

# **YADKIN COUNTY BOARD OF COMMISSIONERS REGULAR SESSION MINUTES**

**Monday, August 20, 2012**

The Board of Commissioners of the County of Yadkin, State of North Carolina, met in Regular Session in the Commissioners' Meeting Room of the Yadkin County Human Services Building located at 217 East Willow Street, Yadkinville, NC on Monday, August 20, 2012 at 7:00pm.

## **Present were:**

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

## **Absent were:**

Chairman Kevin Austin

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

**CALL TO ORDER** by Vice Chairman Zachary at 7:03pm.

**PLEDGE OF ALLEGIANCE** led by Vice Chairman Zachary.

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

## **ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

**Commissioner Hemric made a motion to adopt the Agenda as presented. Commissioner Moxley second.**

**Vote: 4/0.**

## **PUBLIC COMMENTS**

William Brown addressed the Board. He doesn't understand why he has to pay the \$60.00 solid waste fee when he pays a private company to pick up his trash at his home. If he does have to take anything to the landfill he gets charged because it is not bagged. He doesn't feel he should have to pay the \$60.00 dollars. He also had a complaint about the poor condition of the road. It is especially bad for anyone with a low vehicle.

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

## **APPROVAL OF MINUTES**

The July 30, 2012 Joint Session and August 6, 2012 Regular Session minutes were reviewed.

**Commissioner Welborn made a motion to approve all sets of minutes as presented. Commissioner Moxley second.**

**Vote: 4/0.**

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

None.

## **CONSENT AGENDA**

**Commissioner Moxley made a motion to approve the Consent Agenda. Commissioner Welborn second.**

**Vote: 4/0.**

The Consent Agenda items that were approved by the Board are as follows:

### **YVEDDI Head Start Agreement**

The Health Department has a contract with the YVEDDI Head Start program. The Health department

provides physical exams, health screenings, and additional medical tests as needed and receives reimbursement for those services from Medicaid or the YVEDDI Head Start Program. The Board approved the contract.

**Northwest Community Care Network Agreement for Health Check Coordinator & Care Manager**

The Health Department has a contract with Northwest Community Care Network to provide care management services. These services include funding a Health Check Coordinator position and a Care Manager position. The Board approved the contract and authorized the County Manager to sign it.

**Home & Community Care Block Grant for Older Adults Agreement and County Funding Plan**

Yadkin County received Home & Community Care Block Grant (HCCBG) funding. The agreement between Yadkin County and the Piedmont Triad Regional Council Area Agency on Aging governs the use of those funds. The County will contract with YVEDDI and New Horizons to deliver the services. The County funding plan shows the funds that will be disbursed directly to YVEDDI and New Horizons. The Board approved the agreement and the County funding plan.

**YVEDDI Agreement to Utilize HCCBG Funds**

The County has an agreement with YVEDDI to provide services funded by HCCBG funds. YVEDDI provides transportation, congregate and home delivered meals, and operates 3 Senior Centers. The Board approved the agreement.

**New Horizons Agreement to Utilize HCCBG Funds**

The County has an agreement with New Horizons to provide the in-home services funded by HCCBG funds. The Board approved the agreement.

**Renegar Lease Agreement**

This is a renewal lease for 223 East Main Street, Yadkinville, NC. It is a two year lease that the County can terminate by providing 60 days written notice. The Board approved the agreement and authorized the County Manager to sign it.

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

**Set a Public Hearing on September 4 at 9am on Refinancing the Schools & County Buildings Project**

Lisa Hughes addressed the Board. The County has a Schools & County Buildings Project loan with Bank of America at an interest rate of 3.63%. BB&T has proposed refinancing the loan at an interest rate of 2.13%. A public hearing is required as part of the LGC application process. **Commissioner Moxley made a motion to call for a Public Hearing on September 4, 2012 at the regularly scheduled 9:00am Meeting for the Refinancing of the Schools & County Buildings Project debt. Commissioner Hemric second. Vote: 4/0.**

