COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MINUTES
Monday, February 21, 2022
The Board of Commissioners of the County of Yadkin, State of North Carolina, met in Regular Session in the Commissioners’ Meeting Room of the Yadkin County Human Resources Building located at 217 East Willow Street, Yadkinville, NC on February 21, 2022 at 7:00pm.

Present were:
Chairman Kevin Austin
Vice Chairman David Moxley
Commissioner Gilbert Hemric
Commissioner Frank Zachary

Absent were:
Commissioner Marion Welborn

Staff present: County Attorney, Ed Powell; County Manager, Lisa Hughes; Clerk to the Board, Tanya Gentry; Assistant County Manager, Drew Hinkle; Finance Officer, Lindsey Cearlock; EMS Director, Keith Vestal.

INVOCATION given by Chairman Austin.

CALL TO ORDER by Chairman Austin at 7:01pm.

PLEDGE OF ALLEGIANCE led by Chairman Austin.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA
Vice Chairman Moxley made a motion to adopt the Agenda as presented. Commissioner Hemric second.
Vote: 4/0.

PUBLIC COMMENTS
There is a limit of no more than 2 speakers “for” and 2 speakers “against” any particular issue. Chairman Austin asked the Board to consider waiving that rule. Vice Chairman Moxley made a motion to waive the limit on the number of speakers. Commissioner Zachary second.
Vote: 4/0.

Ryan Crater, of Hamptonville, addressed the Board. His property borders the 500 acre property that is a potential mining site. He thanked the Board for their service. The group he is in has sent the Board a video clip about what is going on in Gaston County. Gaston County is in turmoil. Litigation and mediation is going on there due to the deceptive practices of the mining company. The people from Gaston County they spoke with wished action had been taken sooner. The group wants Yadkin County to be in the driver’s seat when it comes to making decisions about mining. They would like Yadkin County to put some kind of county-wide mining ordinance in place. They know there are three wells on the property that are being monitored. The group believes a mining operation is coming. A mining operation will affect more than just the nearby property owners. It will affect Hamptonville Lake and the environment. It will affect West Yadkin Elementary School. He is not sure what the process is to put an ordinance in place but he asked Yadkin County to act swiftly.

Luke Storie addressed the Board. He is a Physical Education teacher at West Yadkin Elementary School. He is concerned about the blasting that may occur on the 500 acre property. It is very close to the School. What would the blasting and ground tremors do to the school buildings? They are not the newest buildings. He is concerned that blasting could affect the foundations of those buildings. If the buildings are condemned, what would they do? Where would the students and staff go? Would they be relocated to other schools? He doesn’t think mobile units could be brought in with blasting going on nearby. How would the blasting affect the social and emotional wellbeing of the students? They had a fire drill at the School today and he could see in their faces how it affected some of the children. He wouldn’t want to see that look every day. What will a mining or fracking operation due to the air quality? Studies have been done all over the world and mining dust is not good for children. It is not good for their developing lungs, hearts, or brains. The closer in proximity you are to the mine, the worse it is. People don’t want their children exposed to that.
The children could possibly develop asthma or COPD from it. He doesn’t want the students at West Yadkin Elementary School to become part of one of the studies on how mining dust affects children. Whether it is a mining operation, a fracking operation, a refinery, or a processing plant, it should be prevented from operating anywhere near one of the schools. He doesn’t want the children’s wellbeing and future health to be put in danger by these kinds of operations. At what point, not just in Yadkin County, but in the world, are we going to consider the quality of life over profit. In this situation we need to consider the quality of life of children over someone’s profit.

