

**YADKIN COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION MINUTES  
Monday, April 18, 2011**

The Yadkin County Board of Commissioners met in Regular Session on Monday, April 18, 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.

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

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

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

Deputy Clerk Gentry requested that Item #2 under Reports/Requests of the Board, Recognize Forbush Cheerleaders, be removed from the Agenda. The Cheerleaders could not attend the Board of Commissioners Meeting due to Spring Break plans and would like to come in May instead. Deputy Clerk Gentry requested that Item #1 under Public Hearing/Action to Set Public Hearing, Public Hearing to Rezone Parcel ID Number 4847 04 82 9900 from Rural Agriculture District to Highway Business District, be removed from the Agenda because the petitioner withdrew his request to rezone the property from RA to HB. Since the petitioner no longer wanted the property rezoned, there was no need for a Public Hearing. Chairman Austin removed Item #1 under section 9 and removed Item #2 under section 7 and planned for the Forbush Cheerleaders to attend the May 16, 2011 Meeting. **Commissioner Hemric made a motion to accept the agenda with the stated adjustments. Commissioner Moxley second.**

**Vote: 5/0**

**PUBLIC COMMENTS**

- 1) Tony Matthews, from Fall Creek, addressed the Board. He stated, "Tonight I would like to thank you for letting me come and speak to you. I ask that everybody remember David Matthews, a former employee of the County, involved in a bad wreck Saturday night. He has been going through a lot of surgeries; to my understanding he is in surgery right now. Everybody remember him in your prayers. First off, the reports that EMS employees have been paid double time. Several years ago, after the Sheriff's office had been visited because of complaints to the Labor Board, Cecil Wood, the County Manager at that time, had a consultant. I believe his name was Mark Knuckles He was asked if EMS employees could be paid as firefighters at that same time. He said that we couldn't, that

EMS couldn't; EMS had to be based on a 40 hour work week. He also advised that the EMS employees should be paid as regular employees at 40 hours per week, time and a half for all hours over 40. In order to come up with the hourly rates at that time, to keep from busting the EMS budget, the hourly rate was based on 48 hour weeks, which is what EMS works normally. They were based on 208 hours a month instead of 192. Some months have more weeks than others and that's how they come up with the 208 hours a month. This gave EMS employees hourly rates and overtime based on the number of hours scheduled each month. No employees earned any overtime unless they actually worked more than 40 hours a week. Each employee was given a monthly salary based on dividing the yearly salary by 12. This has been confusing to all the EMS employees. The confusing system has been in place since that time and it was put in place by the County Manager and not Dale Trivette or Brent Hawks, which everybody thinks they come up with all this. It has paid the EMS employees a monthly salary based on 40 hours a week and time and a half for all hours over 40. The 48 hours was used only as a formula to get the hourly rates that was fair to the County and the employee. If the rate had been based on the 40 hours at that time, then the hourly rate would have been a whole lot higher and it would cost the County a whole lot more; so that's where the 48 hours came up. Second, the proposed cuts to the EMS employees have been estimated between \$3,000.00 and \$5,000.00 per employee, which is a \$350.00 to \$416.00 per month cut in pay for the employees that have not had pay increases over the last several years. Many citizens in this County would lose their homes if they took a pay cut of this magnitude, as some of the employees of Yadkin County will. I retired last fall from the EMS and had a great career taking care of the citizens of Yadkin County. Many of the employees I have worked with for years at EMS have a very caring, giving nature. They love what they do. They love to take care of the people of the County. What good is a man if he doesn't stand up for his family? Many words have been exchanged and they cannot be taken back. Rest assured, if they come to your house tonight they will provide the best and most appropriate care. I understand that these are bad economic times, many people are unemployed and are just a paycheck from bankruptcy. I respectfully ask this Board to consider employees when they make their decision on the EMS budget. Each of you might can stand to take a \$400 pay cut a month in your income but every County employee can't. Thanks for your time."

Chairman Austin closed the Public Comments portion at 7:10pm.

