

YADKIN COUNTY BOARD OF COMMISSIONERS REGULAR SESSION MINUTES

Tuesday, September 4, 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 Tuesday, September 4, 2012 at 9:00am.

Present were:

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

Absent were:

Commissioner Gilbert Hemric

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.

INVOCATION led by County Manager Aaron Church.

CALL TO ORDER by Chairman Austin at 8:59am.

PLEDGE OF ALLEGIANCE led by Chairman Austin.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

County Manager Church requested a revision to the School Health Services Agreement listed as Item 5 under the Consent Agenda. On the first page of the agreement, H under item II needs to be revised to say "Yadkin County will provide a \$5,000 appropriation to the School System to use for Dental Screenings of Kindergarten Children and other children as funding allows." **Commissioner Welborn made a motion to adopt the Agenda with the noted change. Commissioner Moxley second.**

Vote: 4/0.

PUBLIC COMMENTS

None.

Chairman Austin closed the Public Comments portion at 9:03am.

APPROVAL OF MINUTES

The August 6, 2012 Closed Session and the August 20, 2012 Regular and Closed Session minutes were reviewed. The motion to go into Closed Session in the August 20, 2012 Regular Session Minutes needs to be revised to say that Vice Chairman Zachary made the motion. **Vice Chairman Zachary made a motion to approve all three sets of minutes with the noted change. Commissioner Welborn second.**

Vote: 4/0.

REPORTS/REQUESTS OF THE BOARD

Recognize Employees for their Retirement

Mary Joyner, Environmental Health, has 31 years of service with Yadkin County. Joe Boyette, Parks & Recreation, has 7 years of service with Yadkin County. They were not able to be in attendance today but they will be given a plaque.

Recognize Gary Hayes

Gary Hayes has achieved Level III certification in fire, plumbing, mechanical, electrical, and building inspections. Level III is the highest level of certification in each of the five trades so he is now authorized to inspect anything in these areas. He is also doing a great job with the landfill. He is an asset to us. The

County Manager thanked him for all the work he does for the County. Gary Hayes stated achieving this status was a goal of his and he appreciates all the support he receives from the Board, the County Manager, and Lisa Hughes. He thanked his staff for the assistance they give him, especially Renae Moxley.

CONSENT AGENDA

Commissioner Moxley made a motion to approve the Consent Agenda with the noted change.

Commissioner Welborn second.

Vote: 4/0.

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

Pay Hughes Plumbing Invoice #377

Hughes Plumbing repaired a urinal at the County Park and the invoice has not been paid for that work. The work was performed in a previous fiscal year but will be paid out of the current fiscal year's budget. The Board approved paying Hughes Plumbing invoice #377 in the amount of \$112.71.

Positive Reinforcement Nursing Contract

The Health Department has a renewal contract with Positive Reinforcement Nursing to provide services related to after-hours customer service. The Board approved the contract for FY12-13.

School Nurse Funding Initiative Agreement with the Board of Education

The Health Department has a contract with the Yadkin County School System to provide school nursing services. As part of this agreement, the State provides the Health Department with \$50,000.00 of funding that is used to employ one School Nurse for 10 months. The School System covers any additional costs that are beyond the \$50,000.00. A budget amendment is needed for the \$50,000.00 from the State. The Board approved the agreement and the budget amendment.

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
DHHS School Nurse Initiative	104511044231	0	50,000	50,000
School Nurse Initiative	105511051719	0	50,000	50,000

Northwestern Regional Library Agreement

This is a contract between the Northwestern Regional Library system and the counties of Alleghany, Stokes, Surry, and Yadkin for the joint operation of a multi-county library system. The Board approved the agreement.

Provision of School Health Services Agreement with Board of Education

The Health Department has an agreement with the Yadkin County School System that defines the roles and responsibilities of the Health Department and the School System in regard to the provision of school health services. The Board approved the agreement.

PUBLIC HEARING/ACTION TO SET PUBLIC HEARING

Public Hearing on Refinancing of Schools & County Buildings Project Debt

A public hearing is required to be held for the County to pursue the refinancing of the Schools & County Buildings Project debt. The public hearing for tonight was advertised in the August 23, 2012 edition of the Yadkin Ripple. The paper was available online on August 22, 2012 and in printed format on August 23, 2012. Chairman Austin opened the Public Hearing at 9:14am. No one came forward to speak. Chairman Austin closed the Public Hearing at 9:14am.

