

# YADKIN COUNTY BOARD OF COMMISSIONERS REGULAR SESSION MINUTES

**Monday, March 16, 2020**

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 March 16, 2020 at 7:00pm.

## **Present were:**

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

**Staff present:** County Attorney, Ed Powell; County Manager, Lisa Hughes; Clerk to the Board, Tanya Gentry; and Assistant County Manager, Drew Hinkle.

**INVOCATION** given by Chairman Austin.

**CALL TO ORDER** by Chairman Austin at 7:00pm.

**PLEDGE OF ALLEGIANCE** led by Chairman Austin.

## **ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

**Commissioner Zachary made a motion to adopt the Agenda as presented. Commissioner Hemric second.**

**Vote: 5/0.**

## **PUBLIC COMMENTS**

Daniel Dorn addressed the Board. He came today to talk about the Noise Ordinance. His neighbors are playing loud music, have loud vehicles, and are shooting loud guns. The noise is so bad right now that he has been having the worst nightmares he has ever had, is losing sleep, and is really stressed. The rest of his family and his other neighbors are also suffering due to the noise. He went to the Sheriff's Office but he was not able to speak with Sheriff Oliver. He wanted to know what could be done about the noise. He asked if any revisions could be made to the Noise Ordinance that would help people have peace and quiet, especially people who work 3<sup>rd</sup> shift. Chairman Austin asked County Manager Hughes what the regular procedure is for noise complaints. County Manager Hughes said normally the person with the complaint would call the Sheriff's Office and report the issue. A Deputy is sent out to investigate the complaint and enforce the Noise Ordinance.

Ralph Evans addressed the Board. He said that he came and spoke about the Noise Ordinance several months ago. He wanted to check to see if any progress had been made on revising the Ordinance or putting some teeth in it. He said some of the Officers have said that they can't do anything except to ask people to please turn down their music. He started to address Chairman Austin specifically and County Attorney Powell reminded Mr. Evans that he is not allowed to address Commissioners individually under the Board's rules for Public Comment. Ralph Evans said noise is a serious problem that needs to be addressed. Three or four people had to move because they couldn't sleep at night. The Ordinance needs some teeth so the Officer has the authority that is needed to be able to stop the noise. Another thing he wanted to talk about was a dog that an Officer had to shoot. He wasn't sure if the Board was aware that had occurred. He called and told the Sheriff's Office about the problem he was having with dogs. That morning a dog was there with puppies. The mama dog has been teaching the puppies bad habits. When dogs run together they get mean. The Officer didn't have any other choice but to dispatch the dog. He and his grandson were witnesses to what occurred so the Officer would not lose his job. The Officer is a good man who didn't like the idea of having to dispatch the dog in front of it's owner but he had to do it. Just investigating things doesn't get anything done. Now he has come back to speak about the noise issue again and found that the young man who spoke before him has the same problem. People who can't sleep at night are going to have to suffer the noise or move away and that is not good for the citizens. He asked that the Noise Ordinance be given teeth so the Sheriff's Office can stop these people from continuing to make a lot of noise. In his case the neighbor

has been making a lot of noise for 18 to 20 years. He thanked the Board for their time. He asked that County Manager Hughes contact him later and let him know something.

Chairman Austin thanked Mr. Evans and Mr. Dorn for their comments. The Board appreciates the information they shared tonight.

Daniel Dorn addressed the Board again. If things do get worse with the coronavirus and people have to stay in their homes, he definitely doesn't want to be stuck having to listen to loud noises all day. The noise issue in his area has been going on for approximately 4 months but they have had similar problems from that neighbor in the past. The neighbor often has a lot of people over and they make a lot of noise. He said that he has never met Mr. Evans and Mr. Evans lives in another area of the County and that area is also having noise issues. The problem needs to be looked at. Protecting people's mental health is important and suffering from the stress of loud noises is not good for people.

Chairman Austin closed the Public Comments at 7:13pm.