Ron Duncan, of Hamptonville, addressed the Board. He is not originally from Yadkin County. His father was in the Army and he was in the Army. When he retired from the Army, his family started looking for a good place to live and they chose Yadkin County. They found a house off the highway they liked and could afford. The creek behind the house had salamanders in it. The old barn had lichen on the wood. Salamanders can only live in good water. He didn’t need a water quality test, the salamanders were the water quality test. Lichen can only live where the air quality is good. They raised their boys here and their grandchildren visit them here. It means something to them. He is afraid the potential mining operation will make them lose the good water quality they have now. From his research, lithium mines can affect water quality 150 miles downstream. Fish 150 miles downstream will be inedible. There will be advisories issued. He lived in an area in Georgia where you couldn’t eat the fish. They banned Army training there because they couldn’t get in the river because of waste water coming down from Atlanta. They had to go somewhere else for their river training. Water is a war planning consideration right now. He knows people who have lived here all of their life who have always got their water from the ground and the water was always good. A mining operation brings economic issues, as well as environmental issues. What will happen if the water is contaminated? Who is going to pay for them to get good water? What happens if a fire department is needed? Who is going to pay for that? What is going to happen if the School has to be relocated? What is going to happen to the property values? County taxes are paid by all the residents so any increase in costs affects all the residents. There are nesting pairs of eagles at Lake Hampton. A mining operation will impact the environment and the water.

Cynthia Prevette, of Hamptonville, addressed the Board. She is a retired teacher who taught at West Yadkin Elementary School. She has done some reading and attended some of the Hamptonville group’s meetings. When the monitoring wells appeared, her concern grew. It is real now. Something is happening on the property. For her, it doesn’t matter how many jobs it brings to Yadkin County if it destroys the quality of life that brought them all to live here. They have been in their home for 35 years. They evaluated living there many times over those years and the answer was always that Yadkin County is the place they want to be. Yadkin County has good people, clean air, clean water, a place to play, good neighbors, good schools, and the list goes on and on. Her daughter has lived in various places in North Carolina. When she left she said she wouldn’t come back here but after 10 years of living in those other places she decided she did want to live in Yadkin County. Yadkin County is a wonderful place to live and raise children. When the Land Use Plan came out, she read it and shared it with her children. She explained to them that the atmosphere that was created by that Plan is why they were living where they were. She thanked the Board for the work they have done. Lake Hampton has been a thrill for her family and her extended family. It is exciting to put her grandchildren in a stroller and walk around the Lake and see the birds. They enjoy visiting Memorial Park. She asked the Board to look at the whole picture and remember why we all love Yadkin County, remember that Plan that describes a place that we all love living in. She thanked them for their service.

Danny Steelman, of Hamptonville, addressed the Board. A lot of people are concerned. They still don’t know exactly what is going on with the 500 acre property but they know enough that it concerns them. People are beginning to see that their Hamptonville group is trying to push this concept of banning future mining. The reason for that is, they want the County to be in the driver’s seat. Some of the people have spoken with them about not having a full ban on mining. They previously presented their proposals to the County. First of all, they would want a full ban on mining but secondly maybe it could be a ban on mining except for crushed stone, like the quarries that are here now. Quarries historically don’t pose too much of a threat. They are not toxic. The reason they are pushing for a ban would be to protect people against a toxic situation that they are not familiar with. Some of the idea of not wanting to have a full ban is coming from people not wanting to be told what they can do with their land, with their property. They want to have freedom to do whatever they want to do. He wanted to put things in perspective. He reviewed the Zoning Ordinance that is approximately 150 pages. We wouldn’t have that if we weren’t concerned about letting
people do whatever they want to do on their property. The purpose of zoning regulations and ordinances is to control what people do so that is not harmful to other people. It helps keep the community, as a whole, healthy and safe. Reviewing the zoning rules and regulations helped him realize how things work in the County and in all counties and all states across this great nation. There is a County Planning Department and that in itself says that we need to do planning and have some control over what people do. There is a Board of Adjustment, a Planning Board, a Zoning Administrator, Special Use Permits, Zoning permits, Building Permits, Electrical Permits, Water Well Permits, and development plans. There is endless inspections and controls on what is built and how it is built. He is not saying that is bad. It is a good thing. Those things are needed for public safety and the wellbeing of everybody. There are also watershed regulations. There are Certificates of Occupancy and Compliance, other permits, administrative procedures, vested rights, and enforcement and penalties for people who don’t do what they are supposed to do according to the rules and regulations. So, in effect, people are told what they can do on their property. He noticed when he reviewed the Zoning Ordinance that there are six pages of wireless communication tower regulations and ordinances. He didn’t realize that the County had anything to do with the Elkin municipal airport but there are three pages of ordinances against an overlay district. After reading it he understood. There is a part of Yadkin County that is approachable by the airport. There are twelve pages of solar energy facility ordinances and regulations. There is approximately 2.5 pages of swine farm regulations. One of the things that is interesting about swine farms is that you cannot have an occupied residence or structure within 2,500 feet of a swine lagoon or swine house. He understands, and likes, that regulation. There are also regulations on campgrounds and manufactured home parks. He understands the need for rules and regulations and he likes that they are in place. It helps everyone live happily together. He saw a paragraph on mining regulations that consists of approximately 25 sentences. He things that toxic mining is a far greater risk to the publics’ safety than maybe anything he saw in the document, with the possible exception of swine farms. If it is toxic it is the worst potential threat we could have to the residents, the environment, the schools, public buildings, and businesses. That is why the Hamptonville group is here. They want to get things in balance. They want to get something in place before it is too late. He thanked the Board for giving them the time to speak tonight.

