

**YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MINUTES
Monday, August 15, 2011**

The Yadkin County Board of Commissioners met in Regular Session on Monday, August 15, 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 7:02pm.

PLEDGE OF ALLEGIANCE led by Chairman Austin.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

County Manager Church asked that Item 2 under Public Hearing/Action to Set Public Hearing be removed from the Agenda due to the petition being withdrawn. Mr. Hobson, the petitioner, has signed a document stating that he was withdrawing his petition to have Parcel 5846 09-9771 rezoned. The jail refinancing documents for Consent Agenda Item 6 have been revised. County Manager Church requested that the revised versions of the documents be substituted for the ones in the Agenda packet. County Attorney Sullivan stated there were no substantial changes made to the documents. County Manager Church requested the motion for Consent Agenda Item 8 on page 49 of the Agenda packet be changed to "Motion to grant all authority to the Tax Assessor that is allowed by N.C.G.S. 105-325(a)." County Manager Church requested that "Designate County Manager Aaron Church as a voting delegate for Yadkin County at the 104th NCACC Conference" be added to the Agenda under Board Action.

Commissioner Welborn made a motion to adopt the agenda with the noted changes. Commissioner Moxley second.

Vote: 5/0.

PUBLIC COMMENTS

- 1) Elizabeth Miner lives on Arnold Road in Hamptonville. She stated that she was here representing herself and her neighbors. She thanked the Commissioners for having the appeal filed on the Arnold ATV Track case. The Arnold's are continuing to operate the ATV Track and the noise it causes disturbs the peace and quiet of the community. She said the ATV track not only violates the zoning ordinance and the noise ordinance but is a safety violation as well. She urged the Board to see the appeal they started through and ask the Court to reinstate the cease and desist order.
- 2) Gary Walsh, of Jonesville, addressed the Board. He is here representing himself and his neighbors who live on Robbins Road and Sandyberry Road. He stated that guns are being discharged all the time. The authorities have been contacted on numerous occasions but the

problem continues. He presented the Board with a petition signed by the neighbors asking that action be taken to stop the discharge of firearms in the neighborhood.

Chairman Austin closed the Public Comments portion at 7:14pm.

APPROVAL OF MINUTES

Vice Chairman Zachary made a motion to approve all sets of minutes. Commissioner Hemric second.

Vote: 5/0.

REPORTS/REQUESTS OF THE BOARD

- 1) Recognize Employees for Retirement in July and August. The Board congratulated Mike Williams, Lynn Mounce, Captain Phil Hamby, and Dale Trivette for their years of service and dedication to Yadkin County. Chairman Austin, County Manager Church, and Assistant County Manager/Finance Officer Hughes presented the retirees with plaques.

CONSENT AGENDA

Commissioner Hemric made a motion to approve the consent agenda with noted changes.

Commissioner Moxley second.

Vote: 5/0.

- 1) Budget Amendment for Buckle-Up Funding and Ambulance Remount Funding.
- 2) Budget Amendment for Komen Services.
- 3) Reappoint the Following to the Board of Adjustment:
 - a) Landon Wagoner for a Three Year Term;
 - b) Jeff Smith as an Alternate for a Three Year Term.
- 4) Unfreeze Health Educator II Position and Authorize the Position to be Filled.
- 5) Approve Change Order for Courthouse Roof Replacement Project.
- 6) Adopt Resolution Approving Amendments to Installment Financing Contract and Deed of Trust for New Jail Site.
- 7) Authorize Finance Officer to Pay for Oxygen, Oxygen Cylinder Rental, and Medical Supplies for Yadkin County Fire Departments and Rescue Squad.
- 8) Grant Tax Assessor General Authority to Make Changes and Discoveries to Tax Bills.

