

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
Monday, July 6, 2009

The Yadkin County Board of Commissioners met in Regular Session on Monday, July 6, 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 9:00am.

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Chairman Wagoner.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

County Manager Kiser reported that the proposal for soil remediation should be postponed. Additional information needs to be obtained prior to presenting this item. Commissioner Wooten requested a closed session at the end of the meeting to consult with the County Attorney.

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

Vote: 5/0

PUBLIC COMMENTS

Public Comments portion of the meeting opened at 9:03am. No speakers came forward. Public Comments portion of the meeting closed at 9:03am.

APPROVAL OF MINUTES

Commissioner Austin

Page 3, Paragraph 1: Add the word "all" to Republican members of the Board

Chairman Wagoner

Page 14, Section (2): Strike the word "was" in the last full sentence

Vice Chairman Austin made a motion to approve the June 15, 2009 Regular Meeting Minutes and the June 15, 2009 Closed Session Minutes with noted adjustments. Commissioner Wooten second.

Vote: 5/0

PUBLIC HEARING

Planning and Development Director, Christopher Ong, appeared before the Board regarding the CDBG Scattered Site Housing Resolution and Ordinance. Mr. Ong reported that \$400,000 was granted to Yadkin County to provide owner-occupied relocation assistance for low to moderate income households. **Mike Walser of Hobbs, Upchurch and Associates** was also in attendance to provide further information.

The Public Hearing for the CDBG Scattered Site Housing Program was opened at 9:07am. No speakers came forward. The Public Hearing was closed at 9:08am.

Mr. Walser reported the following:

- These documents are similar to those approved by the County in years past.
- There were a large number of applicants.
- The grant will fund housing rehabilitation for 8 families and 8 emergency repairs.
- There will also be 8 alternates selected.

- A full application including plans and cost estimates must be submitted by the end of July. Funds should be received in the fall.
- Selected homes must be capable of rehabilitation.
- The project has a 3 year cycle. However, additional funds can be requested if the housing projects are completed in less than 3 years and if State funding is available.
- Public notice of applications are placed in the local newspaper. Most applications and inquiries come from word-of-mouth throughout the community.

Commissioner Wooten made a motion to approve the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS Authorizing an Application to the North Carolina Division of Community Assistance in the amount of \$400,000 for the Yadkin County Scattered Site Housing Program and the Agreement to Adopt Community Development Program Policies, Procedures, Plans, Resolutions, and Ordinances regarding the Scattered Site Housing Program. Commissioner Garner second.

Vote: 5/0

Commissioner Wooten made a motion to approve the GRANT PROJECT ORDINANCE for the Scattered Site Housing Program. 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 Garner second.

Vote: 5/0

BOARD APPOINTMENTS

(1) Replacement of Lowell Todd on Board of Adjustment:

Board members have discussed this appointment with various citizens but have received no commitments. The Board will re-address this item at the meeting of July 20.

(2) Region I Aging Advisory Council:

Vice Chairman Austin made a motion to approve the appointment of Linda H. Williams to the Region I Aging Advisory Council. Commissioner Wooten second.

Vote: 5/0

BOARD ACTION

(1) Randy Darden of JJ&G appeared before the Board to present change orders for the 5D Project. Mr. Darden explained that Change Order #2 reflects \$2,775 for additional concrete and Change Order #3 reflects a rain delay of 33 days. Mr. Darden further explained that Change Order #3 only changes the completion date and does not require additional monies. The 5D project is well within contingency and a budget amendment for Change Order #2 is not necessary.

County Manager Kiser asked Mr. Darden to estimate the amount of funds appropriated from contingency thus far. Mr. Darden remarked that cost of excavation exceeded the estimate while concrete costs were lower than projected. Mr. Darden could not give an exact figure but estimated that very little had been drawn from contingency. In addition, Jason Walker, Soil and Water Director, reported that the cost of mitigation was \$350,000 though \$1 million had been set aside. Mr. Walker reported that contingency funds may be needed to install gates on the property preventing 4-wheelers and hunters from entering. It has also been suggested that contingency funds remain in reserve for 1 year following the completion of the project.

Commissioner Wooten made a motion to approve Change Order #2 for the 5D Project regarding concrete encasement in the amount of \$2,775.

Commissioner Garner second.

Vote: 5/0

Commissioner Wooten made a motion to approve Change Order #3 for the 5D Project regarding a rain delay of 33 days. Vice Chairman Austin second. Mr. Darden reiterated that there is no money involved in this order. The order reflects a change in date of completion. The installation of the roller compacted concrete has been delayed until October when temperatures are lower. Vice Chairman Austin asked if there were penalties for exceeding the expected completion date. Mr. Walker explained that rain delay based on a 5-year average is built into the contract. However, there was quite a bit more rain this spring than normal. It was noted that rain gauges are monitored on site by Haymes Brothers and Schnabel. Mr. Walker maintains a rain gauge at his office as well.

