

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
January 20, 2009

The Yadkin County Board of Commissioners met in Regular Session on Tuesday, January 20, 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; and Clerk to the Board, Gina Brown.

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

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Storm Long. Storm is a 7th grade student from Fall Creek Elementary School. Storm attended today's meeting as a representative of his Fall Creek Elementary School basketball team and is accompanied today by his basketball coach.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Clerk Brown announced that Section IX should include the setting of a Public Hearing for the purpose of raising the Minority Participation Goal from 3% to 10%.

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

Vote: 5/0

PUBLIC COMMENTS

Public Comments portion of the agenda opened at 7:04pm. There were no speakers for this portion. Public Comments portion of the meeting closed at 7:05pm.

APPROVAL OF MINUTES

The Board had several change requests for the January 5, 2009 Regular Meeting Minutes. Those changes are described below:

Requests and Corrections of Commissioner Wooten

Pg. 13-4th paragraph: should read "...kitchen size should *typically* be..."

Beginning on Page 15: The 4 substitute motions made by Commissioner Wooten should be recorded verbatim and Commissioner Wooten can provide a written copy of his motions.

Pg.17-4th paragraph: Commissioner Wooten would like additional detail regarding the number of court sessions per month in Yadkin County and those transportation issues.

Pg. 18-Item c: add that there is an electric strip heater in addition to the 3 electric hot water heaters.

Pg. 18-Item d: Commissioner Wooten would like additional detail in this section.

Commissioner Garner instructed Clerk Brown to verify the statements and requested changes with the recorded tapes.

Correction Noted by Commissioner Moxley

Pg. 6-Item e: change "Mr." to "Ms."

Correction Noted by Chairman Wagoner

Pg. 2-2nd paragraph: should read "Mr. Hardy relayed a story from his youth regarding his refusal to *do* his homework."

Commissioner Wooten made a motion to postpone the approval of the January 5, 2009 Regular Meeting Minutes and the January 5, 2009 Closed Session Minutes until the February 2, 2009 meeting of the Board in order to review requested corrections. Vice Chairman Austin second. Vice Chairman Austin noted corrections as well.

Requests and Corrections of Vice Chairman Austin

Pg. 8-2nd paragraph: Chairman Austin had referred to a \$1.9 million deficit rather than a \$1 million deficit.

Pg. 10-1st paragraph: Rather than Vice Chairman Austin *noted* a 35.5% increase; Chairman Austin *questioned* a 35.5% increase.

Pg. 12-last paragraph: should read "...3rd party *construction* control entity..."

Pg. 15-4th paragraph: *Commissioner Moxley*, rather than *Vice Chairman Austin*, made the comment that the Town of Yadkinville would not provide additional funding for a downtown location.

Pg. 16-1st paragraph: the last sentence should read “Vice Chairman Austin remarked that the Hoots Road property is a valuable asset to the County ‘until it is committed to the jail project.’ ”

Pg. 16-last paragraph/Pg. 17-1st paragraph: Vice Chairman Austin had stated that a basement should be dug on the adjoining property to the Sheriff’s Office rather than under the existing Sheriff’s Office.

Pg. 21-4th paragraph: should read “...*the appropriation from the County Fund Balance* appeared to increase to \$3.5 million...”

Vote: 5/0

Commissioner Wooten made a motion to enter a Closed Session per NCGS 143.318-11(a)(3). Vice Chairman Austin second.

Vote: 5/0

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

Vote: 5/0

PUBLIC HEARING

Clerk Brown reported that in order to receive the Rural Center Grant from the State, the County would need to increase their Minority Participation Goal from 3% to 10%. A public hearing is required on this matter. There were some concerns that failure to meet the 10% goal of Minority Participation would result in the withdrawal of funding. It was determined that a good faith attempt in meeting the goal is acceptable without penalty.

Commissioner Wooten made a motion to set a Public Hearing for Monday, February 2, 2009 for the action to increase the County’s Minority Participation Goal from 3% to 10%. Commissioner Garner second.

Vote: 5/0

BOARD APPOINTMENTS

There were no board appointments for today’s meeting.

BOARD REPORTS/REQUESTS

Mary Sue Johnson, representing the East Bend Public Library Building Committee (EBPLBC), appeared before the Board. Ms. Johnson announced that she is a retired school teacher, principal, and administrator. Ms. Johnson currently serves as a volunteer on this committee to raise funds for a new library facility for East Bend. Ms. Johnson dedicated over 465 volunteer hours last year. Ms. Johnson pointed out other volunteers from the committee that had accompanied her to the

meeting and noted their tremendous number of volunteer hours as well. Ms. Johnson remarked that she is inspired by working with this group of volunteers and this group recognizes the opportunity to be a part of something larger than themselves. The EBPLBC was formed in 2004 and received its 501-3-C in 2005.