#### **APPROVAL OF MINUTES**

**Commissioner Moxley made a motion to approve the one set of minutes. Vice Chairman Zachary second.**

**Vote: 5/0**

#### **REPORTS/REQUESTS OF THE BOARD**

- 1) Ware Bonsall Monthly Report. Glenn Ware addressed the Board with assistance from Paul Bonsall and Tim Bost. The previous 10 years of data for the Jail was taken into consideration to create a profile for the jail population and to identify future trends. Yadkin County has an older jail population with 38% of the population being over 35 years old. There are very few youthful offenders that are under 18 years old. Typically, approximately 90% of the jail population is male; Yadkin County's male population is approximately 94%. The female population is important because they have to be handled and treated separately. Approximately 56% of

Yadkin County's jail population has been charged with misdemeanors; with most of the offenders having committed several misdemeanors. Approximately 16% of the population has been charged with felonies. The Yadkin County jail tends to have a higher population in the winter months and a lower population in the summer months. There is quite a bit of monthly swing in the population so that has to be taken into account and planned for. The average daily population is trending upward. Without the pretrial release program, the need for bed space would be significantly higher. Yadkin County's pretrial release program is very successful and pays big dividends by lowering the jail population. The cost savings generated from the pretrial release program over the last 10 years is approximately \$3 million. The cost of the program last year was approximately \$116,000.00 with Yadkin County contributing approximately \$40,000.00 and the rest coming from the State and grants. Looking toward future trends, the County's total population is growing slowly but arrests are trending downward. The overall trend for jail admissions is slightly upward because more than just arrests cause people to be admitted into jail. The average length of stay in jail has grown substantially and is continuing to grow. This is something that occurs in other counties as well. Part of the reason for longer stays in jail is due to the time it is taking to get cases through the Court system. The Sheriff's office has to be able to classify and segregate inmates and that is something they are not really able to do now because the jail is so small. Ware Bonsall estimates that, by 2021, the Yadkin County jail facility needs approximately 96 beds to handle the high population months, with 10 of the beds being for females. An estimated 33,600 square feet is needed for a 96 bed facility containing single and double cells. This estimated 33,600 square foot facility includes not just the jail cells themselves but all of the indoor and outdoor support areas as well. Ware Bonsall proposed that the visitation area be equipped for videoconferencing so that inmates did not have to be moved from their housing units. The next steps to be done are to complete the evaluation of the existing jail, to perform site evaluations, and to develop options and cost comparisons. Ware Bonsall was asked to do a cost comparison between continuing to pay to house female offenders elsewhere and building, and operating, a facility for male offenders only vs. the cost of building and operating a facility to house both male and female offenders.

### **CONSENT AGENDA**

**Commissioner Welborn made a motion to approve the consent agenda. Commissioner Hemric second.**

**Vote: 5.0**

- 1) Budget Amendment Transferring Remaining Elder Affairs Funds to Senior Services.
- 2) Budget Amendment Transferring Funds to Foster Children Fund Line Item.
- 3) Budget Amendment to Accept NCDENR Funds and Apply Them to EH Supplies.
- 4) Budget Amendment for Repairs to Garbage Truck.
- 5) Approve Contract to Place ATM in County Courthouse.
- 6) Appoint Mark Thomas Brown to the Yadkin County Nursing Home-Adult Care Home Community Advisory Committee.
- 7) Appoint Kaye Davis to the Board of Health Replacing Clara Matthews.
- 8) Reappoint Dr. Edward Geisel to the Board of Health.
- 9) Reappoint Gail Hinson to the Board of Health.
- 10) Accept CDBG Grant and Adopt a Resolution Giving Signatory Authority to the Chair of the Board of Commissioners.

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

- 1) The Public Hearing was removed from the Agenda. The petitioner withdrew his request on Friday, April 15, 2011.

