

**YADKIN COUNTY BOARD OF COMMISSIONERS
NOTICE OF MEETING**

Yadkin County Human Resources Building
217 East Willow Street, Yadkinville, NC 27055

Monday, October 19, 2020

7:00pm

A G E N D A

“The Yadkin County Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.”

NO.	TIME	ITEM	PRESENTER	PAGE
I.		<u>Invocation</u>		
II.	7:00pm	<u>Call to Order</u>	Chairman Austin	
III.	7:01pm	<u>Pledge of Allegiance</u>	Chairman Austin	
IV.	7:05pm	<u>Adjustments/Adoption of Agenda</u>	The Board	
V.	7:10pm	<u>Public Comments</u> **Special Note: The public is asked to limit comments to no more than 5 minutes. Comments must be made in a civil and calm manner. There is a limit of no more than 2 speakers “for” and 2 speakers “against” any particular issue, but the issue must relate to matters that are within the authority or jurisdiction of the Board of Commissioners. Comments must be made to the Board as a whole and not towards Commissioners individually. Any issue requiring an actual vote of the Board may not be considered, at the earliest, until the next Regular Meeting. Finally, the Board may vote to amend these rules under unique circumstances.		
VI.	7:15pm	<u>Approval of Minutes:</u> October 5, 2020 – Regular Session October 5, 2020 – Closed Session	The Board	4-10 11-13
VII.	7:20pm	<u>Reports/Requests of the Board:</u> 1) None.		
VIII.	7:20pm	<u>Consent Agenda:</u> 1) Budget Amendments for: a) Administration/Building Improvements. 2) Approve Tax Adjustments & Refunds for September		14-15 16-20

2020.

- | | | |
|----|--|-------|
| 3) | Approve Advanced Mailing Systems/Quadient Inc and Affiliates Contract for Postage Machine Services. | 21-34 |
| 4) | Approve Children's Center of Northwest NC Contract for Community Service. | 35-40 |
| 5) | Approve Yadkin Valley Telephone Membership Corporation/Yadtel Contract for Fiber Optics for PSAP Backup. | 41-49 |
| 6) | Approve WorkForce Unlimited Contract for a COVID Contract Employee. | 50-62 |
| 7) | Approve Wilkes Connections Contract Amendment for Additional Network Drops. | 63-77 |

IX. 7:25pm

Public Hearing/Action to Set Public Hearing:

** Special Note: Comments are limited to 15 minutes 'for' and 15 minutes 'against' any one issue with an additional 15 minutes for administrative discussion.

- 1) None.

X. 7:25pm

Board Action:

County Manager, Lisa Hughes

- | | | |
|----|--|-------|
| 1) | Approve Payment of Prior Year Yadkin Guarantee Invoice. | 78-79 |
| 2) | Approve Resolution Regarding Legal Services for Real Property Purchases. | 80-85 |

XI. 7:35pm

Calendar Notes:

- | | | |
|----|--|----|
| 1) | October 22, 2020 – Joint Meeting with Human Services Advisory Committee and Annual Board of Health Training will be held at 6:00pm in the Board of Commissioners Room. | 86 |
| 2) | November 11, 2020 – County Offices Closed for Veteran's Day. | |
| 3) | November 26 - 27, 2020 – County Offices Closed for Thanksgiving. | |
| 4) | November 30, 2020 – Joint Meeting with the Board of Education. | |

XII. 7:40pm

Manager's Reports / Board Action:

County Manager, Lisa Hughes

- | | | |
|----|-------|----|
| 1) | None. | 87 |
|----|-------|----|

XIII. 7:40pm

Managers Budget Amendments & Contracts / No Action Required:

County Manager, Lisa Hughes

- | | | |
|----|--|-------|
| 1) | Human Services/WIC Funds Transfer (\$2,415). | 88-89 |
|----|--|-------|

XIV. 7:45pm

Board Vacancies/Appointments:

Clerk, Tanya Gentry

- 1) There are Three Vacancies on the Joint Nursing

Home Adult Care Home Committee.

- 2) There is a Vacancy on the Historic Richmond Hill Law School Commission.
- 3) There is a Vacancy on the Surry County Housing Consortium.
- 4) Appointment to The Public Libraries of Yadkin County Board of Trustees.

90-91

XV. 7:50pm **Commissioner Comments** The Board
(Commissioner Welborn went first last time)

XVI. 7:55pm **Recess**
(Time may vary at discretion of Chairman Austin)

CLOSED SESSION

Pursuant to NCGS 143-318.11(a)(1)(3)(4)(5)(6) to discuss Personnel Matters and to Protect Personnel Information that is Confidential under NCGS 153A-98, and 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 and Pursuant to NCGS 131E-97.3 to discuss Confidential Competitive Health Care Information.

