

**YADKIN COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION MINUTES  
Monday, September 19, 2011**

The Yadkin County Board of Commissioners met in Regular Session on Monday, September 19, 2011, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

**Present were:**

Chairman Kevin Austin  
Vice Chairman Frank Zachary  
Commissioner Gilbert Hemric  
Commissioner David Moxley  
Commissioner Marion Welborn

**Staff present:** Interim County Attorney, Bobby Sullivan; County Manager, Aaron Church; Assistant County Manager/Finance Officer, Lisa Hughes; and Deputy Clerk to the Board, Tanya Gentry.

**INVOCATION** led by County Manager Aaron Church.

**CALL TO ORDER** by Chairman Austin at 7:00pm.

**PLEDGE OF ALLEGIANCE** led by Chairman Austin.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

**Commissioner Welborn made a motion to adopt the agenda. Commissioner Hemric second.  
Vote: 5/0.**

**PUBLIC COMMENTS**

- 1) Edward Matthews from the Forbush Community addressed the Board. He stated that he and his wife were overcharged on their taxes in 2007, 2008, and 2009 due to a miscalculation of square footage. They did not catch the mistake right away because the tax bill was being paid by their mortgage company out of an escrow account. When they realized the square footage they were being taxed on was wrong, they contacted the tax office and got it corrected. They have not been able to get a tax refund. They came tonight to ask the Board to have the overpaid amount refunded to them.

Chairman Austin closed the Public Comments portion at 7:06pm.

**APPROVAL OF MINUTES**

**Commissioner Moxley made a motion to approve all sets of minutes. Vice Chairman Zachary second.  
Vote: 5/0.**

**REPORTS/REQUESTS OF THE BOARD**

- 1) None.

**CONSENT AGENDA**

**Commissioner Hemric made a motion to approve the consent agenda. Commissioner Moxley second.  
Vote: 5/0.**

- 1) Budget Amendment for Sheriff's Office E-911.
- 2) Approve Lease Agreement with Harold Eugene Renegar.
- 3) Approve Addendum to YVEDDI Catering Services contract.
- 4) Approve Home and Community Care Block Grant.
- 5) Approve Benchmark CMR, Inc for SFR10 Administrative Services.
- 6) Approve Contract with Yadkin Fire and Safety.
- 7) Approve Homeland Security E-Verify Memorandum of Agreement.
- 8) Authorize Payment of \$252.00 to Todd Brothers Plumbing.
- 9) Unfreeze Child Support Agent Position.

#### **PUBLIC HEARING/ACTION TO SET PUBLIC HEARING**

- 1) Public Hearing for a Zoning Map Amendment Request for Parcel 4896 (00) 85-1219 from MI-1-CD to MI-1. Christopher Ong addressed the Board. The petitioner is Yadkin County. The property is located at the intersection of Hoots Road and Butler Road in Deep Creek Township and is approximately 9.87 acres. The property was zoned as Manufacturing Industrial One-Conditional District for a jail site. The County no longer needs the conditional zoning and is requesting that it be rezoned to Manufacturing Industrial One. All of the required notices for the Public Hearing were done. The Public Hearing was opened at 7:15pm.
  - a. Jimmy Steelman of Hamptonville addressed the Board. He agreed the parcel should be rezoned so it could be sold or used for something else.

The Public Hearing was closed at 7:16pm. Chairman Austin asked to be excused from voting because his company's property is located diagonally across from this property. **Vice Chairman Zachary made a motion to excuse Chairman Austin from the vote. Commissioner Moxley second. Vote: 4/0.** Chairman Austin read the Statement of Consistency. **Vice Chairman Zachary made a motion to adopt the zoning statement of consistency. Commissioner Hemric second. Vote: 4/0.** **Commissioner Welborn made a motion to approve the zoning map amendment for PIN 4896 (00) 85-1219 from MI-1-CD to MI-1. Commissioner Moxley second. Vote: 4/0.**
- 2) Public Hearing for ROAP. Jeff Cockerham, of YVEDDI, addressed the Board to give them a brief review of the program. The funds will be allocated to the County. Mr. Cockerham asked the Board to sub-allocate the funds to YVEDDI. The signed application is due September 30, 2011. He stated this Public Hearing has been advertised as required. The Public Hearing was opened at 7:23pm. No one came forward to speak. The Public Hearing was closed at 7:24pm.