Vote: 5/0

[Change Order #2 and Change Order #3 are attached as Addendum A]

Mr. Darden will return on July 20, 2009 to present the proposal for soil remediation at the EMS station. It was noted that there will be a tour of the 5D site at 6:30am on July 14, 2009. All interested persons should meet at the Soil and Water office.

Commissioner Wooten asked Mr. Darden if any funds for the Mountain Crest Subdivision had been identified. Mr. Darden answered no.

BOARD ACTION was paused for the monthly economic development report.

BOARD REPORTS

Bobby Todd, Director of the Yadkin Chamber of Commerce, appeared before the Board for various economic development and tourism updates. Regarding the 5D Reservoir, Mr. Todd stated that economic development and tourism entities are excited about this asset and look forward to working with the 5D committee.

Mr. Todd reported the following:

- Board members of the Tourism Development Authority recently completed a 168 mile tour of Yadkin County that included the wineries, hotels and lodging, and the 5D project.

Vice Chairman Austin commented that the wine tourism for the Yadkin Valley is often taken for granted. The wine industry of the entire region has a lot to offer and a 2-day tour may be in order.

Commissioner Wooten reported that the Piedmont Authority for Regional Transportation (PART) has expressed interest in providing transportation for vineyard tours of the area. Commissioner Wooten suggested that Mr. Todd contact Brent McKinney, the Executive Director.

Mr. Todd noted that PART presently assists with transportation for the Yadkin Valley Grape Festival. Mr. Todd reported that there have been several requests for bus tours to the zoo as well.

On a separate note, Commissioner Wooten reported that there is an encroachment issue with DOT concerning the Park and Ride Lot at Highway 421 and Highway 601 in Yadkinville. There is hope that this will be resolved soon.

- Tourism is a driving force in Yadkin. On the most recent Saturday, 2 separate groups visited the Chamber Office for tourism information. The Retired Senior Volunteers Program (RSVP) will be assisting with weekend hours.
- The Chamber of Commerce will be sponsoring winery tours in August. With the upcoming openings of Saunders Ridge and Brandon Hills, Yadkin County will have 12 wineries. Tours will encompass 4 establishments per day over 3 consecutive Saturdays.

Brandon Hills features a wine called "Raptor Red." In conjunction with the ribbon-cutting ceremony, the Raptor Center of Charlotte will be releasing a rehabilitated raptor into the vineyard. Mr. Todd reported that the raptor to be released is a species of owl.

- The Economic Development Partnership began its operation on July 1, 2009. Mr. Todd commented that this initiative took 20 years to develop. Mr. Todd believes this new organizational structure will be more responsive, more efficient, and less costly.

- The Town of Yadkinville owns the building that houses the Chamber of Commerce. Negotiations are underway for beautification of the building and surrounding area. The plan is to make the area more visitor friendly with grass, a walkway, and a sitting area.
- Economic development activity is fairly strong. There continues to be a need for rail. There have been discussions with the rail line that serves Crutchfield. Mr. Todd believes that there are opportunities if the entities work together.
- There will be a presentation by Duke Energy at the Yadkin Center of Surry Community College on July 16, 2009 at 9:00am regarding the site development and marketing process just recently completed.
- Tourism authorities throughout the region are working with PTI and other airlines to offer discounts for travel to the Yadkin Valley from Florida, Newark, and the Ohio basin. Formal tours will not be offered but visitors will be provided with maps and other information.

Vice Chairman Austin asked how the groupings of vineyards were determined. Mr. Todd explained that the Swan Creek region is a natural grouping. Saunders Ridge, RagApple Lassie, Divine Llama, and Cellar 4201 will be a second grouping due to proximity. The proper grouping for Flint Hill is more difficult. Flint Hill, Brandon Hills, Allison Oaks, and Hanover Park are the 4 remaining. This is the current plan and adjustments may be made as the tours continue.

BOARD ACTION (continued)

(2) GIS Administrator, Rachel Boone and Chief Building Inspector, Gary Hayes appeared before the Board for a review of the proposed interlocal agreement with the Town of Yadkinville. Ms. Boone explained that the Town of Yadkinville must have a system in place for building inspections in order to participate in the Flood Plain Mapping Program. Yadkin County currently provides building inspections for the Town of Yadkinville. The interlocal agreement is simply a formality for a system that is already in place. Ms. Boone reported that no new funds are involved and there will be no additional responsibilities on County departments. Commissioner Wooten asked if additional funding may be necessary in the future. Mr. Hayes does not anticipate any future funding concerns.

