

YADKIN COUNTY BOARD OF COMMISSIONERS

REGULAR MINUTES

Monday, September 20, 2010

The Yadkin County Board of Commissioners met in Regular Session on Monday, September 20, 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 David Moxley
Commissioner Brady Wooten
Commissioner Tommy Garner
(arrived at 7:09pm)

Staff present: County Attorney, James Graham; County Manager/Interim Clerk to the Board, Aaron Church, and Administrative Assistant, Colleen Rumphlasch

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

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Katie Vestal. Miss Vestal is a student at Forbush Middle School. Miss Vestal was accompanied by her father, Darrell Vestal; and the Forbush Middle School Principal, Kelly Mabe. Chairman Wagoner thanked Miss Vestal for her attendance and for leading the pledge. Attorney Graham pointed out that Miss Vestal won first place in the Yadkin County Idol Contest at the Harvest Festival.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

County Manager Church requested to remove the only Consent Agenda item and has two items under Manager's Report.

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

Vice Chairman Austin second.

Vote: 4/0

PUBLIC COMMENTS

Michael Dixon, East Bend has a small mobile home park in Yadkin County with four approved spaces. Each January the park owners must furnish to the County tax administrator a list of occupants of mobile home parks. Mr. Dixon checked number three (3) on the form and took exceptions to some of those provisions on the back of the form.

Mr. Dixon's mobile home park had just one household living there as of January 1, 2010 and remains the same as of now. Mr. Dixon said he received a county tax notice for solid waste fee of \$240.00 and that the solid waste fee is not charged for unoccupied houses, but is charged for empty mobile home spaces. Mr. Dixon request a text amendment stating the fee is applicable to mobile home spaces occupied by real persons.

Diane Doub, East Bend said the issues regarding the health department are very serious and must be treated accordingly. As a tax payer, Ms. Doub asks to begin with an external audit of the health department.

APPROVAL OF MINUTES

Commissioner Moxley noted on page 7 under Commissioner Comments Vote: "3/2 motion failed due to" taken out. The vote should read "2/3 approval required to amend rules".

Vice Chairman Austin noted that on page 5 Jeff Cochran should be Jeff Cockerham, and on the bottom of page 5 it has Vice Chairman second, should read Vice Chairman Austin second.

Chairman Wagoner noted on page 3 on top Jimmy Steadman it should read Jimmy Steelman.

Vice Chairman Austin made a motion to approve the September 8, 2010 Regular Meeting Minutes, September 8, 2010 Closed Session Minutes, and to add Emails to the September 8, 2010 Regular Session Minutes with all noted adjustments. Commissioner Moxley second.

Chairman Wagoner made a substitute motion to approve the September 8, 2010 Regular Session Minutes and September 8, 2010 Closed Session Minutes with noted adjustments. Make the Emails as a separate issue.

Commissioner Moxley second. Vote: 4/1

Vice Chairman Austin made a motion to approve the September 8, 2010 Regular Session Minutes and September 8, 2010 Closed Session Minutes with noted adjustments.

Commissioner Moxley second. Vote: 5/0

Commissioner Wooten made a motion to approve various Emails on pages 10-18 to be added to the September 8, 2010 Regular Session Minutes. Commissioner Moxley second. Vote: 5/0

PUBLIC HEARING

(1) **Jeff Cockerham, Interim Program Manager for YVEDDI**, appeared before the Board. YVEDDI is asking to apply for Rural Operating Assistance Program (ROAP) and YVEDDI will manage the funds for Yadkin County. The funds help the elderly and disabled citizens of Yadkin County and provide operating assistance to help transport citizens to and from medical and general appointments. This is a donation based program there is no set fee. YVEDDI does ask for a \$1.00 each way donation from the customer and that money goes directly back into the program to assist in more transportation. The ROAP Grant does not cost the County any money. The money that is received goes directly to transportation services.

Rural General Public Program provides partial assistance to people who can help pay for themselves. YVEDDI charges .60 cents per vehicle mile. Trips are pulled together to reduce the cost.

