

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
December 15, 2008

The Yadkin County Board of Commissioners met in Regular Session on Monday, December 15, 2008, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

Chairman Chad Wagoner
Vice Chairman Kevin Austin
Commissioner Tommy Garner
Commissioner David Moxley
Commissioner Brady Wooten

Staff present: County Attorney, James Graham; County Manager, Stan Kiser; and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chairman Wagoner at 7:00pm.

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Hannah Shell. Miss Shell is a 2nd grade student at East Bend Elementary School. Miss Shell introduced her mother who had accompanied her to today's meeting. Chairman Wagoner pointed out that Miss Shell was the youngest participant to lead the pledge and that she had done a fantastic job.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

The following adjustments were requested:

- (1) Commissioner Wooten asked to add a Resolution regarding the Mtn. Crest Subdivision as item XII. (4).
- (2) Clerk Brown reported that the packet had 2 of the page 40 and requested the second of the two be numbered as 40A.

- (3) Clerk Brown reported that DSS Director, Eddie Wooten was unable to attend today's meeting and requested the budget amendment for DSS be deferred until the January 5, 2009 meeting.
- (4) Clerk Brown suggested moving item X. (3) to VIII. (4) (B) in order to complete both actions on jail financing.

Commissioner Wooten made a motion to approve the agenda with the noted adjustments. Commissioner Garner second.

Vote: 5/0

PUBLIC COMMENTS

The Public Comments portion of the agenda opened at 7:11pm.

(1) Mr. Gwyn Norman Krump appeared before the Board with a prepared statement. Mr. Krump stated that real estate values are going down while taxes are going up. Mr. Krump stated he was tired of trying to explain the behavior of a small group of individuals that made the County appear to be combative and tired of his tax money being wasted on frivolous law suits and meaningless meetings that do nothing for the benefit of the County. Mr. Krump commented that he had been bombarded by recorded messages from a small group which violated his rights as a participant on the National Do Not Call List. Mr. Krump offered that this small group does not attempt to claim tax exempt status as they are a lobbying group whose actions are non-permissible. Mr. Krump reported that State and Federal Law now allows countersuits for damages from frivolous lawsuits and requested that the Board of Commissioners keep records of all costs associated with the "Keep the Jail Downtown" group since the last hearing that declared the rezoning was improperly administered. As there was no claim that Yadkin County did not have the authority to rezone the property, any further action would be considered frivolous. Mr. Krump reported that the Reavis Road property was once farmland and has since been rezoned by all property owners as commercial and industrial. Those property owners were not required to ask the permission of their neighbors for this action. Mr. Krump remarked that the taxpayers of Yadkin County do not owe Yadkinville a claim to the jail. Wilkes, Catawba, and other Counties have moved their courthouse and jail out of the downtown area. Further, Yadkinville did not offer an adequate parcel of land

early in the process. Mr. Krump noted that the jail required air conditioning when many workers do not have that benefit in their workplace.

(2) Mr. Keith Addis appeared before the Board to discuss a youth center in East Bend operated by him and his wife. Mr. Addis reported that the center has met with overall success but struggles with a lack of funding. Mr. Addis stated that their initial resources have reduced from \$13,000 to \$7,000. An additional \$10,000 would allow the program to serve children age 11 to adulthood from all areas of the County. Mr. Addis anticipates 30% growth in participation per year. Ultimately, the center keeps teenagers off the streets and out of trouble. There are fewer minors in the court system. The program has served 3 teenagers that were on probation who have not had any legal issues since beginning the program. Three high school drop-outs returned to school and completed their diplomas. Mr. Addis remarked that his son had been killed in an ATV accident. Mr. Addis is a strong advocate for laws that require the use of helmets and proper sizing of vehicle to rider. In addition, Mr. Addis feels that recreational activities are limited for teenagers in the East Bend area when compared to Yadkinville. Mr. Addis did not specifically request any action by the Board at today's meeting, but asked the Board to be aware of the financial needs of this worthwhile program for the future.

(3) Mr. Hubert Gregory, Mayor of Yadkinville, appeared before the Board to report Yadkinville's position on the placement of the jail. Mr. Gregory reported that the Town of Yadkinville had presented a Resolution to Yadkin County requesting that the jail remain downtown and offering assistance in this matter. The same resolution was mailed to 1506 water customers. Mr. Gregory stated that the Town of Yadkinville believed this was the best way to keep the citizens informed. Mr. Gregory commented that earlier discussions implied that the jail as designed would not fit on the proposed downtown site. However, using the Yadkin County GIS system, the Town of Yadkinville had their engineer and architect review the jail plans. Both the engineer and architect agreed that the plans, as drawn, would fit on the proposed site. The Town of Yadkinville still has great interest in keeping the jail downtown. Mr. Gregory remarked that cooperation between the entities is in the best interest of citizens of Yadkin County.

The Public Comments portion of the agenda closed at 7:26pm.

APPROVAL OF MINUTES

Commissioner Wooten made a motion to approve the December 1, 2008 Regular Meeting Minutes as presented. Commissioner Moxley second. Vote: 5/0

PUBLIC HEARING

(1) Zoning Text Amendment: Consolidation

Planning and Development Director, Kim Bates, appeared before the Board to describe the proposed changes, additions, and deletions to the Yadkin County Zoning Ordinance. The proposed changes will reduce the document from 125 pages to 86 by reducing the font size, will incorporate the Ordinance for Junkyards and Manufactured Homes, will eliminate duplication in some areas, and will offer clarification in other areas. The proposed changes are as follows:

Article 1, Section 5 – Bona Fide Farms definition will include any activity performed on the property to add value to the farm product.

Article 2, Section 1 – The Zoning Administrator shall maintain records of all applicable requirements specifically imposed or waived under his/her discretion.

Article 6, Sections 3 and 9 – Remove Article 6, Section 3 as it is already provided in Article 1 and renumber the sections. Article 9 will become Article 8 and address the age, installation, and use of manufactured homes.