At Vice Chairman Austin's inquiry, Ms. Boone reported that the Town of Yadkinville is not currently participating in the GIS project.

Commissioner Garner made a motion to approve the Interlocal Agreement between Yadkin County and the Town of Yadkinville for building inspection services provided by the County Inspections Department. Commissioner Wooten second.

Vote: 5/0

[Interlocal Agreement between Yadkin County and the Town of Yadkinville Regarding Building Inspection Services is attached as Addendum B]

(3) County Manager Kiser announced that an EMS Toolkit Grant had been received just after the budget was approved. An amendment is required.

Commissioner Garner made a motion to approve the budget amendment for the EMS Toolkit Grant. Vice Chairman Austin second.

Vote: 5/0

[Budget Amendment for EMS Tool Kit Grant is attached as Addendum C]

(4) Solid Waste Director, Cheri Cranfill appeared before the Board to discuss the RESOLUTION TO APPROVE THE YADKIN COUNTY SOLID WASTE PLAN UPDATE. Ms. Cranfill announced that the resolution is required by the State every 3 years and acknowledges changes in the Solid Waste Program. Vice Chairman Austin questioned the changes. Ms. Cranfill reported that changes in the recycling requirements, the County's acceptance of green glass, and the collection and use of the Household Solid Waste Fee have been added to the Solid Waste Plan.

Commissioner Wooten made a motion to adopt the RESOLUTION TO APPROVE THE YADKIN COUNTY SOLID WASTE PLAN UPDATE. Commissioner Moxley second.

Vote: 5/0

[RESOLUTION TO APPROVE THE YADKIN COUNTY SOLID WASTE PLAN UPDATE is attached as Addendum D]

Commissioner Garner asked Ms. Cranfill if she has any new information regarding Forsyth County's implementation of a solid waste fee. Ms. Cranfill has not had any recent contact with Forsyth County.

Chairman Wagoner asked if Yadkin County accepts used motor oil. Ms. Cranfill reported that used motor oil is accepted at the transfer station only at no charge.

(5) Attorney Graham reported that he had been in contact with Mark Ingersoll, the attorney for Yadkin Senior Services regarding the requested letter from Yadkin County. To clarify, Attorney Graham reported that the lawsuit on this issue is not resolved. The motion for injunction allowing Bob Minnick and Lou Pardue to enter the Yadkin Senior Services office was denied. The actual legal claim has not yet been heard. Chairman Wagoner suggested that the letter may be superfluous to the ruling. Attorney Graham reported that the letter is requested but not required and will not be used in court. Vice Chairman Austin remarked that the letter would lend credibility to Yadkin Senior Services but suggested removing the names. Commissioner Wooten believes the Board should take no action on this matter. Chairman Wagoner agrees. Commissioner Garner offered that the letter is a formality simply offering recognition for the new establishment. It was noted that Yadkin Senior Services is named in the current budget and this should be sufficient recognition. Chairman Wagoner stated that he saw no need for a resolution from the Board but thought it reasonable to address a letter to Dan Pavlanski, Chairman of the Senior Services Board, acknowledging Yadkin County's support. Chairman Wagoner read the letter, removing references to individuals, as follows...

"The local government of Yadkin County supports the winding down of Yadkin County Council on Aging, Inc. Also, the local government of Yadkin County supports the creation of Yadkin Senior Services, Inc. with service for the elderly and aging. Yadkin County looks forward to working with Yadkin Senior Services, Inc. as its primary non-profit service to the elderly."

Vice Chairman Austin made a motion to approve the letter of endorsement for Yadkin Senior Services as noted. Commissioner Moxley second.

Vote: 5/0

(6) The Board reviewed the 2009-2010 Yadkin County Budget Ordinance. County Manager Kiser drew attention to Section 21 and 22. Section 21 authorizes the County Manager to transfer amounts of expenditures within a department and to transfer up to \$20,000 between departments. Section 22 authorizes the County Manager to execute contractual documents under certain conditions. Commissioner Wooten noted the Board action in July 2007 requiring all contracts to be reviewed by the Board. In July 2008, the Board agreed that only new contracts should be reviewed by the Board. Vice Chairman Austin remarked that this policy became effective under a different manager. Vice Chairman Austin asked how much feedback the Board could expect on these actions. Commissioner Wooten suggested a monthly report. County Manager Kiser agreed. Commissioner Wooten added that there are no concerns for funds that are appropriated within the budget. However, there is a great concern, for example, when an item is projected at \$18,000 but ultimately costs \$250,000.