The East Bend Public Library serves a 5 mile radius of East Bend with an estimated population of 7000-8000 residents. It is the only library in the eastern part of the County. The East Bend Public Library has served the public for 24 years but the current facility is just simply too small. As part of the Northwestern Regional Library System, the East Bend Public Library receives state and local funds for operations, salaries, books, and utilities. There is currently no funding for facilities. The current library building in East Bend has structural and maintenance issues; such as cracks in the foundation, heating and cooling inefficiencies, and underground fuel tanks. The building offers no meeting space, limited parking, no adaptability for modern technology, no accessibility for the disabled, and no bus parking. The summer reading programs for school-aged children has moved to an off-site location in order to accommodate the number of participants.

A needs survey conducted in 2001 indicated that a 6,667 square foot facility would be required to serve a projected population of 9000 by the year 2011. Plans are to raise \$850,000 to build a 6,685 square foot single-level building with a 1 to 2 year construction period. In 2008, Jack and Ann Adams of East Bend donated 1.5 acres on Flint Hill Road for the library facility. In only 18 months, the EBPLBC has raised more than \$350,000 toward this effort. With \$22,000 available funds in June 2007, the Committee now has a current total of \$372,000. The Committee appreciates every dollar from the \$1 raffle tickets to the receipt of grants. The EBPLBC was awarded a one-to-one matching grant from the Reynolds America Foundation of \$37,500. The committee was able to match the grant within 30 days with donations from \$25 to \$25,000. A tentative fundraising plan has been developed for 2009. This committee has approached the Yadkin County Board of Commissioners for 3 consecutive years requesting funding for this building project. Ms. Johnson stated it was her hope that the Board could assign funding from the County budget or any future stimulus packages.

Commissioner Garner asked if any funds from the Northwestern Regional Library (NWRL) were dedicated as building funds. Vice Chairman Austin asked if any federal dollars were available for this project. NWRL Director, John Hedrick, reported that there are no library funds for construction or facilities.

Vice Chairman Austin commended Ms. Johnson and the entire committee for their tremendous effort and success in raising funds thus far. Vice Chairman Austin offered that this quick growth in the last year may bring momentum to the campaign. Vice Chairman Austin asked about the groundbreaking amount. Ms. Johnson answered that it had been discussed but no dollar amount had been

assigned. There was brief discussion of bank loans and the matching funds for employee charitable contributions through Reynolds. Ms. Johnson explained that Reynolds had already been very generous in this effort. Chairman Wagoner also commended the committee for their ability to match the Reynolds America Foundation Grant within 30 days. Chairman Wagoner added that the County has a very resourceful County Manager who will begin the budget process shortly. Chairman Wagoner thanked Ms. Johnson and members of the committee for their presentation.

BOARD ACTION

(1) Soil and Water Director, Jason Walker, appeared before the Board for the selection of a contractor for the West/Shore Stream Mitigation. Mr. Walker announced that 3 bids were received for this project. Yadkin Valley Construction presented the lowest bid at \$304,444; considerably lower than the engineer's estimate of probable cost. Attorney Graham has reviewed the contract. Vice Chairman Austin asked if this was the same contractor that was selected on the Dinkins Bottom Mitigation. Mr. Walker answered that Terry Benton is the owner of Yadkin Valley Construction and was awarded the Dinkins Bottom Mitigation. Commissioner Moxley asked for clarification on the exact location of this project. Mr. Walker explained this mitigation would be 1 mile upstream of the dam on Ireland Road at the first bridge and would involve 13 streams. Commissioner Garner asked if the property owners had given consent. Mr. Walker explained that the County owns this property and the Corps of Engineers did not require the County to go off-site to complete the stream mitigation.