**BOARD ACTION**

**Approve Schools & County Buildings Project Refinancing and Adopt the Resolutions**

Lisa Hughes addressed the Board. She requested the Board adopt a resolution that will authorize her to file an application for refinancing the Schools & County Buildings Project with the LGC. Vice Chairman Zachary read the following resolution:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Yadkin, North Carolina desires to re-finance the Schools and County Buildings Project (the "Project") to better serve the citizens of Yadkin; and

WHEREAS, The County of Yadkin desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159,

Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Yadkin, North Carolina, meeting in regular session on the 20<sup>th</sup> day of August, 2012, make the following findings of fact:

1. The proposed contract is necessary or expedient because the County can reduce its debt obligations by receiving a lower interest rate.
2. The proposed contract is preferable to a bond issue for the same purpose because it is a re-financing of an installment purchase.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the debt service payments over the life of the loan are lower than the current installment purchase.
4. The County of Yadkin's debt management procedures and policies are good because they follow State guidelines and keep debt obligation at a manageable level.
5. The County of Yadkin is not in default in any of its debt service obligations.
6. The attorney for the County of Yadkin will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to act on behalf of the County of Yadkin in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 20<sup>th</sup> day of August, 2012.

**Commissioner Welborn made a motion to adopt the resolution as presented. Commissioner Moxley second.**

**Vote: 4/0.**

**Change Order for SFR Rehabilitation Project PIN #4950(06)47-0588**

Michael Poston addressed the Board. The Board approved a SFR contract for the Robert Foster home to be rehabilitated. When the contractor began the approved work on the home it was discovered that some additional work that was not included in the work write up needs to be done. Michael Poston requested the Board approve a change order in the amount of \$545.00. None of the work involved with the change order has been done. The home will not pass final inspection if it's not done. **Commissioner Moxley made a motion to approve the change order of \$545.00 for the Rehabilitation project of the Robert Foster home. Commissioner Hemric second.**

**Vote: 4/0.**

**Children in the Workplace Policy**

There have been occurrences where employees have brought children to work and the County does not have a policy in place to address that. An employee should not bring children to work except in rare emergencies. There are liability issues to think about and having children in the workplace can be disruptive. The Board reviewed the policy. The policy does not state that a child is anyone under the age of 18 and the Board discussed adding that definition of a child to the policy. **Commissioner Welborn made a motion to adopt the Children in the Workplace Policy. Commissioner Hemric second.**

**Commissioner Moxley made a motion to amend Commissioner Welborn's motion to add a sentence to the policy that defines a child as anyone under the age of 18. Commissioner Welborn second.**

**Vote: 4/0.**

**Vote: 4/0.**

**Revised Sick/FMLA Leave Policy**

The sick policy has been revised to require medical documentation explaining the absence if an employee has a single sick leave absence that exceeds 24 working hours or has sick leave absences that totaled together exceed 40 working hours in a month. The County may require the documentation be provided on a County designated form. When employees are out on sick leave, FMLA leave, vacation, or workers comp they will not accrue additional sick hours. Sick leave cannot be used prior to when it's earned. No more than 96 hours of paid sick leave can be used per calendar year unless the employee is out on FMLA leave. The revisions made to the FMLA policy were done to ensure the County's policy is in compliance with the mandated FMLA changes that occurred in 2009. **Commissioner Moxley made a motion to adopt the revised sick leave and FMLA policies. Commissioner Welborn second.**

**Vote: 4/0.**

**CALENDAR NOTES**

- 1) August 26, 2012 – 1<sup>st</sup> Employee Covered Dish Dinner will be held from 5pm to 9pm at the Picnic Shelter at the Yadkin County Park.
- 2) August 30, 2012 – Webinar for Organizing & Governing County Human Services Agencies at 10:00am.

**MANAGER'S REPORTS/BOARD ACTION**

**Road at Landfill**

The road at the landfill is in bad shape. Funds to repair it were not requested in the budget but it is being looked at. Two quotes have already been obtained and Gary Hayes is getting a third quote.

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

**Don Adams Grading Contract**

Jason Walker has a contract with Don Adams Grading to perform grading and construction services for Parks & Recreation and Soil & Water as needed. Written approval is required before any work can be done.

