

YADKIN COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION
Monday, January 4, 2010

Present were:

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

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

Commissioner Wooten made a motion to enter a Closed Session per NCGS 143.318-11(a) (3) for consultation with attorney. Commissioner Garner second.

Vote: 5/0

The first item discussed in closed session has not yet been released for public viewing.

2. Resolution

Attorney Graham announced that a meeting had been held recently with Judge Craig and attorneys for Commissioner Wooten and Vice Chairman Austin. The judge agreed that if a resolution of intent to build a jail was approved by the Board, the hearing of January 8, 2010 would be continued indefinitely. Attorney Graham introduced the RESOLUTION OF INTENT TO PROCEED WITH BUILDING A NEW JAIL AT THE "HOOTS ROAD SITE." Commissioner Wooten suggested that any action of the Board regarding the jail should be delayed due to the injunction set forth by the judge. Attorney Graham reiterated that the judge, himself, had suggested the resolution as a means to resolve issues of the upcoming hearing.

Commissioner Wooten introduced an alternate resolution titled RESOLUTION OF INTENT TO PROCEED WITH BUILDING A NEW JAIL AT A BOARD OF COMMISSIONERS APPROVED SITE. Commissioner Wooten continued that Sheriff Cain had requested the Board move ahead with the jail project and explore other options. At his request and with approval of the Board, Commissioner Wooten and Commissioner Moxley participated in a jail committee that spent much time gathering information and reviewing possible solutions. Commissioner Wooten felt it was quite patronizing to allow the committee to spend the time and effort on a solution that was never to be approved by this Board.

Commissioner Wooten commented that the State does not require a new jail; only adequate facilities. Commissioner Wooten stated that he would support a new jail in a downtown location.

Vice Chairman Austin stated that the resolution presented by Commissioner Wooten was an opportunity for the Board to vote unanimously and to indicate to the judge that the Board is moving in the right direction.

Commissioner Wooten thoroughly questioned Attorney Graham on the recent meeting with Judge Craig. Commissioner Wooten expressed concern that the results of that meeting were not shared

with Commissioner Wooten or Vice Chairman Austin. Attorney Graham responded that both Commissioner Wooten and Vice Chairman Austin had legal representation at the meeting and surmised that information would be forthcoming from their respective attorneys.

Chairman Wagoner discovered a digital recording device at the setting of Commissioner Wooten. Chairman Wagoner asked Commissioner Wooten if he was recording the meeting. Commissioner Wooten replied that he was recording the meeting. Chairman Wagoner remarked that Commissioner Wooten should have informed the Board of the recording. Commissioner Wooten stated that he had the right to record the meeting and he was not trying to hide it from other Board members. It was noted that closed sessions are not recorded by the Clerk.

Returning to discussion, Vice Chairman Austin stated that this Board had voted to appoint a committee to find a solution to the jail issue. The work of the committee was then halted by Judge Craig. Vice Chairman Austin stated that Judge Craig had intervened in the legislative process and that action by the Board on the resolution presented by Attorney Graham would be taken under intimidation.

**Vice Chairman Austin made a motion to end the Closed Session. Commissioner Wooten second.
Vote: 5/0**

Prepared by Clerk to the Board

Date Approved by the Yadkin County Board of Commissioners

**** Note:** *These minutes were approved 3/2 with Wooten and Austin against. Commissioner Wooten feels these minutes are incomplete as presented.*