- 2) Set a Public Hearing on May 16, 2011 at 7:00pm for a Zoning Map Amendment Request for Parcel ID Number 5867 (00) 53 8113. The property is located off of Old US 421 and Flint Hill Road. The hearing is to rezone it from Rural Agriculture District to Highway Business District. The Planning Board recommends making the requested change from Rural Agriculture to Highway Business. **Commissioner Moxley made a motion to schedule a Public Hearing for the Monday, May 16, 2011 7pm meeting to hear a zoning map amendment request for Parcel Identification Number 5867 (00) 53 8113 from the Rural Agriculture (RA) District to the Highway Business (HB) District. Commissioner Welborn second.**  
**VOTE: 5/0**
- 3) Set a Public Hearing on May 16, 2011 at 7:00pm for a Zoning Map Amendment Request for Parcel ID Number 5960 (00) 93-7530 and a Portion of 5960 (00) 03-1593. The property is located on Macedonia Road. The Planning Board recommends making the requested change from Manufactured Home Park to Rural Agriculture. **Vice Chairman Zachary made a motion to schedule a Public Hearing for the Monday, May 16, 2011 7pm meeting to hear a zoning map amendment request for Parcel Identification Number 5960 (00) 93-7530 and a Portion of 5960 (00) 03-1593 from the Manufactured Home Park (MHP) District to the Rural Agriculture (RA) District. Commissioner Moxley second.**  
**Vote: 5/0**

#### **BOARD ACTION**

- 1) Approve Adoption Policy. When an animal first comes into the shelter it will be retained for a minimum of 72 hours for claiming by its owner. After 72 hours, when the animal is deemed adoptable, it will receive testing. If the heartworm test is positive, anyone who adopts or fosters the animal will be informed of that before it leaves the shelter. If the canine parvo test is positive, the canine will be held at the shelter for up to five days. After that, anyone who adopts or fosters the canine will be informed of it before the canine leaves the shelter. All animal support, rescue groups, and any other interested parties who request notification will be contacted by email when the animal is adoptable. An animal that is at least four months old will be spayed or neutered and receive a rabies vaccination when it is adopted. If an animal that is less than four months old is adopted, a spay/neuter/rabies vaccination voucher will be issued when age appropriate. The mandatory spaying or neutering will be done in an effort to reduce the number of animals that end up in shelters. The proposed fee to adopt a canine is \$100.00 and that cost includes initial heartworm testing; parvo testing and vaccination; distemper vaccination; rabies vaccination and tag; and the mandatory spaying or neutering. The proposed fee to adopt a feline is \$85.00 and that cost includes a FVRCP vaccination; distemper vaccination; rabies vaccination and tag; and the mandatory spaying or neutering. To make it clear that the animals are not deemed adoptable, and will not be spayed or neutered, until after 72 hours, the phrase "after 72 hours" is to be added to the second sentence in paragraph 4 of the Adoption Policy. **Vice Chairman Zachary made a motion to approve the Adoption Policy as presented, effective May 1, 2011. Commissioner Moxley second.**  
**Vote: 5/0**
- 2) Proclamation to Declare April as Public Health Month. Chairman Austin read the Proclamation. The Proclamation states:

Public Health Month  
 APRIL 2011  
 By the County Commissioners of Yadkin County  
 A Proclamation

WHEREAS, we hereby recognize and acknowledge public health's 131 years of service to the residents of North Carolina and the immeasurable contribution of these services to the quality of life in our State;

WHEREAS, North Carolina's public health system is a critical component of the state's emergency response to natural and man-made disasters and widespread disease outbreaks in North Carolina;

WHEREAS, public health measures to control and eliminate infectious diseases, improve environmental sanitation, and promote healthy lifestyle practices have been the greatest cause of improved health status and increased life expectancy for North Carolina's residents, such that North Carolinians now have an average life expectancy at birth of more than 77 years; and

WHEREAS, public health plays a critical role in eliminating health inequities and preventing chronic diseases and injuries, resulting in improved productivity and decreased health care costs for all North Carolinians; and

WHEREAS, communities, employers, hospitals and health care providers, individuals and families, insurers, legislators and policy makers, schools and child care facilities must work together to identify and develop innovative solutions to health problems facing the people of North Carolina;

IN WITNESS WHEREOF, I have hereunto set my hand (and affixed the Seal of the county of Yadkin) in Yadkin County this 18 day of April in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

