

**YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
Monday, January 5, 2009**

The Yadkin County Board of Commissioners met in Regular Session on Monday, January 5, 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 Rumpasch.

CALL TO ORDER by Chairman Wagoner at 9:02am.

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Chairman Wagoner

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Clerk Brown reported that Bobby Todd, Director of the Chamber of Commerce, was unable to attend today's meeting but did provide a summary of recent events concerning economic development. That summary was provided to each Board member. Chairman Wagoner asked if Dr. Benfield would be appearing today considering the Board of Education was meeting simultaneously. Clerk Brown reported that she had not received a confirmation.

**Commissioner Wagoner made a motion to approve the agenda as presented.
Commissioner Garner second.**

Vote: 5/0

PUBLIC COMMENTS

Public Comments portion of the meeting opened at 9:05am.

Mr. Larry Long appeared before the Board. Mr. Long asked the Board how many of them had actually reviewed the jail plans. Mr. Long remarked that the County was on the path to building a white elephant. Mr. Long cited several County buildings

that had multiple utility issues from the onset; including the Courthouse, the Planning and Permits Building, the Human Resources Building, and the Sheriff's Office. Mr. Long stated that his services as an HVAC contractor had been offered several times and refused. Further, Mr. Long stated that he is not opposed to the jail, but believes it should be in the downtown area. Mr. Long stated that the Board should further scrutinize the jail plan and reduce the size of the kitchen and air conditioning system.

Mr. Bradley Hardy appeared before the Board. Mr. Hardy first congratulated the new members on their election. Mr. Hardy encouraged the new members to continue in the pattern of the previous Board by putting the interests of the County before their own political interests. Mr. Hardy stated that the sensitive subject of the jail had hijacked the conversation and fueled the campaign to unseat 2 of Yadkin County's finest Commissioners in the form of frivolous law suits and the personal agendas of a small, but vocal, group of citizens. Mr. Hardy remarked that persons of authority often ask their constituents to make temporary sacrifices for long-term benefit. Mr. Hardy relayed a story from his youth regarding his refusal to do his homework. His father tried buying him a desk, new pens, and a typewriter to no avail. Mr. Hardy's issue was not with supplies but his attitude toward doing the homework. Mr. Hardy used this same analogy toward the jail. Mr. Hardy remarked that the resistance to the jail had very little to do with location. Mr. Hardy felt that an adequate amount of deliberating had been done on the jail issue and commended Commissioners Wagoner and Garner for their continued support. Mr. Hardy stated it was his hope that Commissioners Moxley and Austin will also support the needed jail.

The Public Comments portion of the agenda closed at 9:17am.

APPROVAL OF MINUTES

Vice Chairman Austin had the following questions regarding the Minutes of December 15, 2008:

- (1) Page 6, 2nd Section – Vice Chairman Austin asked Planning Director, Kim Bates to confirm that the recent zoning text amendments were approved by a 3/0 vote and not a 4/0 vote. Mr. Bates confirmed the minutes are accurate on that matter.
- (2) Page 9, under comments of Peggy Boose, line # 8,9 – change the word “revenues” to “assessment”.

Commissioner Garner made a motion to approve the December 15, 2008 Regular Meeting Minutes and the December 15, 2008 Closed Session Minutes with noted adjustment. Vice Chairman Austin second.

Vote: 5/0

PUBLIC HEARING

Planning and Development Director, Kim Bates appeared before the Board to present information for the CDBG Water and Sewer Line Grant. Mr. Bates reported that this CDBG grant offers \$575,208 for the installation of 6" waterlines to Pear Orchard Road, Wishon Road, Eva Cranfill Road, and a portion of Ray T. Moore Road. The grant allows water and sewer hookup for 70 low to moderate income households at no cost to the homeowner. Yadkin County has never applied for these funds but with waterlines already in place, Randy Darden and the staff of Hobbs, Upchurch, and Associates, advised that the application would be worthwhile.

After some questions from the Board, it was noted that this area was selected because of existing waterlines, the concentration of homes, density of low to moderate income households, and the need for water supply and water quality.

The Public Hearing for the CDBG Infrastructure Program was opened at 9:27am. There were no speakers for this issue. The Public Hearing closed at 9:27am.

Mr. Bates advised that there were 4 separate actions to be taken on this matter.

Commissioner Garner made a motion to adopt the RESOLUTION AUTHORIZING YADKIN COUNTY'S PARTICIPATION IN THE CDBG INFRASTRUCTURE PROGRAM. Commissioner Moxley second. Much discussion followed. Vice Chairman Austin remarked that he believed in helping individuals with their problems, but was not quite sure how to justify assisting a small group of 70 when there are 38,000 other Yadkin County residents. Mr. Bates offered that this project not only assists those 70 individuals, but increases property values and provides an eventual revenue source. Chairman Wagoner noted that this program will allow water to go to households rather than being flushed at the end of the line. Hobbs, Upchurch, and Associates representative, Mike Walser, stepped forward to answer questions regarding the selection and application process. Mr. Walser noted the following:

- All 70 households agreed to the hook-up.
- All households had the understanding that the hook-up was at no cost, but that monthly charges would apply.
- All 70 homes were pre-qualified by interview and survey.
- A state form completed by each household, a pre-application, letters of support from the Yadkin County Health Department, copies of surveys and engineering reports were all sent to Raleigh.
- Yadkin County competed state-wide for this grant and was awarded.
- The project could take up to 3 years to complete and therefore does not require any funding in this budget year.

Attorney Graham verified that he was familiar with the CDBG documents and had no concerns. Commissioner Garner acknowledged that Randy Darden had helped make this project happen. There was additional discussion regarding the recently approved sub-division ordinance revisions and the effect on undeveloped properties within this CDBG service area. Mr. Bates answered that any subdivisions developed from this point forward would be subject to those ordinance revisions. Mr. Walsler added that these subdivisions may be included in the grant if there are funds remaining after the 70 initial homes. The County will need to spend the entire amount or return any unused portion to the State.

Vote: 5/0

Vice Chairman Austin made a motion to approve the Policies, Procedures, Resolutions, and Ordinances for the Community Development Block Grant Program. Commissioner Garner second.

Vote: 5/0

Commissioner Moxley made a motion to approve the Recipient's Plan to Further Fair Housing. Commissioner Garner second.

Vote: 5/0

Commissioner Wooten made a motion to approve the RESOLUTION FOR SIGNATORY FORM AND CHECK SIGNATURES FOR COMMUNITY DEVELOPMENT BLOCK GRANT. Commissioner Moxley second.

Vote: 5/0

[All CDBG documents are attached as Addendum A]

Mr. Bates reported that the bidding process for engineering and administrative services will begin shortly.

BOARD APPOINTMENTS

There were no Board appointments for today's meeting.

BOARD REPORTS/REQUESTS

(1) Dr. Benfield was not in attendance for his monthly report due to a Board of Education meeting scheduled for today.

(2) Review of Yadkin County Audit Findings

Edna Shore, CPA with Daniel Professional Group, appeared before the Board to review the 2007-2008 Audit. Ms. Shore thanked the Board for the opportunity to appear today. Ms. Shore stated that DPG had completed the County's audit for 5

years and she commended the staff on their professionalism and cooperation. Ms. Shore offered the following summary of the audit:

- (a) The audit opinion is unqualified, meaning that financial statements are presented fairly according to generally accepted accounting principles.
- (b) The County's balance sheet changed tremendously from the previous fiscal year due to an increase in the cash balance and the increase in debt. Yadkin County's cash balance at the end of 2007 was \$13.8 million compared to \$40 million by 2008. This increase is the result of approximately \$22 million in unused loan proceeds.
- (c) The fund balance increased from \$14.4 million to \$39 million. Absent the unused loan proceeds, the County's unreserved fund balance increased from \$10 million to \$12.7 million.
- (d) Absent the loan proceeds and middle school expenditures, the County's income statement, excess revenues over expenses, increased nearly \$4 million.
- (e) The County's debt increased from \$9.6 million to \$36.7 million including the loan for middle schools and the DENR loan for the Highway 21 to West Yadkin School waterline.
- (f) The County's Enterprise Fund showed a profit for 2007-2008 due to the \$60 household fee.
- (g) Water and sewer lines continue to be subsidized by the general fund because the customer base does not support the operation.
- (h) The compliance portion of the audit primarily addressed the weakness in internal control. Segregation of incompatible functions is a tenet of financial operations and is just not feasible with a small staff. Yadkin County management and finance continue to review this situation.

Chairman Wagoner asked if increasing the customer base on the waterlines would help reduce the drain on fund balance. Ms. Shore replied that more dollars are being spent on flushing than are being recovered and that increasing the customer base would increase revenues.

Vice Chairman Austin noted that the State website posts a different fund balance for Yadkin County than the audit reported and asked if the State and DPG calculated fund balance by different means. Ms. Shore replied that fund balance is simply the difference between the assets and the liabilities. The LGC does acknowledge a fund balance reserved by state statute which could account for the difference. Currently, Yadkin County has \$2.1 million in Reserved by State Statute.

Vice Chairman Austin asked if the findings regarding staffing issues were common and if there were findings that could be easily resolved. Ms. Shore asked her associate, Johnny Lancaster, Senior Audit Manager, to join the conversation. Mr. Lancaster reported that the primary compliance issue was improper segregation of

duties at the landfill. This can be easily resolved by having more than 1 person handling the money. Mr. Lancaster stated that the biggest challenge is accessing the risk versus the cost of additional staffing. The purpose of the audit is not to identify fraud, but to bring abnormalities to the attention of the entity and assist with identifying means to prevent fraud. The County will continue to receive non-compliance findings on segregation of duties but the County should continue to monitor and make improvements. Mr. Lancaster assured the Board that the intent was not to accuse or criticize County staff, but to address areas of risk.

(3) Presentation of County Financial Data by First Southwest

Janice Burke, Financial Consultant with First Southwest, appeared before the Board with updates on capital projects and various financial data. Ms. Burke offered the following summary of the data provided:

- (a) The General Fund Balance Sheet reflects substantial improvement in the unrestricted fund balance over the last 4 years.
- (b) The fund balance available for appropriation is over 30% compared to the 27% average of counties with the same relative population and 21% statewide.
- (c) In 2008, the fund balance designated for subsequent year's expenditures was \$2.1 million, considerably more than the prior 4 years, but still well within limits.
- (d) The property tax collection rate for Yadkin County is 94%. Counties with similar population post a 95% rate and the overall State collection rate is 96%. Ms. Burke surmised that Yadkin County is most likely collecting at a higher rate, but that the collections are received at a slower pace. Ms. Burke offered that garnishment of wages, tax liens, and other measures can be put in place to address the collection issues. Chairman Wagoner noted that a 6-7 year history of collections indicate a 98% collection rate. Vice Chairman Austin added that this is the equivalent of a 1 year lag on 6% of County funds.
- (e) The County received bids for the jail financing in December. RBC has offered a rate of 3.42% with a 15-year term. Ms. Burke remarked that this was an outstanding rate. These terms allow the funding to remain just under the \$0.02 tax rate equivalent determined in the initial plan.
- (f) After reviewing historical data and talking with the Tax Assessor, a 15-20% increase in assessed value is anticipated at revaluation. First Southwest presents a conservative 16% in these financial projections.

Commissioner Wooten asked Ms. Burke how she could feel comfortable with these projections when historical data did not support these figures. Ms. Burke reported that she had examined the assessed values back to 1998 and felt that this 16% projection was reasonable and conservative.

Commissioner Wooten commented that his research indicated a 27% growth over a 10-year period while First Southwest is projecting 50% growth over the same period. In addition, Commissioner Wooten questioned the assessed vehicle tax noting that the 2007-2008 audit figures did not match the figures presented by First Southwest. Ms. Burke and County Manager Kiser confirmed that the figure \$260 million came directly from the current budget. Commissioner Wooten commented that property values have declined 19% and that a 20% growth rate is unrealistic based on current economic conditions. Tax Assessor, Phyllis Adams, was called for clarification and would address this issue upon arrival.