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XVII. **Adjournment**

Special Note to the Public: *Any individual with a disability who wishes to attend or participate in the Commission meeting is asked to contact the Office of the Clerk to the Board or the County Manager at 336-849-7900 no later than 12:00 noon on the Friday prior to the Monday meeting so that adequate plans for accommodation can be arranged.*

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Administration / Tanya Gentry

Request:

Authorize the attached budget amendments.

Background:(Justification for request, please be specific)

The FY2021 Budget Ordinance was adopted by fund and department. The Departments have requested the Board approve the attached budget amendments.

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

Varies depending upon the budget amendment.

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

approve the attached budget amendments as presented.

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Tax Department/ 10-8-2020/Clayton Campbell

Request:

To approve tax adjustments and refunds for the month of September 2020

Background:(Justification for request, please be specific)

Adjustments and Refunds will be sent to the Board of Commissioners for approval. Some adjustments will result in refunds and some will be adjusted with a new bill sent out.

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

The real and personal bills that were included in the estimated amount of revenue for the 2020-2021 budget year that are adjusted will reduce the amount of tax revenue for the 2020-2021 tax year. The vehicles on the new system are not charged to the tax collector but will reduce the amount of revenue for the County. Any discovery or deferred tax bills were NOT included in the original estimated amount of revenue for the 2020-2021 budget year.

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

Recommended Motion: To approve the attached list of adjustments and refunds for the month of September 2020.

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Tax Department / 10/08/2020 / Clayton Campbell

Request:

To request that the Yadkin County Board of Commissioners approve the Lease Agreement for Advanced Mailing Systems Inc.

Background:(Justification for request, please be specific)

Advanced Mailing Systems Inc has been providing the postage meter equipment and service located in the Tax Office used by the Tax Office and Register of Deeds Office. This is a new lease agreement and new equipment.

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

The service will continue in FY2021 and be funded through the FY2021 budget. The new lease will be less than the cost budgeted for FY2021.

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

Recommended Motion: To approve the Lease Agreement between Yadkin County and Advanced Mailing Systems Inc.

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Parks and Recreation / 10-12-20 / Jason Walker

Request:

Request to approve a contract Children's Center of Northwest NC.

Background:(Justification for request, please be specific)

The Children's Center of Northwest North Carolina works with youth offenders in the North Carolina Court system. These offenders will be placed in various departments within the county in order to complete their community service. The Children's Center will provide liability insurance for these workers.

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

This will not have an impact on budget.

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

....motion to approve the contract with The Children's Center of Northwest North Carolina to provide community service workers.

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Sheriff / 10-12-2020 / L.Nations

Request:

To approve the Yadtel contract

Background:(Justification for request, please be specific)

Yadtel provides Fiber Optic Cable services for the Yadkin County 911 and the 911 PSAP Backup.

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

Contract cost budgeted for and approved in the FY2021 Manager's Budget from expense code 2754312-54200 (911/Telephone).

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

Approve the Yadtel contract for FY2021, for Fiber Optic Cable Services, and allow the County Manager to approve and enforce the contract.

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Yadkin County Human Services Medical Clinic, 10/09/2020, Robin Yarboro.

Request:

This request is for the Yadkin County Board of County Commissioners to approve the Agreement with Work Force Unlimited LLC.

Background:(Justification for request, please be specific)

In April 2020 the Yadkin County Emergency Operations center was activated using Medical Clinic personnel. In attempt to return staff to their normal job duties we would like to contract with Work Force Unlimited to provide an Administrative Assistant to help with Covid tracking at the EOC.

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

This Contract will be totally funded using Covid funds. This is a 21 month contract for \$48,225.00.

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

Motion for the Board of County Commissioners to approve the contract agreement with the Work Force Unlimited Contract and authorize the County Manager to sign the agreement.

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Information Technology \ 10/13/20 \ Dale Ring

Request:

Approve Contract amendment for Wilkes connections to add network drops in the shell space.

Background:(Justification for request, please be specific)

The unfinished shell space was not included in the initial quote request so it is not included in the current contract. This amendment will add a total of 47 additional network drops for shell space, including 1 office move, & 2 additional cameras.