Article 8, Section 4 – Remove Article 8, Section 4 and renumber. Alter Manufactured Home Park Requirements from 'permitted by right' to 'conditional use' status under Article 17.

Article 9, Section 2 – Eliminates duplicate text and consolidates provisions for the Elkin Airport Overlay District.

Article 10, Section 1 – Clarify the purpose of the article in terms relating to the general purpose of zoning regarding Wireless Communication Facilities.

Article 11, Table of Uses – Altering Manufactured Home Parks from permitted to conditional use.

Article 13, Section 2 – Conditional uses for hardship are further defined as temporary and not to be used as a remedy to financial difficulty.

Article 14, Section 5 – Clarification on the measure of setbacks.

Article 16, Section 1 – Clarification of conditional rezoning.

Article 17, Section 8 – Site Plan requirements for specific conditional use applications.

Article 21, Section 1 – Revision and addition of terms; including vehicle, hardship, manufactured home space, junkyard, motor vehicle repair, Planning and Development Department, and Register of Deeds.

Automobile Salvage Yard and Junkyard Ordinance of 1981 - Repeal

Manufactured Home and Manufactured Park Ordinance of 1997 - Repeal

The Public Hearing was opened at 7:40pm.

Mr. Gwyn Krump expressed concerns for the new regulations regarding junkyards. Mr. Krump stated that the original zoning ordinance offered a limit of 2 unlicensed, junked vehicles and he was in full support at that time. Mr. Krump continued that with the number of unlicensed, inoperable vehicles in Yadkin County, now is not the time to break the faith.

Mr. Charles Robert Wooten approached the podium and asked for clarifications on mobile home parks and the age limit of manufactured homes. Mr. Bates explained that existing mobile homes and manufactured home parks will be subject to the 'grandfather' clause. Further, age limits on manufactured homes have not changed are still those outlined by the original HUD regulations.

Mr. Steve Clodfelter, representing S&J Motors, appeared before the Board for additional clarification. Mr. Bates explained that these proposed regulations apply only to new developments and do not affect existing businesses.

Public Hearing was closed at 7:50pm.

Board members participated in additional discussion. Commissioner Garner asked Mr. Bates how he acquired the new and revised information for the proposed changes. Mr. Bates explained that the Planning Board was very conscientious to incorporate all pertinent data from the junkyard ordinance and the manufactured home ordinance into one single document. It was not the intention of the Planning Board to deregulate or reregulate, but rather

streamline and consolidate. Further, Mr. Bates commented that each County is responsible for regulating their own land use.

Commissioner Wooten asked Mr. Bates if the new regulations would change existing parks to non-compliant. Mr. Bates explained that existing parks would not be affected by the proposed changes.

Chairman Wagoner asked for the Planning Board vote on these proposals. Mr. Bates reported this measure passed 3-0 by the Planning Board.

Vice Chairman Austin asked if Article 6, Section 9, Business Uses of Manufactured Homes, applied to home occupations such as tax service, e-bay businesses, etc. Mr. Bates explained that rules for dwelling unit would apply regardless of the home occupation. Vice Chairman Austin had questions concerning Article 16. Mr. Bates explained that there is a distinction between conditional rezoning which is a quasi-judicial process and conditional use permitting which is a legislative process. These regulations are not interchangeable. Further discussion indicated that Article 16 is subject to Planning Board recommendations and Board of Commissioner approval.

Commissioner Moxley pointed out typographical errors in Article 17, Section 8. Site standards should be numbered 1-8. Number 8 of this section should read "...not more than five (5) junked vehicles".

Commissioner Wooten suggested postponing any decision on these zoning text amendments until the Board has had ample opportunity for a complete review. Mr. Bates noted that he would prefer a unanimous vote on these proposed changes and if further review would be appropriate, he would fully support that suggestion. Mr. Bates noted that a key element of the Land Use Plan is to provide the leaders with the tools to make sound development decisions. The proposed zoning amendments simply make the document easier to work with. Commissioner Wooten also suggested that a sub-committee be formed to review and update the Yadkin County Land Use Plan. There was a brief discussion of the authority of Town Boards to regulate development within the town limits that may or may not conform to the Yadkin County Land Use Plan.

Chairman Wagoner read the Statement of Zoning Consistency in its entirety.

Vice Chairman Austin made a motion to accept the Statement of Zoning Consistency for the Zoning Text Amendments as reviewed in today's session. Commissioner Garner second.

Vote: 5/0

[The Statement of Zoning Consistency is attached as Addendum A]

Commissioner Garner made a motion to approve the Zoning Text Amendments as presented in today's meeting. Commissioner Moxley second.

Vote: 5/0

Commissioner Garner made a motion to repeal the Automobile Salvage Yard and Junkyard Ordinance of 1981 and the Manufactured Home and Manufactured Home Park Ordinance of 1997. Commissioner Moxley second.

Vote: 5/0

(2) Zoning Text Amendment – Subdivision Ordinance

Planning and Development Director, Kim Bates, presented information on the proposed text amendment for the Subdivision Ordinance, Article 9 – Section 91. Paragraph #6 of the Interlocal Agreement with the Town of Jonesville dated July 24, 2006 states the County will amend their subdivision ordinance requiring developers of major subdivisions to tap onto water and sewer lines if within 1500' of existing lines. Current subdivisions are subject to the 'grandfather' clause. Major subdivisions were defined by Mr. Bates as 3 lots that do not connect to a public road or 10 lots that do connect to a public road.

The Public Hearing opened at 8:13pm. There were no speakers on this issue. The Public Hearing closed at 8:14pm.

Vice Chairman Austin asked if other municipalities had been consulted on this issue. Mr. Bates reported that he was not employed by the County at the time of this agreement and could not address how this provision was declared.

Commissioner Wooten remarked that Ron Niland, Jonesville Town Manager at the time, reviewed this agreement and presented it to his Board.