- (g) The County was able to secure a 4.19% interest rate on the 5D project. Since 2006, the County has been placing \$600,000 in capital reserve for 5D. Currently, the County has \$1.8 million for debt service.
- (h) There is a 20-year financing arrangement at 3.83% for the middle schools. All revenue sources for this debt were updated based on current projections. As ADM receipts, derived from corporate income tax, were projected to decrease over a 10-year period, these figures remained stable beginning with 2018 on the debt model. Yadkin County's projected lottery receipts were divided into quarters and that number was used in the debt model throughout. Sales tax is much more difficult to project with economy concerns. Yadkin County budgeted \$1.6 million in sales tax which is approximately \$50,000 less than the initial plan. In 2008, Yadkin County actually received \$1.8 million in sales tax revenue making the \$1.6 million a conservative choice for the debt model. Commissioner Wagoner asked for clarification on the debt model regarding projected sales tax. Ms. Burke assumed a 0% growth in sales tax revenue over a 10 year period. The Capital Reserve Fund for middle schools has a current balance of \$1.1 million. These funds will be used in the first 6 years of the financing. Interest earnings are estimated at 2%. The budgeted amount for repair and renovation is \$1.4 million.

Vice Chairman Austin pointed out that these revenues, such as ADM and lottery funds, were previously applied to operating expenses for the existing 10 schools, but are now being applied to debt service on construction. Vice Chairman Austin asked Ms. Burke how these funds would be replaced and how operating expenses would now be funded in the absence of ADM, lottery and sales tax revenues. Ms. Burke responded that \$1.4 million is budgeted for repair and renovation but should actually require much less for 2 new schools. ADM is strictly used for capital purposes. Lottery receipts are a fairly new resource. Mr. Austin commented that these revenues appear to reduce the cost of the schools, but in reality they are only borrowed from one area and used in another. Ms. Burke commented that school officials participated in the middle school budgeting and were fully

aware of the use of those revenue sources toward debt service. In addition, Vice Chairman Austin reported that the NCACC is predicting the new General Assembly to reduce the ADM and lottery funds. The impact of these reductions is not known. Ms. Burke pointed out that ADM funds have varied greatly over a 20-year period from \$117,000 to \$474,000. Since the economy cannot be easily predicted, the projections are very conservative. ADM and lottery projections were reduced even though lottery receipts for the 1st quarter of 2008 were \$384,000. Commissioner Garner stated that these projections are worst-case scenario. Vice Chairman Austin stated there is a great expectation that the State will reduce funding to the schools. ADM and lottery funds will likely be reduced by the General Assembly. When schools experience budgeting shortfalls, they approach the County Board. There could be a substantial impact on the County's budget. Although he appreciates the conservative numbers, Vice Chairman Austin remarked that things could get a lot worse.

Commissioner Wooten questioned the additional taxes for middle school debt service. Ms. Burke explained that these are not additional funds and are part of the \$0.05 tax already levied. Vice Chairman Austin remarked that the \$1.9 million deficit in school funding causes the equivalent of a \$0.07 tax burden on the current budget by moving ADM and lottery funds to debt service. Ms. Burke reiterated that school officials agreed to this budgeting.

Ms. Burke noted that the \$1.4 million designated for repair and renovation applies to all of the existing schools as well as the new middle schools. Commissioner Wooten reported that the school system originally projected \$1.532 for maintenance of the new middle schools. Ms. Burke's earlier projections indicated that Yadkin County would not have the revenue to make the payments. There was much discussion among the Board. Ms. Burke later presented figures reducing the maintenance amount to \$1.4 million and increasing the lottery funds. Ms. Burke replied that lottery figures are provided by the State and are not arbitrary. Chairman Wagoner stated that the \$1.4 million is not just for middle schools and has always been in the budget. County Manager Kiser added that \$7 million is dedicated as current school expense with an additional \$1.4 million as capital outlay. Chairman Wagoner pointed out that \$0.05 was allocated but only \$0.0323 is being used in the debt model. Vice Chairman Austin remarked that the existing schools will have expenses but that the ADM and lottery revenues were diverted. If 10 schools cost \$7 million, then 12 schools will cost proportionately more.

Tax Assessor, Phyllis Adams, entered the meeting to clarify concerns on the vehicle assessed value. Mrs. Adams explained that vehicles may be taxed at 2 different rates depending on the date of registration renewal. Some vehicles were taxed at the old rate of \$0.68 cent and some were taxed at the new rate of \$0.76. The discrepancy between the debt model and the audit report is likely due to figures being calculated at the old rate.

Vice Chairman Austin addressed his concerns for the 20% growth projection. Vice Chairman Austin commented that the housing market became overheated for a time and values grew 27% over a 10 year period. Nationwide, property values are now on a decline. Historically, property has always increased over the long-term, but the concerns are how fast will values decline, how fast will they incline, and at what point will they level off. Mrs. Adams stated that she could not reasonably predict the housing market but could fairly report that property values have not decreased in Yadkin County as they have in other areas. A recent State study reported that property values in Guilford and Forsyth County have increased as well as other surrounding counties. With mass appraisal, some property values will increase, some will decrease, and some will remain the same. Mrs. Adams further remarked that this revaluation period is 2005-2009. Data from the Register of Deeds Office, banks, appraisers, realtors, and many other sources are analyzed to determine the assessed value. The Yadkin County Tax Assessor's Office does not make the numbers up; they are based on concrete research.

Continuing discussion of property values, Mrs. Adams pointed out that Yadkin County is a farming community where the taxpayer carries the burden. Yadkin County needs more industry to relieve the burden of the citizens. Commissioner Wooten asked Mrs. Adams to address the historical data that is used in the Schedule of Values. Mrs. Adams responded that the process begins 2 ½ years prior to the revaluation year. Once the Schedule of Values is determined, no changes can be made. Market adjustments are possible within a defined neighborhood. Yadkin County is divided into 300 neighborhoods. Commissioner Garner commented that Yadkin County appears to be the opposite of the national trend regarding property values. Mrs. Adams noted that 26 counties are currently completing the revaluation process. Davie, Forsyth, Rockingham, and other surrounding counties are seeing the same results as Yadkin. Vice Chairman Austin added that depressed values in other areas will pull the national market down as stable values in Yadkin County could pull the market up. Mrs. Adams remarked that the news media is largely responsible for the panic that occurred in Florida and California. Commissioner Moxley remarked that if no new homes were built in the revaluation period, property values would be easy to predict. Mrs. Adams

stated that revaluation is effected by new construction and subdivided properties but values are stable in Yadkin County. Commissioner Wooten asked what the effective tax rate for Yadkin County was on December 31, 2008. Mrs. Adams did not have that figure at the time. Commissioner Wooten commented that the Department of Public Instruction reports the effective tax rate for Yadkin at 124.96%. Further, Commissioner Wooten asked Mrs. Adams what she would say to a prospective homeowner who disagreed with their assessed value. Mrs. Adams responded that there is a 10% tolerance level in assessed value. If the appraisal is less than the 10% tolerance, an adjustment to the assessed value would be made. Vice Chairman Austin questioned the revaluation of 2000 indicating a 35.5% increase and asked Mrs. Adams to address this. Mrs. Adams reported that the revaluation period for Yadkin County had been 8 years. Subsequently, the County changed the period to 6 years and now to a 4-year cycle.

- (i) Ms. Burke brought the Board's attention to the current balance of the Capital Reserve Fund. Yadkin County had been able to save \$1.8 million toward the 5D Project and those funds have been budgeted. Sales tax for middle schools of \$1.1 million has been included in the debt model. These savings enabled Yadkin County to borrow much less.

Commissioner Wooten had additional items for discussion. Commissioner Wooten asked Ms. Burke why the approximate \$3 million for the Highway 21 to West Yadkin School was not included in the debt model. Ms. Burke replied that she could add that if requested, but that project was not in the original plan. Commissioner Wooten noted that the reported unreserved/undesigned fund balance of \$7.1 million is what remains after the \$2.1 million is deducted for this year's budget. Commissioner Wooten asked Ms. Burke if the County's other commitments should have been included in this debt model; such as \$500,000 to Jonesville, possible \$3 million for the new water treatment plant, ongoing water and sewer projects, and up to \$400,000 in budget amendments from July 1 to the present. Ms. Burke explained that the debt model provided today is a snapshot of audited figures from June 30, 2008. Any figures can be placed in the debt model at the County's request. Commissioner Wooten questioned why start-up and operational costs were not included in the model. Ms. Burke responded that the debt model is the capital plan only. Commissioner Wooten asked how much additional tax rate would be needed to meet the plan. Ms. Burke stated that the tax rate of \$0.08 is already in effect in this plan. Commissioner Wooten remarked that the \$0.08 did not apply to the 5D project. Ms. Burke explained that \$600,000 had been set aside for the past 3 years to apply to debt service for 5D.

Vice Chairman Austin presented a spreadsheet that he had completed. Page 1 provides the same data as First Southwest and adds operational costs for the

middle schools and jail. Page 2 indicates a more conservative 3% growth in assessed value. The model assumes if 10 schools required \$7.5 million, the middle schools would require an additional \$1.5 million. Current operating expenses of \$844,000 for the existing jail would be doubled for the new jail. Commissioner Austin's plan also accounts for a 2.4% inflationary increase based on the Consumer Price Index. All other existing revenues and expenses remain unchanged. This debt model indicates a tax equivalent of \$0.15 and only after 15 years does it drop below that figure. With the \$0.08 tax increase recently applied, a \$0.10 - \$0.13 tax increase would still be needed over the next 2 years to fund 5D and the operating costs of the jail and middle schools. Based on these projections, there would be a definite impact on fund balance. Ms. Burke remarked that these projections would vary greatly based on the operational costs of the jail and middle schools. Commissioner Garner commented that all of the figures today are based on past history and assumptions but that no one can predict with certainty. Commissioner Garner added that Ms. Burke had been correct in using conservative numbers. Vice Chairman Austin asked County Manager Kiser to comment. County Manager Kiser remarked that he had not seen projections for the operating expenses of either the jail or the school. County Manager Kiser felt that Commissioner Austin's projections for the school were slightly high but could not guess at the jail costs. County Manager Kiser also noted that additional funds would be needed for hospital costs and upkeep of the dams. Commissioner Wooten commented that sales tax and lottery funding are declining. Commissioner Wooten asked Ms. Burke how these revenues will be recouped if this trend continues. Ms. Burke noted that the model only uses 84% of last year's numbers. Commissioner Wooten remarked that a 20% projected growth in assessed value is aggressively high considering there has only been 27% growth over the last 10 years. Commissioner Wooten asked what tax increase would be required to meet the debt model. Ms. Burke explained that the debt models presented today reflect capital costs only and would require no additional tax increase as those tax increases have already been applied.

[Vice Chairman Austin's spreadsheet is attached as Addendum B]

Vice Chairman Austin asked Finance Director, Sheron Church, to address the school budget shortfall with ADM and lottery money redirected to debt service. Ms. Church explained that 30% of Article 40 was for current expense and 60% of Article 42 was for capital projects. A deficit would only occur if expenses exceeded revenues. Ms. Church did not feel that a tax increase would be necessary with the recent pay-off of school bonds and with the \$0.05 tax set-aside.

Vice Chairman Austin asked Ms. Burke to describe what must happen if the projections do not meet the 20%. Ms. Burke noted that the County is not legally bound to the \$0.05 set-aside and that adjustments would be required. Vice

Chairman Austin commented that aggressive assumptions can lead to trouble and stated that the Board should have a realistic grasp of what could happen.

Commissioner Wooten referred to the balloon payments on the amortization schedule for the jail. Ms. Burke offered that the increased amount in interest payments are not balloon payments but it is the industry standard to repay 50% of the debt service within the first 10 years. Level payments would exceed the \$0.02 tax equivalent target. Commissioner Garner commented that the conservative figures provided by Ms. Burke were for the protection of the County.

Commissioner Wooten asked Ms. Burke to address the drop in the interest rate offered by RBC. Ms. Burke explained that RBC made their original offer under the assumption that the loan was not bank qualified. When the error was discovered, RBC lowered their rate from 3.83% to 3.42%. It was noted that the RFP for financing bids clearly stated this would be a bank qualified transaction.

Chairman Wagoner thanked Ms. Burke for her attendance today and for the financial data provided.

Chairman Wagoner called for a recess at 11:57am. Meeting reconvened at 12:12pm.

(4) Jail Bids

Mr. Robert Smith, Project Manager for Moseley Architects, appeared before the Board to review the bids for the new jail. Mr. Smith reported that Edison Foard of Charlotte, NC was the apparent low bidder. In his experience, Mr. Smith has had successful projects with Edison Foard and some unsuccessful projects. Mr. Smith explained that the key to a successful project is the site supervisor. Someone with jail experience is preferred. Moseley would work closely with Edison Foard or any other contractor to ensure the proper site manager is selected.

