

**YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
Monday, November 15, 2010**

The Yadkin County Board of Commissioners met in Regular Session on Monday, November 15, 2010, in the Yadkin County Human Services Building (Commissioners Meeting Room), 217 East Willow Street, Yadkinville, North Carolina.

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/Interim Clerk to the Board, Aaron Church; and Assistant to the County Manager/HR Officer, Lisa Hughes

CALL TO ORDER by Chairman Wagoner at 7:00pm

INVOCATION led by James Graham

PLEDGE OF ALLEGIANCE led by Ava and Zola Sheek from Yadkin Elementary School.

ADJUSTMENT TO / ADOPTION OF THE AGENDA

Commissioner Moxley made a motion to adopt the Agenda with the above adjustments, Commissioner Garner second.

Vote: 5/0

Public Comments

Grady Draughn from Yadkinville, 5D Dam Reservoir is full of water.

Keith Phillips from Wyo stated that tonight ends the term for 3 of you (Commissioners), tonight is a time for truth. Phillips admitted to and apologized for sending emails that were inappropriate to the Health Department Director. Phillips resigned from the Health Board to protect the efforts of the Health Department.

Leon Robbins from Yadkinville read a letter from Ann Watkins (Acting Health Board Chair) supporting original Board appointment recommendations from the Health Board and not appoint Brady Wooten.

Hoke Matthews from Yadkinville stated that he was called November 5 to change locks in Human Services Building. He re-arranged his schedule to return to town for this job, only to find that when he came another locksmith (from outside the County) was here. This was the second time this has happened and he lost business.

Commissioner Wooten addressed Keith Phillips comments in that he attended the meeting referenced with the consensus of the Board of Commissioners.

Approval of Minutes

Commissioner Wooten made a motion to approve the November 1st Regular Session Minutes with noted changes and the November 1st Closed Session minutes. Commissioner Moxley second.

Vote: 5/0

Public Hearing

Planning Director Christopher Ong presented an application for a Rezoning of 4.66 acres PIN 489700270458 from Residential General (RG) to Rural Agriculture (RA) to allow additional mobile homes.

Alan Casstevens from Boonville spoke against the rezoning due to the amount of mobile homes currently on the property and the junk cars that are on the property.

Steve Shaw from Boonville spoke against the rezoning due to its affect on land values in the area.

Randy Holcomb also owns property in the area to be rezoned; he doesn't understand why something would be rezoned as agriculture when it's really a housing development.

Chairman Wagoner stated that the question raised tonight is the same one he had. Typically you move up the ladder for rezoning enhancement, not backwards as this one seems to. Ong replied that it is a matter of degree. Two areas that butt the property are Rural Agriculture and two other areas are Residential General. Ong stated that if the petition is approved, the property owners could do anything with the property that is consistent with the approved permitted uses.

Vice Chairman Austin stated that he is concerned about the future of Casmore Road. Wooten asked that if they want to subdivide the property would it have to go before the Planning Board or if Planning staff could approve it, Ong replied that staff could. Commissioner Moxley asked if there could be a family cluster on the property and Ong said the property owner could apply for that, but they would only be able to add one additional home there because the family cluster is limited to 3 properties. Commissioner Garner stated the Planning Board approved this 4-1.

Chairman Wagoner read the Statement of Rezoning Consistency and reminded Board members to act in the best interest of the County. Commissioner Wooten stated we have a Land Use Plan and Zoning Ordinance in the County and he believes this rezoning is inconsistent with both and he will oppose it.

Vice Chairman Austin made a motion to approve the statement of consistency and approve the rezoning request per the recommendation of the Planning Board. The motion failed for lack of a second.

Vice Chairman Austin made a motion to approve the rezoning of property from residential general to residential agricultural, that being parcel 489700270458. Commissioner Moxley second.

Vote: 0/5

Board Appointments

- 1) Health Board (Physician, Dentist and 2 citizen representatives): **Commissioner Wooten made a motion to postpone this until the 2nd meeting in December Vice Chairman Austin second.**
Vote: 2/3 (Wagoner, Garner and Moxley against)
Vice Chairman Austin made a motion to split the appointment actions. Garner second.
Vote: 5/0
Vice Chairman Austin made a motion to appoint Charlotte Evans and Edward Geisel to the Health Board. Moxley second.
Vote: 5/0
Commissioner Garner made a motion to appoint Benedict Wasilauskas to the Health Board. Commissioner Moxley second.
Vote: 3/2 (Wooten and Austin against)