**Teletask Contract**

The Health Department has a maintenance agreement with Teletask for their autodialer/scheduler systems.

**BOARD VACANCIES/APPOINTMENTS**

**Child Fatality Prevention/Community Child Protection Team**

There is one vacancy that needs to be filled by a parent of a child who died before their 18<sup>th</sup> birthday.

**Board of Health**

The engineer representative on the Board of Health has resigned leaving a vacancy on the Board.

**COMMISSIONER COMMENTS**

**Commissioner Welborn** thanked everyone for coming out tonight. He thanked Lisa Hughes for her finding a way to save the County some more money. She has really done a good job.

**Commissioner Moxley** stated he wanted to echo what Commissioner Welborn said about Lisa Hughes. The refinancing will save the County several thousands of dollars in the long run. This weekend he, Vice Chairman Zachary, Chairman Austin, and the County Manager were at the County Commissioner conference in Raleigh and attended several good sessions. They learned a lot. He has heard some comments about the dirt from the jail being hauled in and now there is all this dirt being hauled out that is going to waste. The dirt is not going to waste. The dirt that has to be moved out is going to the County Park to fill in some holes and widen the road. Some of the big rains we have had has really washed out some places. A lot of improvements have been made out at the park over the last year.

**Commissioner Hemric** thanked everyone for coming. He echoed the other Commissioners in thanking Lisa Hughes for saving the County money. He thanked Mr. Brown for coming and speaking to the Board as a concerned citizen.

**Vice Chairman Zachary** appreciated everyone being here tonight. He stated he has tried to do the best he can presiding over the Board meeting; it is not something he has experience in. Chairman Austin does a great job of it. We will be glad to have him back September 4<sup>th</sup>. He thanked Mr. Brown for coming and speaking tonight. The County Commissioners Conference was a good meeting. It is good to interact with Commissioners from the other counties. Chairman Austin was elected as the District 18 representative on the Associations Board of Directors. That is an agency that assists the Commissioners in looking after the interests of Yadkin County and its citizens.

**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 Personnel Matters and to Protect Personnel Information that is Confidential under NCGS 153A-98, 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/or entering into an employment contract, and to Instruct County Staff on that Position, and to have a Privileged Consultation with our County Attorney including about a lawsuit: Jerry Hutchens vs. Yadkin County. Commissioner Welborn second.**

**Vote: 4/0.**

After a motion to come out of Closed Session was made and the Board was in **Open Session**, **Commissioner Moxley made a motion to authorize the County Manager to approve the initial grant application to the NC Rural Center on behalf of the Candle Corporation. Commissioner Hemric second.**

**Vote: 4/0.**

**Commissioner Hemric made a motion to authorize the County Manager and the County Attorney to amend the consent agenda contract between Yadkin County and YVEDDI as set forth beginning on page 42 so the terms conform to the contract approved for New Horizons beginning on page 73. Commissioner Welborn second.**

**Vote: 4/0.**

**Commissioner Welborn made a motion to authorize the County Manager and County Attorney to amend the contract with ECS to set a flat fee amount of \$52,500.00 with an \$8,000.00 upfront payment and a \$5,000.00 balloon payment at the end of the contract. Commissioner Moxley second.**

**Vote: 4/0.**

**Commissioner Moxley made a motion to approve the contract for the library and authorize the County Manager to sign it with the noted changes if the library is required to have it before September 4, 2012; if not, the contract will be approved September 4, 2012; if it is signed by the County Manager, it must be reported at the September 4, 2012 meeting. Commissioner Hemric second.**

**Vote: 4/0.**

**Commissioner Moxley made a motion to transfer employee #61135 to position #471009 in Solid Waste and employee #47120 to position #540002 in Building Inspections & Permits, effective August 27, 2012 and authorize the County Manager to determine the appropriate salary for each employee.**

**Commissioner Hemric second.**

**Vote: 4/0.**

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

**Vote: 4/0.**

Prepared by Tanya Gentry  
Deputy Clerk to the Board

Kevin Austin, Chairman  
Yadkin County Board of Commissioners

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Date approved by the  
Yadkin County Board of Commissioners