Vice Chairman Austin made reference to previous discussions regarding an outside 3rd party construction control entity that could provide oversight and suggest areas of cost reduction. Mr. Smith responded that this type of service could certainly be used on this project. However, Mr. Smith explained that part of the services of Moseley Architects is oversight, holding change orders to a minimum, and bi-weekly site visits. Any suggested cost savings on the project would be consumed by the 3rd party. Whereas Moseley Architects would offer bi-weekly visit, a 3rd party may offer weekly visits. The County would have to decide if weekly visits are a priority and if the arrangement would be cost effective.

Vice Chairman Austin asked Mr. Smith to address possible reductions in cost and possible change orders. Mr. Smith remarked that jail construction is a complex

project. There will be areas of additional costs and areas of reduction. It is important to authorize the notice to proceed so that current prices can be locked in by the contractors. Bids for alternates 1 and 2 expire within 60 days from December 18. Construction prices could go up at any time. The County should move as quickly as possible to ensure lower costs. Mr. Smith assured the Board that Moseley would be vigilant in keeping costs down. All substantial change orders will be brought to the Board. Any contractor selected would be held to a certain level of care.

Vice Chairman Austin asked Mr. Smith about his experience with Hickory Construction, the 2nd low bidder. Mr. Smith replied that he had only good experiences with Hickory Construction. Neither Hickory Construction nor Edison Foard have constructed jails. Bordeaux, Devere, and Turner, the 5th lowest bidder has jail construction experience. Commissioner Garner asked Mr. Smith if he would be comfortable with the selection of Edison Foard. Mr. Smith reiterated that the key to the project is the site supervisor and that Moseley will work closely with the chosen contractor to ensure the right people are on the job.

Mr. Smith informed the Board that a decision on Alternate 1 and Alternate 2 is also needed so that contractors and subcontractors can lock in their costs. Mr. Smith pointed out the project with alternates will use 40-50 subcontractors which will be great for Yadkin County.

Commissioner Wooten stated that there is additional information needed before going forward with the jail plans. Commissioner Wooten noted that the kitchen plan is 3000 square feet while architectural documents indicate that kitchen size is typically 3 square feet per inmate. With a 150 bed core, the jail kitchen should be no more than 450 square feet. Mr. Smith replied that the kitchen and laundry designs meet state standards. Commissioner Garner pointed out that the kitchen facilities will not be used for just Yadkin County inmates. Aramark will be moving their operations from Davie County to Yadkin. Commissioner Wooten stated there should be a \$3000 rental charge for a facility of this size. Commissioner Garner noted the number of jobs that would be created by this project. Commissioner Wagoner asked representatives of the Sheriff's Office to address the current standing with Aramark. Major Danny Widener responded that a contract with Aramark had not been established because of the delays in the project. Aramark is still interested in the arrangement and will provide all kitchen equipment and a reduced meal rate in exchange for use of the facilities. It was noted that Aramark will use the new facility as a distribution point for services in Alleghany, Davie, and Wilkes. Mr. Smith added that Alternate #2 is strictly for kitchen equipment and that \$228,000 can be saved if this arrangement is made with Aramark. Vice Chairman Austin expressed concerns for kitchen operations if Aramark did not renew at the end of the original contract. Mr. Smith reiterated that the kitchen size is appropriate to the size of the facility according to State standards.

Commissioner Moxley asked Mr. Smith what the potential cost may be to re-design the kitchen. It was noted that any re-design would have to go back before the State for approval. Any change at this point would be a costly and time consuming endeavor. Any concerns for the size of the kitchen should have been brought forth prior to the plans being submitted to the State. Commissioner Wooten commented that each Board member has a right to know the consequences of his/her vote. There are many additional questions that should be answered; such as the meal cost and the power bill. Commissioner Wooten estimated that the power expense for a kitchen this size would be \$1000 per month. Commissioner Wagoner asked about the size of the inmate cells. Mr. Smith replied that they are the minimum of State standards.

Commissioner Wooten stated that one reason he has objections this late in the process is because he asked for a set of plans months ago, but was refused. Commissioner Wooten stated he did not have plans available to him until December 31, 2008. Mr. Smith offered his objections stating that jail plans were available in the County Manager's Office after completion. Commissioner Garner responded that Board members are not experts in every subject and must rely on others in each particular field and trust them to carry out what they know. Additional discussion occurred. Commissioner Wooten reiterated his lack of opportunity to review the plans prior to December 31. In addition, Commissioner Wooten stated that each Board member has the right to adequate information to determine any consequences of his/her action. Commissioner Wooten felt that the jail plans should be delayed until the concerns with the kitchen and Aramark contract are resolved. Commissioner Garner stated that truth to one is fallacy to another. Commissioner Garner reported that he did review the jail plans but trusted the architects to do their job. Mr. Smith remarked that Commissioner Garner had attended 99% of the design meetings and was very involved in the discussions. Commissioner Garner asked Major Widener if he felt the plans were appropriate and would meet their needs. Major Widener reported that the facility is appropriate and that the Sheriff's Office worked with Moseley to design the most efficient operation for Yadkin County. Recommendations were made and some changes occurred to cut costs. Commissioner Garner stated that he could not tell law enforcement or the architects how to build a jail facility and that some duties must be delegated. Commissioner Wooten replied that it is the responsibility of the Board to make decisions based on the best information available. Vice Chairman Austin added that it is the responsibility of the Board to analyze any available data and make the absolute best decision for the County. It was noted that an Aramark contract would be negotiated by the Sheriff's Office, the County Manager, and Attorney Graham.

Vice Chairman Austin made a motion to have a negotiated contract with Aramark ready to present at the February 2, 2009 meeting of the Board. Commissioner Garner second.

Vote: 5/0

Commissioner Garner made a motion to issue a Notice to Proceed to Edison Foard for jail construction including Alternates 1 and 2. Commissioner Moxley second.

Commissioner Wooten made a substitute motion to put jail project on hold until new property option in Yadkinville could be evaluated. Vice Chairman Austin second. Commissioner Wooten stated that Commissioner Moxley and Vice Chairman Austin were approached and met with Yadkinville officials the wee prior. If necessary, this issue can be discussed in closed session. Vice Chairman Austin reported that he and Commissioner Moxley had met with Yadkinville Town officials regarding potential property for a jail site in the downtown area. Vice Chairman Austin remarked that the Board would be remiss to ignore the town's offer. Vice Chairman Austin asked Mr. Smith to address the use of the same jail plans in a different location. Mr. Smith responded that plans are drawn to a specific location and are not simply transferable. Re-design would take an additional 3 months. All State permits from the Department of Health and Human Services, the Department of Insurance, and the Department of the Environment and Natural Resources would have to be reissued. Changing locations would result in additional design costs as well as delays. Commissioner Moxley reported that the downtown property is available at a cost of \$400,000. Commissioner Moxley commented that the Town of Yadkinville cannot offer any additional funding or assistance other than those things already offered. The Town of Yadkinville feels that jail construction and operation are a County matter and does not feel it is appropriate to mix County and Town functions.

Commissioner Garner made a motion to excuse Board member Kevin Austin from the vote on the substitute motion to delay the issuance of the Notice to Proceed based on a conflict of interest. Commissioner Moxley second.

Vote: 4/0

[Restated]

Commissioner Wooten made a substitute motion to put jail project on hold until new property option in Yadkinville could be evaluated. Vice Chairman Austin second.

Vote: 1/3

Motion failed with Chairman Wagoner, Commissioner Garner, and Commissioner Moxley voting against. (Austin was excused prior to the vote.)

Commissioner Wooten made a substitute motion to put jail project on hold to hire a consultant or contractor to investigate the true construction cost differential between Hoots Road location and Downtown sites. Vice Chairman Austin second. Commissioner Wooten stated that there had been much said about which site was truly cheaper and that the Board owes it to the citizens to show a complete comparison. Commissioner Wooten suggested the County hire a professional consultant for a cost comparison on the 2 potential sites. Commissioner Garner remarked that Robert Smith is the consultant and that this motion was just another delay tactic. Purchasing land downtown will cost money that the County has saved by building on property already owned. Commissioner Austin remarked that the property owned by the County on Hoots Road is a valuable asset. At this point, the property has not been committed and is still as valuable as cash.

Commissioner Garner made a motion to excuse Board member Kevin Austin from the vote on the substitute motion to delay the issuance of the Notice to Proceed based on a conflict of interest. Commissioner Moxley second.

Vote: 4/0

[Restated]

Commissioner Wooten made a substitute motion to put jail project on hold to hire a consultant or contractor to investigate the true construction cost differential between Hoots Road location and Downtown sites. Vice Chairman Austin second.

Vote: 1/3

Motion failed with Chairman Wagoner, Commissioner Garner, and Commissioner Moxley voting against. (Austin was excused prior to the vote.)

Commissioner Garner retracted his original motion to issue a Notice to Proceed to Edison Foard for jail construction including Alternates 1 and 2. Commissioner Moxley second the retraction. Attorney Graham advised that a vote would be needed for a retraction. As no vote was taken, the original motion stands as originally entered:

Commissioner Garner made a motion to issue a Notice to Proceed to Edison Foard for jail construction including Alternates 1 and 2. Commissioner Moxley second.

Commissioner Wooten made a substitute motion to put jail project on hold to investigate a short-term less-costly solution of renting modular units until the County can afford to build the proper jail in the proper location. Vice Chairman Austin second. Commissioner Wooten stated that Yadkinville had indicated they would accept this as a short-term solution and, if necessary, this could be discussed in closed session. Commissioner Garner pointed out that Superior Court Judge Craig ordered no modular units. Vice Chairman Austin remarked that Judge Craig also stated that future Boards have the ability to change any decisions of the prior Board. Commissioner Wooten stated that the public had spoken and does

not want a jail on Hoots Road. Vice Chairman Austin offered that the County has incurred a tremendous amount of debt and the proposed jail will certainly add to that. Vice Chairman Austin remarked that it would be in the best interest of the County to consider modular units until the County could afford a new jail. Chairman Wagoner replied that the \$0.02 tax increase and the 15-year financing approved at the last meeting does provide the proper funds for the new jail. Vice Chairman Austin continued that the Sheriff's Office has begun to rent space on Main Street due to space issues. If the property adjoining the Sheriff's Office could be acquired, an alternate solution would be to dig a basement and place modular units over that basement structure. The modular units could provide a temporary space solution and the basement could be used for additional Sheriff's Office needs. In 2-5 years, when the County has reduced some of its debt, it can reconsider a new jail facility. By that time, perhaps Yadkin County would have had an opportunity to purchase property in the downtown area providing the best case scenario for the citizens of Yadkin County. Commissioner Wooten added that projected revenues are inappropriate. The new jail could require as many as 30 new employees. Operating expenses and transportation expenses must be analyzed.

Commissioner Garner made a motion to excuse Vice Chairman Austin from the vote on the substitute motion to postpone the issuance of the Notice to Proceed and rather install modular units at the existing jail site until a permanent jail solution could be derived. Commissioner Moxley second.

Vote: 4/0

[Restated]

Commissioner Wooten made a substitute motion to put jail project on hold to investigate a short-term less-costly solution of renting modular units until the County can afford to build the proper jail in the proper location. Vice Chairman Austin second.

Vote: 1/3

Chairman Wagoner, Commissioner Garner, and Commissioner Moxley against. (Austin had been excused prior to the vote.)

Commissioner Wooten made a substitute motion to put the jail project on hold and continue to house inmates out of county until the County could afford to build the proper jail in the proper location. Vice Chairman Austin second.

Commissioner Wooten stated that the County only spent \$171,000 in the previous year to house inmates out of county and this solution would be much cheaper than payments on the jail, not to mention the operating costs of a new jail.

There was some discussion of the cost of transportation and the housing of inmates out of county. Commissioner Wooten commented that out-of-county housing of inmates was \$171,000 last year; far less than jail loan payments or operating costs. Commissioner Garner pointed out that this figure did not include

the cost of transporting inmates to and from other counties. The Board debated the costs of transporting inmates regularly the 4 miles to Hoots Road versus transporting inmates periodically out of county. Commissioner Garner asked Attorney Graham to speak to the court schedule for Yadkin County. Attorney Graham reported that Superior Court is in session 5 or 6 times per year, District Court occurs weekly, and Civil Court occurs on Tuesdays of each month. Transportation from out-of-county facilities would be frequent.