Monecia Thomas stated that April is Public Health Month and the Health Department has planned a few special events. The Health Department, along with some other County agencies, participated in the Yadkin County Health Expo Save Kids Day last Saturday and had record breaking attendance despite the bad weather. The Health Department is promoting a County employee program to visit the YMCA between 12:00pm and 2:00pm. The employee can visit the YMCA during their lunch hour for some exercise at a cost of \$5.00 for the quarter. They are also promoting healthy eating. **Vice Chairman Zachary made a motion for the Yadkin County Board of County Commissioners to declare April 2011 as Public Health Month in Yadkin County. Commissioner Welborn second.**

**Vote: 5/0**

- 3) Approve Contract for Fencing at 5-D. Jason Walker appeared before the Board to request approval for a contract with Mabry fencing to install a fence around the dam. Two other locations on the 5-D property will also be fenced. Fencing is needed for safety reasons. People are gaining access to the property and are walking on the dam, driving four wheelers on the dam, and driving vehicles on the dam. After the fence is installed, Jason Walker will submit the invoice to the State for approval to receive a 50% reimbursement. Yadkin County has used this company in the past and Jason Walker has viewed some fencing they have done for others. **Commissioner Moxley made a motion to approve the contract with Mabry fencing to install approximately 5,200' of fencing at 5-D at a cost of \$4.00 per foot and to authorize the County Manager to sign it with County Attorney approval. Commissioner Hemric second.**
- Vote: 5/0**

Jason Walker informed the Board that he had went through land purchases made in the early part of the 5-D project. He discovered approximately \$1.6 million dollars of purchases had never been submitted to the State for possible reimbursement. He submitted that information and has

verbally been told that Yadkin County should receive approximately \$826,195.00 in reimbursements. The money should come in the next couple of days.

- 4) Budget Amendment to Purchase Tractor and Equipment. Jason Walker appeared before the Board to request the purchase of a John Deere tractor and equipment from James River Equipment of Asheboro. The Soil and Water department has 14 watershed locations and the 5-D site to maintain. The tractor and equipment would be used by current employees to perform work that the County is currently paying other companies to do. Soil and Water employees could do their own mowing, spraying, fertilizing, and seeding and save the County approximately \$25,000 a year. The loader would be used to pick up rocks and debris that comes into the corners of the dam. The bucket would also be used to haul and unload things, like fertilizer. With just the Soil and Water department's use, the tractor would pay for itself in approximately 3.5 years. Other departments, like the Solid Waste department, would also be able to use the tractor and save the County some expense. The Soil and Water department would use the tractor an estimated 400 hours a year and it should have a long life. The requested budget amendment includes an extended warranty. The included additional equipment is a rotary mower, a sprayer, a scrap blade, and a fertilize spreader. The Soil and Water department's budget will be cut approximately \$20,000.00 since they will be able to do more of the work themselves using their existing manpower and Community Service Workers. The Board has concerns about storing the tractor in any of the existing structures so the storage facility needs to be addressed later.  
**Commissioner Moxley made a motion to approve the budget amendment for the Soil and Water department transferring \$30,000.00 from the watershed maintenance line item to the Soil and Water department equipment line item and \$40,670.00 from appropriated fund balance to the Soil and Water equipment line item for the purchase of a tractor, equipment, and extended warranty. Commissioner Hemric second.**  
**Vote: 5/0**

#### CALENDAR NOTES

- 1) There will be an Easter Egg Hunt, and other activities, at the Yadkin County Park on Saturday from 11:00am to 2:00pm.