Employment Program is for those coming off of TANF Assistance (for needy families) or Medicaid and no contribution is needed.

YVEDDI is asking the Board to certify the statement and allow YVEDDI to apply and manage the funds of the Rural Operation Assistance Program.

Chairman Wagoner opened the public hearing at 7:22pm

Peggy Boose of the COG Committee commented that YVEDDI does a lot of things for the County. It is a wonderful program for the elderly.

With no other comments the Public Hearing was closed at 7:27pm

Commissioner Moxley made a motion to accept the Rural Operating Assistance Program (ROAP) Yadkin County application with Budget Amendment. Commissioner Garner second. Vote: 5/0

- (2) **Christopher Ong, Director of Planning and Development**, appeared before the Board with a public hearing for the approval of an application to the North Carolina Division of Community Assistance for funds under the 2010 North Carolina Community Development Block Grant (CDBG) Economic Recovery Program as provided by the US Department of Housing and Urban Development (HUD). The County will be applying for a grant not to exceed \$100,000 to be used to provide emergency repairs assistance to eight (8) low to moderate income homes.

Vice Chairman Austin asked if Yadkin County is awarded this grant will there be a whole other process dealing with the application of funds, advertising and all other things. Mr. Ong replied there will be another application for processing those.

Michael Keply of Hobbs, Upchurch and Associates was present and informed the Board that there is a pool of applicants that come from Yadkin County who have been selected for the Community Assistance Grant and the applicants are sent in with the application. There are also alternates in case someone drops out.

Commissioner Garner questioned whether or not Yadkin County will get the money. Mr. Keply responded that the application is put in and the State gives us the verification.

Vice Chairman Austin asked Mr. Ong if there is a back log for people in need. Mr. Ong responded there is a back log and Hobbs, Upchurch & Associates maintains those lists. Applications are kept on hand in the Planning & Development Department and/or can be referred to grant administrators.

Chairman Wagoner opened up the Public Hearing at 7:35pm, with no comments the Public Hearing was closed at 7:35pm.

Commissioner Wooten made a motion to approve the authorized resolution and certification document in accordance with North Carolina Community Development Block Grant Economic Recovery Program guidelines. Commissioner Moxley second. Vote: 5/0

- (3) **Christopher Ong, Planning & Development Director,** appeared before the Board requesting a public hearing for Monday, October 18, 2010 at 7:00pm to hear a Zoning Map Amendment Request for Parcel Identification Number (PIN) 596004820079 from MHP (Manufactured Home Park) to RA (Rural Agriculture).

Commissioner Moxley made a motion to schedule a public hearing for Monday, October 18, 2010 to hear a Zoning Map Amendment Request for Parcel Identification Number (PIN) 596004820079 from Manufactured Home Park (MHP) to Rural Agriculture (RA). Commissioner Garner second. Vote: 5/0

BOARD REPORTS/REQUESTS

Anne Watkins, acting Chair of the Yadkin County Health Board presented to the Board a report of the Health Department that covers three (3) areas: 1) improper use of County emails 2) abnormal pap smear reports and 3) request for performance audit.

Ms. Watkins explained that the email issue was brought to the attention of the Board of Health at the regularly scheduled board meeting on August 17, 2010. At that time a request was made by Mr. Wooten who serves as a Commissioner on the Board of Health as a private citizen to direct release of the emails by the health director. When asked by the members of the Health Board why he was making that request Commissioner Wooten declined to respond in citing recommendation by his attorney. The Board of Health will have a meeting in October and at that time the Board will review the facts and consider any appropriate discipline for any alleged misconduct. That will be done by pursuant to the County's Personnel Policy and have the County Attorney present.

There are various grades of abnormal pap smears. First notices of abnormal pap smears went out to all patients. In May the Health Director reassigned some duties and it was brought to the Health Directors attention that there was an inconsistency in second notices. This was brought to the attention of the Nursing Supervisor and Health Director on May 25, 2010. The nursing supervisor began reviewing other files to see if there was similar inconsistencies and decided there should be an internal audit. The Health Director and Nursing Supervisor both agreed that an internal audit would be appropriate. June 1, 2010 policy was changed to include a one month time frame for second notifications of abnormal pap smears. The policy was implemented but not formally adopted until June 15, 2010, when the Board of Health had their regular meeting.