Vice Chairman Austin made a motion to approve the 2009-2010 Yadkin County Budget Ordinance as presented. Commissioner Moxley second.

Vote: 4/1 (Wagoner against)

[2009-2010 Yadkin County Budget Ordinance is attached as Addendum E]

(7) Beth Rummage, Executive Director of Yadkin Senior Services, appeared before the Board to discuss a letter of support for potential grant funding. Ms. Rummage explained that there is \$1 million in grant funds available through the American Recovery and Reinvestment Act of 2009. The grant would require a 20% match which can be met by current in-kind support of building, rent, salaries, and others. Yadkin Senior Services would use this funding to establish a computer lab for displaced workers. Training, counseling, and assistance with accessing potential State and Federal benefits would also be provided. The current unemployment rate for Yadkin County is 11.6% compared to 8.5% nationally. Job growth in Yadkin County is negative. The American Recovery and Reinvestment Act provides opportunities to reach

beyond the normal scope and secure funds for Yadkin County and its citizens. Ms. Rummage had drafted a letter of support from the Yadkin County Board of Commissioners that will be forwarded to Eduardo Hernandez at the Administration for Children and Families.

Vice Chairman Austin made a motion to approve the letter of support for Yadkin Senior Services in their application for grant funding through the American Recovery and Reinvestment Act as presented by Beth Rummage. Commissioner Garner second.

Vote: 5/0

Chairman Wagoner asked Ms. Rummage if Yadkin Senior Services or any other agency in the County offered assistance to the elderly with Medicare Part D. Ms. Rummage is not aware of any such service in Yadkin County but suggested that Elder Affairs would be most likely to provide that type of service. Chairman Wagoner stated that Medicare Part D is extremely complicated and with an ever-increasing aging population, there should be some service to the elderly for navigating the program. Ms. Rummage stated she would research potential grant opportunities to establish this type of assistance program for Yadkin County.

MANAGER REPORTS/COMMENTS

(1) County Manager Kiser reported that air conditioning systems in the Courthouse must be replaced. The County has received 3 proposals for the replacement of units that serve the Magistrate's Office and the Register of Deeds Office. These proposals were distributed to the Board. Public Buildings Director, Lou Ganzzermiller, reported that these units have been in place for over 35 years. They are located on the rooftop and will require a crane to remove and replace. Goodman offered the highest estimate. K&V proposed the replacement of the air handler as well, citing that the wiring was not compatible with the new Trane units. Lomar was the lowest bid at \$7,300 for both units. County Manager Kiser reported that there is \$47,600 in the building maintenance budget for this type of repair.

Commissioner Garner made a motion to accept the proposal of Lomar Enterprises for the replacement of 2 air conditioning units at the Courthouse. Vice Chairman Austin second. Chairman Wagoner asked why K & V felt the need to replace the air handler while Lomar did not. Mr. Ganzzermiller replied that Larry Long of Lomar Enterprises offered his assurance that the wiring was compatible with the new unit.

Vote: 5/0

(2) County Manager Kiser reported that the Surry Children's Center is making plans for their move to the old group home building in Courtney. Building inspections are being completed and state licensure is in process.

Chairman Wagoner called for a recess at 10:30am. Meeting resumed at 10:45am.

CALENDAR NOTES

There were no calendar items for review.

COMMISSIONER COMMENTS

Commissioner Wooten had these additional comments:

Commissioner Wooten asked fellow Board members if there was an update on House Bill 1134. House Bill 1134 would hold Commissioners and County employees personally accountable for failure to provide public documents. Vice Chairman Austin noted that Representative McCormick is serving on that particular committee and does not support the bill.

Commissioner Moxley had no additional comments at this time.

Commissioner Garner had these additional comments:

(1) Commissioner Garner reported that there is a bill under consideration that would alter the sentencing for certain offenses. Major Danny Widener of the Yadkin County Sheriff's Office appeared before the Board to provide further information. Major Widener reported that currently, certain misdemeanor offenders are held in County facilities for a maximum of 45 days before

transfer to the prison. The proposed bill would allow these offenders to remain in County facilities for up to 6 months. In addition, the State will no longer reimburse for certain misdemeanor offenders. The Sheriff's Association is strongly opposing this legislation. Major Widener estimated that there are 6-10 of these type offenders per month. Vice Chairman Austin remarked that this legislation would cause a tremendous expense to the County and that inmate needs would become greater over a longer period of time.