Commissioner Garner made a motion to excuse Vice Chairman Austin from the vote on the substitute motion to postpone the issuance of the Notice to Proceed and house inmates out of county foregoing construction costs and operating expenses. Commissioner Moxley second.

Vote: 4/0

[Restated]

Commissioner Wooten made a substitute motion to put the jail project on hold and continue to house inmates out of county until the County could afford to build the proper jail in the proper location. Vice Chairman Austin second.

Vote: 1/3

Chairman Wagoner, Commissioner Garner, and Commissioner Moxley against. (Austin was excused prior to the vote.)

Commissioner Wooten had other items for discussion prior to the vote.

Commissioner Wooten noted his concerns as follows:

- a) In the jail design, the storm drains run to the front of the structure under the sally port. Mr. Smith responded that he would review the plans once again but assured the Board that the design was for the utmost efficiency. Vice Chairman Austin asked if the jail had been delayed due to DHHS approval. Mr. Smith reported that DHHS approval was received a while back.
- b) There is no clear documentation that the facility is designed for male and female inmates. Mr. Smith explained that the notation of a 'male only facility' was simply a clerical error verified by Thad Feree of NCDHHS.
- c) The heating and air conditioning plan for the facility may be cheaper to install but will result in higher operating costs in the long term.

Commissioner Wooten was concerned about the load factor of a 3 phase unit, lack of heat pumps, the 30 ton air conditioning unit, and a 90 kilowatt electric heater. In addition, plans in 1 room call for 3 electric hot water heaters with a separate electric heater. Commissioner Wooten surmised that the heating expense for this system would be extensive. Chairman Wagoner asked if Commissioner Wooten could provide those figures. Commissioner Wooten replied that a study had not been completed to determine if this heating and air conditioning design is the most efficient. Mr. Smith commented that staff engineers and consultants could certainly answer these questions, but Mr. Smith added that the design is such to be

more energy efficient. Commissioner Wooten questioned the intake and exhaust vents in the same location on the structure. Mr. Smith explained that this a smoke evacuation system required by the State to eliminate smoke in a fire event. Mr. Smith confirmed that the Fire Marshal had reviewed these plans. Further, Commissioner Wooten asked if a peak demand charge for power had been considered or addressed.

Commissioner Wooten commented that a single phase 800-2000 amp system would be much more cost efficient.

- d) Commissioner Wooten questioned the use of belt-driven motors in the 16 exhaust fans. The fans range from 1/6 horsepower to 1/4 horsepower. Commissioner Wooten remarked that belt-driven motors are much more likely to develop maintenance issues than standard direct drive motors. Commissioner Wooten suggested that direct drive motors would cost less and would require less maintenance over a long term.
- e) Commissioner Wooten commented that the proposed jail would be a maintenance and cost nightmare for the County. The technology in the structure is abundant and will drive up the cost of maintenance.

[Restated]

Commissioner Garner made a motion to issue a Notice to Proceed to Edison Foard for jail construction including Alternates 1 and 2. Commissioner Moxley second. Commissioner Wooten asked if the statement, “contingent upon LGC approval”, should be added to the motion. Attorney Graham responded that it would not be necessary because no contractual agreement had been made to this point.

Commissioner Garner made a motion to excuse Vice Chairman Austin from the vote regarding the issuance of the Notice to Proceed due to a conflict of interest. Commissioner Moxley second.

Vote: 4/0

[Restated]

Commissioner Garner made a motion to issue a Notice to Proceed to Edison Foard for jail construction including Alternates 1 and 2. Commissioner Moxley second.

Vote: 3/1 (Wooten against)

(Austin was excused prior to the vote)

Commissioner Wooten presented each Board member with an operational cost estimate worksheet for the proposed jail. Commissioner Wooten commented that staffing, utilities, and maintenance are among the costs to be determined. This worksheet is a single document and is not related to any other action by the Board.

Commissioner Wooten made a motion to have an operational cost estimate of the proposed jail completed for Board review. Chairman Wagoner stated that he would prefer to review this worksheet prior to taking any action. Commissioner Wooten agreed to postpone this matter for a subsequent meeting. Commissioner Wooten withdrew his motion.

Vice Chairman Austin made a motion to approve the Installment Financing Agreement with RBC, the Escrow Deposit Agreement with RBC, and the Deed of Trust and Security Agreement with RBC. Commissioner Garner second.

Vote: 5/0

Commissioner Garner made a motion to approve the RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT AND OTHER DOCUMENTS AND APPROVING AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE FINANCING OF A PORTION OF THE COST OF A NEW COUNTY JAIL. Vice Chairman Austin second.

Vote: 5/0

[Restated]

Commissioner Garner made a motion to approve the Capital Projects Ordinance for a Jail/Law Enforcement Center revised January 2009. Commissioner Moxley second.

Commissioner Austin asked to be excused from the vote.

Commissioner Garner made a motion to excuse Vice Chairman Austin from the vote on the Capital Projects Ordinance for a Jail/Law Enforcement Center. Commissioner Moxley second.

Vote: 4/0

(Restated)

Commissioner Garner made a motion to approve the Capital Projects Ordinance for a Jail/Law Enforcement Center revised January 2009. Commissioner Moxley second. Commissioner Wooten once again expressed concerns for unresolved issues. It was Commissioner Wooten's belief that the presented ordinance would not adequately cover the cost. Chairman Wagoner pointed out the potential to reduce the ordinance by \$228,000 for the kitchen equipment alternate and the potential to reduce the ordinance by the \$300,000 contingency. Vice Chairman Austin noted that Edison Foard is still being reviewed by Moseley Architects.

Vote: 3/1 (Wooten against)

(Austin was excused prior to the vote)

[The Capital Projects Ordinance for Jail/Law Enforcement Center revised January 2009 is attached as Addendum C]

BOARD ACTION

(1) 5D Mitigation

Soil and Water Director, Jason Walker, appeared before the Board to present 3 bids for the 5D Mitigation at Dinkins Bottom. Mr. Walker reported that bids were not required to be advertised because the cost did not reach a specified amount. The low bid was \$10,750 from Yadkin Valley Construction.

Vice Chairman Austin made a motion to approve the contract with Yadkin Valley Construction for the wetland mitigation of Dinkins Bottom. Commissioner Wooten second.

Vote: 5/0

Vice Chairman Austin asked if this represented the total cost of both mitigations. Mr. Walker explained that the bid presented today was for Dinkins Bottom only. This project basically calls for the plugging of 3 ditches. Not all of the 21 acres owned by the County in this bottom will be flooded. The mitigation for the upper part of the dam is much more extensive. The plan calls for the streams to be reconstructed from a virtual straight path to a meandering path. Bids for the upper mitigation will be opened on the following day. Mr. Walker estimated the bids to be around \$350,000. The original ordinance allowed \$1 million for this mitigation. Vice Chairman Austin asked if this cost had already been accounted for. Mr. Walker explained that this cost is not reimbursable and was included in the original ordinance.

On a related note, Mr. Walker reported that the 5D project is actually slightly ahead of schedule. Despite a rainy December, the left side of the dam has been cleared.

(2) Back-Up Clerk

There was brief discussion of appointing a back-up clerk to assist with daily duties and to provide for those duties in the absence of the clerk. County Manager Kiser recommended Colleen Rumplach. Mrs. Rumplach was recently hired full time permanent in the position of Administrative Clerk in the County Manager's Office.

Commissioner Wooten made a motion to assign Colleen Rumplach as the back-up Clerk to the Board. Commissioner Moxley second.

Vote: 5/0

(3) Budget Amendments

The Board reviewed budget amendments. Finance Director, Sheron Church was present to provide further information. Commissioner Wooten had questions

regarding the budget amendments for capital reserve. Much discussion took place. Ms. Church explained that property taxes are collected and deposited into the General Fund. Since \$0.05 was set aside for school debt service, those collected funds were then moved to Capital Reserve. It remains in this fund, similar to a savings account, until it is needed. Once the debt becomes due, those funds are then transferred to Debt Service. Commissioner Austin commented that the appropriation from fund balance appeared to increase to \$3.5 million. Ms. Church responded that the \$3.5 million is a true number but that \$1.045 million is appropriated for the middle schools.

**Commissioner Wooten made a motion to approve budget amendments for Capital Reserve, Interfund Transfers, and Debt Service. Commissioner Garner second.
Vote: 5/0**

Upon further review, Commissioner Wooten noted that \$0.03 was to be dedicated for capital expense and \$0.02 designated for operating expense.

**Commissioner Wooten made a motion to reconsider the prior action approving budget amendments for Capital Reserve, Interfund Transfers, and Debt Service. Commissioner Garner second.
Vote: 5/0**

**Commissioner Wooten made a motion to approve budget amendments for Capital Reserve, Interfund Transfers, and Debt Service. Commissioner Garner second.
Vote: 0/5 (Motion was defeated unanimously)**

**Commissioner Wooten made a motion to approve revised budget amendments for Capital Reserve and Interfund Transfers reflecting \$0.03 for capital needs and \$0.02 for operating expense. Vice Chairman Austin second.
Vote: 5/0**

**Commissioner Wooten made a motion to approve the budget amendment for Debt Service as presented. Vice Chairman Austin second.
Vote: 5/0**

**Commissioner Garner made a motion to approve budget amendments for Capital Reserve and Debt Service regarding the reclassification of revenues and expenses. Commissioner Wooten second.
Vote: 5/0**

**Commissioner Wooten made a motion to approve budget amendments for Parks and Recreation, Communications, JCPC, and Agricultural Extension. Commissioner Garner second.
Vote: 5/0**

Commissioner Wooten made a motion to approve the budget amendment for DSS regarding Energy/Crisis funds. Commissioner Garner second.

Vote: 5/0

[All budget amendments are attached as Addendum D]

Chairman Wagoner called for a recess at 1:55pm. Meeting reconvened at 2:10pm.

MANAGER REPORTS/COMMENTS

County Manager, Stan Kiser offered these additional items for discussion:

(1) County Manager Kiser drew the Board's attention to the Annual Chamber of Commerce Event on January 27, 2009.

(2) County Manager Kiser reported that he continues to look into budget cuts per department. The EMS had budgeted for 2 new employees and was asked to postpone any hiring until the Board discussed the matter. Staffing needs are currently supplemented by part time employees. Vice Chairman Austin inquired about the cost comparison of full time versus part time. County Manager Kiser reported that part time assistance is probably less costly considering benefits but one of the candidates was offered the job prior to the discussion of budget cuts and had already left his prior employment. Vice Chairman Austin commented that the County created an expectation and should live up to it. Chairman Wagoner noted that emergency call volume is not decreasing and personally felt that the County could not have 'too many' EMS workers. Commissioner Moxley stated that the public often questions the services they receive for their tax dollars and that EMS services are not the appropriate area to cut. Vice Chairman Austin stated his purpose was not to cut services but to provide them as cost efficiently as possible. It was the consensus of the Board to continue with the 2 new hires for EMS.

(3) County Manager Kiser was notified by the NCACC that Governor Elect Perdue requested a list of "shovel ready" projects for each County. Shovel ready was identified as projects that could begin within 1 year. As Manager Kiser had only 36 hours to put this list together, he consulted with Randy Darden. Together Mr. Darden and County Manager Kiser identified 7 projects that could begin within 1 year if adequate federal dollars were provided.

(4) County Manager Kiser continues to review for possible budget cuts. The Tax Administration Office reports that collections are still approximately 2% ahead of last year.

(5) County Manager Kiser has one additional item for closed session at the end of regular business.

CALENDAR NOTES

The Board reviewed the list of calendar events. No additional comments were offered.

COMMISSIONER COMMENTS

Commissioner Moxley had no additional comments at this time.

Commissioner Garner commented that Yadkin County does not have a railroad due to “black corn”.

Commissioner Wooten had no additional comments at this time.

Vice Chairman Austin stated he would hold his comments due to the length of today’s session.