Presentations and Reports

- 1) Assistant to the County Manager/HR Officer presented EMT Donnie Martin with a plaque recognizing his 29 years of dedicated service to Yadkin County and Captain Jim Rutledge with the Sheriff's Office for 22 years of dedicated service.
- 2) Scott Gallman with the Department of Transportation presented its Secondary Road Construction Program for Yadkin County. Yadkin County received \$738,598.32 during FY2009-2010 and \$1,397,949.58 for FY2010-2011. These funds are to bring secondary roads into compliance with DOT standards. The complete report is in Attachment A. The general public was given the opportunity to ask questions or make comments. One citizen asked how many unpaved roads there are in Yadkin County and the response was 72. Another citizen asked why some roads are tar mixed with gravel and some are completely asphalt. Gallman responded that it's based upon the type and amount of traffic. **Commissioner Wooten made a motion to concur with the DOT Secondary Road Program as presented. Commissioner Garner second.**
Vote: 5/0

Consent Agenda

- 1) Budget Amendment for DSS- Add Federal & State Funds and realign line items. **Commissioner Garner made a motion to approve the Consent Agenda, Vice Chairman second.**
Vote: 5/0

Board Action

- (1) Solid Waste Director Cheri Cranfill asked the Board to unfreeze two vacant positions; **Commissioner Garner made the motion to unfreeze the Part-time Site Attendant position and the Equipment Operator position at the Landfill. Vice Chairman Austin second.**
Vote: 5/0
- (2) Solid Waste Director Cheri Cranfill asked the Board to amend the Management Plan to allow electronic disposal at two sites. **Commissioner Garner made the motion to allow electronic disposal at the landfill and two convenience sites. Commissioner Moxley second.**

Vote: 5/0

- (3) DSS Director Eddie Wooten asked the Board to unfreeze the vacant Income Maintenance Caseworker position. **Commissioner Garner made a motion to unfreeze the vacant Income Maintenance Caseworker position. Vice Chairman Austin, second.**

Vote: 5/0

- (4) County Manager Aaron Church presented a budget amendment on behalf of EMS to transfer \$25,000 from full-time salaries to part-time salaries to utilize part-time employees to cover vacant full-time positions. **Commissioner Wooten made a motion to approve the budget amendment as presented. Commissioner Moxley, second.**

Vote: 5/0

- (5) County Manager Aaron Church presented several options for new budget amendment forms for the Board's consideration. **Vice Chairman Austin made a motion to approve a budget amendment form that includes the notation "This budget amendment has been approved by the appropriate Advisory Board...Yes or No". Commissioner Garner second.**

Vote: 5/0

- (6) County Manager Aaron Church presented a Board and Commissioner Form per the Board's request and consideration. **Commissioner Garner made a motion to approve the form and add a section asking for Past Board Experience. Commissioner Moxley second.**

Vote: 5/0

- (7) County Manager Aaron Church presented two invoices for payment from auditors Martin and Starnes for work outside the scope of the audit. **Commissioner Garner made a motion to authorize the County Manager to pay both invoices to Martin and Starnes. Commissioner Moxley second.**

Vote: 5/0

- (8) County Manager Aaron Church presented a contract with Martin and Starnes for extended internal review audit to assist with policies and procedures. **Commissioner Garner made a motion to approve the contract with Martin and Starnes for an extended review of the internal control procedures. Commissioner Wooten second.**

Vote: 5/0

- (9) County Manager Aaron Church presented a contract with Peter Molleur to provide MUNIS training to implement better internal controls. **Commissioner Garner made a motion to approve the contract with the MUNIS trainer and authorize the County Manager to disperse up to \$10,000 to the MUNIS trainer in accordance with the contract. Vice Chairman Austin second.**

Vote: 5/0

- (10) During the audit, it was revealed that the Sheriff's Office operated a Yadkin County Sheriff's Office Account that was not compliant with NCGS 159. This should be a trust account used only for Court ordered Civil Executions and any fees or commissions received should be deposited into the County's General Fund. **Commissioner Garner made a motion to authorize the Interim Finance Officer to establish a Sheriff's Office Civil Execution checking account at SunTrust Bank, authorizing special deputy finance officers within the Sheriff's Office to sign checks on the Civil Execution Account only and contain dual signatures. Vice Chairman Austin second.**

Vote: 5/0

(11) Also, during the audit it was revealed that the Sheriff's Office maintained a Commissary checking account at Southern Community Bank that was not compliant with NCGS 159. This should be a trust account used only for inmates' monies and any fees or commissions received should be deposited in the County's General Fund. **Commissioner Wooten made a motion to authorize the Interim Finance Officer to establish a Sheriff's Office Commissary Checking Account at SunTrust Bank, authorizing special deputy finance officers' within the Sheriff's Office to sign checks on this Commissary Account only and contain dual signatures. Commissioner Garner second.**

Vote: 5/0

(12) County Manager Aaron Church advised the Board that the Interim Finance Officer received a cashier's check in the amount of \$1,641.46 on Friday, November 5, 2010 from Sheriff Cain, delivered by Lynn Crater. There was no accompanying information as to where the funds came from and what should be done with the funds. Chairman Wagoner asked Attorney Graham for his legal opinion, if the County should have an explanation from the Department. Attorney Graham replied that yes, the Board should know. **Vice Chairman Austin made a motion to postpone action on this item to obtain additional information until the 2nd meeting in December. Commissioner Garner second.**