#### RECESS

8:20pm to 8:40pm

#### MANAGER'S REPORTS/BOARD ACTION

- 1) Classification and Pay Study Results. Matt Reece, with the Piedmont Council of Governments, conducted a study of Yadkin County's Classification and Pay Plan. Employees completed a questionnaire detailing their specific job duties and some employees were also interviewed. The consultants compared the employees job duties, job titles, and salary ranges with those of the surrounding counties to arrive at their recommended Classification and Pay Plan changes. This study should be done every 5 to 7 years because things are constantly changing. The cost of implementing the changes will affect the 2012 fiscal year budget. **Vice Chairman Zachary made a motion to adopt the Classification and Pay study as presented and direct the County Manager to implement it in the recommended budget to be effective on July 1, 2011. Commissioner Welborn second.**  
**Vote: 5/0**
- 2) Authorize County Manager to Enter Into a Contract with W.K. Dickson & Co., Inc. County Manager Church requested to enter into a contract with W.K. Dickson & Co., Inc to do a Preliminary Engineering Report on constructing the Yadkin County 5-D Park Access Road. The resulting report would provide the data needed to construct the road and estimate the costs of construction. If the Board approves of the work done on the Preliminary Engineering Report and would like the company to construct the road, then W.K. Dickson & Co., Inc could be exempted

from having to go through the construction project RFQ/RFP process. **Commissioner Moxley made a motion to authorize the County Manager to enter into a contract with W.K. Dickson & Co., Inc., not to exceed \$25,000.00, pending County Attorney review. Commissioner Welborn second.**

**Vote: 5/0**

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

1) None.

**COMMISSIONER COMMENTS**

**Vice Chairman Zachary** thanked everyone for coming out tonight. He appreciated the public comments. He stated we had some good news tonight and thanked Jason Walker for that. He said he sees progress. Yadkin County's fundamentals need to continue to improve. He agrees that after 21 years, it is time to adjust the Classification and Pay Plan. He noticed that, while many job classifications went up, one of the job classifications dropped six steps. He stated he appreciated everyone's support.

**Commissioner Moxley** thanked the Yadkin County citizens for coming tonight. He thanked Monecia Thomas for her comments. He thanked Gary Hayes and Sheriff Oliver for coming. He reminded those present that the grand opening for the Farmers Market, at its new location, will be Tuesday, May 3, 2011 at 4:00pm. Thursday, May 5, 2011, is Farm Animal Day at Chamberlain's new facility and the Yadkin County 3<sup>rd</sup> graders will attend an event there beginning at 10:00am. He stated that he had heard good things about the Soil and Water department and Jason Walker.

**Commissioner Hemric** thanked everyone for coming. He appreciated those who spoke tonight. Monecia Thomas gave some good information. He appreciated Matt Reese's information on the Classification and Pay Plan.

**Commissioner Welborn** thanked everyone for coming and agreed with what the others had said. He especially appreciated Jason Walker finding that money. He stated things are going pretty good right now. He wished that everyone could understand the EMS pay.

**Chairman Austin** stated he wanted to thank the staff again. He believes Yadkin County is a good organization. The staff is doing well saving money and finding money that needs to be reimbursed. He agreed the Classification and Pay Plan study needed to be done after 21 years. Unfortunately, there have been seven (7) County Managers over the last six (6) years so control has been a little loose and the Classification and Pay study results prove that. He thanked everyone for their hard work. He told those present that Gene Brannon, Yadkinville Town Commissioner and the former Chief of the Yadkinville Fire Department, has bladder cancer and had surgery today. Gene Brannon will be undergoing continuing treatment and may need further surgeries. Chairman Austin asked everyone to please keep Gene Brannon in their prayers. He told those present to Have a Happy Easter and thanked them for coming out.

**Vice Chairman Zachary made a motion to go into Closed Session pursuant to (1)(3)(4)(5)(6) NCGS 143-318.11(a) in order to discuss Location of Expansion of Industries or other Businesses in the County, to Establish or Instruct the County Staff on the County's Position Regarding Real Estate**

**Transaction and/or Employment Contract, to Consider Personnel Matters and to Protect Personnel Information that is Confidential under NCGS 153A-98 and to have a Privileged Consultation with the County Attorney including to discuss Yadkin County vs. Yadkin County Board of Adjustment and the Arnold Litigation. Commissioner Hemric second.**

