

**YADKIN COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION MINUTES  
Monday, September 17, 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, September 17, 2012 at 7:00pm.

**Present were:**

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

**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 7:00pm.

**PLEDGE OF ALLEGIANCE** led by Samuel Hemrick, A.J Pardue, Claire Vanhoy, and Ella Vanhoy from West Yadkin Elementary School.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

The County Manager requested that item #5 under Board Action, Approve Vehicle Replacement Fund Budget Amendment, be removed from the agenda. **Commissioner Moxley made a motion to adopt the Agenda striking #5 under Board Action. Commissioner Welborn second.**

**Vote: 5/0.**

**PUBLIC COMMENTS**

None.

Chairman Austin closed the Public Comments portion at 7:03pm.

**APPROVAL OF MINUTES**

The September 4, 2012 Regular and Closed Session minutes were reviewed. A correction needs to be made in the Regular Session minutes. Commissioner Moxley was the one to second the motion to adjourn and the vote was 4/0. **Vice Chairman Zachary made a motion to approve both sets of minutes with the noted changes. Commissioner Hemric second.**

**Vote: 5/0.**

**REPORTS/REQUESTS OF THE BOARD**

**Comprehensive Transportation Plan Presentation**

Vernia Wilson, from the NCDOT, addressed the Board. Every 7 to 8 years the Comprehensive Transportation Plan (CTP) needs to be reviewed and updated. The last CTP the NCDOT did for Yadkin County was completed in 2005 so it is time for another one to be done. The NCDOT will be looking at the roads and identifying any changes in transportation needs in Yadkin County. The CTP will include recommendations for improvements. The Commissioners were given a preliminary map of the Yadkin County planning area to review and Ms. Wilson's contact information. They are welcome to contact her if they see anything that needs to be corrected, have any questions, or would like to speak with her about any of the roads. The NCDOT will hold a public workshop so the citizens can give input as well. Buck Shoals Road was pointed out to Ms. Wilson as an area to be looked at for improvements. The Board will be asked to review the CTP and adopt it when it is completed. The CTP will be a 22 month process.

**CONSENT AGENDA**

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

**Vote: 5/0.**

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

**Animal Control/Non-Departmental Budget Amendment**

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Contingency	1059000-58500	50,000	(1,500)	48,500
Animal Control Equipment	1054380-56010	0	1,500	1,500

An independent fundraiser generated \$3,500.00 to purchase a horse trailer for Animal Control but additional funds of \$1,500.00 are needed to purchase the size trailer that is needed.

**Trading of No-Till Drills and Approve Associated Budget Amendment**

Jason Walker requested two John Deere no-till drills (serial #'s 1590X731146 & 1590X735363) be declared as surplus and traded to S. J. Black and Sons to help cover the cost of two new John Deere no-till drills. The drills are rented out to citizens to use on their property. The rental fee that is collected is deposited into the General Fund. The cost of the two new drills will be less than the rent collected on the equipment. The budget amendment is needed to move funds into Soil & Water to pay for the drills.

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Repair/Maintenance Structures	1054960-53013	20,000	(4,000)	16,000
Contingency	1059000-58500	48,500	(16,000)	32,500
Soil & Water Equipment	1054960-56010	0	20,000	20,000

The Board approved declaring the old drills surplus and trading them in toward the purchase of new drills. The Board approved the budget amendment and the purchase of two new drills.

**Refund of Taxes Paid to Yadkin for Property in Wilkes**

Kelly B. Douglas sent a letter to the Tax Office requesting a property tax refund for 2007-2012 on property that Yadkin County taxed that is in Wilkes County. The Yadkin County deed for parcel #112947 is recorded as 35.59 total acres but 12.91 of those acres are in Wilkes County. Wilkes County is taxing the property as parcel #1700453. Since Yadkin County was taxing property that is not in Yadkin County, it is an illegal tax and the Tax Office requested approval to refund those taxes in the amount of \$4,565.48. The Board approved refunding the taxes as requested.

**Tyler Contract for TCM Software & Maintenance**

Tyler Content Management (TCM) is designed specifically for Munis systems. It allows users to easily access documents, images, reports, and files contained within Munis. The Board approved the Tyler TCM contract and authorized the County Manager to sign it.

**Revised YVEDDI Agreement to Utilize HCCBG Funds**

The County contracts 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 revised agreement.

**Aramark Correctional Services, LLC Contract**

This 3 year agreement provides Aramark the exclusive right to provide food services, excluding vending machines, at the Yadkin County jail located at 210 East Hemlock Street, Yadkinville. The Board approved the contract and authorized the County Manager to sign.