PUBLIC HEARING/ACTION TO SET PUBLIC HEARING

- 1) Public Hearing on Local Development Appropriations for Lydall. Bobby Todd addressed the Board to give a brief overview. Lydall has agreed to invest at least \$18.5 million over the next 3 years and create 170 new positions. Lydall will be given an incentive for this expansion to occur in Yadkin County. The incentive is performance based and the cost is being shared between the County, the Town, and the State. There will be \$180,000.00 of County money, \$120,000.00 of Town money, and \$300,000.00 of State money. Chairman Austin opened the Public Hearing at 7:23pm. No one came forward to speak so Chairman Austin closed the Public Hearing at 7:24pm.
- 2) Removed from Agenda. Mr. Hobson withdrew his petition to rezone the property located at the intersection of Old US Highway 421 and Falcon Road.
- 3) Set a Public Hearing for a Zoning Map Amendment Request for Parcel 4896 (00) 85-1219 from MI-1-CD to MI-1 on September 19, 2011 at 7:00pm. This parcel was conditionally zoned for a Yadkin County Jail facility. Yadkin County will not be building a jail on this 9.87 acre parcel located at the intersection of Hoots Road and Butler Road. The County has requested that the parcel be rezoned from Manufacturing Industrial One Conditional to Manufacturing Industrial One. The Planning Board voted unanimously to recommend approval of the rezoning. **Vice Chairman Zachary made a motion to set a public hearing for a zoning map amendment**

request for Parcel 4896 (00) 85-1219 from MI-1-CD to MI-1 on September 19, 2011 at 7:00pm. Commissioner Welborn second.

Vote: 5/0.

BOARD ACTION

- 1) Approve RFP be Sent Out for Administrative Services for SFR10 Projects. Single Family Rehabilitation projects are financed through the North Carolina Housing Finance Agency. This RFP for administrative services has been approved by the NCHFA and meets all their program guidelines. The County Attorney has reviewed it and recommends the following be added to the RFP before it goes out: "The County will select the vendor that submits the best overall proposal, as determined by the County in its sole discretion. Although the County currently intends to consider the Evaluation Criteria listed in this RFP, it reserves the right to evaluate proposals based on any criteria that it deems appropriate and to give any criteria whatever weight it deems appropriate. The County reserves the right to reject any or all proposals, and it reserves the right to waive any irregularities in any proposal." **Commissioner Moxley made a motion to approve the RFP to be advertised for procurement of administrative services for the SFR10 project with the changes noted by the County Attorney. Vice Chairman Zachary second.**

Vote: 5/0.

- 2) Resolution to Observe Firefighters Week in NC. Chairman Austin read the resolution honoring Firefighters and designating the week that contains September 11 in it to be Firefighters Week each year. The resolution is as follows:

**A RESOLUTION ENCOURAGING THE CITIZENS OF YADKIN COUNTY TO
OBSERVE FIREFIGHTERS WEEK IN YADKIN COUNTY**

WHEREAS, fighting fires is one of the most hazardous professions, requiring physical strength, stamina, extensive training, courage, and selfless concern for the welfare of others; and

WHEREAS, firefighters provide valuable services to the citizens of Yadkin County, their communities, and the State; and

WHEREAS, firefighters make sacrifices to protect the lives and financial interests of the citizens of Yadkin County and the State; and

WHEREAS, firefighters respond to emergencies without hesitation when the call of duty arises; and

WHEREAS, firefighters work with public safety officials and law enforcement officers to protect the integrity of crime scenes, which is necessary to resolve arson cases; and

WHEREAS, firefighters reside in the community in which they serve and have a great appreciation for protecting their communities; and

WHEREAS, it is appropriate to recognize the duties and services that firefighters perform by observing Firefighters Week in Yadkin County;

NOW, THEREFORE, BE IT RESOLVED by the Yadkin County Board of Commissioners:

Section 1. The Board of Commissioners believes that all firefighters deserve to be honored for the invaluable service they provide to the County, its citizens, and communities.

Section 2. The Board of Commissioners encourages the citizens of this County to observe the week in September of each year containing September 11th as Firefighters Week in Yadkin County.

Section 3. This resolution is effective upon adoption.