**APPROVAL OF MINUTES**

The March 2, 2020 Regular and Closed Session Minutes were reviewed. **Commissioner Welborn made a motion to approve both sets of minutes as presented. Vice Chairman Moxley second.**

**Vote: 5/0.**

**REPORTS/REQUESTS OF THE BOARD**

There were no reports to the Board.

**CONSENT AGENDA**

**Commissioner Zachary made a motion to approve the Consent Agenda items as presented.**

**Commissioner Hemric second.**

**Vote: 5/0.**

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

**Human Services/DSS Budget Amendment**

Line Item	Account	Current Budget	Increase/ (Decrease)	New Budget
SSBG	1045320-42215	78,508	(5,229)	73,279
TANF – SSBG	1045320-42276	66,344	(16,586)	49,758
Salary	1055300-51010	2,564,986	(21,815)	2,543,171

The Budget Amendment is needed to reflect the actual State funding the County received. The original budgeted amounts were estimates.

**EMS Salaries Budget Amendment**

Line Item	Account	Current Budget	Increase/ (Decrease)	New Budget
Salaries & Wages	1054330-51010	1,827,576	(57,000)	1,770,576
Salaries & Wages Part-Time	1054330-51030	180,000	57,000	237,000

Transfer of funds needed to cover part-time salary costs.

**Sheriff/Detention Salaries Budget Amendment**

Line Item	Account	Current Budget	Increase/ (Decrease)	New Budget
Detention – Full-Time Salaries & Wages	1054320-51010	861,430	(5,000)	856,430
Detention – Part-Time Salaries & Wages	1054320-51030	15,000	5,000	20,000

Transfer of funds needed to cover part-time salary costs for the Detention Center.

**Tax/Tyler Services Budget Amendment**

Line Item	Account	Current Budget	Increase/ (Decrease)	New Budget
Tax Collection – Supplies	1054140-52010	800	(320)	480
Tax Collection – Travel	1054140-54010	3,385	(2,233)	1,152

Tax Collection – Dues & Subscriptions	1054140-55500	530	(455)	75
Tax Appraisal – Supplies	1054145-52010	1,000	(450)	550
Tax Appraisal – Travel	1054145-54010	1,500	(202)	1,298
Tax Appraisal – Postage	1054145-54250	2,500	(2,228)	272
Tax Collection – Advertising	1054140-54400	1,500	(270)	1,230
Tax Appraisal – Professional Services	1054145-51500	500	6,158	6,658

Transfer of funds needed to cover the Tyler invoice for services that Ron McCarthy provided.

**Tax Adjustments & Refunds for February 2020**

The Tax Office submitted the tax adjustments and refunds for the month of February 2020. The Board reviewed the information and approved the presented adjustments and refunds as requested.

**Jonesville Jubilee Fireworks Display Permit**

Firework displays have to be approved by the Board of Commissioners. The Board was asked to approve the Jonesville Jubilee Fireworks Display Permit. The fireworks will be held at Lila Swaim Park on May 2, 2020 at 9:00pm. The alternate date is May 3, 2020. Hale Artificier, Inc. will be doing the fireworks. The Board approved the Jonesville Jubilee Fireworks Display Permit on the condition that the Certificate of Insurance is received prior to the event and the Fire Marshal approves it.

**Human Services Agency Policy on Policies**

The Human Services Policy on Policies was reviewed and revised. An Abbreviations area was added to the Policy. A Policy Dating area was also added. The Legal Authority section was edited to include program manuals and Statutes. The References section was revised for clarification. The Level of Decision-Making chart was updated. The Board approved the revised Human Services Agency Policy on Policies.