Commissioner Wooten made a motion to approve Yadkin Valley Construction as the contractor for the West/Shore Mitigation. Commissioner Garner second. Vice Chairman Austin asked Mr. Walker if he was familiar with the work of Yadkin Valley Construction. Mr. Walker responded that Yadkin Valley Construction had teamed with Joe Mickey, a retiree of the Wildlife Commission, who actually taught classes on mitigation. In addition, Mr. Mickey taught mitigation to the engineer on this project. Yadkin County is saving close to \$300,000 with engineering services provided by the office of Vernon Cox. This mitigation will involve placing meanders back into the streams, grading and adding rock to restore the banks, and the planting of trees. Mr. Walker does not anticipate any issues with the final inspection. The conservation easement requires the replanting of trees. The Forestry Service will assist and make recommendations on the types of trees to replant. There was brief discussion of streams being re-routed by fallen trees. Mr. Walker reported that the office of Soil and Water is pursuing grants up to \$350,000 to assist land owners with stream restoration.

Vote: 5/0

Mr. Walker also reported that the first on-site inspection of the 5D site by DENR passed 'with flying colors.'

(2) Solid Waste Director, Cheri Cranfill, appeared before the Board to review proposed franchises for solid waste collection. There are 3 applicants that have not been franchised in Yadkin County prior. These franchises require Board consideration at two regular meetings. Chairman Wagoner read the following passage from North Carolina General Statutes 153A-46:

“No ordinance making a grant, renewal, extension, or amendment of any franchise may be finally adopted until it has been passed at two regular meetings of the board of commissioners. No such grant, renewal, extension, or amendment may be made except by ordinance. (1973, c. 822, s. 1.)”

It was noted that there is a \$300 franchise fee renewable at 3 year intervals. Commissioner Wooten inquired of the effect of franchises in the town limits. Attorney Graham responded that these franchises do not apply to the municipalities. Republic Waste Services, Greenhill Environmental, and Yadkin Container all provide dumpster services.

Commissioner Wooten made a motion to approve the franchise applications of Republic Waste Services, Greenhill Environmental, and Yadkin Container. Commissioner Moxley second. Vice Chairman Austin asked if the limits of liability are appropriate and acceptable. Mrs. Cranfill stated that each met the minimum requirement.

Vote: 5/0

Mrs. Cranfill will bring these franchise applications before the Board for a second time on February 2, 2009.

(3) Planning and Development Director, Kim Bates, appeared before the Board for engineering and administrative services of the CDBG Infrastructure Grant. The County has received only 1 proposal for administrative services from Hobbs, Upchurch, & Associates. The County cannot award at this time without a second advertisement. The County did receive 3 proposals for the engineering services. Mr. Bates pointed out that these are not bids with final dollar amounts, but rather a fee schedule with presentation of qualifications. In the interest of continuity, Mr. Bates is recommending Arcadis as the engineering firm for this project. As Hobbs, Upchurch, & Associates offered proposals for both engineering and administrative services, Chairman Wagoner asked if continuity would be better served by having both those services provided by the same organization. Mr. Bates responded that Mike Walser prefers that Yadkin County stay with a familiar engineering firm on this project.

Vice Chairman Austin made a motion to approve Arcadis as the engineering firm for the CDBG Infrastructure Grant Project in the Courtney area. Commissioner Wooten second. Commissioner Garner asked who the County's contact person would be on this project. Mr. Bates reported that Dennis Kachmarsky is the Arcadis representative to Yadkin County at this time with the assistance of Alex Apple. Chairman Wagoner reported that Mr. Kachmarsky will appear before the Board at their next meeting for updates on various projects.

Vote: 5/0

(4) The Board reviewed a tax refund recommended by the Tax Administration Office. There was no discussion.

Commissioner Wooten made a motion to approve the tax refund for Michael Dickerson. Commissioner Moxley second.

Vote: 5/0

(5) The Board reviewed a budget amendment for roof repairs at the courthouse. County Manager Kiser explained that the Board had already approved the funding but the amendment had never been brought before the Board for approval.

Date: January 19, 2009

General Fund

Dept: Public Buildings

Description	Account Number	Original Budget	Increase/ (Decrease)	Amended Budget
Buildings/ Grounds Maintenance	1054260-53010	50,000.00	19,980.00	69,980.00
Appropriated Fund Balance	1044000-49000	3,504,989.47	19,980.00	3,524,969.47

To appropriate money to repair courthouse roof.

Vice Chairman Austin made a motion to approve the budget amendment for the courthouse roof repairs. Commissioner Wooten second.

Vote: 5/0

Chairman Wagoner called for a recess at 8:37pm. The meeting resumed at 8:53pm.

MANAGER REPORTS/COMMENTS

County Manager Kiser had these additional items for discussion:

(1) Daniel Professional Group has offered a proposal for review and report of the Hoots Memorial Hospital financial statements at \$120 per hour up to 40 hours.