Commissioner Welborn made a motion to adopt the Resolution Encouraging the Citizens of Yadkin County to Observe Firefighters Week in Yadkin County. Commissioner Moxley second.

Vote: 5/0.

- 3) Resolution Authorizing Demolition of a Structure for Future Expansion of Justice Related Buildings, Parking, and Space. This resolution will allow the home located on the future Jail expansion site to be burned. The County Manager read the resolution. It reads as follows: **RESOLUTION AUTHORIZING THE DEMOLITION OF A STRUCTURE BY THE YADKINVILLE FIRE DEPARTMENT FOR FUTURE EXPANSION OF JUSTICE RELATED BUILDINGS, PARKING AND SPACE.**

WHEREAS, the home located at .91 acres is owned by Yadkin County and is further identified as 220 HEMLOCK STREET, YADKINVILLE, 27055 --- H-1187; A-08536; PIN 5817 (17) PRN 133326; (.91 acres) 220 Hemlock Street) North Liberty Township, Yadkin County, North Carolina. The home must be removed in order to proceed with the construction of the Jail Addition.

WHEREAS, if a local government demolishes a structure it owns on land it owns, it is not conveying the structure or otherwise disposing of it.

WHEREAS, the County will enter into a service contract with the Yadkinville Fire Department for the purpose of burning the home located at 220 Hemlock Street for a fee of \$1.

WHEREAS, the Yadkinville Fire Department may benefit from the burning of the building by creating an opportunity to improve their firefighting skills, thus benefiting the town as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the Yadkin County Board of Commissioners hereby authorize the County Manager and County Attorney to negotiate a service contract with the Yadkinville Fire Department for the purpose of burning the home located at 220 Hemlock Street for a fee not to exceed \$1.

Adopted by the Yadkin County Board of Commissioners on the 15st day of August, 2011.

Commissioner Hemric made a motion to adopt the Resolution Authorizing the Demolition of a Structure by the Yadkinville Fire Department for Future Expansion of Justice Related Buildings, Parking, and Space. Commissioner Welborn second.

Vote: 5/0.

- 4) Approve Shared Funding for Cross County Horticulture Agent. Nancy Keith requested funding for a shared Cross County Horticulture Agent. Surry County will also use the services of this Agent and already has funds for a Horticulture Agent in their budget. North Carolina State University would cover 50% of the costs, Surry County would cover 30% of the costs, and Yadkin County would cover 20% of the costs. **Commissioner Moxley made a motion to authorize Nancy Keith to move forward with the proposal to NCSU for the establishment of the Cross County Horticulture Agent position. Commissioner Hemric second.**

Vote: 5/0.

- 5) Approve Contract for Hearing Impaired Interpreter. The contract is for Denise Oviatt to provide hearing impaired services for the Health Department. A new Certificate of Insurance needs to be provided, the one the County currently has is not sufficient. **Vice Chairman Zachary made a motion to approve the contract with Denise Oviatt, pending completion of the County process, to provide hearing impaired services for the Health Departments' clients. Commissioner Welborn second.**

Vote: 5/0.

- 6) Approve Workforce Carolina Contract for Health Dept. The contract is for WorkForce Carolina to provide cleaning services for the Health Department. A new Certificate of Insurance needs to be provided, the one the County currently has is not sufficient. **Commissioner Welborn made a motion to approve the Workforce Carolina contract, pending completion of the County process, for the cleaning and disinfecting of the Health Department. Commissioner Moxley second.**

Vote: 5/0.

- 7) Designate County Manager Aaron Church as a voting delegate for Yadkin County at the 104th NCACC Conference. Yadkin County needs to designate a voting delegate for the 104th Annual NCACC Conference that will be held in Cabarrus County, NC on August 18-21, 2011. The County Manager can be designated as the voting delegate in the event that no Commissioner is available to attend the Business Meeting. **Vice Chairman Zachary made a motion to designate Aaron Church as the voting delegate for Yadkin County at the 104th Annual Conference of the NCACC. Commissioner Moxley second.**

Vote: 5/0.