Chairman Wagoner had these additional comments:

(1) Chairman Wagoner drew attention to documents that had been provided to the Board at the beginning of the meeting. The document was sent to the LGC by Board members Austin and Wooten and lists their objections to the Yadkin County Jail Project. Subsequently, County Manager Kiser was asked by Tim Romocki, Director of Debt Management for the LGC, to respond to those objections. Chairman Wagoner asked Commissioner Wooten and Vice Chairman Austin to confirm that these were the documents that had been forwarded to the LGC. Vice Chairman Austin confirmed. Chairman Wagoner asked Manager Kiser to confirm that the subsequent documents are the County’s responses that were forwarded to the LGC. County Manager Kiser confirmed. Chairman Wagoner asked that these documents be entered into the minutes if there was no objection by the Board. It was noted that these documents became public domain once submitted to the LGC. Attorney Graham also noted that these documents could be entered into the minutes without issue. Chairman Wagoner asked that the original document from Commissioner Wooten and Vice Chairman Austin be entered into the Minutes as well as the secondary document and the responses of the County Manager. Chairman Wagoner asked that these documents be followed by a statement that these are not the majority opinion of the Board, but rather that of 2 members of the body politic. Those documents are inserted below.

[Initial email from Vice Chairman Austin to the LGC]

From: Kevin Austin [mailto:kevin@austinenclosures.com]
Sent: Wednesday, December 31, 2008 2:05 PM
To: Tim Romocki
Subject: Yadkin County LGC Presentation

Dear Mr. Romocki,

Please find attached copies of the Objections (along with supporting documentation) of Yadkin County Commissioners Brady Wooten and Kevin Austin to the Yadkin County project currently under consideration by the Local Government Commission. I am not sure at this time if this is a majority opinion or a minority opinion, as the remaining Commissioners will weigh in on this on Monday, January 5.

I am sending 10 hard copies of this documentation via USPS Express Mail. Please distribute copies in advance of Tuesday's meeting to LGC members who are considering this project. If you believe it would be advantageous to forward these files immediately to the members, please do so.

Mr. Wooten and I plan to be at the meeting on January 6 and will be available to discuss this matter.

Thank you in advance,

Kevin Austin
Yadkin County Vice Chairman

[Initial Objections of Austin and Wooten forwarded to the LGC]

Objections to Approval of Yadkin County Jail Project

While Yadkin County can legally take on even more debt than it has at this point, the taxpayers of Yadkin County cannot. We have within the last 12 months increased our debt from around \$9 million to nearly \$45 million (for our small County of 38,000 people) and are now about to add another \$7.3 million with this current project. All of this has been committed to without any concern or acknowledgement of the forthcoming operational expenses that will be required from these capital projects. Consider the following points and you will see that the fiscal demands that are being put on Yadkin residents is more than they can stand.

1. For 2007-2008, we imposed a 12% tax increase from .68/100 to .76/100, plus added a \$60 per household solid waste fee (which added another .04/100 for a home valued at \$150,000).
2. This 8 cent increase was intended to cover our Middle Schools project and our new Jail. Since that time, a third major project was approved, known as the 5D Reservoir.
3. The 5D project is about \$25 million total with substantial portions coming from State grants and Federal earmarks, leaving the County share at nearly \$8 million. Contracts have been signed and work has begun, but the State and Federal funds have not been received. There are also other (mitigation) portions of the project that have not been bid yet. The amount borrowed so far amounts to over 2 cents on the tax rate.
4. There has been no budgeting consideration given for the operational expenses of the 2 new schools. They will be in addition to the 10 schools we currently have operating at a current budget of \$7.5 million. It is reasonable to say that 2 schools added to 10 will increase budgets by 20%, or \$1.5 million per year (about 7 cents on the tax rate).
5. There has been no budgeting consideration given for the operational expenses of the new jail. It will be nearly 4 times the capacity of our current jail we currently have operating at a current budget of about \$844,000. It is reasonable to say that increased staffing and overhead will increase budgets by at least 100%, or \$844,000 per year (about 4 cents on the tax rate).
6. Our current budget was passed with a \$2.1 million dollar appropriation from fund balance, which has since grown to over \$2.4 million. In the last two years, we had \$236,000 appropriated from the fund balance (2006-2007) and \$626,000 appropriated from fund balance (2007-2008) and still managed to add \$2.4 million and \$1.7 million respectively to our fund balance. However, with the falling revenues and the possibility of the State reducing ADM and Lottery funds, it is certain that we will see a negative impact to our fund balance. How much is yet to be seen, but it could easily be around \$1 million shortfall.

7. This shortfall on an ongoing basis would represent another 5 cents on our tax rate.

8. There is a firm commitment from the County to the Town of Jonesville to pay \$500,000 toward a new water plant for Jonesville, with no request for repayment. This amount is not in the current budget and has not yet been appropriated.

9. There has also been an offer made to finance another \$3 million to the Town of Jonesville for the remaining funds necessary for their water plant. It is not known at this time if Jonesville will exercise this option. It is also not known if Yadkin County will be able to borrow this money if Jonesville decides to borrow from Yadkin County.

10. There is also a standing offer to Jonesville to loan them \$50,000 for a sewer project.

11. There is pending litigation regarding the jail property zoning, filed by the same group who won a similar lawsuit against the County last summer. The earlier lawsuit cost the County about \$75,000 in legal fees.

12. Our current tax rate of .76/100 is 10 cents higher than any of our neighboring counties, and 50% above the average (.5025/100) for our Population Group (25,000-49,999).

13. Our fund balance is healthy at over 20%, but is still below the average of 27.66% for our Population Group.

14. Projections from our financial advisor, First Southwest, use an aggressive 5% per year growth rate. Historical data from the last 10 years shows an average of 3.08% growth. The projections used by our Boards of Commissioners in the past have been overly optimistic.

15. Yadkin County is implementing an 18% revaluation increase in 2009. The current economic and housing market downturn indicates that even 3% growth may not be attainable over the next few years. It may even be necessary to reduce the assessed values at our next revaluation in 2013.

Please review the attached projections of property value and capital and operational expenses for the recent projects. Please bear in mind that this chart does not take into account the current (and possible future) budget appropriation of fund balance. It is our concern that Yadkin County has more tax burden than its taxpayers can stand at this point. Please do not approve any further debt at this time.

_____ Kevin Austin, Yadkin County Vice Chairman

_____ Brady Wooten, Yadkin County Commissioner

KEY POINTS

- Yadkin County tax rate is already 50% higher than 25,000-49,999 Group
- Yadkin County imposed a 16% property tax increase in 2007-2008
- Funding recent projects already require another 11% increase
- Funding this project will require another 7% increase on top of that
- Resulting tax rate of .89/100 will be 77% above our Population Group
- Current fund balance is below the average for our Population Group
- Yadkin has current budget with \$2.4 million appropriated from fund balance
- There is an un-booked commitment of \$500,000 to Town of Jonesville
- There may be another \$3 million committed to Jonesville
- Yadkin may operate 'in the red' for several years to come with .89/100 rate
- A legitimate lawsuit exists against this project

First Southwest
Projections

	Property	Vehicles	Total Valuation	Factored	schools Debt Service	5d Debt Service	jail Debt Service	Total Debt Service	Schools Operations	Jail Operations	Total Debt+Oper.	Tax Equivalent
2009	2177371479	260000000	2437373488	2254729190	1919395	349022		2268417	1498200	844774	4611391	0.2045
2010	2525750916	260000000	2785752926	2582205861	1942180	698044	512705	3152929	1534157	865049	5552135	0.2150
2011	2525750916	260000000	2785752927	2582205861	1903880	698044	513557	3115481	1570977	885810	5572268	0.2158
2012	2525750916	260000000	2785752928	2582205861	1865580	698044	499280	3062904	1608680	907069	5578654	0.2160
2013	2525750916	260000000	2785752929	2582205861	1827280	698044	499875	3025199	1647288	928839	5601327	0.2169
2014	3030901099	260000000	3290903113	3057047033	1788980	698044	609273	3096297	1686823	951131	5734252	0.1876
2015	3030901099	260000000	3290903114	3057047033	1750680	698044	595593	3044317	1727307	973958	5745582	0.1879
2016	3030901099	260000000	3290903115	3057047033	1712380	698044	606742	3017166	1768762	997333	5783262	0.1892
2017	3030901099	260000000	3290903116	3057047033	1674080	698044	592378	2964502	1811213	1021269	5796984	0.1896
2018	3637081319	260000000	3897083337	3626856440	1982429	698044	716475	3396948	1854682	1045780	6297409	0.1736
2019	3637081319	260000000	3897083338	3626856440	2128809	698044	717067	3543920	1899194	1070878	6513993	0.1796
2020	3637081319	260000000	3897083339	3626856440	2069444	698044	711803	3479291	1944775	1096579	6520645	0.1798
2021	3637081319	260000000	3897083340	3626856440	2010079	698044	691283	3399406	1991449	1122897	6513753	0.1796
2022	4364497582	260000000	4624499604	4310627727	1950714	698044	809566	3458324	2039244	1149847	6647415	0.1542
2023	4364497582	260000000	4624499605	4310627727	1891349	698044	784258	3373651	2088186	1177443	6639280	0.1540
2024	4364497582	260000000	4624499606	4310627727	1831984	349022	758047	2939053	2138302	1205702	6283057	0.1458
2025	4364497582	260000000	4624499607	4310627727	1772619			1772619	2189622	1234639	5196879	0.1206
2026	5237397099	260000000	5497399125	5131153273	1713254			1713254	2242173	1264270	5219696	0.1017
2027	5237397099	260000000	5497399126	5131153273	1653889			1653889	2295985	1294612	5244486	0.1022
2028	5237397099	260000000	5497399127	5131153273	1594524			1594524	2351088	1325683	5271295	0.1027
2029	5237397099	260000000	5497399128	5131153273				0				0.0000
2030	6284876518	260000000	6544878548	6115783927				0				0.0000
2031	6284876518	260000000	6544878549	6115783927				0				0.0000
2032	6284876518	260000000	6544878550	6115783927				0				0.0000
2033	6284876518	260000000	6544878551	6115783927				0				0.0000

Assumptions

Annual growth is as stated in FS projections

Additional School operations are set at 20% of current budget (2 schools added to current 10).

Additional Jail operations are equal to current budget amount (although capacity is nearly 4 times as much)

2.4% inflation per year for operational expenses

3% Growth		Total		schools	5d	jail	Total	Ad'l	Ad'l	Total	Tax
Property	Vehicles	Valuation	Factored	Debt Service	Debt Service	Debt Service	Debt Service	School Operations	Jail Operations	Debt+Oper.	Equivalent
2009	2177371479	260000000	2437373488	2254729190	1919395	349022	2268417	1498200	844774	4611391	0.2045
2010	2525750916	260000000	2785752926	2582205861	1942180	698044	512705	3152929	1534157	865049	0.2150
2011	2525750916	260000000	2785752927	2582205861	1903880	698044	513557	3115481	1570977	885810	0.2158
2012	2525750916	260000000	2785752928	2582205861	1865580	698044	499280	3062904	1608680	907069	0.2160
2013	2525750916	260000000	2785752929	2582205861	1827280	698044	499875	3025199	1647288	928839	0.2169
2014	2727810989	260000000	2987813003	2772142330	1788980	698044	609273	3096297	1686823	951131	0.2069
2015	2727810989	260000000	2987813004	2772142330	1750680	698044	595593	3044317	1727307	973958	0.2073
2016	2727810989	260000000	2987813005	2772142330	1712380	698044	606742	3017166	1768762	997333	0.2086
2017	2727810989	260000000	2987813006	2772142330	1674080	698044	592378	2964502	1811213	1021269	0.2091
2018	3055148308	260000000	3315150326	3079839409	1982429	698044	716475	3396948	1854682	1045780	0.2045
2019	3055148308	260000000	3315150327	3079839410	2128809	698044	717067	3543920	1899194	1070878	0.2115
2020	3055148308	260000000	3315150328	3079839410	2069444	698044	711803	3479291	1944775	1096579	0.2117
2021	3055148308	260000000	3315150329	3079839410	2010079	698044	691283	3399406	1991449	1122897	0.2115
2022	3421766105	260000000	3681768127	3424460139	1950714	698044	809566	3458324	2039244	1149847	0.1941
2023	3421766105	260000000	3681768128	3424460139	1891349	698044	784258	3373651	2088186	1177443	0.1939
2024	3421766105	260000000	3681768129	3424460139	1831984	349022	758047	2939053	2138302	1205702	0.1835
2025	3421766105	260000000	3681768130	3424460139	1772619			1772619	2189622	1234639	0.1518
2026	3832378038	260000000	4092380064	3810435355	1713254			1713254	2242173	1264270	0.1370
2027	3832378038	260000000	4092380065	3810435356	1653889			1653889	2295985	1294612	0.1376
2028	3832378038	260000000	4092380066	3810435356	1594524			1594524	2351088	1325683	0.1383
2029	3832378038	260000000	4092380067	3810435356				0			0.0000
2030	4292263403	260000000	4552265433	4242727598				0			0.0000
2031	4292263403	260000000	4552265434	4242727599				0			0.0000
2032	4292263403	260000000	4552265435	4242727599				0			0.0000
2033	4292263403	260000000	4552265436	4242727599				0			0.0000

Assumptions

Annual growth of 3% (12% each reval). 2009 reval of 16% is overstated by 4%, therefore 2013 reval is set at 8%
 Additional School operations are set at 20% of current budget (2 schools added to current 10).
 Additional Jail operations are equal to current budget amount (although capacity is nearly 4 times as much)



NEWS

Commissioners approve jail site 4-1

By Steve Steiner
Managing editor
ssteiner@elkintribune.com

Published:
 Thursday, October 23, 2008 9:38 AM EDT

Steve Steiner/Yadkin Ripple Those against the jail site on Hoots Road were asked to either stand up or raise their hands at the start of the meeting Tuesday.
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It was standing room only and the overflow poured into the hallway at the entrance to the Yadkin County Commissioner meeting room Monday. Where normally a lone sheriff's deputy would be in attendance, there were two.