Commissioner Wooten made a motion to accept the proposal of the Daniel Professional Group for review and report of the Hoots Memorial Hospital financial statements at a cost of \$120 per hour, up to 40 hours. Commissioner Garner second.

Vote: 5/0

(2) Sales Tax revenues decreased from \$678,000 in November 2007 to \$489,000 in November 2008 representing a decrease of 27.92%. Commissioner Garner asked if the gasoline sales tax was included in these figures. It was noted that fuel tax is claimed by the State and Federal government.

(3) Property tax collections are still running 2% above last year's collections.

(4) The Board was provided information from various departments that had identified possible budget cuts for the remainder of the fiscal year. County Manager Kiser noted the following cuts:

EMS.....	\$15,000
IT.....	\$10,000
Fire Marshal.....	\$ 4,200
DSS.....	\$200,000
Sheriff's Office.....	\$ 87,500

Along with other department cuts, the savings total \$341,000.

(5) The Inspections Department is anticipating a decline in revenues from the anticipated \$167,000 to \$130,000 representing a decline of \$37,000. Expenses are anticipated to decrease only \$1200 leaving a shortfall of \$35,800. While some counties are eliminating building inspectors, Yadkin County's inspectors have specific trades and the responsibilities of the department could not be fulfilled if one inspector was let go.

(6) The main entrance door of the Planning and Permits building needs to be replaced. Currently, there is a dead-bolt lock that does not allow for easy exit in an emergency. Vice Chairman Austin remarked that the Planning and Permits Building is a highly public building and the door replacement is an appropriate safety measure.

(7) There is an issue for closed session at the end of the regular meeting.

CALENDAR NOTES

The Board briefly reviewed the upcoming calendar events.

COMMISSIONER COMMENTS

Commissioner Wooten had these additional comments:

- (1) Information received at the recent PART meeting was distributed. This data indicates that ridership for November and December was down slightly from October. Decreases in ridership are typical for this season and drop in fuel prices may have contributed as well. PART remains hopeful that federal dollars will be available under the new administration for park and ride lots. Federal and State dollars for busses and vans are anticipated. PART continues to increase their permanent riders and to issue more monthly passes.
- (2) Commissioner Wooten re-introduced an operating cost estimate work sheet for the proposed jail. Chairman Wagoner reported that this form had been forwarded to the Sheriff's Office and should be ready for review at the February 2, 2009 meeting of the Board. Major Danny Widener of the Sheriff's Office confirmed that the form is 50% complete and will be ready to present at the stated meeting. Major Widener also reported that he had been in contact with Aramark. The next phase is for Aramark to talk with the County Manager.
- (3) Some years ago, Yadkin County condemned the property of Mr. Creed and assumed ownership of this particular piece of property including a house and outbuildings. Commissioner Wooten believes that Mr. Creed is still renting this property to others. As this property will not be consumed by the dam and lies within the 500-year flood plain, the County should consider assigning this property to Parks and Recreation for Boy Scout Camps and other non-profit groups. Attorney Graham remarked that State and Federal regulations may not allow this sort of activity around the dam area. Brief discussion took place. County Manager Kiser was asked to work with Soil and Water Director, Jason Walker, to determine what types of recreation will be allowed in this area. Vice Chairman Austin stated the first order of business should be to remove any "squatters". Commissioner Garner was in favor of the idea if all legal requirements are met. It was suggested that the area could be used for camping, swimming, picnic areas, and possibly boating. There were additional questions regarding the types of boats and motors that would be allowed on the water. Vice Chairman Austin added that at some point in the future, there should be a county park on the lake.

(4) Commissioner Wooten reported that 3 County employees had approached him with concerns for their 401K and a letter they had received from Prudential. After brief discussion, the County Manager was asked to look into this matter and have Prudential meet with employees if necessary.

Commissioner Moxley had these additional comments:

(1) Commissioner Moxley had his first meeting with the Regional Library Board. Commissioner Moxley reported that the meeting was very informative and he looks forward to working with them.

(2) Commissioner Moxley received a telephone call from a citizen regarding a letter from Hobbs, Upchurch, & Associates for possible water and sewer lines on Highway 21. Commissioner Garner pointed out that the letter did say “where available” but that the Courtney area had been approved as the most appropriate site for these CDBG funds. Commissioner Wooten believes the letter to be a preliminary step in pursuing additional grants for infrastructure.

Commissioner Garner had these additional comments:

Commissioner Garner reported a phone call he had received in the a.m. jokingly claiming that the Board had voted against snow in Yadkin County.