Commissioner Garner asked Gene Pardue of the Jonesville Town Council to address this from his seat in the audience. Mr. Pardue remarked that new subdivisions could be limited if you require the developers to provide back-up generators and the cost of utility hook-ups. Mr. Pardue also remarked that former Manager Niland made many statements that did not necessarily have the support of the Town Council. Vice Chairman Austin asked Manager Kiser to address his experience on this issue. Manager Kiser commented that adding generators and utilities to subdivisions after the fact would become the burden of the taxpayer rather than the developer and could be quite costly. Mr. Bates commented that he could not address the discussion and the debate that occurred at the time of this agreement but that the Planning Board provided much input and were in agreement on the language of this amendment. Vice Chairman Austin expressed concerns that this is a county-wide ordinance and should have buy-in from the other municipalities. Mr. Bates pointed out that a statement of zoning consistency is not required for this type of text amendment.

Commissioner Wooten made a motion to approve the proposed Zoning Text Amendment for Article 9 – Section 91 regarding Subdivisions. Vice Chairman Austin second.

Vote: 5/0

(3) Set a Public Hearing for CDBG Waterline Extension Grant

Planning and Development Director, Kim Bates, reported that Yadkin County has been pre-approved for a \$575,208 grant from CDBG for the funding of 6" waterlines to 70 low to moderate income households in the Courtney area. This grant requires a 5% matching amount from the County and the County may elect not to participate based on those requirements.

Commissioner Wooten made a motion to set a Public Hearing for the consideration of the County's participation in the CDBG Waterline Extension Grant for Monday, January 5, 2009 at 9:00am. Commissioner Moxley second.

Vote: 5/0

(Commissioner Garner was out of the room from 8:24pm to 8:27pm and not present for the vote. As Commissioner Garner was not formally excused from the vote, it is thereby recorded as an 'aye'.)

(4) (A) Resolution Evidencing a Public Hearing for the Consideration of the Financing Arrangements for a County Jail Facility

Prior to opening the Public Hearing, Chairman Wagoner reminded the audience that the issue of the Public Hearing is for the financing of a jail facility and not placement or zoning of property.

The Public Hearing opened at 8:28pm.

Ms. Peggy Boose of the Mitchell's Chappell Community, appeared before the Board. Ms. Boose provided the audience with a spreadsheet of County tax values, revenues, and projections. Ms. Boose noted that the resolution presented at today's meeting states "not to exceed \$9 million" while the bank offer is \$7,629,000 for 20 years at 4.09%. Yadkin County has maintained that loans for the middle schools, the jail, and 5D would be repaid with tax revenues. Tax revenues were projected to increase 5% each year according to the County's financial advisor. Ms. Boose reported that assessed values for Yadkin County were \$2,309,468,222 in 03/04. In 07/08, assessed values were \$2,422,835,128 representing only a 1% increase per year and that 10 year projections are even lower. Ms. Boose reported that the tax rate has increased from \$0.64 to \$0.76 since 03/04 and asked how this 18.75% increase could be justified. Further, the County budget increased from \$26,257,438 in 03/04 to \$35,068,456 in 07/08. Although this is an increase of 33.5%, Ms. Boose stated that citizens have not experienced a 33% increase in services. Ms. Boose added that the tax rate has ballooned, budget has ballooned, yet the County population has remained stable. Per capita income increased from \$23,504 in 03/04 to \$27,700 in 07/08. Per capita income increased 17.3% while the tax rate increased 18.75%. Ms. Boose commented that the prior Board designated the \$0.08 tax increase to pay the cost of the jail and the middle schools but did not budget for the 5D project. Ms. Boose expressed concerns for the \$2 million deducted from the general fund to balance the 08/09 budget. At that rate, Ms. Boose stated that Yadkin County would be depleted of a fund balance in 3 years. Ms. Boose stated that Yadkin County would have \$3,087,832.92 in

yearly payments for the new schools, 5D, and the proposed jail and does not include waterlines and the Jonesville water treatment plant.

On a separate note, Ms. Boose referred to previous action by the Board to locate the jail on Hinshaw Road. Ms. Boose stated that Yadkin County withdrew their zoning petition on July 13 due to a lack of support from the Yadkinville Town Council. However, Ms. Boose noted that the Yadkinville Town Council was not to meet on this issue until August 6.

Ms. Linda Williams appeared before the Board. Upon her own research, Ms. Williams presented 4 instances where home sale values were much less than the tax value. Ms. Williams remarked that a judge has told Yadkin County that it must have a jail, but offered no suggestions on where to get the funds.

The Public Hearing closed at 8:39pm.

(4) (B) Bid Proposals and Amortization Schedules for Jail Financing

Walter Goldsmith and Patrick Smith of First Southwest appeared before the Board to review bid proposals and financial data for jail construction financing. Mr. Smith explained bids were sought from local financial institutions and 4 bid proposals were received. Terms range from 15-20 years. BB&T offered 4.09% over 20 years. The highest bid was 5.42% for a 20-year period. The County would remain below the \$0.02 tax designation at this rate. First Southwest is recommending the BB&T offer of 4.09% with a 20-year term. Vice Chairman Austin asked about the \$0.02 designation. Mr. Goldsmith remarked that the prior Board had designated \$0.02 of the 07-08 tax increase to fund the jail facility. Columns B, C, and D of the documents provided by First Southwest outline the annual payments through 2029. Column G of this same document outlines the tax rate equivalent over the life of the loan.