Melissa Money, of Hamptonville, addressed the Board. She spoke with the State Mining Permit program Director in Raleigh. Her largest concern with lithium mining is the potential contamination of wells and the groundwater. When lithium oxidizes it turns into arsenic. That can leach into the soil and get in the groundwater table. If it reaches the groundwater table, everyone’s wells are contaminated with arsenic. The majority of the people in Hamptonville that are near the property have private wells. That is a major concern for them.

Brad Storie, of Hamptonville, addressed the Board. He and his son own property that adjoins the 500 acre property. He was born and raised in Yadkin County. When he graduated college, he had job offers in a few places. He could have made more money if he went somewhere else but he chose to work in Yadkin County because he loves it here. He has always loved Yadkin County and he always will. He worked for the School System for 26 years. Many of his students, or parents of his students, are here tonight. He hopes the Commissioners will show them that they love Yadkin County as much as he does.

Chairman Austin closed the Public Comments at 7:31pm

APPROVAL OF MINUTES
The Board of Commissioners reviewed the January 31, 2022 Joint Session Minutes and the February 7, 2022 Regular and Closed Session Minutes. Commissioner Zachary made a motion to approve all three sets of minutes as presented. Commissioner Hemric second. Vote: 4/0.

REPORTS/REQUESTS OF THE BOARD
There were no reports to the Board.

CONSENT AGENDA
Vice Chairman Moxley made a motion to approve the Consent Agenda items as presented. Commissioner Zachary second. Vote: 4/0.
The Consent Agenda items that were approved by the Board are as follows:

**Tax Adjustments & Refunds for January 2022**
The Tax Office submitted the tax adjustments and refunds for the month of January 2022. The Board reviewed the information and approved the presented adjustments and refunds as requested.

**Tax Collector Order**
G.S. 105-369(a) requires the Tax Collector to report all the unpaid taxes and fees for the current tax year to the Board. The Board is required to order the Tax Collector to advertise those unpaid taxes and fees. The Board ordered the Tax Collector to advertise the unpaid taxes and fees for the tax year 2021-2022.

**USDA NRCS Contract Amendment**
The County has a contract with the USDA Natural Resources Conservation Service for them to provide funding for dam assessments to be completed for watershed structures #19A and #21. They requested the County have an environmental survey done. The survey is needed to determine if any endangered species are located within the assessment areas. A contract amendment is needed to add the environmental survey specification to the contract and increase the amount of funding the County is receiving to cover the additional costs. The Board approved the contract amendment and authorized the County Manager to sign it.