Commissioner Garner suggested that this proposed legislation is an effort to reduce prison population and ease budget concerns. Vice Chairman Austin asked what impact this legislation would have on staffing needs. Major Widener explained that staffing needs would not change because the current jail would only hold a certain number of inmates at one time.

Commissioner Wooten asked if there were opportunities for work release with Yadkin County inmates. Major Widener reported that work release programs have operated in the past but there were issues with adequate supervision.

(2) Commissioner Garner asked Attorney Graham for the status of jail construction. Attorney Graham reported that there is no reason why the construction can not move forward at this time. The selected low bidder must submit a contract for approval. The DENR permit for utilities at the jail site is still pending. County Manager Kiser reported that he is working on the DENR permit. County Manager Kiser also reported that Edison Foard had offered yet another extension on the bid. Commissioner Wooten asked Attorney Graham to address the situation if there were to be an appeal to the court case. Attorney Graham stated, in his opinion, an appeal would not be successful but that the Board would have to make a decision if that occurred.

Vice Chairman Austin had these additional comments:

(1) Vice Chairman Austin acknowledged the staff of the Tax Office and the Board of Equalization and Review. Vice Chairman Austin read a letter from the Board of Equalization and Review as follows...

“Dear Yadkin County Commissioners and County Manager:
We have asked the Clerk to the Board of Equalization and Review to send you a letter expressing our sincere gratitude to the Yadkin County Tax Office personnel for their professionalism, keeping the Board well informed with all information we requested and to commend the County Appraisers for an excellent job in representing the County in these hearings. The appraisal office staff continues to provide an excellent education for us on what it takes to do a mass appraisal for the County. The County is very fortunate to have this caliber of personnel employed in the Tax Office. We also thank you for your confidence in the members of this Board to fulfill our duties for the County and for the citizens of Yadkin County. We consider it an honor to be able to serve.”

Vice Chairman Austin offered his appreciation to the staff for their hard work. Vice Chairman Austin reported that citizens have been pleased with the service and professionalism of the Tax Office staff throughout this process. Chairman Wagoner and Commissioner Moxley agreed. Commissioner Moxley reported that he had heard no negative comments regarding the staff or the appeal process.

(2) Vice Chairman Austin reported that the move of mobile units for the Yadkin Center was not addressed in the budget as planned. There is an immediate need for the move of 1 unit. This unit will be placed at the property on Hoots Road for the truck driver training course. The remainder of the units will be moved as they become available. Wayne Matthews, Director of the Yadkin Center of Surry Community College, appeared before the Board to provide additional information. The total project is anticipated at \$60,000. The Hoots Road unit is projected at \$5,000 due to the expense of utility hook-up. Mr. Matthews stated he would like to receive bids for the move of all 8 units in order to keep costs down. It was noted that the use of the mobile units will meet the needs of the Early College over the next 5 years.

Vice Chairman Austin made a motion to approve the allocation of \$60,000 from the capital reserve account to the operational expense account. Commissioner Wooten second.

Vote: 5/0

(3) Vice Chairman Austin offered his hope that everyone had a great 4th of July Holiday. Vice Chairman Austin thanked Attorney Graham for his sponsorship of the holiday celebration in Yadkinville.

Chairman Wagoner had these additional comments:

Chairman Wagoner thanked the members of the Board for withstanding the grueling budget process. Chairman Wagoner stated that he did not applaud his own demeanor during the discussions and apologized for any statements or behavior that were unjust. Chairman Wagoner stated that he personally did not feel comfortable with the budget. Chairman Wagoner asked the Board members to consider an additional allocation to the schools which would include \$141,000 from capital reserve and possibly an appropriation from fund balance. Chairman Wagoner reminded the Board that \$895,000 was his original figure and Vice Chairman Austin had made a motion for a \$300,000 allocation at one point during discussion. Chairman Wagoner encouraged the Board to do some 'soul-searching' prior to the next meeting and consider an allocation of at least \$141,000 from the capital reserve account to fund the operation of the middle schools.

Vice Chairman Austin commented that the \$1,000 additional allocation to Yadkin County Schools was a result of heavy negotiation and was not intended as an insult to the school system. Chairman Wagoner added that the relationship between the Board of Commissioners and the Board of Education has become more solid over time and that County budget issues should not lead to the deterioration of that relationship.

Attorney Graham had no additional items for discussion.

Commissioner Wooten made a motion to enter a Closed Session for consultation with attorney 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 Garner second.

Vote: 5/0

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

Vote: 5/0

Meeting adjourned at 11:49am.

Prepared by Clerk to the Board

Date Approved by the
Yadkin County Board of Commissioners