**ES&S Contract for Elections**

Elections has a contract with ES&S to provide hardware, software, and firmware maintenance and support for their voting systems. ES&S will ensure Yadkin County's voting systems are in compliance with applicable laws and industry standards. The Board approved the signed contract.

**Rural Center Contract Amendment**

The County entered into a contract with the Rural Economic Development Center in 2008 regarding funding for an Eastern Yadkin County Water Service Study. This amendment to the contract extends the contract's end date to 10/31/2012 and adds additional reporting dates. The Board approved the contract amendment and authorized the County Manager to sign it.

**Authorize Chairman to Sign Local Government Opinion for Alcoholic Beverage Permits Form**

A 7-Eleven store is applying for a permit to sell unfortified wine. As a part of their application, the Local Government Opinion form has to be completed by the County and signed by a County Official. The Board authorized the Chairman to sign the Local Government Opinion form.

**Resolution in Support of Traffic Flow Improvement at NC 67 & PVH Quality Way in Jonesville**

Phillips Van Heusen has a high volume of traffic entering and exiting its facility causing traffic congestion and delays. The Yadkin County Economic Development Partnership, on behalf of Phillips Van Heusen, is requesting the Department of Transportation place a properly designed traffic circle at the intersection of NC 67 and PVH Quality Way. The Board adopted the following resolution in support of the request.

**A RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF TRAFFIC FLOW IMPROVEMENT AT NC 67 AND PVH QUALITY WAY IN JONESVILLE, NC**

**WHEREAS**, the State of North Carolina Department of Transportation is the administrative unit responsible for traffic flow improvement; and

**WHEREAS**, there is a high volume of traffic entering and exiting Phillips Van Heusen at the NC 67 and PVH Quality Way intersection; and

**WHEREAS**, additional associates are being added to the Phillips Van Heusen workforce to handle continued growth of the facility; and

**WHEREAS**, the traffic congestion leads to wait times of over 20 minutes to exit the facility; and

**WHEREAS**, trucks approaching the intersection from I-77, which 95% of them do, cannot turn if vehicles are waiting to exit the facility; and

**WHEREAS**, a properly designed traffic circle at the NC 67 and PVH Quality Way intersection will benefit Phillips Van Heusen, Yadkin County, and North Carolina by lessening the dangers of this intersection; and

**NOW, THEREFORE, BE IT RESOLVED** that the Yadkin County Board of Commissioners supports the Yadkin County Economic Development Council in its request to have a traffic circle at the intersection of NC 67 and PVH Quality Way in Jonesville, NC.

**BE IT FURTHER RESOLVED** that the Yadkin County Board of Commissioners encourages the State of North Carolina, Department of Transportation, to consider its request for a traffic flow improvement at the intersection of NC 67 and PVH Quality Way in Jonesville, NC. This Resolution was approved by the Yadkin County Board of Commissioners and its return to the North Carolina Department of Transportation was authorized.

**Adopted by the Yadkin County Board of Commissioners on the 17<sup>th</sup> day of September.**

**Resolution in Support of Traffic Signal Control at South State Street & Maple Street in Yadkinville**

There is a high volume of traffic entering & exiting businesses located in JF Business Park. There is also a high volume of traffic from the apartments and residents located on both East & West Maple Street. The Yadkin County Economic Development Partnership is requesting the Department of Transportation place traffic signal control at the State Street and Maple Street intersection. The Board adopted the following resolution in support of the request.

**A RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF TRAFFIC SIGNAL CONTROL AT SOUTH STATE STREET AND MAPLE STREET IN YADKINVILLE, NC**

**WHEREAS**, the State of North Carolina, Department of Transportation, is the administrative unit responsible for traffic signal control; and

**WHEREAS**, there is a high volume of traffic entering and exiting businesses located in JF Business Park and other businesses, apartments, and residents located on both East and West Maple Street; and

**WHEREAS**, the traffic congestion leads to dangerous conditions for the intersection; and

**WHEREAS**, truck traffic departing from businesses located in JF Business Park would greatly benefit from traffic controls allowing them to safely enter State Street; and

**WHEREAS**, traffic signal control at State Street and Maple Street intersection will benefit businesses and citizens of Yadkinville, Yadkin County, and North Carolina by lessening the dangers of this intersection; and

**WHEREAS**, the Yadkin County Board of Commissioners have been asked to support the efforts of the Yadkin County Economic Development Council;

**NOW, THEREFORE, BE IT RESOLVED** that the Yadkin County Board of Commissioners encourages the State of North Carolina Department of Transportation, to consider its request for a traffic signal control at the South State Street and Maple Street intersection. This resolution was approved by the Yadkin County Board of Commissioners and its return to the North Carolina Department of Transportation was authorized.

