Chairman Austin made a motion to approve JJ&G Task Order #2. Commissioner Garner second.

Vote: 5/0

BOARD REPORTS

John Hedrick, Director of the Northwest Regional Library System, appeared before the Board. He was accompanied by Angie Walker, Librarian of Boonville Public Library and Malinda Sells, Librarian of Yadkinville Public Library. Library representatives presented a DVD outlining the evolving services of libraries. Mr. Hedrick and staff pointed out that libraries are critical to job seekers in today's market by providing free internet access. Beginning in March, a series of workshops will be sponsored by the libraries that will provide job seeking skills, instruction on completing applications and résumés, and instruction on internet job searching. Library computers are also used to lure a younger population. Younger generations may visit the library for computer games and internet access but quickly learn how much more libraries have to offer. Mr. Hedrick thanked the Board and asked for continued support of the Northwest Regional Library System.

Chairman Wagener called for a recess at 9:00pm. Meeting resumed at 9:13pm.

MANAGER REPORTS/COMMENTS

County Manager Kiser reported a recent meeting regarding a water interconnect with Davie County. DENR had \$100,000 in Tier One funds for this interconnect. The estimated cost was \$650,000 for a 3 mile area. County Manager Kiser suggested that Yadkin County may provide 1/3 of the additional funding in exchange for Davie County purchasing water from Yadkin County. Davie County is currently discussing an agreement to purchase water from Forsyth County. Davie could possibly purchase additional water from Yadkin if the lines were established. An even greater concern was that Davie County's biggest water need was on the opposite end of the County. Since the DENR offer expires at the end of February and no agreement was reached, the \$100,000 funding will be forfeited.

County Manager Kiser reported that sales tax revenues for this month are down 23.24% compared to last year.

David Matthews, Communications Director, and Brent Hawks, EMS Director, appeared before the Board for their consensus on a training opportunity. Mr. Matthews and Mr. Hawks would like to register Keith Vestal, EMS Training Coordinator, for a conference in Las Vegas, Nevada. Mr. Matthews and Mr. Hawks were concerned about the implications of this type of trip and wanted the Board to be fully aware of the need. Mr. Vestal will be attending a course called "The Navigator". This course will allow Mr. Vestal to become a nationally certified trainer in Emergency Medical Dispatch and the only certified instructor in this region. This is the only course of its kind. The cost is estimated at less than \$1800 and would not require additional County funds. There was brief discussion. The Board offered no objections for Mr. Vestal's attendance at this conference.

CALENDAR NOTES

COMMISSIONER COMMENTS

Commissioner Wooten had these additional comments:

- (1) Commissioner Wooten had attended a recent PART Meeting and had seen a report called PART vs. Fuel Pumps. This report indicated that ridership was much higher in 2008 than 2007. Even when fuel costs dropped, the ridership remained at a higher level.
- (2) Commissioner Wooten feels that there is important County information not provided on the website when compared to other counties. Commissioner Wooten felt that all contracts and budget information should be posted.

Commissioner Wooten made a motion to post contracts and County budget to the County website. Vice Chairman Austin second. Additional discussion occurred. It was noted that a variety of documents are available online as addendums to the minutes. Board members were concerned that the volume of this information would cause clutter to the site and use too much space.

Vote: 1/4 (Motion failed with Wagoner, Moxley, Garner, and Austin voting against)

(3) Yadkin County must disclose if it belongs to any tax payer funded lobbyist groups. A tax payer funded lobbyist group is one that uses funds that come directly or indirectly from tax payers for political lobbying. This would include the North Carolina Association of County Commissioners (NCACC) and the National Association of Counties (NaCo).

Commissioner Wooten made a motion that Yadkin County now disclose on its website if it belongs to taxpayer funded lobbyist groups and to name those associations. Vice Chairman Austin second.

Vote: 5/0

(4) Commissioner Wooten commented that the citizens should have an easy access port to find County documents.

Commissioner Wooten made a motion that Yadkin County post information on its website instructing the public on how to make a public record request. Vice Chairman Austin second.

Vote: 3/2 (Chairman Wagoner and Commissioner Moxley against)

Commissioner Moxley had these additional comments:

Commissioner Moxley had attended a workshop on the Essentials of County Government in Winston-Salem. Commissioner Moxley felt that there were several good workshops and is looking forward to putting this knowledge to work for Yadkin County.

Commissioner Garner had these additional comments:

Commissioner Garner commented that regardless of the outcome of hospital negotiations, he did not want to see Hoots Hospital close. Commissioner Garner offered that Yadkin County needs a hospital.

Vice Chairman Austin had these additional comments:

Vice Chairman Austin had attended the Joan and Howard Woltz Hospice House opening in Dobson. The Hospice House will serve 13 counties, approximately 500 patients and will have 30-50 rooms/beds. Vice Chairman Austin added that it is a really nice facility and great to have something this nice in our area.

Chairman Wagoner had no additional comments.

Attorney Graham had no additional comments.

Commissioner Wooten made a motion to enter a Closed Session per NCGS 143-318.11 (a) (6) and NCGS 143-318.11 (a) (3). Commissioner Garner second.

Vote: 5/0

Commissioner Wooten made a motion to end the Closed Session. Vice Chairman Austin second.

Vote: 5/0

Commissioner Wooten made a motion to adjourn. Vice Chairman Austin second.

Vote: 5/0

Meeting adjourned at 10:35pm.

Prepared by Administrative Clerk, Colleen Rumplach

Reviewed by Clerk to the Board, Gina Brown

Date Approved by the Yadkin County Board of Commissioners