**Vote: 5/0**

After a motion to come out of Closed Session was made, County Manager Church explained to those present that the Classification and Pay Plan that the Board adopted earlier tonight will reorganize the EMS structure. The old structure had an Emergency Management Director, an EMS Director, a Training Officer, and 3 supervisors. The new structure has an Emergency Services Director, an EMS Major, 3 Shift Captains and an Emergency Management Coordinator. Keith Vestal, the Interim Emergency Services Director, is aware of the proposed restructuring and is in agreement with it. The 3 motions to be considered dealing with EMS and its restructuring were read by County Manager Church. Interim County Attorney Bobby Sullivan was asked if the motions had to be made separately and he stated it was fine to combine the three (3) motions into a single motion if no further discussion was needed on any of them. **Commissioner Moxley made a motion to approve Motion 1 to authorize the Manager to circumvent the Classification policy and Personnel Policy for the good of the County and appoint three shift Captains for a six (6) month probationary period, without posting the job or interviewing for the job, with the understanding that the jobs will be posted at the Employment Security Commission on October 18, 2011 and filled permanently no later than December 18, 2011; Motion 2 to authorize the Manager to pay the Interim Emergency Services Director \$54,000.00 annually for the next six (6) months; and Motion 3 to authorize the Manager to circumvent the Classification Plan and Pay Policy and hire the Interim Shift Captains, as exempt status, between \$45,000.00 and \$53,000.00 a year for six (6) months. Vice Chairman Zachary second.**

**Vote: 5/0**

Lisa Hughes stated the next item involves a change to the Personnel Policy. It concerns Holiday time when work is required. The proposed amendment to the Holiday – When Work Required section reads as, “Non-exempt employees required to perform work on regularly scheduled holidays will be paid eight (8) holiday hours at their hourly rate in addition to compensation for hours actually worked during the pay period in which the holiday occurs. Holiday time will not be accumulated under any circumstances.” **Commissioner Welborn made a motion to amend the current Personnel Policy (page 57) under the section heading “Holiday – When Work Required” to read as Lisa Hughes just presented to the Board. Vice Chairman Zachary second.**

**Vote: 5/0**

Lisa Hughes has prepared Budget Amendments to pay out the Holiday hours that employees have been allowed to accumulate up until now. The cost to pay out the accumulated Holiday hours, and the related benefits, is \$502,072.00 but it is best to pay it now rather than allowing the cost to increase each time the employees receive pay increases. The change to the Personnel Policy will stop any further Holiday hours from accumulating. **Commissioner Hemric made a motion to authorize staff to pay-out ALL accumulated Holiday pay and related benefits as of April 18, 2011 and effective immediately to pay ALL earned Holiday pay during the pay period in which the Holiday occurs. Commissioner Welborn second.**

Chairman Austin asked if there was any further discussion and Commissioner Moxley asked to be excused from the vote because his spouse is included in the Budget Amendment.

**Chairman Austin made a motion to excuse Commissioner Moxley from the vote. Vice Chairman Zachary second.**

**Vote: 4/0**

Chairman Austin made a correction to the 1<sup>st</sup> Budget Amendment; the date listed the year as 2010 and it should be year 2011.

Chairman Austin stated that over \$350,000.00 of the Holiday pay is going to EMS employees because they were accruing Holiday hours at 24 hours instead of at 8 hours.

The accrual of Holiday hours was, and is, against Policy but the hours will be paid out because the hours were allowed to be booked and became a true obligation of the County at that time. Going forward, no Holiday hours will be allowed to accrue.

The earlier motion was voted on, **Commissioner Hemric made a motion to authorize staff to pay-out ALL accumulated Holiday pay and related benefits as of April 18, 2011 and effective immediately to pay ALL earned Holiday pay during the pay period in which the Holiday occurs; Commissioner Welborn second.**

**Vote: 4/0**

**Commissioner Moxley made a motion to adjourn. Commissioner Hemric second.**

**Vote: 5/0**



Prepared by Tanya Gentry  
Deputy Clerk to the Board



Kevin Austin, Chairman  
Yadkin County Board of  
Commissioners

5/2/2011

Date approved by the  
Yadkin County Board of Commissioners