CALENDAR NOTES

- 1) August 18, 2011 to August 21, 2011 – NCACC Conference the Embassy Suites Resort Hotel and Concord Convention Center Concord.
- 2) August 22, 2011 - Parks and Recreation Public Workshop from 5pm-7pm at Yadkin County Park Shelter.
- 3) August 23, 2011 – Ethics, Budgeting, and Finance Training in the Commissioners' Meeting Room from 9:00am to 4:00pm.
- 4) August 23, 2011 - Parks and Recreation Public Workshop from 5pm-7pm at Jonesville Senior Center.
- 5) August 24, 2011 - Parks and Recreation Public Workshop from 4pm-6pm at East Bend Senior Center.
- 6) August 25, 2011 - Parks and Recreation Public Workshop from 5pm-7pm at West Yadkin Fire Department.
- 7) September 22, 2011 - Employee Picnic at County Park from 11:00am-1:00pm.
- 8) October or November, 2011 – Leadership Retreat.
- 9) December 21, 2011 – Employee Christmas Luncheon at Union Cross Friends Meeting House.

MANAGER'S REPORTS/BOARD ACTION

- 1) Radio Tower. The radio tower in East Bend was damaged due to the storm and it will take approximately two months to repair.

MANAGER'S BUDGET AMENDMENTS / NO ACTION REQUIRED

- 1) Soil and Water (\$800.00). Funds were transferred to cover uniform costs.
- 2) Parks and Recreation (\$1,000.00). Funds were transferred to cover uniform costs.

BOARD VACANCIES:

- 1) Nursing Home - Adult Care Home Community Advisory Committee has 2 Vacancies.

COMMISSIONER COMMENTS

Vice Chairman Zachary thanked everyone for coming. He stated there was a lot of good public involvement tonight. It was great to be able to recognize four fine employees and congratulate them on their retirement. He stated he was on the Board of Commissioners when Dale Trivette was hired. It was great to recognize the fire departments and all that they do for this community, our State, and our Nation. It is good to be able to tie the September 11th commemoration into something positive.

Commissioner Moxley stated he appreciated everyone who came tonight. We got to honor some retiring employees and all of the firefighters. He appreciated the firefighters who were able to attend tonight. He

asked those present to tell everyone about the Parks and Recreation Public Meetings and invite them to attend so they can express their opinions on what they would like to see offered. He stated that it was good to see David Matthews here looking like his old self.

Commissioner Hemric thanked everyone for coming. He wanted to reiterate the statements made by Vice Chairman Zachary and Commissioner Moxley. He asked those present to please tell people to come out to the Parks and Recreation Public Meetings.

Commissioner Welborn stated it was good to see this many here tonight. He encouraged everyone to come out to the Parks and Recreation Public Meetings. He appreciates everything that the firefighters do.

Chairman Austin stated he would like to recognize Chief Matthews from East Bend and said it was nice to see him here. Chairman Austin is glad to see Chief Matthews getting around. Our firefighters respond not just to local emergencies but to emergencies elsewhere in the State as well. He stated our firefighters do Yadkin County proud wherever they go.

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 the lawsuit of Yadkin County vs. Yadkin County Board of Adjustments, James Davis Arnold, Eddie Dean Arnold, and William Turner Arnold. Vice Chairman Zachary second.

Vote: 5/0.

After a motion to come out of Closed Session was made and the Board was in Open Session, **Commissioner Welborn made a motion to approve the Lydall agreement, resolution, and addendum. Vice Chairman Zachary second.**

Vote: 5/0.

Commissioner Hemric made a motion to authorize the County Manager to enter into a contract with Carolina Environmental, not to exceed \$1,000.00, pending Attorney approval.

Commissioner Moxley second.

Vote: 5.0.

Commissioner Welborn 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

9/6/2011

Date approved by the Yadkin County Board of Commissioners