**Adopted by the Yadkin County Board of Commissioners on the 17<sup>th</sup> day of September.**

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

None.

**BOARD ACTION**

**Change Order for Jail Construction Project**

Barry Hennings addressed the Board to explain the change order. A change order for the jail project was needed because unsuitable soil had to be replaced and revisions to the storm drainage had to be done due to the existing water line across North Van Buren Street. He recommends approving the change order except for the 15 day time extension that Bordeaux requested. There is not sufficient justification for a time extension. The cost of the change order will come out of the contingency allowance included in the contract so the contract amount will not increase. **Vice Chairman Zachary made a motion to approve change order #1 for the jail construction project without the 15 day time extension requested. Commissioner Welborn second.**

**Vote: 5/0.**

**Easement for Lydall's New Road**

Lydall plans to construct a new road at their Hamptonville facility. The planned road crosses over the County's sewer line. A contractor for Lydall has spoken with County Manager Church about Lydall needing easements so the sewer line can be moved. The County and the landowners will need to sign agreements. Vice Chairman Zachary stated he would like to review the agreements. The County wants

to assist Lydall with its growth and will work with them to get the necessary agreements completed. **Commissioner Moxley made a motion to authorize the County Manager to execute easements and agreements to allow the construction to continue per the County Attorney's approval and Vice Chairman Zachary's review. Commissioner Welborn second.**  
**Vote: 5/0.**

**Payment of Charles Underwood Invoice**

The Town of Yadkinville reported one of the two pumps at the Lydall pump station was not working and the seal failure light was on. Two pumps are required in each pump station so there is a backup if one goes out. An emergency repair was made to get the pump back up and running. There was no contract in place to cover this repair so the Board was asked to authorize the payment of the invoice. **Commissioner Moxley made a motion to authorize the County Manager to pay Charles R. Underwood \$6,359.18. Commissioner Hemric second.**  
**Vote: 5/0.**

**Payment to Grange for Rental Property**

General Statutes require counties to provide space at their expense for all probation staff. In 2010, Yadkin County decided to assume the lease between Gene and Marie Grange and the Division of Adult Corrections probation staff for property located on Carolina Avenue. A lease agreement was not approved by the Board and payments stopped in 2011. Rent is owed from September 2011 thru November of 2012. There are not sufficient funds in the rent line item so the following budget amendment is needed.

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Contingency	1059000-58500	32,500	(2,360)	30,140
Courts Facilities Rent	1054160-55020	10,000	2,360	12,360

**Vice Chairman Zachary made a motion to approve the budget amendment and pay Gene and Marie Grange for the rental of their property on Carolina Avenue covering the time period of September 2011 thru November 2012. Commissioner Moxley second.**  
**Vote: 5/0.**

**Award Bid for the Public Safety Radio System RFP**

Ellis Frazier addressed the Board. All the proposals that came in for the radio system were reviewed to ensure they met all of the necessary specifications. Three vendors met all the specifications and were chosen for further review. The most qualified vendor is 4G Communications from Fayetteville, NC. They will review the County's current system, determine what has to be replaced, and make recommendations on what needs to be done to meet the FCC compliance guidelines. They will also provide the County with a 15 year plan. 4G Communications is well versed with grant funding. The Board was asked to award the bid to them. **Commissioner Welborn made a motion to award the bid to 4G Communications, Inc for the Public Safety Radio System Request for Proposal (RFP). Vice Chairman Zachary second.**  
**Vote: 5/0.**

**Cancel Contract with Creative Design & Construction for Dorothy Morris SFR Project**

The home of Dorothy Morris was chosen for repair work through the County's SFR grant. The Board approved a contract with Creative Design & Construction to make the repairs. Dorothy Morris has contacted the Services and Development Director and asked that the project work on her home be cancelled. No work has been done on the home so the contract for the repair work needs to be cancelled and the Promissory Note and Deed of Trust the County is holding needs to be released. The NC Housing Finance Agency was informed of her decision to cancel the project so the funds will be de-obligated and returned to their funding pool. **Commissioner Hemric made a motion to cancel the contract with Creative Design and Construction, Inc for \$25,825.00 in repair work under the Dorothy Morris SFR project and release the Promissory Note and Deed of Trust held by the County for this project as advised by the County Attorney. Vice Chairman Zachary second.**

**Vote: 5/0.**

**CALENDAR NOTES**

- 1) September 28, 2012 – Flu Shot Clinic for Employees in the Commissioners Room from 9:00am to Noon.
- 2) October 29, 2012 – Joint Board of Education Meeting to be hosted by the Board of Education.

