YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MINUTES
Monday, November 7, 2011

The Yadkin County Board of Commissioners met in Regular Session on Monday, November 7, 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 9:00am.

PLEDGE OF ALLEGIANCE led by Chairman Austin.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA
Commissioner Hemric made a motion to adopt the agenda. Commissioner Welborn second.
Vote: 5/0.

PUBLIC COMMENTS
1) None.

Chairman Austin closed the Public Comments portion at 9:02am.

APPROVAL OF MINUTES
Commissioner Moxley made a motion to approve all sets of minutes as presented. Vice Chairman Zachary second.
Vote: 5/0.

REPORTS/REQUESTS OF THE BOARD
1) None.

CONSENT AGENDA
Commissioner Welborn made a motion to approve the consent agenda. Commissioner Hemric second.
Vote: 5/0.

1) Budget Amendments:
    a) Economic Development.
    b) Insurance Consulting.
2) Approve Cascade Highlands Tourism Association Support Letter.
3) Approve Contract with Servpro for General Services.
4) Approve Contract with Hennings Construction for General Services.
5) Approve Contract with Todd Brothers Plumbing for General Services.

6) Authorize Health Department to Submit Grant Proposal to Susan G. Komen for the Cure.
7) Re-Classify Director of Inspections and Environmental Services as an Exempt Position.

[The Budget Amendments are attached as Appendix A.]

PUBLIC HEARING/ACTION TO SET PUBLIC HEARING

1) None.

BOARD ACTION

1) Approve Installation of Lights at the Park. Jason Walker addressed the Board. He requested the Board approve an agreement with Duke Energy for the installation of five new lights to be used to illuminate the upper and lower parking lots at the Yadkin County Park. After three years, the agreement can be terminated. Improving the lighting at the Park will make it safer for citizens who are at the Park after dark. **Vice Chairman Zachary made a motion to approve the agreement with Duke Energy. Commissioner Moxley second.**
Vote: 5/0.

2) Approve Agreement with Piedmont Triad Regional Council for Operating District Resource Center and Pretrial Release Program. Lisa Hughes addressed the Board. The COG operates the District Resource Center and the Pretrial Release Program for the County. The Pretrial Release Program saves the County money by lessening the number of inmates that would have to be housed in the jail. This agreement allows the COG to continue operating the District Resource Center and the Pretrial Release Program. **Commissioner Moxley made a motion to approve the agreement between the County of Yadkin and the Piedmont Triad Regional Council to operate the District Resource Center and the Pretrial Release Program and further, to authorize the County Manager to sign the agreement. Commissioner Welborn second.**
Vote: 5/0.

3) Provide Direction on Change Orders for Site Preparation Phase and Construction Phase of the Jail Project. The County Manager and the Board discussed how change orders should be handled. The contingency amount for the Jail Site Preparation Phase is $20,000.00. Bids have not gone out for the Construction phase so it is not known what the cost of that project will be or what the contingency amount will be. There will not be any decisions made today about change orders for the Construction Phase. The Board asked that the bid documents for the Construction Phase be placed on the next Agenda for their review. **Vice Chairman Zachary made a motion to authorize the County Manager to execute change orders that do not increase the cost of the Jail Site Preparation Phase by utilizing contingency and require that all change orders executed by the County Manager be reported to the Board at the next Meeting. Commissioner Moxley second.**
Vote: 5/0.

4) Provide Direction on Playground for Park. The County Manager and Jason Walker went over the amount that had been budgeted for park improvements, the work that had been completed, and the amount that had been spent so far. The County planned to spend $90,000.00 on playground equipment over the next two years. There was $45,000.00 in this year's budget and an additional $45,000.00 was to be appropriated in next year's budget. The County Manager requested that the Board consider completing the playground this year instead of doing it in two phases over two years. From the pricing information, it looks like it will cost more to complete the playground in two phases. Also, playground equipment comes in two age groups. There is a 2-5 year old play area and a 5-12 year old play area. If the playground is completed in two phases, only one of the age groups would get a play area this year. A budget amendment placing $39,000.00 in this year's budget would be needed to complete the project in one phase this year. The additional $45,000.00 would not need to be appropriated next year. **Commissioner Welborn made a motion to complete the playground project in one phase and approve the budget amendment as presented. Commissioner Moxley second.**
Vote: 5/0.

[The Budget Amendment is attached as Appendix B.]

CALENDAR NOTES

1) November 8, 2011- Park Public Workshop at 6:00pm.
2) November 29-30, 2011 – Leadership Retreat at Lake Junaluska.
3) December 21, 2011 – Employee Christmas Luncheon at Union Cross Friends Meeting House.

MANAGER'S REPORTS/BOARD ACTION

1) Davis Martin Powell & Associates Update. Michael Goliber will be here today for a lunch meeting with the County Manager and two Commissioners. He will return other days to meet with the rest of the Commissioners. This will give the Commissioners a chance to get to know him and to talk with him about what they would like to see in the water plan. Today there will be some discussion about a Task Force and the Rural Center Grant.
2) Jail Update. Work was done at the jail site over the weekend. The retaining wall should be up by the end of the week.
3) 5-D Road Update. Construction began on the 5-D Road last week.
4) Park Update. The Park maps for the Public Meeting that will be held tomorrow night have been completed. There is a copy for each Commissioner to take with them when they leave today. There are also copies available for the media.