**Schnabel Engineering Survey Contract**
The County has a contract with Schnabel Engineering to perform the dam assessments on watershed structures #19A and #21. This contract is for them to perform the environmental survey that the USDA Natural Resources Conservation Service requested be added to those assessments. The funding the County receives from the USDA Natural Resources Conservation Service will cover the costs. The Board approved the contract.

**Schnabel Engineering EAP Contract**
Schnabel Engineering will update the Emergency Action Plans for watershed structure #5D and #19A as required per NC Dam Safety Laws. The Board approved the contract and authorized the County Manager to sign it.

**Hand Craft Services Contract**
Hand Craft Services will provide EMS with sanitary linens. Aramark was providing this service but they notified EMS that they will no longer be able to provide the service. The Board approved the Hand Craft Services contract and authorized the County Manager to sign it.

**PUBLIC HEARING/ACTION TO SET PUBLIC HEARING**
**Public Hearing on Rezoning PIN# 5859953372 from RA to RR**
There were no public hearings or actions to set a public hearing.

**BOARD ACTION**
**Abandoned Cemeteries Awareness Month Resolution**
Andrew Mackie, of the Yadkin County Historical Society, addressed the Board. For approximately the last twenty years, they have been studying the abandoned cemeteries in Yadkin County. They started out with an estimate of there being 600 abandoned cemeteries in the County and they have identified at least 300 of them. Abandoned cemeteries can be old family graveyards or cemeteries at former churches. In 2021 they studied 10 abandoned cemeteries. Some of them are old family graveyards. Two of them are former African Methodist Episcopal Church cemeteries. One of them is a large rock outcropping south of Lone Hickory Road that local property owners call an old Indian graveyard. It has not been confirmed that it is an old Indian graveyard. It is currently considered an anomaly. The site will be preserved until more research is done. One of them is a former enslaved cemetery that someone bulldozed approximately 20 years ago. The last burial there was in 1918. The Pearson Cemetery has about 50 graves and some of the graves may be enslaved burial sites. He thanked the Boy Scouts for helping them clear off abandoned cemeteries that are overgrown. He hopes that property owners will reach out to the Historical Society if they believe there is an abandoned cemetery on their property. He read the following resolution and asked the Board to adopt it:

**A RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS TO DECLARE MARCH 2022 ABANDONED CEMETERIES AWARENESS MONTH**

February 21, 2022

Regular Session

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WHEREAS, the abandoned cemeteries of Yadkin County constitute a valuable part of the County’s cultural heritage; and

WHEREAS, an abandoned cemetery is defined as not having had a burial in over 50 years, and there are approximately 600 abandoned cemeteries in Yadkin County; and

WHEREAS, the NC General Assembly has directed every county in North Carolina to assume responsibility for the protection of its abandoned cemeteries and to establish a record of said cemeteries in the Office of the Register of Deeds, which has been established in the Yadkin County Register of Deeds, and that each county should establish a cemetery maintenance fund in the Office of the Clerk of Court, which has been established in Yadkin County; and

WHEREAS, while some of these cemeteries in Yadkin County and surrounding counties are maintained by citizens, most of them are not maintained and are subject to desecration and destruction; and

WHEREAS, Carl C. Hoots made an initial survey of cemeteries in Yadkin County and published a record of the same in 1987, and the Yadkin County Historical Society, Inc. is now updating that work,

NOW, THEREFORE, BE IT RESOLVED that the abandoned cemeteries of Yadkin County constitute a valuable part of Yadkin County’s cultural heritage; the maintenance of these cemeteries by citizens in and out of the County is appreciated, and the desecration and destruction of said cemeteries are deplorable and illegal; the efforts of Carl C. Hoots and the Yadkin County Historical Society, Inc. to locate these cemeteries and record them is appreciated, and property owners in the County are encouraged to record these cemeteries on the deeds of their properties.

