

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
Monday, May 18, 2009

The Yadkin County Board of Commissioners met in Regular Session on Monday, May 18, 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 David Moxley
Commissioner Brady Wooten

Commissioner Tommy Garner arrived at 7:21pm.

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

CALL TO ORDER by Chairman Wagoner at 7:02pm.

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Kalli Spaugh. Ms. Spaugh is in the 8th grade at Courtney Elementary School. Ms. Spaugh reported that students are beginning the End of Grade tests this week. Students and faculty are involved in an ongoing school improvement project. The new principal of Courtney Elementary is Mrs. Jones. Ms. Spaugh commented that Mrs. Jones is very nice.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

The following adjustments were requested:

County Manager Kiser: Section X. (4) Budget Amendments for 5D
Commissioner Wooten: Section X. (5) JCPC County Funding Allocation

Commissioner Wooten made a motion to approve the agenda with noted adjustments. Vice Chairman Austin second.

Vote: 4/0

PUBLIC COMMENTS

Public Comments portion of the meeting opened at 7:08pm.

Mr. Charles Holcomb of the Boonville Township appeared before the Board for comment. Mr. Holcomb reported that he had attended recent meetings in which taxes, revaluation, and jail were discussed. Mr. Holcomb stated that it made no difference to him where the jail was located. Mr. Holcomb did not understand Vice Chairman Austin's conflict of interest on votes regarding the jail and commented that Vice Chairman Austin should vote yes or no regardless. Mr. Holcomb reported that he had been paying taxes in Yadkin County for 41 years and he was not pleased with the revaluation on his property; especially considering the recent drop in the housing market. Mr. Holcomb plans to continue to attend meetings for a better understanding of what is happening in Yadkin County and apply his own judgment on the issues.

The Public Comments portion of the meeting closed at 7:11pm.

APPROVAL OF MINUTES

The following adjustments were requested:

Vice Chairman Austin

Page 8, 3rd paragraph

It was not his intention to imply that the Town Council of East Bend was not in favor of purchasing water. Vice Chairman Austin noted that there were some residents who questioned why East Bend would purchase water when it has its own supply.

Vice Chairman Austin

Page 14, Section 3

Change to Commissioner Gary Blevins of Wilkes County.

Chairman Wagoner
Page 23, 2nd paragraph
Change "Rummley" to "Rumley"

**Commissioner Wooten made a motion to approve the May 4, 2009 Minutes of Meeting with Farm Bureau Board; May 4, 2009 Regular Meeting Minutes; May 4, 2009 Closed Session Minutes; and May 6, 2009 Minutes of Budget Work Session with noted adjustments. Commissioner Moxley second.
Vote: 4/0**

PUBLIC HEARING

There was no public hearing or action to set a public hearing at today's meeting.

BOARD APPOINTMENTS

There were no board appointments at today's meeting. Chairman Wagoner asked Clerk Brown to check the status of appointments to the Surry Community College Board of Trustees. Chairman Wagoner believes those appointments should be made at the June 1, 2009 meeting.

BOARD ACTION

(1) BUDGET AMENDMENTS:

It was noted that no new money is involved in the budget amendments presented today and represent accounting procedures only.

**Commissioner Wooten made a motion to approve the budget amendments as presented. Vice Chairman Austin second.
Vote: 4/0**

[Budget Amendments are attached as Addendum A]

(2) ADMINISTRATIVE CONTRACT FOR SCATTERED SITE HOUSING: Planning Assistant, Beth Sullivan, appeared before the Board to address the proposal for the administration of the Scattered Site Housing Program. Requests for proposals had been directly solicited and appropriately advertised. Proposals were received from Steve Austin and from Hobbs, Upchurch, and Associates. The Planning Department is recommending Hobbs, Upchurch, and Associates for its reputation and prior experience with Yadkin County projects.

Commissioner Wooten made a motion to appoint Hobbs, Upchurch, and Associates as the administrator of the Scattered Site Housing Project for Yadkin County. Commissioner Moxley second. Vice Chairman Austin noted that Steve Austin is of no relation.