Vice Chairman Austin had these additional comments:

Vice Chairman Austin had recently attended the Fire Chiefs Association meeting. This association is a cooperative effort of all departments and rescue squads to determine areas where money could be saved and expenses shared between each department. For example; fire fighters and rescue squad members are required to be fit-tested for respirators periodically. Rental fee for this equipment is \$1400. The cost would be impressive for each of the 12 fire departments plus rescue squads if the equipment was rented individually. Instead, each of the departments pooled their resources and purchased the equipment to share at a cost of \$8000. The equipment will be housed at the Forbush station. Chairman Wagoner described the procedure and how the equipment works. Vice Chairman Austin reported that this association also purchased a truck with air tanks, known as Air 1. The departments share a foam bank as well. Vice Chairman Austin commended this association for their effort in reducing the individual fire department budgets and consolidating expenses.

Chairman Wagoner had these additional comments:

(1) Chairman Wagoner reported his recent attendance at the Orientation for New Board Chairs. Chairman Wagoner stated that he learned a lot at this meeting; including that all counties have the same problems.

(2) Chairman Wagoner reported that he had the good fortune of sitting at a table with Dave Plyler. Mr. Plyler, a former newscaster for WXII, is currently serving as the Chairman for the Forsyth County Board of Commissioners. This orientation and others like it provide an excellent forum for networking and opens doors for possible future collaborations.

(3) In the leadership portion of the conference, small groups were established to discuss what a Board Chairman should expect of himself, what other Board members expect of a Chairman, and what the public expects of a Chairman. Chairman Wagoner presented the expectations of his group and commented that he would be striving to meet these expectations as the County's Board Chair:

1. Communicate with all members regardless of political affiliation.
2. Be liaison to ensure all Board members are informed and to answer or find answers to any questions they may have.
3. Listen to the members and the public.
4. Be open and honest with the media and limit the number of closed sessions as they have the appearance of being suspect.
5. Be servants of the people and not an issue or goal.
6. Set a standard of behavior for the Board.
7. Be an optimist in difficult times.
8. Try not to be controversial in getting a point across.
9. Unite members that an idea is bigger than the person presenting it.
10. Be aware that all communication is public domain.
11. Have accessibility.
12. Be fair.
13. Be slow to give an opinion.

(4) The Legislative Goals were reviewed and discussed in the last 2 days of the conference. Previous Board Chair, Kim Phillips, had served on the Legislative Goals Committee and Commissioner Wagoner had served as the voting delegate for Yadkin County during this last conference. The Board was presented with the Legislative Goals that were adopted. Chairman Wagoner read the priority goal as follows:

“Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county, including local option sales taxes, prepared food taxes, impact fees and real estate transfer taxes; and to preserve the existing local revenue base.”

Continuing, Chairman Wagoner reported that some counties have implemented the real estate transfer tax and other counties have tried to no avail. This legislation would allow all counties to enact by referendum if they so choose. Other items of interest include Transportation Funding under Intergovernmental Relations which Chairman Wagoner read as follows:

“Oppose legislation shifting the state’s existing responsibility for funding transportation construction and maintenance projects to county governments.”

Vice Chairman Austin remarked that one would think this should be the primary goal. Chairman Wagoner responded that this issue was the primary goal under Intergovernmental Relations and that each goal was ranked by priority under each subsection. Commissioner Wooten commented that DOT officials, who serve on the PART Board, do believe that construction and maintenance costs for transportation will shift to the counties within 3 to 5 years.

Chairman Wagoner stated he had voted for legislation in the direction he believes that Yadkin wishes to head. Some of the legislative goals did not particularly apply to Yadkin County at this point. The North Carolina Association of County Commissioners holds this conference and develops these goals in order to present them as a unified body rather than 100 individual counties. There were varying opinions and votes against some of the presented goals. There were some disagreements in the priority of these goals. Vice Chairman Austin added that the NCACC is the County’s strongest lobbyist. Vice Chairman Austin found the conference to be very informative and helpful. Chairman Wagoner reported that there were 88 of 100 voting delegates at the legislative goals conference. David Thompson remarked that no other lobbying group would have an 88% participation rate at this type of conference.

Attorney Graham had no additional items for discussion.

Commissioner Moxley made a motion to enter a Closed Session for the discussion of property lease per NCGS 143-318.11 (a) (5). 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 Moxley second.
Vote: 5/0

Meeting adjourned at 10:12pm.

Prepared by Clerk to the Board

Date Approved by the Yadkin County Board of Commissioners