MANAGER'S BUDGET AMENDMENTS & CONTRACTS / NO ACTION REQUIRED

1) Contract with Lomar Enterprise. This contract is to add filter grills in the hallway return for easier access and to add Freezestat to prevent unit freeze up. The contract has a do not exceed amount of $225.00 and does not last for more than a year.

BOARD VACANCIES/APPOINTMENTS:

1) There are 2 vacancies on the Nursing Home - Adult Care Home Community Advisory Committee.
2) Firefighter's Relief Fund Board of Trustees Appointment. Due to the death of Mr. J P Ashley, Buck Shoals V.F.D., Inc has requested that Mr. Earl Madison be appointed to finish his term. The term will expire January 2012. **Vice Chairman Zachary made a motion to appoint Mr. Earl Madison to complete the vacant term on the Buck Shoals V.F.D., Inc Firefighter's Relief Fund Board of Trustees. Commissioner Hemric second.**
Vote: 5/0.

COMMISSIONER COMMENTS

Commissioner Moxley thanked Rex Baity and John for coming. He stated that business seems to be moving along rather quickly nowadays with our meetings and our Consent Agenda's. It is nice. The site preparation for the jail is really coming along. It is amazing how the looks of the lot has changed. He rode out and viewed the start of the 5-D road. It looks like it will progress quickly. He is glad to see so many projects progressing. He enjoyed the tour he took of the Austin Company.

Commissioner Hemric thanked everyone for coming. He thanked Jason Walker for what he has done for the Park. Jason Walker has really improved the Park. The public has shown an interest in the Jail Project and he is very glad to see it moving forward.

Commissioner Welborn stated it was good to see the ones who were able to attend the meeting. He congratulated the County on getting started with the Jail Project. He thanked Jason Walker for his hard work and stated that Jason Walker is doing a good job.

Vice Chairman Zachary thanked everyone for coming. He appreciates getting these day meetings to move along quickly. He thanked Jason Walker for his positive presentations and the work he is doing.

The Park is becoming a much more worthwhile asset to the County. There are a lot of people thinking about 5-D and the Park. He thanked Lisa Hughes and County Manager Aaron Church for their work on the sales tax issue. It is important the County utilize all of the resources available. He attended an event held at the home of Sgt. Mickey Hutchens. It was an informal dedication of the sign naming the bridge located over the Yadkin River in his honor. He stated it was nice to be there and see the community support for that.

Chairman Austin stated it had been discovered that the County has been missing $70,000.00 to $100,000.00 a year of sales tax reimbursement that the County is entitled to but was not claiming. He thanked Lisa Hughes and County Manager Aaron Church for continuing to find ways to enhance the County's position. The Park maps are exciting to him. He stated the challenge will be in finding the money to do some of the improvements. If the County ends up with the two suggested Parks, there will be some fantastic facilities for recreation in Yadkin County. He thanked Tanya Gentry and the rest of the staff for preparing the meeting materials and working to get these meetings to run smoothly. The contract control forms the Board reviewed today were complete and the County Attorney had completed his review of the contracts. He complimented everyone involved in making this process work the way it is suppose to.

RECESS

Recess began at 10:20am and ended at 10:35am.

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 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 a lawsuit Yadkin County vs. Yadkin County Board of Adjustment, 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 Moxley made a motion to extend the meeting. Vice Chairman Zachary second.**
Vote: 5/0.

Commissioner Moxley made a motion to go back into Closed Session for the same reasons previously stated. 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 that the title of Interim County Attorney assigned to Bobby Sullivan be removed and that he be made the County Attorney of Yadkin County. Commissioner Moxley second.**
Vote: 5/0.

Attorney Sullivan thanked the Board and stated he has enjoyed working here as the Interim County Attorney and looks forward to serving Yadkin County as County Attorney.

Commissioner Hemric made a motion to reject the previous Asbury Church Road Water System Improvement bids and authorize ARCADIS to rebid the project at a cost not to exceed $7,000.00. Commissioner Welborn second.
Vote: 5/0.

Commissioner Welborn made a motion to authorize the County Manager to execute the contract Addendum with Peter A. Molleur, not to exceed 500 hours at $30.00 an hour. Vice Chairman Zachary second.
Vote: 5/0.

Commissioner Moxley made a motion to approve the revised Lydall agreement and authorize the County Manager and Chairman to execute it. Commissioner Hemric.
Vote: 5/0.

Commissioner Moxley made a motion to approve the One North Carolina Fund and authorize the County Manager to sign it. Vice Chairman Zachary second.
Vote: 5/0.

Commissioner Welborn made a motion to file a motion to become a Creditor in the bankruptcy proceedings with HMC and authorize the County Manager and County Attorney to negotiate a contract with a bankruptcy attorney in Missouri, not to exceed $5,000.00. Commissioner Moxley second.
Vote: 5/0.

Commissioner Hemric made a motion to exclude the County Attorney from the Bond requirement that was approved at the last meeting. Vice Chairman Zachary second.
Vote: 5/0.

Commissioner Moxley made a motion to adjourn. Commissioner Welborn second.
Vote: 5/0.

Tanya Gentry

Prepared by Tanya Gentry
Deputy Clerk to the Board

Kevin Austin, Chairman
Yadkin County Board of
Commissioners

11/21/2011

Date approved by the Yadkin County Board of Commissioners