Vote: 4/0

(3) PERSONNEL POLICY REVISIONS:

The Board reviewed current and proposed personnel policy on overtime, compensatory time, and vacation leave. Commissioner Wooten agreed with the revisions stating that there would be no additional expense and less administrative concern. In summary, the policy eliminates the accrual of compensatory time and pays for hours worked over 40 per week. Vacation leave will change to 1 hour increments. Commissioner Moxley noted the policy refers to special exemption for law enforcement and asked for clarification on this matter. County Manager Kiser replied that the Fair Labor Standards Act provides an exemption for law enforcement, EMS, and other emergency personnel due to the general nature of their work schedules. Vice Chairman Austin added that this personnel policy change will prevent future debt from the accumulation of compensatory time.

Commissioner Wooten made a motion to approve the proposed changes to the personnel policy including overtime, compensatory time, and vacation leave. Vice Chairman Austin second. Commissioner Garner asked County Manager Kiser if he agreed with these changes. County Manager Kiser acknowledged his agreement.

Vote: 5/0

(4) JCPC County Allocation for 2009-2010:

Commissioner Wooten, a member of the JCPC Advisory Council, had received a packet this evening concerning the County allocation. The Board briefly reviewed the information provided. Commissioner Wooten had reviewed this financial data in council meetings and felt comfortable recommending the requested allocation.

Commissioner Wooten made a motion to approve the JCPC County Funding Allocation for 2009-2010. Commissioner Moxley second.

Vote: 5/0

[JCPC County Allocation for 2009-2010 is attached as Addendum B]

MANAGER REPORTS/COMMENTS

(1) REPUBLIC SERVICES:

County Manager Kiser had received a confirmation letter from Republic Services. The Board was provided a copy of the letter. County Manager Kiser read the letter in its entirety...

“Thank you and Cheri Cranfill for meeting with Ed Joran and myself earlier this week to discuss the disposal agreement between the County and Browning-Ferris Industries of South Atlantic, Inc. (BFI). As you are aware, BFI is now a subsidiary of Republic Services.

The current term of our Disposal Agreement ends September 9, 2009. Section 7.01 allows for a five year renewal term. This letter is to confirm our willingness to allow the Agreement to automatically renew upon the same terms and conditions.

We appreciate your consideration of this matter and look forward to working with you in the future.

Sincerely,

Bill Schrum

Director of Municipal Contracting”

Solid Waste Director, Cheri Cranfill, stated that Republic Services is the best option. Commissioner Wooten agreed.

Commissioner Wooten made a motion to approve the 5 year contract renewal with Republic Services at the same terms and conditions. Commissioner Moxley second.

Vote: 5/0

(2) **CONTRACT RENEWAL WITH eCivis:**

County Manager Kiser had received notice from eCivis that the original contract was soon to expire. County Manager Kiser stated that he does not recommend renewal. Grants that are available to government entities are usually already known to the various departments and that there had been no gains from the program. Chairman Wagoner offered that the County gave eCivis an honest effort but does not believe this program to be the best for the County.

Commissioner Wooten made a motion not to continue with the eCivis Program. Commissioner Garner second.

Vote: 5/0

CALENDAR NOTES

Chairman Wagoner reviewed the calendar notes specifically noting the Public Hearing for the Budget on June 1, 2009 at 7:00pm. Clerk Brown added that there would be a Memorial Day Ceremony at the Yadkin County Park on Monday, May 25, 2009 at 11:00am to honor the veterans and those currently serving. Commissioner Garner reported that he would not be able to attend but felt that the Board should be represented. Vice Chairman Austin stated that he planned to attend the ceremony.

COMMISSIONER COMMENTS

Commissioner Wooten had these additional comments:

(1) PART ridership continues to increase. There was a 19% increase from April 2008 to April 2009. There was a 2.2% increase from March 2009 to April 2009. A total of 38,000 passengers used the PART buses in April 2009.

(2) Commissioner Wooten had received a State document from a colleague. Commissioner Wooten read the document in its entirety...