Vote: 5/0

(13) County Manager Aaron Church advised the Board that Social Services operates a checking account for handling funds for clients the Court has ordered DSS to be the custodian of. Social Services employees have not been authorized to sign these checks. **Commissioner Wooten made a motion to authorize the Interim Finance Officer to establish a Social Services Trust Account at SunTrust Bank, authorizing special deputy finance officers' within the Social Services to sign checks on this DSS Trust Account only and contain dual signatures. Commissioner Garner second.**

Vote: 5/0

(14) County Manager Aaron Church presented a request to waive the contract control process to proceed with contract negotiations with an asbestos testing company for the courthouse roof repair project. **Commissioner Wooten made a motion to authorize the County Manager to enter into a contract with an asbestos testing/sampling contractor for up to \$5,000 to be paid out of professional services. Commissioner Moxley second.**

Vote: 5/0

Commissioner Wooten made a motion to move the Closed Session until after Commissioner Comments on the Agenda. Vice Chairman Austin second.

Vote: 5/0

Calendar Notes

This meeting will be recessed until November 16th at 9:00am for the Audit Presentation.

Manager's Report

The only item for discussion was a Sewer payment to Yadkinville from a line item that did not have sufficient funds to pay the bill. **Vice Chairman Austin made a motion to move \$10,000 from the water line item to the sewer line item within the Water and Sewer Fund.**

Commissioner Moxley second.

Vote: 5/0

Commissioner Comments

Vice Chairman Austin: Along with Commissioner Moxley and Chairman Wagoner, he attended the groundbreaking at the East Bend Library. It's impressive to see communities pull together to privately fund these projects.

Commissioner Garner had no comments.

Commissioner Moxley stated that there continues to be damage at the 5D dam. The fence has been rammed; four-wheelers have damaged the earthen dam. There are two buildings on the property that the County is going to have to do something with and the water level is closer to being full.

Commissioner Wooten reviewed the PART report with the Board.

Chairman Wagoner recapped his tenure on the Board and his previous efforts to obtain a seat on the Board of Commissioners.

Attorney Graham expressed his appreciation to the Board for the confidence it has bestowed him.

Commissioner Wooten made the motion to go into Closed Session under NCGS 143.318-11(a)(3) for Consultation with Attorney and under NCGS 143.318-11(a)(6) to discuss a Personnel matter. Commissioner Moxley second.

Vote: 5/0

After returning from Closed Session, the Board took the following actions:

- 1) Commissioner Wooten made a motion to pay part-time employees who had not been paid according to the pay plan, retroactive to July 1, 2010. Commissioner Moxley second.**

Vote : 5/0

- 2) Commissioner Wooten made a motion to appoint Lisa L. Hughes Assistant County Manager/Finance Officer at a Pay Grade of 71. Commissioner Garner second.**

Vote: 5/0

- 3) Vice Chairman Austin made a motion to approve a \$6,000 transfer from the General Fund to the COLA line item to cover the underpaid employee adjustments.**

Commissioner Wooten made the motion to recess the meeting until November 16, 2010 at 9:00am, Commissioner Moxley second. Vote: 5/0

November 16, 2010

Chairman Wagoner reconvened the meeting at 9:00am on Tuesday, November 16, 2010.

Vice Chairman Austin, Commissioner Moxley, Commissioner Wooten, County Manager/Interim Clerk to the Board and Assistant County Manager/Finance Officer Lisa Hughes were present. Commissioner Garner was absent.

Chairman Wagoner introduced Bryan Starnes with Martin, Starnes and Associates. Martin, Starnes and Associates is the County's external auditing firm and conducts audits for 34 counties and 60 municipalities and authorities throughout North Carolina.

He began by stating that the Board of Commissioners is the policy-maker for the County and the audit firm's role is to find and communicate deficiencies and to audit financial statements to the Board.

During this year's process, they found issues with budgetary controls, unauthorized checking accounts, purchasing issues and not using the encumbrance process and audit adjustments that were not made in a timely manner. In addition, the General Fund was conducting loans to other funds implying that the General Fund would be paid back, rather than transfers.

Despite internal control issues and expenditures being made without funds being available, the County did increase its unreserved, undesignated fund balance \$4.6 million to bring the total to \$10,270, 103 or 38% of General Fund expenditures. Vice Chairman Austin asked what appropriate amount of fund balance for Yadkin County to maintain. Starnes replied that smaller governments need more than larger governments and recommended the Board develop a policy concerning fund balance and have a 24%-30% minimum fund balance.

With no further questions, **Commissioner Wooten made a motion to adjourn the meeting, Commissioner Moxley second.**

Vote: 4/0



Prepared by
Asst. County Manager/Finance Officer



Date Approved by the
Yadkin County Board of Commissioners