BE IT FURTHER RESOLVED that March 2022 be declared Abandoned Cemetery Awareness Month in Yadkin County.

Adopted by the Yadkin County Board of Commissioners on the 21st day of February, 2022.

Commissioner Zachary made a motion to adopt the Resolution to Declare March 2022 as Abandoned Cemeteries Awareness Month. Vice Chairman Moxley second.

Vote: 4/0.

Watershed Rehabilitation Alternatives
Jason Walker addressed the Board. At the previous Board of Commissioners meeting, Schnabel Engineering presented information on watershed structures #19A and #21. They also went over alternatives to rehabilitate each of the structures. For watershed structure #19A, they recommend alternative #3. That will entail raising the dam, raising the normal pool level, no dredging, and the use of a labyrinth weir auxiliary spillway. For watershed structure #21, they recommend alternative #1. That will entail raising the dam, dredging sediment, and the use of a labyrinth weir auxiliary spillway. Once this phase of the USDA Watershed Rehabilitation Program is complete, we will be able to move into the Design Phase. The USDA should cover 100% of the Design Phase costs. Commissioner Hemric made a motion to select alternative #3, as well as no additional land rights, for Watershed Structure #19A and alternative #1, as well as no additional land rights, for Structure #21 as recommended by the Natural Resources Conservation Service. Vice Chairman Moxley second.

Vote: 4/0.

Zachary Contract
County Manager Hughes addressed the Board. The County wants to purchase real property. County Manager Hughes would like the law firm that Commissioner Zachary owns to provide the legal services that are needed for the purchase. North Carolina General Statue 14-234 permits Yadkin County to enter into a contract with his law firm, as long as all of the conditions of the Statute are met. The contract with the law firm of Frank C. Zachary, PLLC will not exceed $1,000.00. Commissioner Zachary will need to be recused from the discussion and vote because he will benefit from the contract. Commissioner Zachary made a motion to recuse himself from taking action on this matter. Commissioner Hemric second.

Vote: 4/0.

The other Commissioners reviewed the contract.
Vice Chairman Moxley made a motion to approve the agreement with Frank C. Zachary, PLLC for legal services to purchase real property in Yadkin County. Commissioner Hemric second. Vote: 3/0. (Commissioner Zachary did not vote.)

CALENDAR NOTES
1) April 15, 2022 – The County offices will be closed for Good Friday.

MANAGER’S REPORTS/BOARD ACTION

State MOAs
The State is using DocuSign for some of their MOA agreements. Last week she received a Memorandum of Agreement (MOA) from the North Carolina Department of Public Safety. The agreement awards some funding to the Sheriff’s Office. As part of the State budget, each Sheriff’s Office is receiving a funding allocation. Currently, to get a State DocuSign agreement approved by the County, staff would download the agreement, upload it into our DocuSign, add a contract control form, and route it around for electronic signatures. Once the required signatures have been obtained, the agreement would come to the Board for approval. When the funding is received by the County, a budget amendment will come to the Board for approval. County Manager Hughes asked the Board to authorize her to sign State Memorandums of Agreement that come through DocuSign, that are only for the receipt of funding, which will also result in a budget amendment coming to the Board for approval. Commissioner Zachary made a motion to authorize the County Manager to sign Memorandums of Agreement issued by the State of NC appropriating funding for Yadkin County that do not require an expenditure of County funds, including those executed through DocuSign. Commissioner Hemric second. Vote: 4/0.