“May 15, 2009. The budget situation in North Carolina continues to worsen. According to a new report from the State Controller, North Carolina tax revenues were down 21 percent in April 2009 compared to

April 2008. The report says that tax revenues declined by \$623.7 million in April, putting the total decline for the year to date at \$1.7 billion, or 11 percent. The decline in revenues led to a negative balance of \$284.7 million in the State's general fund at the end of the month. The deficit would have been higher had Governor Perdue not transferred \$139.6 million from rainy day funds during the month. A bill transferring \$250 million to keep the State Health Plan afloat also helped reduce the deficit. All of this has led to slower tax refunds with \$224.6 million in refunds still due to State taxpayers as of Friday. Meanwhile, State Legislators have agreed to extend a pay cut to themselves and judicial workers that Governor Perdue ordered for the rest of State government. The House and Senate wrapped up a hectic week yesterday in which they debated and kept alive hundreds of bills to meet 'crossover deadline' – the mark for when a bill, unrelated to spending or taxes, has to pass the chamber in which it was introduced in order to stay alive. Both chambers held long daily and nightly sessions that began early on Monday and finished yesterday evening. NCRMA and the business community continued to play constant defense through the long hours."

Commissioner Wooten presented this as information only and stated he felt it was unconscionable to spend health and other monies to balance the budget.

(3) Commissioner Wooten expressed his lack of confidence in architects and architectural engineers, citing the Animal Shelter as one example.

Commissioner Wooten reported that architectural designs led to issues with drainage, venting, and odor. There were no ridge vents, gable vents, or vents in the eaves. The overall oversight of the project was poor. After review, the contractor made the corrections at the expense of the architectural engineer.

Recent documents to NCDENR and RBC have also produced a lack of confidence for architectural engineers. Commissioner Wooten read from the NCDENR document, "It has come to our attention that inaccurate documentation was submitted as part of the State approval process for the water line extension to the Yadkin County Jail facility, Hoots Road."

Commissioner Wooten read an additional statement from the document, "We therefore are requesting that the County submit appropriate documentation to indicate that the water supplier (Town of Yadkinville) agrees to serve the project, and identify the entity or entities that will provide operation and maintenance for the project." Commissioner Wooten stated that Appendix F of the document was an out-dated Interlocal Agreement with the Town of Yadkinville that did not take place and was, therefore, phony. Commissioner Wooten added that Appendix G of the document referred to waterlines for the Courtney/Huntsville area and had nothing to do with the jail project.

County Manager Kiser had reported that RBC was satisfied with the environmental report. The loan will remain available to Yadkin County for the jail project. Commissioner Wooten received the prior S&ME Environmental Report as justification for the RBC document. Commissioner Wooten believes the S&ME document only raised additional questions. There was documented contamination on the Harris Property. The Harris property was purchased by the County after 250 tons of contaminated soil was removed. Documents indicate that contamination still exists on the site. Internet maps indicate that the Harris property, the previous site of Yadkin Valley Breeders, is part of the proposed jail site. The S&ME Report does not indicate the complete contamination area. Commissioner Wooten feels that the engineers did not give due diligence to this environmental review.

(4) Commissioner Wooten quoted the following passage from page 1331 of the official archived minutes of the Yadkin County Board of Commissioners Meeting held on January 2, 2007:

“Commissioner Cornelius made the motion to appoint the following individuals to the Architectural Selection Committee for a new Yadkin County Jail facility: Eric Williams, Interim County Manager; Chair Kim Phillips; Commissioner Garner; Major Danny Widener; Roy Douglas, Vice President-Southern Community Bank; and Joe Hennings, former President-John S. Clark Construction Co. It will be the responsibility of this committee to review and evaluate all Requests for Qualification submittals, conduct interviews and submit to the Yadkin County Board of Commissioners their choice for an architect on this project. In their selection process, the committee should adhere to the recommendations of the “Selection Criteria” section of the Request for Qualifications approved by the Yadkin County Board of Commissioners on December 18, 2006. Commissioner Wagoner seconded.”