The current contract is No: 2021260

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

The original contract is \$14,258.15 and the amendment will add \$5,170.00 for a new total of \$19,428.15 from 4054961-51500

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

approve the Wilkes Connections contract amendment increasing the contract by \$5,170.00 for a new contract total of \$19,428.15 and authorize the County Manager to sign it, pending Finance Officer approval.

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Finance / October 09 2020/ Lindsey Cearlock

Request:

To approve payment of a prior year invoices in the amount of \$141.23

Background:(Justification for request, please be specific)

Invoice for student books paid for by the Yadkin Guarantee.

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

Funds will be paid from current year funds (1055920-57501), there are sufficient funds available.

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

Approve payment of prior year invoice.

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Administration / October 12, 2020 / Lisa L. Hughes

Request:

Adopt a Resolution concerning Frank C. Zachary, PLLC providing legal services to Yadkin County.

Background:(Justification for request, please be specific)

NCGS 14-234 allows the County to enter into a contract with the law firm Commissioner Zachary owns. The contract would allow the law firm, Frank C. Zachary, PLLC to provide legal services pertaining to the purchase of real property. The Board will need to adopt a resolution and authorize the County Manager to prepare and execute a contract for the services to be performed. The NCGS 14-234 information is included in the Resolution.

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

The cost of the services will not exceed \$1,500 and funds are available in the FY2021 Non-Departmental Professional Services expenditure line.

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

adopt the Resolution regarding legal services not to exceed \$1,500 for real property purchases by the County of Yadkin and to authorize the County Manager to prepare and execute a contract with Frank C. Zachary, PLLC for said legal services.

**RESOLUTION REGARDING LEGAL SERVICES
FOR REAL PROPERTY PURCHASES BY THE COUNTY OF YADKIN**

WHEREAS, Frank C. Zachary officially took office on December 3, 2018 for his current term as Commissioner of the County of Yadkin Board of Commissioners; and,

WHEREAS, Commissioner Zachary is the owner of a Law Firm named Frank C. Zachary, PLLC; and,

WHEREAS, the County of Yadkin is in the process of purchasing various real property and needs an experienced attorney who practices real property law and is certified and approved by banking institutions and title insurance companies; and,

WHEREAS, in every effort to take extraordinary caution and not violate North Carolina General Statute 14-234, Frank C. Zachary individually and as Commissioner for the County of Yadkin fully understands that by providing legal services to the County of Yadkin, he cannot and will not use the County of Yadkin as a reference site or referral wherein Frank C. Zachary may benefit personally, so long as the above-referenced statute remains applicable by Commissioner Zachary remaining in the elected office of a County of Yadkin Commissioner. Further, it is the full understanding of the Board of Commissioners and Commissioner Zachary, individually and as the owner of the Law Firm of Frank C. Zachary, PLLC, that there is value attached to services; and,

WHEREAS, the Law Firm of Frank C. Zachary, PLLC, desires to provide legal services to the County of Yadkin, parenthetically, North Carolina General Statute 14-234 permits, under limited conditions, Commissioner Zachary to be owner of the Law Firm of Frank C. Zachary, PLLC, and the Law Firm of Frank C. Zachary, PLLC to provide the County of Yadkin with a title search and closing documents as long as NCGS 14-234 is not violated.

NCGS 14-234 is as follows:

Public officers or employees benefiting from public contracts; exceptions.

- (a) (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.
- (2) A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.
- (3) No public officer or employee may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.

- (a1) For purposes of this section:
- (1) As used in this section, the term "public officer" means an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.
 - (2) A public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.
 - (3) A public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract. A public officer is also involved in making a contract if the board, commission, or other body of which he or she is a member takes action on the contract, whether or not the public officer actually participates in that action, unless the contract is approved under an exception to this section under which the public officer is allowed to benefit and is prohibited from voting.
 - (4) A public officer or employee derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract.
 - (5) A public officer or employee is not involved in making or administering a contract solely because of the performance of ministerial duties related to the contract.
- (b) Subdivision (a)(1) of this section does not apply to any of the following:
- (1) Any contract between a public agency and a bank, banking institution, savings and loan association, or with a public utility regulated under the provisions of Chapter 62 of the General Statutes.
 - (2) An interest in property conveyed by an officer or employee of a public agency under a judgment, including a consent judgment, entered by a superior court judge in a condemnation proceeding initiated by the public agency.
 - (3) Any employment relationship between a public agency and the spouse of a public officer of the agency.
 - (4) Remuneration from a public agency for services, facilities, or supplies furnished directly to needy individuals by a public officer or employee of the agency under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by the agency if: (i) the programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; (ii) neither the agency nor any of its employees or agents, have control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance; (iii) the remuneration for the services, facilities or supplies are in the same amount as would be paid to any other provider; and (iv) although the public officer or employee may participate in making determinations of eligibility of needy persons to receive the assistance, he or she takes no part in approving his or her own bill or claim for remuneration.