There was no specific policy violation that occurred because the policy didn't specify a time frame until June 15, 2010. The internal audit revealed sufficient inconsistencies and lack of documentation as this internal audit was completed at the end of June. The Health Director called for an external audit from possible issues on July 6, 2010 (This was the State Audit). The external audit was completed in mid August but the final report was not available to the Board of Health for the August 17, 2010 meeting. The Health Director brought preliminary findings and preliminary recommendations to the Board of Health at that meeting. The preliminary findings and preliminary recommendations were reviewed and all Board of Health members indicated satisfaction at that time with steps being taken regarding abnormal pap smears.

The State had seven (7) recommendations:

- 1) Add time frame for 2nd notice to the protocol. That happened June 1, 2010, policy will change at Health Board meeting in October. Policies take a little while to review, they have to go to the County Attorney for review. The change has already been implemented to one month for second notifications.

- 2) Differentiate high risk and non high risk abnormal results. Recommendation is to implement some protocol to indicate high risk and non high risk. The change has already been implemented and will be up for review at the Health Board meeting in October.
- 3) Utilize standard medical practices in developing policies. Yadkin County Health Department uses the best practices from American College of Gynecology and Medical Director to improve formal policy.
- 4) Provide education regarding risks and failure to seek follow up on abnormal pap smears. Those policy and procedures are being developed.
- 5) Document all information regarding the patients in the patients files. Procedural change that includes two (2) quality assurance reviews for each file instead of one (1). Monthly audits of all documentations. These are all in place now.
- 6) Revise policies to reflect improved protocols. This is in process.
- 7) Consult with the County Attorney regarding policy changes and specific measures for abnormal pap smears. Policies are still being currently developed and they will be submitted to the County Attorney for review.

None of the patients with abnormal pap smears identified to date have developed any medical issues related to abnormal pap smears. What is happening now is on going review of all files manually and all files being questioned are being reviewed individually. A request was made to the state lab where the pap smears go for analysis for assistance in identifying abnormal results. The state lab can go in the data base and retrieve the results much quicker then the Health Department can manually. The state let the Health Department know late in the afternoon on September 20, 2010 that the state will provide 2009 results and assist with the 2008 and 2010 results. All abnormal pap smears will be handled pursuant to approved policies.

External performance audit will be very useful tool for the new Health Director. The Health Board would request that a joint task force with the Board of Commissioners and Board of Health to help define what the audit would encompass. The audit should include overall performance audit with recommendations to improve efficiency, quality of service, evaluation of staff culture and recommendation for improvements and changes of staff culture, evaluation of communications between the Health Board and County Commissioners with recommendations for improvements and recommendations for methods of Board training.

Vice Chairman Austin stated that the Board of Commissioners do have the power of authority to intervene when necessary and the urgency of the pap smear situation should have been addressed in more of a timely matter.

Ms. Watkins stated that she supports the actions of the Health Director and Nursing Supervisor and believes the appropriate steps were taken. All patients received first notifications, what is being talked about is second notifications.

Vice Chairman Austin asked Martha Powell, Nursing Supervisor, what is the statistical occurrence of an abnormal pap smear. Ms. Powell responded it varies on the clientele and risk factor these people have at the time and that can change.

Vice Chairman Austin asked of the 26 files that were looked at in the state audit how were those files selected? Ms. Watkins responded the files were the first 26 files to come to the attention of the Nursing Supervisor. Vice Chairman Austin responded the 26 files were basically random. That is bothersome for Vice Chairman Austin for he felt the Board of Health had enough information and should have had the State look at all the files.