Commissioners took their seats, chatted amongst themselves and newly-appointed county manager Stan Kiser and county attorney James Graham, but when the clock struck 7 p.m., commissioner chairwoman Kim Phillips called the meeting to order and she welcomed all in attendance.

"It's nice to see such a crowd," she said.

With that, the commissioners proceeded on the agenda, moving quickly to the item on the agenda that had elicited the night's larger than usual turnout -- the public hearing on the proposed conditional rezoning of county-owned property at Hoots/Butler Road from HB to MI-1-CD for a county jail.

Almost immediately, commissioner Brady Wooten spoke up.

"Should we continue with this public hearing?" he asked.

The response was, there was no reason not to proceed.

As Kim Bates, planning and development director, took to the podium and spoke, Conrad Brown called out.

"Could you speak up so we can hear what you're saying?" he asked.

Bates apologized and proceeded to take the microphone out of its stand and held it in his hand the entire duration he addressed the commissioners and audience.

Essentially, he said, upon reviewing all the data, the planning board had found the site of the proposed new jail to be of reasonable use.

At the conclusion of his remarks, Phillips invited the public to speak and Steven Austin was the first to rise from his seat and cross to the podium.

"Well, it's been quite a year," he said.

He then asked everyone who opposed the site of the proposed jail, and who wanted it to remain in downtown Yadkinville, to either stand or raise their hand. A number of people did both.

Austin read from documents he downloaded from the Internet. He told the commissioners it is their responsibility to work with the town, which he reminded them that town leaders had passed a resolution opposing moving the jail. He reiterated that request as he finished his remarks.

"I would like this board...to work cooperating with Yadkinville to keep the jail downtown," he said.

His remarks drew applause.

Phillips then issued an invitation for anyone who wished to speak to please do so. Time and again she would ask if anyone wanted to speak, and many took her up on the offer.

Each and every person who addressed the commissioners opposed moving the jail from downtown Yadkinville.

One person, Bill Garrett, cited the economic turndown currently being experienced. He went on to cite cutbacks and freezes, as well as the fact Yadkin County has the highest tax rate of six contingent counties. In conclusion, he referred to pre-Revolutionary War Lexington, Mass. and "The Shot Heard 'Round the World." The commissioners, he told them, had a chance for their own shot 'round the world to be heard.

"I urge you to do the right thing and put the jail downtown, said Garrett.

When Peggy Boose approached, she minced no words. She challenged the notion that all the sites were seriously reviewed. She said the board backed down from one site when enough citizens in that neighborhood protested.

"Are the citizens who live on Henshaw Road more important than those who live in Hoots Road?" she asked. "I think not."

She continued to take them to task.

"The jail is the only thing left to save yourself money," she said. "The majority of the board don't seem to get it. What they don't get is economics.

"If you care about the citizens at all, you will put the jail downtown," she said.

She then spoke of her effort to get the minutes of the planning board this past September, which differed substantially from the minutes she requested and received just prior to Monday's meeting.

Like Austin and Garrett, she drew applause.

While a number of speakers spoke from an emotional basis, Jim Austin, president of Austin Electrical Enclosures, of which the prison would neighbor, spoke of his concerns for the 160 employees of the company, as well as that of residents. Like those who spoke before him, he said the best site for the jail would be downtown.

A moment of levity occurred when Conrad Brown took his turn. He said he was a former resident of the jail. He then explained his father was one of its first jailers, and the family lived on the premise.

"What would be wrong with tearing down the old jail and build a foundation for future growth 'up'?" he asked

It was approximately 8:20 p.m. when the last person concluded. After several invitations by Phillips, no one else came to the podium.

It was commissioner Tommy Garner who had a number of people puzzled.

"If you're going to quote, please quote the person in his entirety," he said.

This prompted some people in the audience to quietly wonder aloud who and what was Garner talking about.

Finally, commissioner Brady Wooten spoke up.

"We need to work with Yadkinville to keep the jail downtown," he said. "I think putting the jail on Hoots Road is wrong. It will not serve the citizens of this county.

"I cannot vote for something that is totally wrong, and I'm sorry," he said.

A voice called out from the audience, telling Wooten he had nothing to apologize about.

When chairwoman Phillips addressed the audience, she offered an apology if it ever was the impression the board didn't listen. But she reminded the audience there is a legal, moral and ethical obligation to provide an adequate jail facility.

"Speaking for myself, I have to do what I believe is right."

The vote passed 4 - 1, with Brady Wooten the lone dissenting vote.

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**YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
October 20, 2008**

The Yadkin County Board of Commissioners met in Regular Session on Monday, October 20, 2008, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

Chair Kim Clark Phillips
Vice Chair Joel Cornelius
Commissioner Tommy Garner
Commissioner Chad Wagoner
Commissioner Brady Wooten

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

CALL TO ORDER by Chair Phillips at 7:03pm.

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Mackenzie Sparks. Mackenzie is in the 8th grade at Courtney Elementary School. Mackenzie was accompanied by his mother, step-father, and brother. Assistant Principal, James Shover, was also in attendance. Mackenzie reported that Courtney has just recently begun to offer a variety of clubs for student participation. Mackenzie enjoys the Culture Club where he is learning about North Carolina history. Chair Phillips thanked Mackenzie, his family, and Assistant Principal Shover for their attendance at today's meeting.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Vice Chair Cornelius stated that a letter from Robin Testerman of the Surry Children's Center had been provided to accompany discussion in Section XII.4.

Commissioner Wooten asked if the Public Hearing of the rezoning of County-owned property on Hoots/Butler Road should be postponed due to the recent Appeal to the Zoning Administrator. Attorney Graham saw no reason for the delay since the County Ordinance does not provide for an appeal to the Zoning Administrator.

Vice Chair Cornelius made a motion to suspend the rules of comment for the Public Hearing related to the rezoning of property on Hoots/Butler Road allowing all individuals to speak as they desire. Commissioner Wooten second.
Vote: 4/1 (Wagoner against)

Vice Chair Cornelius made a motion to approve the agenda with the noted adjustment. Commissioner Garner second.
Vote: 5/0

PUBLIC COMMENTS

Alice Singh appeared before the Board. Ms. Singh read a letter from Attorney Graham to Steve Troxler, Commissioner of Agriculture. Ms. Singh had prepared a letter in response and read it aloud as well.

*[Attorney Graham letter to Steve Troxler is attached as Addendum A]
[Alice Singh letter to Attorney Graham and County Manager Kiser is attached as Addendum B]*

The Public Comments portion of the meeting closed at 7:13pm.

APPROVAL OF MINUTES

Chair Phillips requested the following adjustments:

- (1) page 9, 2nd paragraph – Commissioner Wagoner had also attended the training on the Emergency Medical Dispatch.
- (2) Page 9, 1st paragraph – change "effected" to "affected"

Commissioner Wooten made a motion to approve the October 6, 2008 Regular Meeting Minutes and the October 6, 2008 Closed Session Minutes with noted adjustments. Commissioner Wagoner second.
Vote: 5/0

PUBLIC HEARING

(1) Proposed Installment Financing Agreement to Finance a Portion of the Cost of a Flood Control and Water Supply Facility of Yadkin County

The Board was provided a copy of the resolution from the prior meeting that set the Public Hearing. Chair Phillips reported that the Public Hearing is for the establishment of an installment financing agreement for the 5D Watershed Project. This project has been in process since 1958. Financing options will be discussed later in the meeting. Bids have been received for the construction and for the financing.

The Public Hearing was open. There were no speakers for this issue. The Public Hearing was closed at 7:23pm.

(2) Proposed Conditional Rezoning of County-owned Property at Hoots/Butler Road from HB to MI-1-CD for a County Jail

Planning and Development Director, Kim Bates appeared before the Board for a staff report on the proposed rezoning. Director Bates reported that an application for rezoning of 10 acres on Hoots/Butler Road from HB to MI-1-CD was provided to the Zoning Office on August 13, 2008. The property offers 650' of road frontage on the south side of Hoots Road and 500' of road frontage on the west side of Butler Road. Article 16 of the Zoning Ordinance provides for the creation of parallel conditional districts. The site plan submitted on August 13 indicates the structure will be 27,226 square feet and will disturb 4.18 acres of the 10 acre lot. The Planning Board voted 3/2 on September 8, 2008 to recommend this rezoning. The Planning Board offered a statement of zoning consistency which Director Bates read aloud.

The Public Hearing was opened.

Kevin Austin approached the Board to speak in opposition of the rezoning of the Hoots/Butler Road property for a county jail. Mr. Austin is a Yadkin County resident and businessman. Mr. Austin thanked the Board for the opportunity to speak and thanked everyone in the meeting room for their attendance. Mr. Austin asked audience members who were in favor of the County jail being constructed in the downtown area to stand. Mr. Austin shared copies of information he had researched from the North Carolina Association of County Commissioners (NCACC) website and the National Association of Counties (NACo) website. Mr. Austin read the following from the NCACC document:

"The Association recognizes the kinship of cities and counties in the family of local government and urges member counties to act affirmatively to strengthen their partnerships with cities. There must be recognition of issues that cross city and county lines. These issues must be dealt with cooperatively."

Mr. Austin read the following from the NACo document:

"The ethical county official should: Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county."

Mr. Austin remarked that it is the responsibility of County officials to work cooperatively with the Towns. The Yadkin Chamber of Commerce as well as the Town of Yadkinville passed resolutions to keep the jail downtown. The Yadkin County Board of Commissioners recently agreed to assist Jonesville with a new waterplant. Mr. Austin offered that it was a great decision for economic development and for the residents. Mr. Austin asked the Board to turn their attention to the Town of Yadkinville, its citizens, and the welfare of the entire County. Mr. Austin asked the Board not to diminish economic potential by building a jail on Hoots Road.

Bill Garrett stated that he has an address of Boonville, but lives on Whitaker Road, near the planned jail site. Mr. Garrett addressed the County's spending, particularly a proposed 150-bed jail, and asked the Board to consider the current economic turndown. Mr. Garrett stated that the State of North Carolina had a recent budget cut of 3%. The State of North Carolina reports \$230,000,000 decrease in revenues in the first fiscal quarter. There is a 6.8% unemployment rate. Yadkin County has established debt of \$55-65 million. Mr. Garrett remarked that Yadkin County should be making cuts, rather than a "credit card shopping spree". Mr. Garrett stated that a jail on Hoots Road would offer no additional protection from the Sheriff's Office or the Police Department in the event of an escape or emergency. Only bailiffs would be on site. Mr. Garrett stated that there is no taxi service in Yadkin County and the Sheriff's Office is under no statute to provide transportation for released inmates. Mr. Garrett asked the Board to reduce the jail size to a 68-bed facility and construct this jail in the downtown area.

Peggy Boose remarked that she wished to speak for herself first and then on behalf of the group. Ms. Boose remarked that rezoning the Hoots Road property for a jail was wrong for the community, the County, and economics. Ms. Boose stated the County suspended their own requirement of waiting one year between rezoning petitions of the same property and asked the Board if they intended to

offer the same benefit to the citizens and developers of Yadkin County. Ms. Boose stated that the property at Hoots Road could be worth up to \$2 million while the downtown property could be obtained for \$300,000. The Board seriously reviewed only 2 of the 13 potential sites. When the residents of the Hinshaw Road area stood in opposition to the jail in their neighborhood, the Board withdrew their petition. Ms. Boose asked the Board if the residents of Hinshaw Road were more important than the residents of Hoots Road. Ms. Boose remarked that jail construction could be half complete at this time if the County had built the jail downtown. Ms. Boose stated that a jail planner hired by the County recommended a 68-bed facility. This Board elected to build a 150-bed facility, adding \$8.5 million to the \$55 million already incurred. Ms. Boose asked the Board to make the right economic choice by placing a 68-bed jail downtown.