Commissioner Wooten asked how much additional debt would be incurred by the 20-year term as opposed to the 15-year term. Total debt service for a 20-year term would be \$11.31 million. Debt service for a 15-year term would be \$10.38 million. County Manager Kiser pointed out that if the Board accepted the 15 year financing, the debt service would exceed the \$0.02 set aside. Commissioner Wooten remarked that previous projections were based on a 5%

growth in appraised value. With the current economic situation and property values declining, how would the county address this debt in the future if tax values do not meet the projections. Mr. Goldsmith responded that with any borrowing, if the assessed value does not meet expectations, a tax increase may be expected. Commissioner Garner commented that tax values have not decreased in Yadkin County as in other areas. Commissioner Wooten cited the following 3 examples of decreased home values:

- (a) According to BB&T records, a local home appraised at \$425,000 3 years ago, appraised recently at \$225,000.
- (b) A home in the Hamptonville area originally appraised for \$110,000 was recently appraised at \$78,000.
- (c) Court documents indicate a home in Jonesville assessed at \$68,000 was sold at foreclosure for \$35,000.

Commissioner Garner maintained that foreclosures are not going to bring the full appraised value. Chairman Wagoner pointed out that appraisal values and tax values are not the same. Further Chairman Wagoner commented that appraisal values are arbitrary and that there may be a great deal of discrepancy from one appraiser to another. Commissioner Garner polled the audience to determine who had received a tax bill. Commissioner Garner remarked that there was much grumbling from the audience concerning tax values when tax bills had not yet been received. Commissioner Wooten pointed out that the recently presented Schedule of Values represented tax values that were 2 to 3 years old.

Commissioner Wooten asked for a clarification on the balloon payments outlined in the First Southwest documents and the relationship of principle to interest. Mr. Goldsmith explained that the debt service starts out at a lower level to remain within the \$0.02 threshold, but as revenues rise, the payments begin to increase over time. The principal payment becomes level at year 2018. Commissioner Wooten compared this approach to recent home loans by the lending market that deceived buyers to finance at a low rate and then face a substantial increase after a few years. Mr. Goldsmith acknowledged Commissioner Wooten's concern, but assured him that the interest rate does not change throughout the life of the loan. Chairman Wagoner pointed out that the full \$0.02 tax equivalent is not being used in the first years of the loan and that the tax equivalent increases to a peak and then decreases toward the end of the loan. Commissioner Wooten stated that the County should apply

the full tax equivalent at the beginning of the loan in order to lower the principal amount.

Vice Chairman Austin stated that recent calculations by the Tax Administrator indicate that appraised values are approximately 99% of assessed values. Property in Yadkin County is selling slow but selling none-the-less. Commissioner Austin anticipates that this will not hold true over time. Further, Vice Chairman Austin stated that the \$0.02 tax set-aside has already been spent on 5D and is based on faulty assumptions. Vice Chairman Austin remarked that no financial scenario will meet the \$0.02 set-aside as the revenue growth will not meet the projections.

Vice Chairman Austin asked the representatives of First Southwest why only 4 feasible bids were presented. Mr. Goldsmith replied that 4 bids in today's market was an outstanding response. Mr. Goldsmith added that it would be a mistake to attempt to outrun the market.

Commissioner Garner made a motion to approve the Resolution evidencing a public hearing on whether the County should enter into a financing arrangement for a jail facility. Commissioner Moxley second.

Commissioner Wooten made a motion to amend the existing motion postponing a decision on the Resolution until the January 20, 2009 meeting of the Board of Commissioners. Vice Chairman Austin second.

Vice Chairman Austin offered that a financing decision should not be made until bids have been received and financial information has been reviewed with Janice Burke. Commissioner Wooten agreed that Ms. Burke, as the County's financial advisor, should provide documents that indicate how the County will meet the projected growth. Further, Commissioner Wooten asked the Board if they were going to be willing to raise taxes to meet the debt. Vice Chairman Austin expressed concerns for the funds depleted from the General Fund to balance the budget and stated he may feel more comfortable after a presentation from Ms. Burke. County Manager Kiser remarked that the financing proposals offer a 30-day window and any decision made at today's meeting could still be overturned without penalty by the January 5, 2009 meeting. Mr. Goldsmith remarked that the LGC will be meeting to review the

County's application on January 6. Postponing a decision until January 5 places a huge time constraint on the process.

Commissioner Wooten asked for a ruling on his motion. After some discussion and research by Attorney Graham, Commissioner Wooten's motion was ruled in order and required a vote.

Kevin Austin asked to be excused from the vote on the grounds that this issue may have long term consequences on the value of his neighboring property.

Commissioner Garner made a motion to excuse Board member Kevin Austin from the vote to amend the original motion postponing a decision on the financing until the January 20, 2008 meeting. Commissioner Moxley second. Vote: 4/0

[Restated]

Commissioner Wooten made a motion to amend the existing motion postponing a decision on the Resolution until the January 20, 2009 meeting of the Board of Commissioners. Vice Chairman Austin second.

Vote: 1/3

Motion failed with Chairman Wagoner, Commissioner Garner, and Commissioner Moxley voting against. (Austin was excused prior to the vote.)

[Restated]

Commissioner Garner made a motion to approve the Resolution evidencing a public hearing on whether the County should enter into a financing arrangement for a jail facility. Commissioner Moxley second.

Vote: 4/1 (Wooten against)

[The RESOLUTION EVIDENCING A PUBLIC HEARING ON WHETHER THE COUNTY SHOULD ENTER INTO A FINANCING ARRANGEMENT FOR A JAIL FACILITY is attached as Addendum B]

Commissioner Garner made a motion to approve the BB&T Financing of 4.09% for a 20-year term. Commissioner Moxley second.

Commissioner Wooten made a motion to amend the original motion postponing this decision until the January 5, 2008 meeting of the Board of Commissioners. Commissioner Garner second.

Kevin Austin asked to be excused from the vote on the grounds that this issue may have long term consequences on the value of his neighboring property.

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

Vote: 4/0

[Restated]

Commissioner Wooten made a motion to amend the original motion postponing this decision until the January 5, 2008 meeting of the Board of Commissioners. Commissioner Garner second.

Vote: 1/3

Motion failed with Chairman Wagoner, Commissioner Garner, and Commissioner Moxley voting against. Vice Chairman Austin had been excused from the vote.