BOARD ACTION

BB&T Proposal Resolution to Refinance Schools & County Buildings Project Debt

The current loan is a Bank of America loan with an interest rate of 3.63% and a maturity date of 12/15/2020. BB&T has proposed refinancing the loan an interest rate of 2.13% for 8 years. **Vice Chairman Zachary**

made a motion to approve the BB&T Proposal to refinance the Schools and County Buildings Project with an interest rate of 2.13% and to adopt the resolution as set forth on page 67 of the agenda packet. Commissioner Welborn second.
Vote: 4/0.

[Appendix A is the Resolution.]

Sheriff’s Office Budget Amendment to Carry Forward Funds

The Sheriff’s Office received donations last year totaling over \$4,000.00. The funds were turned in to Finance and placed in the General Fund as is required. Of those funds, \$3,286.00 remains. The Sheriff’s Office has requested the remaining funds be appropriated from Fund Balance and carried over into this fiscal year for the Sheriff’s Office to use for Employee Relations and in their Prevention/Education programs. The Budget Amendment is as follows:

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Appropriated Fund Balance	1044000-49000	1,450,122	3,286	1,453,408
Employee Relations	1054310-55600	0	1,451	1,451
Prevention/Education	1054310-52065	1,000	1,835	2,835

**Commissioner Welborn made a motion to approve the Sheriff’s Office budget amendment as presented. Commissioner Moxley second.
Vote: 4/0.**

Elections Assistant 80% Position

In February the Board of Commissioners authorized the creation and filling of a temporary part-time Elections Assistant position that was to last thru December 31, 2012. The person filling the position is to work 32 hours a week and receive 80% benefits. The Board of Elections has requested the position be made a permanent part-time 80% position. **Commissioner Moxley made a motion to authorize the Elections Assistant Position to be made a permanent part-time 80% position. Vice Chairman Zachary second.
Vote: 4/0.**

Hollar & Associates Contract

Mark Hollar was contracted to do some additional survey and title work that was needed for the jail refinancing. The contract is not to exceed \$1,500.00. **Vice Chairman Zachary made a motion to exempt this project, as it relates to the jail project, from the Mini Brooks Act and approve the Hollar and Associates, P.A. contract. Commissioner Moxley second.
Vote: 4/0.**

Elavon Agreement

Several departments expressed an interest in being able to accept debit/credit card payments because so many people use plastic these days rather than carry cash. A meeting was held for the departments to speak with SunTrust and Elavon about the possibility of getting something in place so they could accept these types of payments. It is believed that this will allow the County to lessen the amount that is uncollected and increase revenues. The main departments that would like to be able to accept these types of payments are the Register of Deeds, the Health Department, Animal Control, Central Permitting, and Solid Waste. The Tax Office has something in place now to accept these types of payments online. **Vice Chairman Zachary made a motion to enter into a Merchant Agreement with Elavon to allow County departments to accept debit/credit card payments. Commissioner Welborn second.
Vote: 4/0.**

Updates to Animal Shelter’s Canine & Feline Adoption Program Policy

Anna Hamby addressed the Board. She requested the Board approve an updated Yadkin County Canine and Feline Adoption Program Policy that included some minor wording changes and the addition of reduced adoption fees for canines and felines that come into the Animal Shelter already spayed or neutered. The Already Altered Adoption fee for canines would be \$45.00 and for felines it would be \$25.00. The Regular

Adoption fees will remain at \$100.00 for canines and \$85.00 for felines. Reducing the fees for already sterilized animals has shown to increase adoption rates in other shelters, thereby reducing euthanasia rates. **Commissioner Welborn made a motion to approve the updated version of the Yadkin County Canine and Feline Adoption Program Policy including the addition of Already Altered Adoption Rates. Vice Chairman Zachary second.**

Vote: 4/0.

Addition of Shelter Animal Fostering Program to Animal Shelter Policy Statement for Volunteers

Anna Hamby addressed the Board. The volunteer program has been very successful. This request is to expand the volunteer program to allow approved volunteers to foster a shelter animal for a limited time. The volunteer will receive training prior to fostering an animal. The Animal Responsibility Committee will establish guidelines that will determine things like how long an animal can be fostered and how many animals one home are allowed to foster at a time. Some people who foster an animal may end up adopting it. Fostering animals can help reduce euthanasia rates. **Vice Chairman Zachary made a motion to approve the addition of a foster program to the current Yadkin County Department of Animal Control, Animal Shelter Policy Statement regarding Volunteers and authorize the Animal Responsibility Committee to establish and monitor the fostering guidelines. Commissioner Welborn second.**

Vote: 4/0.