(b1) No public officer who will derive a direct benefit from a contract entered into under subsection (b) of this section may deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.

(c) through (d) Repealed by Session Laws 2001-409, s. 1, effective July 1, 2002.

(d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 15,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 15,000 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 15,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

- (1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twenty thousand dollars (\$20,000) for medically related services and forty thousand dollars (\$40,000) for other goods or services within a 12-month period.
- (2) The official entering into the contract with the unit or agency does not participate in any way or vote.
- (3) The total annual amount of contracts with each official shall be specifically noted in the audited annual financial statement of the village, town, city, or county.
- (4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

(d2) Subsection (d1) of this section does not apply to contracts that are subject to Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.

(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Article 72 of Chapter 106 of the General Statutes, the Community Conservation Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes, or the Agricultural Water Resources Assistance Program created pursuant to Article 5 of Chapter 139 of the General Statutes by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met.

(d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a member of the Commission has an interest provided that the requirements of G.S. 143-717(h) are met.

(d5) This section does not apply to a public hospital subject to G.S. 131E-14.2 or a public hospital authority subject to G.S. 131E-21.

(d6) This section does not apply to employment contracts between the State Board of Education and its chief executive officer.

(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor.

(f) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when: (i) immediate termination would result in harm to the public health or welfare, and (ii) the continuation is approved as provided in this subsection. A public agency that is a party to the contract may request approval to continue contracts under this subsection as follows:

- (1) Local governments, as defined in G.S. 159-7(15), public authorities, as defined in G.S. 159-7(10), local school administrative units, and community colleges may request approval from the chair of the Local Government Commission.
- (2) All other public agencies may request approval from the State Director of the Budget.

Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare.

WHEREAS, within the County of Yadkin, there is located no village, town or city with a population of more than 15,000 according to the most recent official census; and,

WHEREAS, the County of Yadkin Board of Commissioners and Commissioner Zachary acknowledge that they fully understand the terms, meaning and consequences of NCGS 14-234; and,

WHEREAS, Commissioner Zachary cannot and will not vote for the passage or denial of this Resolution pursuant to NCGS 14-234 and other applicable laws; and,

WHEREAS, the County of Yadkin authorizes an expenditure not to exceed the sum of \$1,500.00 for such services.

NOW THEREFORE BE IT RESOLVED, that the County of Yadkin Board of Commissioners formally authorize the acceptance, and does hereby grant the Law Firm of Frank C. Zachary, PLLC a contract for legal services in the purchase of real property.

This the 19th day of October, 2020.

COUNTY OF YADKIN

BY: _____
Kevin Austin, Chairman
Yadkin County Board of Commissioners

ATTEST:

Tanya Gentry, Clerk to the Board

(Seal)

Calendar Notes:

- 1) October 22, 2020 – Joint Meeting with Human Services Advisory Committee and Annual Board of Health Training will be held at 6:00pm in the Board of Commissioners Room.
- 2) November 11, 2020 – County Offices Closed for Veteran’s Day
- 3) November 26 - 27, 2020 – County Offices Closed for Thanksgiving.
- 4) November 30, 2020 – Joint Meeting with the Board of Education.

Manager's Reports / **Board Action**

Manager's Budget Amendments

& Contracts

No Action Required

Department	Purpose
Human Services/WIC	
WIC Client Services Supplies & Materials (2,415)	Transfer of funds needed to purchase a new hemoglobin machine.
WIC Client Services Equipment <\$5000 2,415	

YADKIN COUNTY AGENDA ABSTRACT

Department / Date Submitted to Clerk / Submitted by:

Administration / 10-12-2020 / Tanya Gentry

Request:

Appointment for The Public Libraries of Yadkin County Board of Trustees.

Background:(Justification for request, please be specific)

Dr. Wayne Matthews served on The Public Libraries of Yadkin County Board of Trustees so there is a vacancy on the Board. A recommendation has been submitted to appoint Mayor Archie Hicks to fill that vacancy.

Fiscal / Budgetary Effect: (include financial impact on the current fiscal year budget, future years' budgets and increase/decrease from last fiscal year's amount)

NA

Motion:(Please type a recommended motion for Board consideration)

Make a motion to...

appoint Archie Hicks to fill Dr. Wayne Matthews' unexpired term on The Public Libraries of Yadkin County Board of Trustees.