Commissioner Wooten asked Chairman Wagoner if the procedures of the Yadkin County Board of Commissioners are based on Robert’s Rules of Order. Chairman Wagoner confirmed. Commissioner Wooten read a passage from page 474 of the Robert’s Rules of Order, Newly Revised Edition:

“Committee Appointment: A special committee appointed as a need arises to carry out specific tasks at the completion of which, that is, on presentation of its final report to the assembly, automatically ceases to exist.”

Commissioner Wooten stated that the jail committee continued to function even though it did not exist according to Robert's Rules of Order. The non-existent jail committee ignored previous jail plans of the County. If a properly sanctioned jail committee had been in place, there may have been a different outcome for the jail. As a commissioner, Commissioner Wooten stated that he did not have a chance to review jail plans until after the bids were received.

Commissioner Moxley had this additional comment:

Commissioner Moxley made a visit to the proposed jail site. It appears that the old service station and the former Yadkin Valley Breeders were situated on property that is now currently underneath Hoots Road.

Commissioner Garner had these additional comments:

(1) Commissioner Garner responded to the comments of Commissioner Wooten. Commissioner Garner reported that there has been a law in place for 15 to 20 years that prevents the sell of land if there are underground storage tanks present. Yadkin County could not have purchased the Hoots Road property if underground tanks still existed.

The former Yadkin Valley Breeders had only office space in Yadkin County. There would have been no petroleum or other chemicals on site.

In a recent conversation with Commissioner Garner, an employee of DENR reported that she had been involved in those earlier reviews and there is no contamination on the current County property.

Commissioner Garner had served on the jail committee and questioned Commissioner Wooten's statement that the committee was non-existent. Commissioner Garner asked Attorney Graham to confirm that the legitimacy of the jail committee had been an issue in the first jail lawsuit. Attorney Graham confirmed that Attorney Ed Powell did address this and it was dismissed for lack of merit. Further, Commissioner Garner questioned Attorney Graham on the Robert's Rules of Order previously read by Commissioner Wooten. Attorney Graham stated he could not dispute Robert's Rules of Order but would have to further consider its application in

this situation. Commissioner Garner questioned Commissioner Wooten's statements that he did not have a voice in the decision-making. Commissioner Garner contended that Commissioner Wooten had the same opportunity as each other Board member.

Commissioner Garner stated it was obvious to him and lots others that the "HRG" [Hoots Road Gang] is trying everything possible to delay the jail construction until Commissioners Garner and Wagoner are no longer in office and hopes that the public recognizes this also.

(2) Commissioner Garner stated he had killed a copperhead snake at his shop. Commissioner Garner was amazed at the number of people in rural Yadkin County that had never seen a copperhead. As an educator, Commissioner Garner felt it was important to make people aware of the poisonous snakes of our area and what to look for. Commissioner Garner had the snake carcass available for viewing after the meeting.

Vice Chairman Austin had these additional comments:

(1) Vice Chairman Austin mentioned the motion from the prior meeting to contact RBC regarding the environmental document. Vice Chairman Austin asked County Manager Kiser to report those results. County Manager Kiser had spoken with Mary Nash Rusher and with Jeremy Fisher. It was reported that the legal council of RBC does not want to get involved with the legal issues of the County. RBC is satisfied with the environmental report and the loan remains available.

(2) Vice Chairman Austin stated it was good to see the high number in attendance at today's meeting. Vice Chairman Austin noted the presence of Gene Pardue and Tommy Casstevens of the Jonesville Town Board and Gene Branon of the Yadkinville Town Board. Vice Chairman Austin welcomed Charles Holcomb and encouraged his attendance at other meetings.

Chairman Wagoner had this additional comment:

Commissioner Wagoner stated he appreciated Commissioner Garner's educational lesson on poisonous snakes.

Attorney Graham had no additional items for discussion.

Commissioner Moxley made a motion to recess until Wednesday, May 20, 2009 at 6:30 in the Commissioners' Meeting Room of the Human Resources Building at 217 East Willow Street, Yadkinville, North Carolina.

Commissioner Garner second.

Vote: 5/0

Meeting recessed at 8:00pm.

Prepared by Clerk to the Board

Date Approved by the
Yadkin County Board of Commissioners