CALENDAR NOTES

- 1) September 28, 2012 – Flu Shot Clinic for Employees in the Commissioners Room from 9:00am to Noon.

MANAGER’S REPORTS/BOARD ACTION

None.

MANAGER’S BUDGET AMENDMENTS & CONTRACTS / NO ACTION REQUIRED

None.

BOARD VACANCIES/APPOINTMENTS

Community Child Protection Team/Child Fatality Team

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

Planning Board

There is a vacancy on the Planning Board. An alternate has been asked if they would like to become a regular member but we have not received an answer yet.

Board of Health

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

COMMISSIONER COMMENTS

Vice Chairman Zachary thanked everybody for coming out. He stated we finished pretty quick this morning; that is good. We are at 80% strength with a Commissioner absent. He hopes this is not a trend. It was a pleasure to recognize some of our employees. Two of them have earned their retirement papers and are moving on to hopefully bigger and better things. It was nice to recognize Gary Hayes for his accomplishment. He was glad to hear Gary Hayes say he was proud of it. He hoped the rest of everyone’s day is good.

Commissioner Moxley thanked all the ones who came today. Jack Shore, Claude Wiseman, and Rex Baity were here today. It was nice to have them here. He had a good Labor Day weekend. He stopped in at the hospital the other day to see how the work was going on the renovations to the area EMS is going to be moving into. EMS is doing all the work they can themselves and it is really coming along. He complimented Keith Vestal and his staff for doing that. It is saving the County a lot of money. It is going to be a really nice spot for them. He echoed what Vice Chairman Zachary said about Gary Hayes. Gary Hayes

is a fine employee and he appreciates having him here. He hopes that we can keep Gary Hayes working for the County for a long time.

Commissioner Welborn thanked everyone for coming out. He recognized Gary Hayes for his accomplishment. Only 216 have received this certification out of 3,600 inspectors. That is a good accomplishment. We are getting along pretty well here.

Chairman Austin congratulated Gary Hayes on sticking with his goal and becoming fully certified. That is important to this County and he is a good example for everyone. He thanked Mary Joyner and Joe Boyette for their years of service and everything they have done for the County. He would like the Board to think about holding a Capital Improvement Plan Workshop. We have several projects in the works that we need to get a better understanding of how we might finance. We need to see how we might want to phase the projects and what to put the priority on. This workshop would also be beneficial to us by increasing transparency. We achieved an A transparency rating from nctransparency.com last year. The piece that we are missing to go to an A+ grade is a Capital Improvement Plan. He would like to see us get that plan underway and go for the A+ transparency rating. This workshop would be a public session.

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, to discuss the potential Location or Expansion of Industries or other Businesses in the County, to Establish the County's Negotiating Position on 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**, the Board discussed the following items.

NCACC Legislative Goal

The County Manager and the Chairman of the Board met with the DOT regarding contracts for the roads. Projects that are less than \$1.2 million can be bid at the local Division level instead of having to go through a national bidding process. Getting the threshold of what can be bid at the local level raised could be beneficial to the counties. The consensus of the Board was for the Chairman to sign a letter asking the NCACC to consider making this a legislative goal.

County Manager's Contract

The County Manager's contract was renewed by the Board at a previous meeting but salary was not addressed at that time. The Board discussed the Manager's salary. **Commissioner Welborn made a motion to increase the County Manager's salary to \$89,500.00. Vice Chairman Zachary second.** The Board discussed when the effective date of the increase should be. The consensus of the Board was to make the effective date last week, the beginning of the current two-week pay period.

Vote: 4/0.

Vice Chairman Zachary 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

Date approved by the
Yadkin County Board of Commissioners

Resolution Approving Financing Terms

WHEREAS: Yadkin County (the "County") has previously determined to undertake a project for refinancing the existing 2005 loan for schools and county buildings, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated August 13, 2012. The amount financed shall not exceed \$4,800,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.13%, and the financing term shall not mature later than December 15, 2020.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

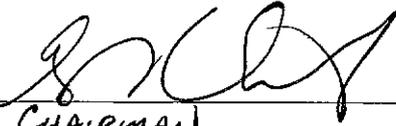
4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 4 day of September, 2012.

By: Janya Hentry
Title: Deputy Clerk
SEAL

By: 
Title: CHAIRMAN