Commissioner Wooten made a motion to substitute the acceptance of the RBC proposal at 3.85% for a 15-year term for the original motion. Vice Chairman Austin second.

Chairman Wagoner stated that a 15-year term may result in a tax increase and this action is being used as a ploy to keep the jail from being built. Vice Chairman Austin disagreed with Chairman Wagoner's assessment stating that ultimately, the costs of the jail would exceed the \$0.02 set aside.

Attorney Graham reminded the Board that they would be voting on whether to *accept* the substitute motion by Commissioner Wooten.

[Restated]

Commissioner Wooten made a motion to substitute the acceptance of the RBC proposal at 3.85% for a 15-year term for the original motion. Vice Chairman Austin second.

Vote: 4/1 (Wagoner against)

Commissioner Wooten made a motion to accept the RBC proposal of 3.85% for a 15-year term. Vice Chairman Austin second.

Vote: 4/1 (Wagoner against)

BOARD REPORTS/REQUESTS

(1) PART – Seamless Mobility Study

Brent McKinney, Executive Director of the Piedmont Authority for Regional Transportation (PART), appeared before the Board. Mr. McKinney reported that a transit study had been completed for a 9 county and 7 city region. The study was completed in August. The study provides 48 recommendations to examine the efficiency of services and reduce costs. A RESOLUTION ACCEPTING THE PIEDMONT TRIAD SEAMLESS MOBILITY STUDY AND AUTHORIZING STAFF TO PARTICIPATE IN THE DEVELOPMENT OF THE PIEDMONT TRIAD SEAMLESS MOBILITY WORK PLAN is before the Board today. Mr. McKinney pointed out that there is no commitment required from the Board for funding or for accepting the study. The Resolution simply accepts the study and authorizes further development of a work plan. Brian Piascik, Project Consultant for URS Corporation, provided a brief overview of the study. The study recognized the different needs of urban and rural areas. Specifically for Yadkin County, the study recommended:

- (A) Coordination, drug and alcohol screening for drivers, and scheduling of the 2 primary transportation sources in Yadkin County
- (B) Long range planning
- (C) Implementation of new services
- (D) Complete these tasks within 4-8 years.

Commissioner Wooten added that a much work was completed on this study and a great deal of material was reviewed.

Commissioner Wooten made a motion to approve the RESOLUTION ACCEPTING THE PIEDMONT TRIAD SEAMLESS MOBILITY STUDY AND AUTHORIZING STAFF TO PARTICIPATE IN THE DEVELOPMENT OF THE PIEDMONT TRIAD SEAMLESS MOBILITY WORK PLAN.

Commissioner Moxley second.

Vote: 5/0

[The RESOLUTION ACCEPTING THE PIEDMONT TRIAD SEAMLESS MOBILITY STUDY AND AUTHORIZING STAFF TO PARTICIPATE IN THE DEVELOPMENT OF THE PIEDMONT TRIAD SEAMLESS MOBILITY WORK PLAN is attached as Addendum C]

Chairman Wagoner called for a recess at 10:00pm. The meeting reconvened at 10:15pm.

(2) Town of Jonesville – Recent Letter and Other Water Issues

County Manager Kiser spoke to a letter from Jonesville regarding several water issues. Manager Kiser noted 6 specific concerns:

- (A) A revised water agreement between Yadkin County and the Town of Jonesville is certainly warranted.
- (B) An interlocal agreement is needed for the Jonesville waterplant.
- (C) Jonesville has incurred \$30,000 in waterline expenses that are to be shared with Yadkin County.
- (D) Unpaid tap fees in the amount of \$13,500 are due from Yadkin County.
- (E) The Town of Jonesville intends to pay the \$6000 loan balance to Yadkin County.
- (F) The Town of Jonesville is asking Yadkin County to release them from the \$25,000 loan that was made to Arlington some years ago.

County Manager Kiser reiterated that agreements are needed for ongoing water issues and the new waterplant. Commissioner Wooten suggested that the Water Committee reassemble and work through these issues.

Commissioner Wooten further suggested that 2 Board members and the County Manager continue to serve on this committee. As a prior member of this committee, Commissioner Wooten offered his service and recommended Vice Chairman Austin. Vice Chairman Austin noted that a portion of these expenses may have already been authorized by the Board at a previous meeting. Vice Chairman Austin suggested researching this issue and any other payment authorizations. Commissioner Wooten commented that this, too, would be an issue for the committee to address. The Board agreed with the suggested members of the committee and that the committee would resume discussions with the Town of Jonesville for interlocal agreements on general water issues and the new water treatment plant.

(3) Mountain Crest Subdivision

Commissioner Wooten made a motion to approve A RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF A GRANT FOR A SEWER LINE EXTENSION AND INDIVIDUAL HOME HOOKUP TO THE MOUNTAIN CREST SUBDIVISION. Commissioner Garner second. Chairman Wagoner read the resolution in its entirety.

Commissioner Wooten noted that the grant will expire at the end of this year and believes this to be an emergency situation. Commissioner Wooten stated that hopefully the resolution will inspire Jonesville to complete the project and enable Jonesville to repay the loan with the generated revenue. Commissioner Wooten had been approached by the homeowners of Mountain Crest Subdivision in 2005 with a petition of 21 or 22 signatures requesting assistance with sewer lines. The Board instructed the County Manager to discuss this issue with the Town of Jonesville. Ron Niland, Jonesville Town Manager at the time, agreed to apply for the grant on behalf of Jonesville, but indicated that the grant alone would not cover the cost and other funding would have to be identified. Since then, this issue has become a stalemate. Conversations included granting Jonesville the funds with Jonesville maintaining ownership and loaning the funds with Yadkin County to receive half of the revenues. Commissioner Wooten stated that the grant is in danger and action should be taken quickly. It was suggested that a simple loan offer may be appropriate with the Town of Jonesville repaying the funds on a determined schedule eliminating the need for shared revenues. Gene Pardue, Town Councilman for Jonesville, was asked to share his thoughts. Mr. Pardue reported that the Board of the Town of Jonesville has already voted not to accept a loan from Yadkin County on this matter. The Town of Jonesville is concerned for the collection of fees for sewer service with this community not receiving water service as well. There was much discussion regarding the collection of fees and any mechanisms that may be available for utility fee collection. The Board was in agreement that the Resolution should be forwarded to indicate that Yadkin County's intentions are genuine and that Yadkin County fully supports this project.