Representing the group of citizens against the Hoots Road site, Ms. Boose read a signed affidavit dated October 20, 2008.

[The Affidavit is attached as Addendum C]

Diane Doub remarked that thousands of dollars had been spent on this issue and asked the Board to stop this fight. Ms. Doub stated that the May primary election was an indication of the citizens' will. Ms. Doub asked the Board to do the right thing and stop using the citizens' money for things the citizens obviously don't want.

Jim Austin, III, President of the Austin Company, appeared before the Board in opposition of the rezoning of Hoots Road for a County jail. Mr. Austin was accompanied by his father, the founder of the Austin Company, and his mother. Mr. Austin reported that the Austin Company employs 160. Though Mr. Austin lives in Greensboro, he has worked in Yadkin County for 20 years and has great concerns for his business and for the neighborhood. Mr. Austin remarked that the jail should be downtown. The Town of Yadkinville, the Chamber of Commerce, and the crowd in the meeting room all agree that the jail should be downtown. Mr. Austin reported that the Austin Company is growing despite the struggling economy. Mr. Austin commented that as a businessman, he is constantly evaluating costs, revenues, and the future of his company. The safety of his employees is a factor in those evaluations. Mr. Austin asked the Board if they were willing to take the chance of a potential withdrawal of the Austin Company from Yadkin County to place a jail on Hoots Road.

Jim Austin, Jr., founder of the Austin Company and father to the current President and Vice President, spoke to the Board regarding Austin Company's relationship with the County. Mr. Austin reported that he brought the Austin Company to Yadkin County in the late 1960s, simultaneously with Allen Mebane of Unifi. Mr. Austin remarked that Yadkin County, with the assistance of Luther Todd, was extremely cooperative in this company relocation. Mr. Austin remarked that the Austin Company had not asked anything of Yadkin County in the 40+ years and had always been good corporate citizens; partnering with the YMCA, United Way, and other organizations in the community. Mr. Austin expressed concerns that the County did not first approach the Austin Company on this issue. Mr. Austin reported that he is not a resident of Yadkin County, but is a taxpayer. As a taxpayer, Mr. Austin felt that a jail on Hoots Road would be inefficient and more costly. Finally, Mr. Austin remarked that the County would be doing the citizens a disservice by placing a jail on Hoots Road.

Dave George commented that the results of the primary election were clear. The Board is not listening to the people. Mr. George stated that it makes no sense to build a jail anywhere but downtown. Using a past quote from Commissioner Garner, Mr. George asked the Board why they were here.

Mr. George stated the Board was representing their own interests and not those of the citizens.

Lynn Murray reported that he had just recently moved to Yadkin County. Mr. Murray reported that County staff in administration, tax, and permits had been outstanding and that the staff was a tribute to the County. Mr. Murray remarked that he had met some very nice people in Yadkin County. Mr. Murray asked the Board to put aside their pride and make the right decision for the citizens of Yadkin County. Mr. Murray encouraged the Board to go to the Lord in prayer and search their hearts for the right course of action.

Hubert Gregory, Mayor of the Town of Yadkinville, addressed the audience members as well as the Board. Mr. Gregory reported that the Austin Company had become land-locked several years ago and asked the Town of Yadkinville to provide sewer service. A County Commissioner at that time, told Mr. Gregory that a town could not provide sewer service outside the town limits. Mr. Gregory, then a Yadkinville Town Councilman, made a motion at the next meeting to run sewer lines out to the Austin Company, thus establishing a relationship and providing a needed service outside of the town limits. Mr. Gregory remarked that the Town of Yadkinville continues to work with Yadkin County. The recent resolution from the Town of Yadkinville outlined the efforts that Yadkinville was willing to make for a downtown jail.

Lori Sloop is a resident of Hoots Road. She attends today's meeting on behalf of her neighbors who are elderly. She and her neighbors are opposed to a jail on Hoots Road. Ms. Sloop remarked that the County has not provided any evidence that a jail on Hoots Road would be beneficial to the County in any way. Ms. Sloop was troubled that the Board does not listen to the citizens. Ms. Sloop remarked that the citizens had voted for this Board, but they would not be back.

Johnny Myers asked the Board to consider the long-term consequences of building a jail on Hoots Road. Mr. Myers stated that the leaders of years past refused the railroad, fought against a community college, and turned down money for a water and sewer system. Mr. Myers added that this jail issue is just as serious for the Town of Yadkinville, the citizens, and the area. Mr. Myers offered that removing the jail from the downtown area would be the 'nail in the coffin' of Yadkinville. Mr. Myers asked the Board not to make this a personality match, but to do the right thing for Yadkin County.

Conrad Brown stated that he was born in 1934. Mr. Brown commented that he had spent 6 years living in the jail while his father was the jailer for Yadkin County. Mr. Brown stated that the people of Yadkin do not support a jail on Hoots Road and asked the Board to carry out the will of the people. Mr. Brown asked the Board how much cost would be associated with transportation, additional vehicles, and additional deputies. Mr. Brown suggested that the Board tear down the existing jail and build a new jail on the downtown site that would accommodate a second floor if needed in the future. Mr. Brown remarked that in 50 years, there would be no Yadkin County. Mr. Brown commented that industry is needed to help boost the tax base.

Tim Wishon reported that his letters to the Yadkin Ripple should indicate his opinion of this Board of Commissioners. Mr. Wishon commented that the people attending today's meeting do not want the jail on Hoots Road. Mr. Wishon made a reference to "We the People..." from the Constitution of the United States. Further, Mr. Wishon stated it was the responsibility of the public authority to represent its citizens.

The Public Hearing closed at 8:20pm.

Commissioner Garner remarked that if you use quotes, you should use them correctly. Commissioner Garner clarified that his previous statement had been, "Why are you people even here? We're not telling you how to pray."

Commissioner Wooten referred to the Yadkin County Land Use Plan. Commissioner Wooten confirmed that Vice Chair Cornelius had served on the committee that designed this plan. Commissioner Wooten remarked that the jail on Hoots Road will not meet the criteria outlined in the Land Use Plan and read an excerpt from the plan numbered 5.6.12 that states that commercial development should be concentrated in downtown areas and that downtown areas should be strengthened. Commissioner Wooten added that this Board is well aware of his position on the jail; a jail at Hoots Road is wrong and will not serve the citizens of this County. Director Bates pointed out the Land Use Plan does not specifically address a jail or law enforcement center. Director Bates added that Land Use Plan 5.7.6.4 states that public and semi-public facilities should be located centrally to the populations it serves. Chair Phillips read the Statement of Zoning Consistency as developed by the Planning Board, substituting "We the Board of Commissioners" in place of "We the Planning Board".

**Vice Chair Cornelius made a motion to accept the Statement of Zoning Consistency for the rezoning of 10 acres on Hoots/Butler Road from HB to MI-1-CD for a County Jail. Commissioner Wagoner second.
Vote: 4/1 (Wooten against)**

[The Statement of Zoning Consistency is attached as Addendum D]

Vice Chair Cornelius made a motion to rezone the Hoots/Butler Road property from HB to MI-1-CD. Commissioner Wagoner second. Much discussion followed.

Director Bates confirmed that once rezoned to MI-1-CD, the property could only be used for a County Jail. Any other development would require a subsequent conditional rezoning.

Commissioner Wooten remarked that the Statement of Zoning Consistency was inaccurate. A County Jail on Hoots Road is inconsistent with the neighborhood. Commissioner Wooten noted that there are concerns of safety and transportation costs. Commissioner Wooten asked the Board to do the right thing for the citizens and stop wasting tax payer money.

Commissioner Garner asked for clarification on the conditions of this rezoning. Director Bates explained that the nature of a conditional use permit allows only for the facility that is specified. Any other additions or any other type of facility would require an additional conditional use permit.

Commissioner Wagoner pointed out that any future Board of Commissioners would have to petition for rezoning and approve a conditional rezoning in order to construct a Courthouse at this site. Director Bates confirmed that statement. Commissioner Wagoner added that the jail is the only facility that can be located on this property. If a jail is the "economic backbone" of the Town, only one piece of that puzzle is being disturbed.

Commissioner Wooten asked about the setback requirements for a jail facility. Director Bates reported that the setbacks for this project are outlined in the zoning conditions and follow the site plan.

Vice Chair Cornelius commented that he had lunch with Kevin Austin when the Hoots Road site was first being discussed. It was never the intention of this Board to harm the Austin Company in any way. Vice Chair Cornelius pointed out that Unifi had made the two largest capital investments in Yadkin County history and built those two plants across from the state prison. The prison has now closed but there was never any harm to person or property. The current jail facility is located in the most densely populated area of the Town and only blocks from the elementary school. Vice Chair Cornelius also addressed the earlier comment regarding the Hinshaw

Road site. Vice Chair Cornelius reported that the Board ruled out Hinshaw Road as a potential when the Planning Board of the Town of Yadkinville voted not to rezone the property.

Commissioner Wooten remarked that the Board of Commissioners has an obligation to provide adequate jail facilities. The current jail has deteriorated. Commissioner Wooten added that he has made several recommendations for adequate facilities throughout his term and he will continue to work toward adequate facilities, but not at Hoots Road. Commissioner Wooten added that there is not a convincing demonstration that a jail is similar to the existing property on Hoots Road and a jail facility on Hoots Road would not be in accordance with sound land use planning.

Chair Phillips offered her regrets to those citizens that felt the Board was not listening to them. Chair Phillips acknowledged that this Board is in a difficult position. Chair Phillips remarked that no one wants to build a jail. The current jail is inadequate, undersized, and is dangerous for both staff and inmates. Providing an adequate jail facility is a legal, moral, and ethical obligation in addition to being a requirement of the North Carolina General Statutes. The Board did investigate thoroughly. The Board has made other decisions that may not have been popular among the citizens, but Chair Phillips stated that she had to make the best decisions for the County as a whole based on the information and resources that are made available. Chair Phillips stated, that ultimately, she has to do what she thinks is right and she believes this rezoning is the right thing to do.

Vote: 4/1 (Wooten against)

Chair Phillips called for a recess at 8:50pm. Meeting resumed at 9:20pm.

[Print Article](#)

WINSTON-SALEM JOURNAL

Print This Story

Foes of Yadkin-jail plan file new lawsuit

JOURNAL REPORTER

Opponents of a new Yadkin County jail on Hoots Road are asking a judge to declare a decision this fall to rezone the property unlawful, contending that the Yadkin commissioners failed to follow procedures in the county's zoning ordinance.

The group filed the lawsuit Monday, asking for a stay from proceeding until a hearing can be scheduled. "They did a lot of things wrong," said Ed Powell, an attorney in Winston-Salem who represents the group of 15 residents. "We feel that the plaintiffs certainly have a strong case to make to the court,"

In September, the county planning board recommended rezoning the property, which is owned by the county, from highway-business to manufacturing-industrial conditional use for a jail. The land is about four miles from Yadkinville.

In October, the Yadkin County Board of Commissioners voted to rezone the property.

The group of residents argues that the planning board has to send a notice to the board of commissioners informing it of the subject of the planning-board hearings, and also presenting an agenda, the group says.

"The planning board met and nobody came because nobody knew about it. The county has a legal requirement to follow their own county ordinance," Powell said.

Some of the same residents filed a similar lawsuit against the county in December 2007. In July, Judge Richard Doughton of Yadkin Superior Court ruled in favor of the residents, saying that the rezoning of the Hoots Road property was improper and therefore invalid. The residents have been urging commissioners to build the jail in downtown Yadkinville instead.

Commissioners say they studied a site in Yadkinville and that it was more cost-effective to build on Hoots Road.

In November 2006, Judge John O. Craig III ordered commissioners to move forward on a new jail after a state inspection found the current jail grossly inadequate.

"We're under order from Judge Craig to proceed with all due speed, and that's what we're planning to do," said Chad Wagoner, the chairman of the board of commissioners.