Mike Reavis, Health Director responded the audit is concerning second notifications. Dr. Phillips emailed to the Health Director and Health Board members to hold the audit until the Board of Commissioners Meeting on September 20, 2010 so there would not be misunderstandings. Mr. Reavis and Ms. Powell were working on a cover letter explaining the state audit and what the Health Department's response with the state audit. In the evening it was emailed to Mr. Wooten and all Board of Health members with a note stating not to share this until the Health Department had the chance to give the report to the Board of Commissioners explaining the audit, so there would be no misconceptions and not to create panic. Ms. Powell was the only one working on the audit in order to keep it confidential. While Ms. Powell was going through the audit she was notifying anybody who had not received a second notice. The State is sending one year to the Health Department by September 21, 2010 and will come and help with the other years if the information cannot be taken off the State's data base. Mr. Reavis stated, "I'm sure there was something else the Health Department could have possibly done, I'm not saying I'm perfect, but I think the Health Department did try to address the situation."

Vice Chairman Austin responded that that was the answer he was looking for. There is a need for communication.

Chairman Wagoner stated this performance audit is going to address where flaws are and that the audit will help in two (2) ways:

- 1) Addressing who the correct director for the Health Department is going to be going forward.
- 2) Prepare for accreditation process. Find out where the flaws or weaknesses are so the problems don't have to be addressed when the accreditation group gets to the Health Department, the Health Department will be already in the driver seat.

The next Board of Health Meeting is on October 19, 2010.

Board Appointments

Christopher Ong, Planning and Development Director appeared before the Board to recommend the reappointment of Larry Vestal to the Board of Adjustment for a term retroactive from July 24, 2010-July 23, 2013.

Commissioner Garner made a motion to reappoint Larry Vestal to the Board of Adjustment for a term retroactive from July 24, 2010 –July 23, 2013. Chairman Wagoner second. Vote: 5/0

BOARD ACTION

1) **Brent Hawks, EMS Director** presented to the Board to appoint Dr. Jason Edsall as the Medical Director for Yadkin County EMS and E-911 Communications and approve the related budget amendment. For the last ten (10) years Dr. Cathy Shore has served and was appointed by the Board of Commissioners to serve as the Medical Director of EMS. Dr. Shore has expressed her wishes to retire from that position effective September 30, 2010. The state requires that the governing body appoint the medical director and NC Office of EMS sets guidelines for the medical director's credentials and responsibilities. All EMS systems must have a Medical Director to provide pre-hospital care to their service area. Dr. Jason Edsall has agreed to serve as the Medical Director for Yadkin County. Dr. Edsall volunteers as the Operational Medical Director for Carroll and Patrick Counties in Virginia and North Carolina Region 1 EMS Medical Director; works at Northern Hospital of Surry County. Dr. Edsall meets and/or exceeds NC Office of EMS requirements. The budget amendment assures \$6,000.00 is available for Dr. Edsall's salary and \$3,000.00 for insurance.

**Commissioner Wooten made a motion to appoint Dr. Jason Edsall as the Medical Director for Yadkin County EMS and E-911 Communications and to approve the related Budget Amendment. Commissioner Garner second.
Vote: 5/0**

2) **Aaron Church, County Manager** presented to the Board the revised contract on Asbury Church Road and includes a budget amendment increase of \$3,500.00. That brings the total cost of the project down by \$90,000.00. Vice Chairman Austin questioned the length of the line. Commissioner Garner stated that Arcadis redesigned the water line extension and the water line ended up shorter than what it originally called for. The water line size reduced from 12-inch to 8-inch diameter.

Commissioner Wooten made a motion to approve the Amendment to Arcadis Contract for Asbury Church Road Water Line Extension for \$3,500.00. Commissioner Garner second. Vote: 5/0

3) **Aaron Church, County Manager** presented to the Board to form an Animal Responsibility Committee consisting of five (5) members. Three citizens, a Commissioner and a county staff member. One citizen from the Eastern, Central and Western part of the county if possible. One of the goals of this committee is to look at the spay and neuter policy program in the county to reduce the number of animals that come back to the shelter. This will just be an advisory committee to get together, discuss the issue and make a recommendation to the Board of Commissioners.