#### **BOARD ACTION**

- 1) Approve Memorandum of Agreement and Certified Statement for ROAP. YVEDDI supplied Yadkin County with a Memorandum of Agreement and a Certified Statement to be signed for the ROAP program. **Commissioner Welborn made a motion to approve the Memorandum of Agreement and the Certified Statement for the Rural Operating Assistance Program and authorize the County Manager to sign, pending County Attorney approval. Vice Chairman Zachary second. Vote: 5/0.**
- 2) Approve Yadkin County Strategic Energy Management Plan and Establish Sustainability Committee. Christopher Ong addressed the Board. The goal of the Strategic Energy Management Plan is to reduce energy use 5% by the end of 2012 and by 15% by the end of 2015. The goals can be reached by doing an inventory of the County buildings to get a complete understanding of our energy consumption, by educating the staff, and by lowering utility usage. Forming a Sustainability Committee will assist the County with this process. The Committee will review the energy plan, help write and edit policies, and encourage efficient practices. **Commissioner Hemric made a motion to approve the Yadkin County Strategic Energy**

**Management Plan and authorize the County Manager to establish a Sustainability Committee. Vice Chairman Zachary second.**

**Vote: 5/0.**

- 3) Approve Secondary Road Improvements Program. The program was presented by the NCDOT at the September 6, 2011 Board of Commissioners Meeting. County Manager Church read the resolution concurring with the Secondary Road Improvements Program. It reads as follows:  
**A RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS CONCURRING IN THE PROPOSED SECONDARY ROAD CONSTRUCTION PROGRAM FOR THE COUNTY IN ACCORDANCE WITH GS 136-44.8.**

**WHEREAS**, the NCDOT District Engineer's Office has provided the County with a proposed Secondary Road Construction Program in accordance with NCGS 136-44.8, and

**WHEREAS**, this proposed program (Exhibit A) was the subject of a public hearing/meeting on September 6, 2011 in the Meeting Chambers of the Yadkin County Board of Commissioners, at which time the Program was presented, public input was received and opportunities were provided for questions from those in attendance, and

**WHEREAS**, the Yadkin County Board of Commissioners by official action at the September 19, 2011 Board of Commissioners Meeting, and in accordance with the provisions of NCGS 136-44.8, concurred in the Construction Program as proposed, and

**NOW, THEREFORE BE IT RESOLVED**, on this the 19<sup>th</sup> day of September, 2011 that this Resolution was ratified by the Yadkin County Board of Commissioners and submission as written was authorized to the District Office of the North Carolina Department of Transportation.

The floor was opened for Commissioner discussion. Chairman Austin informed those present that the local DOT has spoken with Mr. Tulbert and taken a look at Buck Shoals Road. The allocation amount was looked at. The estimated allocation amount of \$924,504.25 is the revised amount the NCDOT provided to the County. **Commissioner Moxley made a motion to adopt the Resolution of the Yadkin County Board of Commissioners Concurring in the Proposed Secondary Road Construction Program for the County in Accordance with GS 136-44.8. Commissioner Welborn second.**

**Vote: 5/0.**

- 4) Approve Payment of Unauthorized Invoices. Public Buildings has five invoices for services that were done without a contract. The Board reviewed the invoices and was in agreement to pay four of them. The invoice that still needs further review is on page 150 of the agenda packet and is invoice number 9889. County Manager Church will contact the vendor to discuss this invoice. **Vice Chairman Zachary made a motion to authorize the Finance Officer to pay invoice 9886 on page 151, invoice 9792 on page 152, invoice 9671 on page 153, and invoice 9564 on page 154 and authorize the County Manager to negotiate invoice 9889 on page 150. Commissioner Hemric second.**

**Vote: 5/0.**

#### **CALENDAR NOTES**

- 1) September 22, 2011 - Employee Picnic at County Park from 11:00am-1:00pm.
- 2) November 29-30, 2011 – Leadership Retreat at Lake Junaluska.
- 3) December 21, 2011 – Employee Christmas Luncheon at Union Cross Friends Meeting House.