Bids for the estimated \$7 million jail were opened earlier this month. County officials will meet Monday to review the financing part of the project.

| Sherry Youngquist can be reached in Surry County at 336-918-6119 or at syoungquist@wsjournal.com.

[LGC Email requesting a Yadkin County Response]

From: Tim Romocki [mailto:Tim.Romocki@nctreasurer.com]
Sent: Wednesday, December 31, 2008 2:34 PM
To: skiser@yadkincountync.gov
Cc: Markisha Baker
Subject: FW: Yadkin County LGC Presentation

Mr. Kiser – the e-mail below and attachments were received this afternoon. We would appreciate a response from the County with respect to the issues raised. I would appreciate a response by Friday (1/2/09) afternoon as I would like to send your response along with the objection from Commissioners Wooten and Austin to the LGC members by close of business on Friday. Thanks for your help.

Tim Romocki
Director of Debt Management
State & Local Government Division
NC Department of State Treasurer
325 N. Salisbury St
Raleigh, NC 27603
919 807 2360
919 807 2377 (Fax)

tim.romocki@nctreasurer.com
www.nctreasurer.com

[Yadkin County response including the initial objections of Austin and Wooten]

Yadkin County's Response to the Objections to the Yadkin County Jail Project

Objections to Approval of Yadkin County Jail Project

While Yadkin County can legally take on even more debt than it has at this point, the taxpayers of Yadkin County cannot. We have within the last 12 months increased our debt from around \$9 million to nearly \$45 million (for our small County of 38,000 people) and are now about to add another \$7.3 million with this current project. All of this has been committed to without any concern or acknowledgement of the forthcoming operational expenses that will be required from these capital projects. Consider the following points and you will see that the fiscal demands that are being put on Yadkin residents are more than they can stand.

Yadkin Response: In November of 2006, the County Board voted to build a new jail. In December of 2006, Superior Court Judge John O. Craig III ordered the Board of Commissioners to appear before him for a hearing to determine what progress had been made toward alleviating the jail conditions. Judge Craig issued an order for the County Board of Commissioners to construct a new jail facility in accordance with their vote of November, 2006. On July 8, 2008, Judge Craig summoned the Board of Commissioner to appear before him on August 7, 2008 in order to review and discuss the progress being made pursuant to the Courts previous mandate to the County to build a new jail facility.

The assertion is made in their opening statement's that "While Yadkin County can legally take on even more debt than it has at this point, the taxpayers of Yadkin County cannot". This statement is purely conjecture and is based, not on any legal fiscal limits set by the State, but on subjective beliefs of what fiscal policy should be. The function of the Local Government Commission is to assess a division of local governments ability to finance and service debt, not to referee a disagreement in political fiscal policy that a county's citizens or its Board of Commission may have. The majority of the Yadkin County Board of Commissioners has consistently supported the jail project and continues to do so.

The State Treasurer's own web site provides an analysis of county debt as of 6-30-07 (latest available) for counties in the population size of Yadkin. These counties have debt per capita in a range of \$250 per capita to a high of \$4,592 per capita with the average being \$794. Yadkin is clearly, even with the debt acquired within the last year not close to the high end of the range. From page 12 of Yadkin County's most recent audit (6-30-08), the county shows outstanding debt of \$36,658,886, which with a population of approximately 38,000 reveals a per capita debt of \$965 which is far below the high for counties our size. With the addition of the so named "5D Reservoir" project of \$7,715,708 and the proposed jail borrowing of \$7,309,097 this would bring the county's total debt to approximately \$51,683,691. Assuming again a population of 38,000 the debt per capita would be \$1,361 less than 30% of the most indebted county Yadkin's size.

1. For 2007-2008, we imposed a 12% tax increase from .68/100 to .76/100, plus added a \$60 per household solid waste fee (which added another .04/100 for a home valued at \$150,000).

Yadkin Response: The assertion that Yadkin residents are having a fiscal demand placed on them more than they can stand is based on a subjective political opinion. A county's fiscal policy is set by the Board of Commissioners through the budget process. Last year Yadkin County had several budget work sessions and the required public hearing on the budget. The budget and the fiscal policy that it sets in place passed, of course by a majority vote of the Board.

2. This 8 cent increase was intended to cover our Middle Schools project and our new Jail. Since that time, a third major project was approved, known as the 5D Reservoir.

Yadkin Response: Taxes were raised 8 cents, including 2 cents to cover the debt service on the jail. If you will examine the debt service schedule of the jail you will find that the jail project stays under the 2 cents dedicated to fund the jail throughout the 15 year payment schedule of the loan.

3. The 5D project is about \$25 million total with substantial portions coming from State grants and Federal earmarks, leaving the County share at nearly \$8 million. Contracts have been signed and work has begun, but the State and Federal funds have not been received. There are also other (mitigation) portions of the project that have not been bid yet. The amount borrowed so far amounts to over 2 cents on the tax rate.

Yadkin Response: This was a fiscal policy decision that was approved by a majority of the Board of County Commissioners.

4. There has been no budgeting consideration given for the operational expenses of the 2 new schools. They will be in addition to the 10 schools we currently have operating at a current budget of \$7.5 million. It is reasonable to say that 2 schools added to 10 will increase budgets by 20%, or \$1.5 million per year (about 7 cents on the tax rate).

Yadkin Response: The decision to build the new schools was a decision arrived at by the Board. The Board of Commissioners will be in talks with the Board of Education concerning the need for operational expenses for the new schools in the coming 2009-2010 budget process.

5. There has been no budgeting consideration given for the operational expenses of the new jail. It will be nearly 4 times the capacity of our current jail we currently have operating at a current budget of about \$844,000. It is reasonable to say that increased staffing and overhead will increase budgets by at least 100%, or \$844,000 per year (about 4 cents on the tax rate).

Yadkin Response: With the construction of any new facility comes the need for additional operational cost. This will have to be addressed by the Board. Any additional operational cost for the jail will be considered in the budget process. It is unlikely that the new jail will be operational until the later half of the 2009-2010 budget year so any additional operational funding will be absorbed over a two year budget period.

6. Our current budget was passed with a \$2.1 million dollar appropriation from fund balance, which has since grown to over \$2.4 million. In the last two years, we had \$236,000 appropriated from the fund balance (2006-2007) and \$626,000 appropriated from fund balance (2007-2008) and still managed to add \$2.4 million and \$1.7 million respectively to our fund balance. However, with the falling revenues and the possibility of the State reducing ADM and Lottery funds, it is certain that we

will see a negative impact to our fund balance. How much is yet to be seen, but it could easily be around \$1 million shortfall.

Yadkin Response: The County continues to maintain a healthy fund balance and will endeavor to match the state average for our population group.

7. This shortfall on an ongoing basis would represent another 5 cents on our tax rate.

Yadkin Response: Again, The use of fund balance, like the tax rate is a fiscal decision based on the political will and funding desires of the Board of Commissioners.

8. There is a firm commitment from the County to the Town of Jonesville to pay \$500,000 toward a new water plant for Jonesville, with no request for repayment. This amount is not in the current budget and has not yet been appropriated.

Yadkin Response: There are ongoing talks with the City of Jonesville concerning joint water ventures and as of yet there is no negotiated agreement on a water plant.

9. There has also been an offer made to finance another \$3 million to the Town of Jonesville for the remaining funds necessary for their water plant. It is not known at this time if Jonesville will exercise this option. It is also not known if Yadkin County will be able to borrow this money if Jonesville decides to borrow from Yadkin County.

Yadkin Response: There have been discussions of a joint water project with the City of Jonesville concerning County assistance with a new water plant. Again, as of yet there is no negotiated agreement in writing with the City.

10. There is also a standing offer to Jonesville to loan them \$50,000 for a sewer project.

Yadkin Response: The City of Jonesville has informed the County that the City is not interested in the \$50,000 loan for a sewer project.

11. There is pending litigation regarding the jail property zoning, filed by the same group who won a similar lawsuit against the County last summer. The earlier lawsuit cost the County about \$75,000 in legal fees.

Yadkin Response: The County did have a second rezoning hearing for the jail property and it is in the opinion by Legal Counsel that the County followed all necessary requirements of the zoning ordinance. It is the recommendations of legal counsel that in answering the Complaint filed in the matter, the County asks for attorney fees and cost of delays, not limited to, but including any increases in interest rates or increases in construction bids over what the County has secured at present.

12. Our current tax rate of .76/100 is 10 cents higher than any of our neighboring counties, and 50% above the average (.5025/100) for our Population Group (25,000-49,999).

Yadkin Response: This is again a matter of fiscal policy that is set by the Board of Commissioner directly related to the assessed funding needs of the County. There are many counties in Yadkin's Population Group that have a higher tax rate: Anson \$.894/100, Bladen \$.86/100, Richmond \$.83/100, Scotland \$1.10/100, and Vance \$.92/100.

13. Our fund balance is healthy at over 20%, but is still below the average of 27.66% for our Population Group.

Yadkin Response: From page 18 and 19 of the most recent audit, Yadkin County’s General Fund “unreserved, designated for subsequent year’s expenditures” was \$2,177,689 and the County’s “unreserved, undesignated” was \$7,198,121 for a total fund balance for the General Fund of \$9,375,810, or 31.7% of total general fund expenditures for the past fiscal year. The total for all Governmental Funds, “unreserved, designated for subsequent year’s expenditures” was \$2,177,689 and the “unreserved, undesignated” was \$12,683,213, for a total of \$14,860,902 or 38.9%. The use of fund balance, like establishment of the tax rate is a fiscal decision based on the political will and funding desires of the Board of Commissioners.

14. Projections from our financial advisor, First Southwest, use an aggressive 5% per year growth rate. Historical data from the last 10 years shows an average of 3.08% growth. The projections used by our Boards of Commissioners in the past have been overly optimistic.

Yadkin Response: The 2005 revaluation was for the period 1999 to 2005. The 2005 revaluation showed an increase of property values on average of 25%.

15. Yadkin County is implementing an 18% revaluation increase in 2009. The current economic and housing market downturn indicates that even 3% growth may not be attainable over the next few years. It may even be necessary to reduce the assessed values at our next revaluation in 2013.

Yadkin Response: In recent discussion with the Tax Administrator, she states that a revaluation in the 18% to 19% range is not only realistic, but accurate and based on the County’s adopted Schedule of Values.

KEY POINTS

- Yadkin County tax rate is already 50% higher than 25,000-49,999 Group
- Yadkin County imposed a 16% property tax increase in 2007-2008
- Funding recent projects already require another 11% increase
- Funding this project will require another 7% increase on top of that
- Resulting tax rate of .89/100 will be 77% above our Population Group
- Current fund balance is below the average for our Population Group
- Yadkin has current budget with \$2.4 million appropriated from fund balance
- There is an un-booked commitment of \$500,000 to Town of Jonesville
- There may be another \$3 million committed to Jonesville
- Yadkin may operate ‘in the red’ for several years to come with .89/100 rate
- A legitimate lawsuit exists against this project

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Special Note: *The documents forwarded to the LGC regarding objections to the Yadkin County Jail Project do not reflect the majority opinion of the Board, but rather the opinion of 2 members of the Body Politic.*

(2) Though Chairman Wagoner did not ask or expect a response, Chairman Wagoner asked Vice Chairman Austin his reason for being recused from the vote. Further, Chairman Wagoner commented that the same Commissioner that is asking to be recused from the vote is the same Commissioner that is sending objections to the LGC on the jail project to undermine the majority opinion of the Board. Commissioner Wagoner asked Vice Chairman Austin how he reconciled this action as not being a conflict of interest. Commissioner Wooten remarked that a Commissioner should not belittle a fellow Commissioner in an open meeting. Chairman Wagoner responded that it was not his intent to criticize but rather ask a simple question. Chairman Wagoner asked how the action taken with the LGC could not be considered a conflict of interest.

Attorney Graham had no additional items for discussion.

Commissioner Wooten made a motion to enter a Closed Session per NCGS 143-318.11 (a) (3) and NCGS 143-318.11(a) (4). Commissioner Garner second.

Vote: 5/0

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

Vote: 5/0

Commissioner Wooten made a motion to adjourn. Commissioner Garner second.

Vote: 5/0

Meeting adjourned at 3:12pm.

Prepared by Clerk to the Board

Date Approved by the Yadkin County Board of Commissioners

I certify that this is a true and accurate copy of the minutes of the Yadkin County Board of Commissioners Meeting from January 5, 2009.

Gina H. Brown, Clerk to the Yadkin County Board of Commissioners