Commissioner Garner made a motion to appoint Karen Carter, Carmen Headen, Peggy Boose, Commissioner Austin and Lisa Hughes to the Animal Responsibility Committee for the purpose of making recommendations to the Board of Commissioners and Animal Control on future policies that affect animal welfare coupled with reducing the cost of animal control. Vice Chairman Austin second. Vote: 4/1 (Wagoner against)

Chairman Wagoner stated that what would happen if a recommendation is made by the Animal Responsibility Committee and the Board of Commissioners opt not to go with the recommendation.

Vice Chairman Austin thanked all volunteers of the committees.

4) **Aaron Church, County Manager** stated nine (9) months ago the Board of Commissioners approved a Master Plan for Parks and Recreation. The Board approved two plans one for 5D and one for the entire County. The purpose for approving a Parks and Recreation Master Plan is to make the County eligible for PARTF Grant. Nothing had been done to move forward. The first requirement that needs to be done is the Budget Amendment because there is no money to pay for the plan.

Commissioner Garner questioned how much is the County getting back for the Parks and Recreation. County Manager Church responded that it depends on what the County applies for and receives. Commissioner Moxley added that if the County doesn't have a Master Plan the County can not apply for grants and funds. County Manager Church mentioned that the Parks and Recreation Director will bring a recommendation for the Steering Committee for the Master Plan at the next Board meeting.

Commissioner Garner made a motion to approve the Budget Amendment for \$39,800.00 for Yadkin County Parks and Recreation Comprehensive Master Plan. Commissioner Moxley second. Vote: 5/0

5) **Aaron Church, County Manager** presented to the Board for approval a contract or work authorization order with Atlas Engineering, Inc. County Manager Church learned that if a project is projected to be over \$100,000.00 it is required to have an architect engineer by law. The fiscal budgetary effect will range between \$250,000.00 and \$400,000.00 for the entire

project. County Manager Church is asking for a budget amendment of \$400,000.00 from the General Fund to a new line item in non-departmental for courthouse capital improvements. County Manager Church spoke with Attorney Graham and Attorney Graham feels the work order authorization is sufficient for the scope of the repair of the Courthouse roof. Approving the Budget Amendment does not mean the County is going to spend \$400,000.00 and does not mean the County is going to put a roof on the courthouse. This means the County is hiring an engineer architect to spec out what needs to be done and then at that point the Board would have to approve the next steps.

Commissioner Wooten made a motion to approve work authorization order with Atlas Engineering, Inc. and amend the budget by transferring \$400,000.000 from the general fund to new line item in non-departmental for courthouse capital improvements. Vice Chairman Austin second.

Vote: 5/0

6)Aaron Church, County Manager presented to the Board two proposals from Evergreen Solutions and UNC-Chapel Hill Gilings School of Global Public Health.

Vice Chairman Austin made a motion to give the County Manager authority to enter into a contractual agreement with Evergreen Firm not to exceed \$23,950.00, also to amend the budget by moving \$25,000.00 from contingency to contracted services. Commissioner Wooten second.

Chairman Wagoner added as part of the motion to work jointly with the Health Department to determine the scope of what this performance audit needs to encompass.

Vote: 5/0

Mike Reavis, Health Department Director added as long as the evaluation looks at what the Board of Health wants to be looked at. Efficiency is one thing, performance of program, policy and procedures are very important for accreditation. One thing about Public Health is it's a safety net for the community.

Commissioner Wooten made a motion to amend the budget amendment from \$30,000.00 to \$25,000.00. Vice Chairman Austin second. Vote: 5/0

7)Aaron Church, County Manager presented to the Board Task Order for Jacobs Engineering and Budget Amendment. Agreement for general consulting services for Brooks Crossroads area sewer expansion. There was a motion two meetings ago to get an actual task order and bring the order to the Board. In the minutes the County Manager was asked to obtain cost estimates for the project and to examine the potential revenues and impact. The cost estimate the County Manager received from Jacobs Engineering was a minimum of \$500,000.00. The preliminary engineering report would have different phases of the proposed project.

