

YADKIN COUNTY BOARD OF COMMISSIONERS

March 25, 2009

(Recessed from March 16, 2009)

The Yadkin County Board of Commissioners reconvened on Wednesday, March 25 2009 at 7:30pm in the Conference Room of Hoots Memorial Hospital, 624 West Main Street, Yadkinville, North Carolina.

Present were:

Chairman Chad Wagoner

Vice Chairman Kevin Austin

Commissioner David Moxley

Commissioner Brady Wooten

(Commissioner Tommy Garner was not present at the call to order.)

Staff present:

County Attorney, James Graham

County Manager, Stan Kiser

Clerk to the Board, Gina Brown

Representing HMC/CAH:

Jeff Judd

Al Arrowood

Gordon Docking

CALL TO ORDER by Chairman Wagoner at 7:33pm.

Commissioner Moxley made a motion to enter a closed session per NCGS 143.318-11 (a) (3) for consultation with attorney. Commissioner Wooten second.
Vote: 4/0

Commissioner Garner arrived at 7:40pm.

Commissioner Wooten made a motion to end the closed session. Vice Chairman Austin second.
Vote: 5/0

(1) Attorney Graham presented the Management Services Agreement between Yadkin County and HMC/CAH.

Commissioner Wooten made a motion to approve the Management Services Agreement between Yadkin County and HMC/CAH effective April 1, 2009. Commissioner Moxley second. Vote: 5/0

Attorney Graham announced that the current Board of Trustees of Hoots Hospital had just approved the amended by-laws designating Yadkin County as the sole member of the corporation of Hoots Hospital, Inc.

Commissioner Moxley made a motion to recess from 8:15pm until 9:00pm. Commissioner Wooten second. Vote: 5/0

Meeting reconvened at 9:00pm.

(2) Commissioner Wagoner brought the issue of County insurance before the Board for discussion. Each Board member offered their selections for insurance carriers. The majority of the Board was prepared for vote. Commissioner Wooten felt the vote should be postponed until an actual cost proposal could be provided.

Vice Chairman Austin made a motion to approve Senn Dunn Insurance for the County's Workers Comp., WN Ireland for the County's Property and Casualty Insurance; and Crissman, Mendenhall, Steelman for the County's Employee Health Benefits. Commissioner Moxley second.

Vote: 5/0

(Commissioner Wooten refused to vote due to the lack of cost data from each agency. Refusal to vote is recorded as an 'aye'.)

(3) Chairman Wagoner brought the issue of proposed House Bill 675 before the Board for discussion. Chairman Wagoner noted that House Bill 675, or Yadkin Commissioner Recall, is a local bill introduced by Legislator, Darrell McCormick to establish recall procedures for the Yadkin County Board of Commissioners. Chairman Wagoner commented that he would be remiss in his duty as Chairman if he did not take some action to protect his Board.

Chairman Wagoner made a motion to adopt a resolution opposing House Bill 675 – Yadkin Commissioner Recall. Commissioner Moxley second. Commissioner Wooten stated that this Board should not get involved. Chairman Wagoner commented that the Board would not withhold opposition to other legislative bills that it did not find favorable. Chairman Wagoner asked Attorney Graham to address the normal procedure for the introduction of local bills. Attorney Graham stated that he was not aware of any local bill introduced in the State Legislature that did not originate from the County itself. Commissioner Moxley voiced his

opposition to House Bill 675 based on the potential cost to the County. Chairman Wagoner remarked that good legislation does not have a sunset date as this proposed bill has. Vice Chairman Austin commented that the Republican Party of Yadkin County has nothing to do with the introduction of this bill. On a personal level, Vice Chairman Austin does believe that there should be provisions statewide for recall of local Board members. Vice Chairman Austin added that the procedure should not be simple or without due cause.

Commissioner Wooten made a motion to postpone the action on Chairman Wagoner's motion until the April 6, 2009 meeting of the Board for a complete review. Vice Chairman Austin second. Commissioner Wooten remarked that if the bill passes through the Legislature, it will then be in the hands of the voters.

Vote: 2/3 (Wagoner, Moxley, and Garner against)

[Restated]

Chairman Wagoner made a motion to adopt a resolution opposing House Bill 675 – Yadkin Commissioner Recall. Commissioner Moxley second.

Vote: 3/2 (Wooten and Austin against)

Commissioner Wooten noted that he is neither for nor against the bill. Commissioner Wooten feels that the Board of Commissioners should not get involved in this issue.

[RESOLUTION OPPOSING HOUSE BILL 675 is attached as Addendum A]

(4) Vice Chairman Austin reported that Forsyth County had recently considered a resolution in opposition of the proposed State tobacco tax. Considering Yadkin County's tobacco heritage and the continuing tobacco industry in Yadkin, Vice Chairman Austin would like Yadkin County to adopt a similar resolution. Clerk Brown will contact Forsyth County for a sample resolution.

Vice Chairman Austin made a motion to adopt a resolution opposing the State proposed tobacco tax increase. Commissioner Wooten second. County Manager Kiser noted that Yadkin County will not receive any of this proposed revenue. Commissioner Wooten added that this proposed tax will have an impact on citizens that can least afford it.

Vote: 5/0

[RESOLUTION OPPOSING THE PROPOSED STATE TOBACCO TAX INCREASE is attached as Addendum B]

(5) Attorney Graham briefly reviewed the events of today's meeting. Attorney Graham advised that there should be 3 separate and distinct sets of minutes to reflect meetings of the Yadkin County Board of Commissioners, the membership of Hoots Memorial Hospital, Inc., and the Hoots Memorial Hospital Board of Trustees.

(6) Attorney Graham had reviewed an issue on Virgil Hodges Lane as requested by Commissioner Wooten. Attorney Graham reported that several residents of Virgil Hodges Lane would like the State DOT to take over and maintain this road. However, other residents are not willing to give a right-of-way easement. The State DOT will not assume the responsibility of the road without the proper rights-of-way. Some residents have actually placed posts and gates along the road that could impede emergency vehicles. Attorney Graham advised that this is not an issue for the County. Yadkin County would be setting a precedent by condemning property for a right-of-way. This is a civil matter between the property owners in the area. The Board agreed with Attorney Graham's assessment and has no plans to get involved in right-of-way issues.

Commissioner Moxley made a motion to recess until 7:45am on Wednesday, April 1, 2009 in the Commissioners Meeting Room of the Human Resources Building at 217 East Willow Street, Yadkinville. Vice Chairman Austin second.

Vote: 5/0

Meeting recessed at 10:06pm.

Prepared by the Clerk to the Board

Date Approved by the
Yadkin County
Board of Commissioners