Vote: 5/0

[A RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF A GRANT FOR A SEWER LINE EXTENSION AND INDIVIDUAL HOME HOOK UP TO THE MOUNTAIN CREST SUBDIVISION is attached as Addendum D]

BOARD APPOINTMENTS

The Board reviewed and discussed appointments to various County boards, committees, and councils. Chairman Wagoner suggested the establishment of a Yadkin County Schools Budget Committee to consist of 2 commissioners, 2 members of the Board of Education, and finance directors. The committee may be advisory only or have voting capabilities. Those and other details will be discussed with school personnel. The completed assignment list follows.

**COMMITTEE AND BOARD ASSIGNMENTS FOR COMMISSIONERS
CALENDAR YEAR 2009**

Committee	When and Where	New Assignment
Aging Planning Committee (1 commissioner)	Monthly, 2 nd Wednesday at 1:00pm, Yadkin Center of SCC	Tommy Garner
Board of Health (1 commissioner)	Bi-Monthly, 3 rd Tuesday at 7:30pm, BOC Meeting Room	Brady Wooten
Cascade Highlands Tourism Initiative (2 commissioners)	Monthly, Fridays rotate, at 9:30am, King, NC	Tommy Garner David Moxley
Child Fatality Prevention (1 commissioner)	3 rd Friday at 12:00pm, Planning and Permits Bldg.	Kevin Austin
Communications Committee (2 commissioners)	NOT CURRENTLY ACTIVE	Chad Wagoner Brady Wooten
Council on Aging (1 commissioner)	Monthly, 4 th Thursday at 9:30am, Council on Aging Office	Tommy Garner
Crossroads Behavioral Healthcare (1 commissioner)	Monthly, 4 th Tuesday at 6:00pm, Elkin offices	Chad Wagoner
DSS Board (1 commissioner)	Monthly, 1 st Thursday at 8:30am, BOC Meeting Room	Kevin Austin
EMS Advisory Committee (2 commissioners)	Quarterly: Feb., May, Aug., Nov. at 12:00pm Date and Meeting Place Varies	Chad Wagoner Brady Wooten
Economic Development Council (2 commissioners)	Bi-monthly: Feb., Apr., June, Aug., Oct., Dec. 3 rd Thursday at 5:30pm	Kevin Austin Chad Wagoner

Extension Advisory Council (1 commissioner)	Quarterly: (Jan.-12:00pm, April-7:00pm, July-12:00pm, Oct.-7:00pm), 4 th Tuesday, Planning and Permits Building	David Moxley
Fire Chiefs Association (1 commissioner)	Quarterly, 1 st Wednesday at 7:00pm, sites rotate	Brady Wooten
Historic Richmond Hill Law School (1 commissioner)	Quarterly, 4 th Friday at 6:00pm, Richmond Hill Law School	Chad Wagoner
Human Resources Committee (2 commissioners)	Called Meetings, Meeting Place will Vary	Kevin Austin Brady Wooten
JCPC Advisory Board (1 commissioner)	Monthly, 4 th Friday at 8:30am, Planning and Permits Building	Brady Wooten
NW Piedmont Council of Govts. (1 commissioner)	NWPCOG Board of Directors: Monthly, 3 rd Tuesday, meal at 6:30pm, meeting follows, NWPCOG Building	Chad Wagoner
Northwestern Regional Library (1 commissioner)	Regional: Quarterly – Jan, April, Aug, Oct, 3 rd Thursday at 6:30, sites rotate Yadkin County: Quarterly – Jan, April, Aug, Oct, 2 nd Tuesday @6:30, sites rotate	David Moxley
PART (1 commissioner)	Monthly, 2 nd Wednesday at 8:30am, PART Offices in Greensboro	Brady Wooten
Piedmont Triad Partnership (1 commissioner)	Monthly, 4 th Friday at 11:30am at PART Office	Tommy Garner
Pilot View RC & D (1 commissioner)	NOT CURRENTLY ACTIVE	Tommy Garner
Pre-Trial Release (1 commissioner)	Quarterly, 3 rd Thursday at 8:30am, Surry Community College	Brady Wooten
Solid Waste Committee (2 commissioners)	Monthly, 1 st Tuesday at 9:00am, Planning and Permits Building	Tommy Garner Brady Wooten
Surry Housing Authority (1 commissioner)	Quarterly, 2 nd Tuesday at 10:00am, Mt. Airy Central Office	David Moxley
Utilities Committee (2 commissioners)	Called Meetings, Meeting Place will Vary	Kevin Austin Brady Wooten
Watershed Review Board (2 commissioners)	NOT CURRENTLY ACTIVE	David Moxley Brady Wooten
Workforce Development Board (1 commissioner)	Called Meetings	David Moxley

YVEDDI (2 commissioners)	Board of Directors: Monthly, 4 th Thursday Ed. & Trng. Subcomm: Monthly, 1 st Monday at 4:00pm Personnel Subcomm: Bi-Monthly, Tuesdays at 5:00pm	Tommy Garner/ Kevin Austin Tommy Garner Kevin Austin
Yadkin County Schools – Budget Committee (2 commissioners)	To Be Established	David Moxley Brady Wooten
Yadkin County Smart Start (1 commissioner)	Monthly, 4 th Monday at 12:00, Community Links Center	Kevin Austin
Yadkin Health Alliance (1 commissioner)	Monthly, 1 st Wednesday at 8:30am, Hoots Hospital	Chad Wagoner
Yadkin River Commissioner (1 commissioner)	NOT CURRENTLY ACTIVE	Tommy Garner
Youth Council Advisory Committee (1 commissioner)	Called Meetings	David Moxley

Commissioner Wooten made a motion to approve the Board of Commissioners assignments as noted. Commissioner Garner second.