Total cost of this preliminary engineering report is \$23,650.00. A Budget Amendment from general fund to professional services for \$23,650.00.

Commissioner Garner made a motion to approve Task Order No. 008 and Budget Amendment for \$23,650.00. Vice Chairman Austin second.

Vote: 3/2 (Wagoner and Austin against)

Vice Chairman Austin questioned if someone that is on the County's Sewer and does not pay, but does not have water with the County what is the County's recourse? Attorney Graham responded he is not real versed on water and sewer area but will find out.

MANAGER REPORTS/COMMENTS

- 1) Jason Walker, Ben Harding and Attorney Graham is getting the County back \$600,000.00 from the state on the Haymes Project. The last work order was paid.
- 2) Chairman Wagoner asked the County Manager to present the retention policy the September 20, 2010 meeting . County Manager Church was not ready to recommend a policy, but will have a proposed outline on October 4, 2010 an email and retention policy of proposed training manual, cost estimate for purchasing Microsoft exchange, cost estimate on filtering software system. November 1, 2010 have emails that are already archived burned onto 400 individual disks given to employee to separate personal from public confidential, and delete personal. After complete we will delete archive and start fresh.

November 1, 2010 let the Board know if the County can purchase Microsoft exchange and filtering software. January 3, 2010 Bring a plan to the Board using all such storage. These are all recommendations from Womble Carlyle.

- 3) Hwy. 21 water line and the County received a letter from DENR. The Utility Committee(consists of Commissioner Wooten and Vice Chairman Austin) has called a meeting for September 21, 2010 at 8:30am with County Manager, Jim Haynes, Christopher Ong, Planning & Development Director and Randy Darden from Jacobs Engineering. County Manager Church asked the Board to read the letter because there will be a lot of time spent to get Hwy 21 water line fixed.
- 4) Ribbon Cutting for the 5D is Sunday, October 24, 2010 at 2:00pm and make sure the public knows.

CALENDAR NOTES

Chairman Wagoner reviewed the calendar notes. Chairman Wagoner noted that the public auction is at the Old Duke Power Building on Saturday, September 25 at 10:00am. County Picnic on October 7 from 11:00am-2:00pm, Howlloween in the park on Saturday, October 30 and Presentation of FY09-10 Audit by Martin Starnes on December 6, 2010.

COMMISSIONER COMMENTS

Commissioner Wooten had no comments.

Commissioner Moxley had no comments.

Commissioner Garner had no comments.

Vice Chairman Austin had no comments.

Chairman Wagoner received an email from Mr. Michael Ellis, lives off of old Hwy 421 and is a member of a group and is asking what the Board of Commissioners can offer him as assistance. He teaches a class and came up with things that were wrong with Yadkin County and is trying to work towards at helping the County with the those things that are wrong.

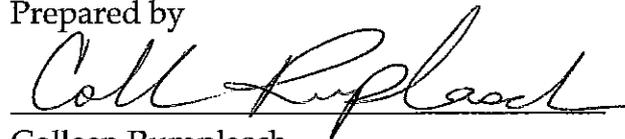
Attorney Graham had no comments.

Commissioner Wooten made a motion to adjourn at 10:13pm. Commissioner Garner second.

Vote: 5/0

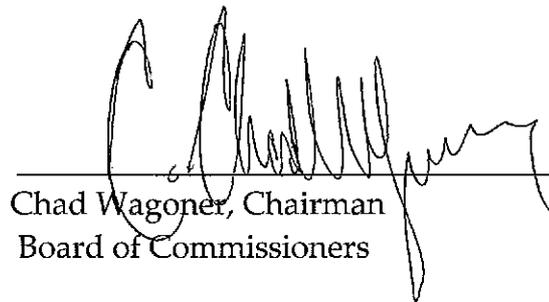
Adopted this the 4th day of October, 2010.

Prepared by



Colleen Rumplach

Administrative Assistant/Personnel Clerk



Chad Wagoner, Chairman
Board of Commissioners