#### **MANAGER'S REPORTS/BOARD ACTION**

- 1) Introduce David Trivette. David Trivette started today as the County's new Public Buildings Maintenance Supervisor. He has 30 years of experience. He volunteers at the Buck Shoals Fire Department.

- 2) Jail Update. The RFQ has gone out for the Special Inspector. The LGC has approved the financing and the closing on the loan will be done tomorrow. The standing structures on the future jail addition site will be burned in October.
- 3) Pay for Performance. Everyone has been evaluated. A lot of work was done on the evaluations.
- 4) Water Feasibility Study. The County Manager met with Michael Goliber, of Davis-Martin-Powell today. Mr. Goliber signed a confidentiality statement and all of the previous water studies were given to him to review. He is going to do a comprehensive study of the County's previous water studies. From that, he is going to make a recommendation on what needs to be done. He will develop a scope of work, with an associated cost, to be presented to the Board for approval.

#### **MANAGER'S BUDGET AMENDMENTS / NO ACTION REQUIRED**

- 1) None.

#### **BOARD VACANCIES:**

- 1) Nursing Home - Adult Care Home Community Advisory Committee has 2 Vacancies.
- 2) Board of Health has One Vacancy.

#### **COMMISSIONER COMMENTS**

**Commissioner Hemric** thanked everyone for coming. He appreciated the input and comments that were given tonight. He appreciated David Trivette being here.

**Commissioner Welborn** thanked everyone for coming. He appreciated David Trivette being here. He was glad to see a couple of new faces in the front row.

**Vice Chairman Zachary** thanked everyone for coming. He stated it is always good to have the public in attendance. He was glad to see the new faces. Hopefully, we are making some progress on things. During tough economic times everyone works together to achieve progress.

**Commissioner Moxley** thanked everyone for coming. He stated we are moving on with some projects, like the jail refinancing and the clearing of the lot to get it ready for the jail addition.

**Chairman Austin** thanked the staff for all of their work on the refinancing of the jail loan. A lot of people worked really hard on that. Ware Bonsall is right on schedule with their work. He is looking forward to the County employee picnic. It was a great event last year and he hopes the weather will be good on Thursday. He thanked those from Buck Shoals who attended tonight. He thanked the new Public Buildings Maintenance Supervisor, who is helping protect homes in Buck Shoals, for coming. He thanked everyone who attended tonight.

**Chairman Austin made a motion to go into Closed Session pursuant to (1)(3)(4)(5)(6) NCGS 143-318.11(a) in order to discuss Personnel Matters and to Protect Personnel Information that is Confidential under NCGS 153A-98, and to discuss the potential Location or Expansion of Industries or other Businesses in the County, to Establish the County's Negotiating Position for Acquiring Real Property and to Instruct the County Staff on that Position, and to have a Privileged Consultation with our County Attorney including about two lawsuits: Yadkin County vs. Yadkin County Board of Adjustments, James Davis Arnold, Eddie Dean Arnold, and William Turner Arnold; the Town of Yadkinville vs. James Wade Gregory and Willie Clifton Gregory. Vice Chairman Zachary second.**

**Vote: 5/0.**

#### **RECESS**

Recess began at 8:20pm and ended at 8:35pm.

After a motion to come out of Closed Session was made and the Board was in Open Session, **Chairman Austin made a motion to approve the Bardhill contract and authorize the County Manager to enter into the contract, pending County Attorney and Tax Administrator approval. Commissioner Welborn second.**

**Vote: 5/0.**

**Vice Chairman Zachary made a motion to authorize the County Manager to enter into contracts that do not exceed \$5,000.00 and have a duration of no more than 1 year and are not for services applicable to the Mini Brooks act, at his discretion without County Attorney approval; and the County Manager shall report to the Board any contracts entered into at the next regularly scheduled Board Meeting; and a contract control form will be completed for each contract. Commissioner Hemric second.**

**Vote: 5.0.**

**Commissioner Moxley made a motion to adjourn. Vice Chairman Zachary second.**

**Vote: 5/0.**

*Tanya Gentry*

Prepared by Tanya Gentry  
Deputy Clerk to the Board

*Kevin Austin*

Kevin Austin, Chairman  
Yadkin County Board of  
Commissioners

*10/3/2011*

Date approved by the  
Yadkin County Board of Commissioners