Vote: 5/0

The Board briefly reviewed a request by the YVEDDI Board of Directors to remove W.G. Dinkins as an alternate to this Board due to health concerns. It was noted that YVEDDI will submit recommendations for his replacement at a later time.

Commissioner Wooten made a motion to remove W.G. Dinkins from the YVEDDI Board of Directors. Commissioner Garner second.

Vote: 5/0

BOARD ACTION

As agreed in the agenda approval portion, the DSS budget amendment will be deferred to the January 5, 2009 meeting of the Board.

Commissioner Wooten made a motion to accept the additional JCPC funds from reallocation. Vice Chairman Austin second.

Vote: 5/0

The Board reviewed the meeting schedule for 2009. The Martin Luther King Jr. Holiday on January 19 was addressed. It was the consensus of the Board to accept the schedule as presented. There are discussions underway for revising the joint meeting schedule with the Board of Education. Any subsequent changes in the schedule will be noted once known. The schedule is listed below in its entirety.

**YADKIN COUNTY
BOARD OF COMMISSIONERS**

Meeting Schedule 2009

Monday.....January 5.....9:00am
Tuesday.....January 20.....7:00pm
Monday.....February 2.....9:00am
Monday.....February 2.....12:00noon.....Joint Meeting with School Board
Monday.....February 16.....7:00pm
Monday.....March 2.....9:00am
Monday.....March 16.....7:00pm
Monday.....March 30.....6:30pm.....Joint Meeting with School Board
Monday.....April 6.....9:00am
Monday.....April 20.....7:00pm
Monday.....May 4.....9:00am
Monday.....May 18.....7:00pm
Monday.....June 1.....9:00am
Monday.....June 15.....7:00pm
Monday.....June 29.....6:30pm.....Joint Meeting with School Board
Monday.....July 6.....9:00am
Monday.....July 20.....7:00pm
Monday.....August 3.....9:00am
Monday.....August 17.....7:00pm
Tuesday.....September 8.....9:00am
Monday.....September 21.....7:00pm
Monday....September 28.....6:30pm.....Joint Meeting with School Board
Monday.....October 5.....9:00am
Monday.....October 19.....7:00pm
Monday.....November 2.....9:00am
Monday.....November 16.....7:00pm
Monday.....December 7.....9:00am
Monday.....December 21.....7:00pm

MANAGER REPORTS/COMMENTS

County Manager Kiser had the following comments:

- (1) The Town of Yadkinville would like to meet to discuss water and sewer issues, water and sewer availability for the jail, and water billing.
- (2) Janice Burke of First Southwest will attend the January 5, 2009 meeting of the Board for financial updates.
- (3) The establishment of a school budget committee has been discussed and the Board confirmed assignments to this committee earlier in the meeting.
- (4) Budget letters were sent to the affiliate agencies. Budget requests are due in the Finance Office by Friday, February 13, 2009.
- (5) The eCivis training was completed and further reports on the use rate and success will be provided.
- (6) Perry Williams, Engineer for the Town of Yadkinville, reported that the SCADA system for Lydall had not been installed as agreed. Clerk Brown has been searching minutes and old records and has not found an agreement that addressed a SCADA system for Lydall. Commissioner Wooten suggested this may have been prior to 2004. Further information will be provided when available.

CALENDAR NOTES

Chairman Wagoner reviewed the calendar notes. Chairman Wagoner also encouraged everyone to donate blood during the American Red Cross Blood Drive on Wednesday, December 17, 2008 at the T5 Unifi plant. Commissioner Moxley questioned his attendance at the audit review. Clerk Brown explained that the schedule was created prior to Commissioner Moxley's confirmation of attendance.

COMMISSIONER COMMENTS

Vice Chairman Austin had these additional comments:

- (1) Vice Chairman Austin, as well as Chairman Wagoner and Commissioner Garner, had attended a Christmas party for the Yadkin

County Rescue Squad over the previous weekend. Vice Chairman Austin announced that the Ladies Auxiliary presented a \$15,000 check to the Rescue Squad as a matching amount for a grant. Vice Chairman Austin commented that it is impressive to see Yadkin County folks working together to make this happen. Chairman Wagoner added that the Ladies Auxiliary holds this fundraiser every year and has been able to provide a substantial amount of funds.

- (2) Vice Chairman Austin invited all to attend a breakfast sponsored by the Rotary Club at the Days Inn in Yadkinville at 7:30am on Tuesday, December 16. The speaker will be Dr. Linda Combs, a former controller for the United States.
- (3) Budget crunches were among the topics at the recent Commissioners' School. Vice Chairman Austin remarked that he is exceedingly nervous that Yadkin County will experience a great shortfall at the end of this fiscal year. Further, Yadkin County must take some measures to change its course. Vice Chairman Austin had no specific suggestions but did comment that Governor Easley asked all state departments to cut their current budget by 3, 5, or 7%. Vice Chairman Austin asked if it would be reasonable to ask County departments to do the same. Commissioner Wooten asked Manager Kiser to discuss possible budget cuts with each department and present any suggestions at a subsequent meeting. In addition, Vice Chairman Austin suggested that each department make budget projections for the remainder of the year based on the first 5 months of spending. Manager Kiser reminded the Board that several items were not properly budgeted and must now be appropriated. Manager Kiser also noted the reduction in fuel costs compared to the beginning of the fiscal year. Manager Kiser reported that he had already talked to some departments about identifying areas that could be cut and he will continue these discussions with all of the departments.
- (4) Vice Chairman Austin stated that the Reavis Road area is a gem for Yadkin County in regard to economic development. Vice Chairman Austin asked fellow Board members not to consider these comments as a ploy against the jail situation, but to consider partnering with land-owners to develop the area for economic potential.