**MANAGER’S REPORTS/BOARD ACTION**

**Sales Tax**

The sales tax numbers have come in and they are better than they have been in a while.

**Martin Starnes Service Extension for Fiscal Years Ending June 30, 2013 -2015**

Martin Starnes & Associates has performed the County’s audits for the last three fiscal years. It is time to either look at renewing with them or bidding the services out. Finance would like to renew with them. The Board discussed it and the consensus was for the County Manager to negotiate a renewal with Martin Starnes & Associates.

**Capital Improvement Plan Workshop**

Information is being compiled from the 5 year plans the departments submitted. The County Manager will look into what the costs of routine maintenance were over the last 2 or 3 years. A request for information has been made to the School System. It is too early to set a date for the workshop at this time.

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

**Funds Transfers:**

Parks and Recreation		Sales Tax was not included in the budget but the State requires it for concession stand sales. Additional funds were needed due to unforeseen lawn mower repair.
Sales Tax	400	
Equipment Maintenance	600	
Buildings and Grounds	(1,000)	

**Contract with Wilkes Connections**

The IT department contracted with Wilkes Connections to move the existing aerial fiber line that connects the jail and the APO building. The cost is not to exceed \$1,000.00.

**BOARD VACANCIES/APPOINTMENTS**

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

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

**Planning Board**

Dean Swaim, an alternate member of the Planning Board, has expressed interest in serving as a regular member. The Board discussed the appointment and when the term should end. **Commissioner Moxley made a motion to appoint Dean Swaim as a Planning Board Regular Member with a term ending 08/31/2014. Commissioner Welborn second.**

**Vote: 5/0.**

**Board of Health**

There is a vacancy to be filled and Britt Hennings, the engineer representative, has resigned. There is an engineer who is willing to serve on the Board. **Vice Chairman Zachary made a motion to accept the resignation of Britt Hennings. Commissioner Moxley second.**

**Vote: 5/0.**

**Vice Chairman Zachary made a motion to appoint Brett Abernathy as the engineer member of the Board of Health. Commissioner Moxley second.**

**Vote: 5/0.**

County Manager Church stated that Calvin Bryant, of Jonesville, has expressed an interest in serving on the Board of Health. The Board discussed the appointment. **Commissioner Welborn made a motion to**

**appoint Calvin Bryant. Vice Chairman Zachary second.**

**Vote: 5/0.**

#### **COMMISSIONER COMMENTS**

**Commissioner Moxley** thanked everyone for coming tonight. He attended the Harvest Festival on Saturday. The weather was beautiful and a lot of people were there enjoying the Harvest Festival.

**Commissioner Hemric** thanked everyone for coming out. He appreciated the children who came and led the Pledge of Allegiance. He reminded those present that the elections are coming up. He urged everyone to get out and vote.

**Commissioner Welborn** thanked everyone for coming. He stated it is a big election this year and we need everybody to get out and vote. He thanked Barry Hennings for the work he does on the jail project. He appreciated the children who came and led the Pledge of Allegiance. The children came through loud and strong after they got started.

**Vice Chairman Zachary** appreciated everyone being here. We had a nice weekend in Yadkin County for the annual Harvest Festival. He was able to attend for a little while and got some good food. It was nice to have a good weekend for the Festival. He appreciated Barry Hennings coming in and helping us understand things about the jail project. He appreciated Ellis Frazier for helping us with the radio system RFP. Ellis Frazier did a lot of work on that and it has paid off.

**Chairman Austin** echoed the comments made by the other Commissioners about the visitors and our staff. We had a nice crowd tonight. He was glad to see everyone here. He appreciated the people who are willing to serve on our boards. He thanked Board of Health citizen appointee Calvin Bryant and engineer appointee Brett Abernathy. It is nice to have them willing to serve. He thanked Dean Swaim for moving from an alternate member to a regular member on our Planning Board. The boards are healthy and thriving in Yadkin County. The Harvest Festival was a great event. He spoke with John Willingham about it and Mr. Willingham said he would rank it in the top three of all time. The weather was perfect and the vendors were great. He had the pleasure of attending an event for Lydall. Lydall was awarded the Q1 Award from the Ford Motor Company. That is a big accomplishment. Ford is Lydall's largest customer. It was pretty exciting to have representatives from Ford Motor Company come and present the award to Lydall.

**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. Commissioner Hemric second.**

**Vote: 5/0.**

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

**Vote: 5/0.**

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Prepared by Tanya Gentry  
Deputy Clerk to the Board

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Kevin Austin, Chairman  
Yadkin County Board of  
Commissioners

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Date approved by the  
Yadkin County Board of Commissioners