Home and Community Care Block Grant Funding
The PRTC Area Agency on Aging administers the Home and Community Care Block Grant (HCCBG) funding that goes to YVEDDI and New Horizons for expenditure. Yadkin County has received an additional $17,308.00 from the State. They want to increase YVEDDI’s Senior Center Operations funding by $23,655.00. They want to decrease New Horizons In-Home Aide Level II funding by $10,073.00 and increase their In-Home Aide Level III funding by $3,726.00. County Manager Hughes received the revised HCCBG County Funding Plan today. Commissioner Zachary made a motion to authorize the County Manager to sign the County Funding Plan for the Home and Community Care Block Grant Revision #1. Vice Chairman Moxley second. Vote: 4/0.

MANAGER’S BUDGET AMENDMENTS & CONTRACTS / NO ACTION REQUIRED

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Yadkin Concrete Finishing Contract
Yadkin Concrete Finishing will cut 2” off the back door of the former Cooperative Extension building and pour a cement ramp to prevent water issues.

BOARD VACANCIES/APPOINTMENTS

Joint Nursing Home Adult Care Home Community Advisory Committee
There are three vacancies on the Joint Nursing Home Adult Care Home Community Advisory Committee.

COMMISSIONER COMMENTS
Commissioner Zachary thanked everyone for being here tonight. It is always a pleasure to have citizens in attendance. He thanked Ryan Crater, Luke Storie, Brad Storie, Ron Duncan, Cynthia Prevette, Danny Steelman, and Melissa Money for coming. Three former County Commissioners, Billy Williams, Mike Crouse, and Brady Wooten, have passed away in the last three months. He had the honor of serving with
Billy Williams and Mike Crouse. He appreciates the service they provided to the County. His thoughts are with their families.

**Vice Chairman Moxley** thanked everyone for coming tonight. He thanked Ryan Crater, Luke Storie, Ron Duncan, Cynthia Prevette, Danny Steelman, Melissa Money, and Brad Storie for coming. He agrees with the speakers who commented on what a great place Yadkin County is to raise children. He thanked Andrew Mackie for his work on the abandoned cemeteries. He also wanted to thank everyone else who works on the abandoned cemeteries. He hated to hear that one of the abandoned cemeteries was destroyed. There is a process for cemeteries to be moved. He would have liked for that cemetery to be moved. He thanked Jason Walker for his work on the watershed dams. He served two years with former County Commissioner Brady Wooten. He appreciates the service the three former County Commissioners provided to the County. He will keep their families in his thoughts.

**Commissioner Hemric** thanked everyone for coming out tonight. He thanked Ryan Crater, Luke Storie, Ron Duncan, Cynthia Prevette, Danny Steelman, Melissa Money, and Brad Storie for their comments. He thanked Andrew Mackie for his work on the abandoned cemeteries. He appreciates the service the three former County Commissioners provided to the County. They will be missed.

**Chairman Austin** thanked all the speakers for their comments. He appreciated everyone coming and speaking on behalf of themselves and others in their group. The group has been working to gather information to share with the Board and County staff. The Board loves Yadkin County. They are elected to preserve Yadkin County; to protect it, to protect the people of Yadkin County, to protect the lifestyle, to protect everything that is good about Yadkin County. He vowed that is what the Board will do. They have been having a lot of conversations with the staff, and the staff has been speaking with others, about these issues. He thanked Andrew Mackie and Ms. Bond for being here. He thanked them for their work with abandoned cemeteries. He wished them luck in continuing to find the abandoned cemeteries so they can be placed on the record and preserved. It is important. He thanked Jason Walker for his work on the watershed structures. The 15 structures around the County provide necessary flood control. The County has done a lot of work to construct the 5D structure and create Lake Hampton. They have done a lot to protect that area. Motorized, gas powered vehicles are not allowed in Lake Hampton. He thanked the staff for all of their work.

Chairman Austin made a motion to go into 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. Commissioner Hemric second.

Vote: 4/0.

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

Vote: 4/0.

\[Signature\]

Kevin Austin, Chairman
Yadkin County Board of Commissioners

\[Signature\]

Prepared by Tanya Gentry
Clerk to the Board

3/7/2022

Date approved by the
Yadkin County Board of Commissioners