Vice Chairman Austin made a motion to hire the consulting firm of Sanford Holshauser, at a cost not to exceed \$10,000, to complete an economic development study of the Hoots and Reavis Road area. Commissioner Wooten second. County Manager Kiser suggested that the County ask for a proposal from Sanford Holshauser rather than making a firm commitment at this time.

Vice Chairman Austin made a motion to amend the original motion to state that Sanford Holshauser should be contacted for a proposal for an economic development study of the Hoots and Reavis Road area. Commissioner Wooten second the motion to amend.

Vote: 5/0

Commissioner Garner had these additional comments:

- (1) Phyllis Adams had recently hired Jamie Brown for a position in the Tax Administration office. Ms. Brown was the former Town Clerk of Boonville with over 300 hours of earned sick leave. Commissioner Garner noted that the Board made the decision in October not to allow the transfer of time even though similar transfers have been approved. Commissioner Wooten noted that transfer of leave time is not in the County policy and each situation is negotiated independently. Commissioner Wooten also noted pay scale errors that occurred at the time of hire under the prior County Manager. Some discussion followed regarding the County personnel policy. Manager Kiser noted that the personnel committee needs to review this particular issue and several others. Commissioner Wooten stated that the new hire was promised that her leave hours would transfer. Though Commissioner Wooten did not agree with the way this new hire was conducted, Commissioner Wooten felt the County was obligated to fulfill the promise. Commissioner Wooten also remarked that the personnel policy should be updated so there will be no concerns of this sort in the future.
- (2) Commissioner Garner made note of President Elect Obama's road projects and road plan. Further, Commissioner Garner remarked that these plans could be beneficial to Yadkin County and that Yadkin

County should be pro-active in securing any potential funding under the new administration.

Commissioner Moxley had no additional comments at this time.

Commissioner Wooten had these additional comments:

Commissioner Wooten made a motion to suspend all further action on jail construction and finance until the following can be addressed or obtained:

- **staffing costs**
- **transportation costs**
- **contract review with Aramark**
- **operating costs**
- **estimated cost per inmate per day**
- **the need for additional tracks of land**
- **who, why, and when was the jail facility changed to 'male' only**
- **new facility estimates are \$69 to \$104 per day per inmate when we are currently paying \$45 per day per inmate.**

Vice Chairman Austin second. Vice Chairman Austin asked at what point would the Board normally address operating costs. Chairman Wagoner commented that Commissioner Wooten's argument could be used on all County services and facilities. The hospital is one example. It may be cheaper and involve less administration to let the hospital close and all Yadkin County residents use hospitals that are 20 miles away. However, the hospital provides a service and a convenience for the residents of Yadkin County and is more likely to draw industry. A jail is a holding facility for individuals awaiting trial. Chairman Wagoner acknowledged Sheriff Cain's effort in housing inmates in other facilities awaiting their trial. There comes a point when you must stop relying on your fellow man and accomplish some things for yourself. Chairman Wagoner remarked that halting progress on the jail would be a foolish thing to do and would infuriate Judge Craig. Chairman Wagoner cannot confirm the numbers provided by Commissioner Wooten. Perhaps if Yadkin is not willing to accept its responsibilities, Yadkin County could be divided 3 ways between Davie, Surry, and Forsyth. Commissioner Wooten noted several concerns for the size of the kitchen and questions of contracts with Aramark. Brief discussion followed.

Attorney Graham noted that Vice Chairman Austin should be excused from the vote.

Commissioner Garner made a motion to excuse Kevin Austin from the vote based on the potential effect on his property values by the location of the jail. Commissioner Moxley second.

Vote: 4/0

[Restated]

Commissioner Wooten made a motion to suspend all further action on jail construction and finance until the following can be addressed or obtained:

- **staffing costs**
- **transportation costs**
- **contract review with Aramark**
- **operating costs**
- **estimated cost per inmate per day**
- **the need for additional tracks of land**
- **who, why, and when was the jail facility changed to 'male' only**
- **new facility estimates are \$69 to \$104 per day per inmate when we are currently paying \$45 per day per inmate.**

Vice Chairman Austin second.

Vote: 1/3 (Motion failed with Garner, Moxley, and Wagoner voting against.)

Commissioner Wooten asked that these estimated costs be determined and that these questions be addressed.

Commissioner Wagoner had these additional comments:

- (1) Commissioner Wagoner noted that his previous vote on the jail financing was not to be interpreted as delaying progress, but that he felt the 15 year financing was not the prudent action to take.
- (2) The Yadkin County Board of Education has invited the Board of Commissioners to lunch at 12:00 noon on Monday, January 5 at Forbush High School with a tour of the Forbush Middle School site to follow.

Chairman Wagoner made a motion to enter a closed session for consultation with the County attorney per NCGS 143.318-11(a)(2). Vice Chairman Austin second.

Vote: 5/0

Commissioner Wooten made a motion to end the Closed Session. Chairman Wagoner second.

Vote: 5/0

Commissioner Garner made a motion to secure the legal services of Bell, Davis, and Pitt for the new jail litigation. Commissioner Moxley second.

Vice Chairman Austin asked to be excused from the vote.

Commissioner Garner made a motion to excuse Vice Chairman Austin from the vote on legal representation. Commissioner Moxley second.

Vote: 5/0

[Restated]

Commissioner Garner made a motion to secure the legal services of Bell, Davis, and Pitt for the new jail litigation. Commissioner Moxley second.

Vote: 3/1 (Wooten against)

Commissioner Wooten commented that the law firm of Bell, Davis, and Pitt is not appropriate for this issue and that he has some concerns for the prior fees and assessments by this firm.

Commissioner Wooten made a motion to adjourn. Vice Chairman Austin second.

Vote: 5/0

Meeting adjourned at 12:05am.

Prepared by the Clerk to the Board

Date approved by the Yadkin County Board of Commissioners