**Resolution Calling for House Bill 966 to Be Enacted Into Law**

House Bill 966 contains the budget that was passed by the North Carolina General Assembly but vetoed by Governor Cooper. It includes \$12.5 million in funding for Yadkin County Schools and \$50,000.00 for the Hands of Hope free medical clinic. Senator Vickie Sawyer requested the Yadkin County Board of Commissioners adopt a resolution calling for House Bill 966 to be enacted into law. The Board adopted the following Resolution encouraging the Senate to override Governor Cooper’s veto of House Bill 966 in order for the Bill to be enacted:

**RESOLUTION OF YADKIN COUNTY BOARD  
OF COMMISSIONERS**

**WHEREAS**, House Bill 966, titled "AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS" ("H966") was ratified by the General Assembly on June 27, 2019; and

**WHEREAS**, H966 seeks to make appropriations from the General Fund for the budgets of the departments, institutions and agencies of the State of North Carolina, and for other purposes as enumerated in the bill, for each year of the 2019-2021 fiscal biennium; and

**WHEREAS**, such funding includes appropriations for Yadkin County Schools and the Hands of Hope Free Medical Clinic, as well as other appropriations for the benefit of the citizens of Yadkin County; and

**WHEREAS**, Governor Roy Cooper vetoed H966 on June 28, 2019;

**WHEREAS**, until such time that H966 is passed, appropriations for education and programs in Yadkin County will continue to be on hold to the detriment of our citizens; and

**WHEREAS**, in order to override of the Governor's veto and pass H966, a vote in the North Carolina Senate is necessary and will require the support of both parties.

**NOW, THEREFORE, BE IT RESOLVED** by the Yadkin County Board of Commissioners that we strongly support, urge, and encourage the Senate to override Governor Cooper's veto of House Bill 966 in order to enact the bill as currently written, and in accordance with the State Budget Act, and to effect the making of the stated appropriations for the benefit and wellbeing of the citizens of Yadkin County.

Adopted by the Yadkin County Board of Commissioners on the 16<sup>th</sup> day of March, 2020.

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

There were no Public Hearings or actions to set Public Hearings.

**BOARD ACTION**

**Mackie Lease Payment**

County Manager Hughes addressed the Board. The County previously leased a Speer Bridge Road property for use as a Solid Waste convenience site. The lease was extended to give the County additional time to move the site to a new location. The \$450.00 payment for the use of the property in January, February, and March of 2019 was not paid. It is too late to use FY2019 funds so the Board was asked to approve paying the lease payment out of the FY2020 Budget. **Vice Chairman Moxley made a motion to approve paying the Mackie family the lease payment for the Speer Bridge Road Solid Waste Site as requested.**

**Commissioner Welborn second.**

**Vote: 5/0.**

**Proclamation Celebrating 250<sup>th</sup> Anniversary of the Establishment of Surry County**

County Manager Hughes addressed the Board. Forsyth County, Stokes County, and Yadkin County were once part of Surry County. Surry County has asked each of the counties to adopt a Proclamation Celebrating the 250<sup>th</sup> Anniversary of the Establishment of Surry County. They invited the Yadkin County Board of Commissioners, staff, and citizens to attend a kickoff celebration event that is currently planned for Saturday, May 2<sup>nd</sup>. The event will be held at the Historic Courthouse in Dobson from 10:00am to 6:00pm. There will be music, food trucks, and vendors. County Manager Hughes read the following Proclamation:

**PROCLAMATION**

**By the YADKIN COUNTY BOARD OF COMMISSIONERS  
CELEBRATING THE 250<sup>TH</sup> ANNIVERSARY OF THE  
ESTABLISHMENT OF SURRY COUNTY**

**WHEREAS**, in 1770, several citizens of Rowan County petitioned the colonial legislature to establish a new courthouse because of increased settlement in the northern portion of the county; and

**WHEREAS**, in April 1771, the colonial legislature approved the formation of Surry County from Rowan County; and

**WHEREAS**, modern-day Yadkin County was once located within the newly established Surry County; and

**WHEREAS**, Surry and Yadkin counties are both known for their vineyards, wineries, agriculture and sharing the Yadkin River boundary; and

**WHEREAS**, the year 2020-2021 is the Sestercentennial of the formation of Surry County; and

**WHEREAS**, Surry County will be celebrating the Sestercentennial from May 2020 until May 2021 with special events and activities.

**NOW, THEREFORE, BE IT RESOLVED** that the Yadkin County Board of Commissioners acknowledges this significant milestone in the history of Surry County and celebrates the shared history between our two counties.

Adopted this the 16<sup>th</sup> day of March 2020.

**Commissioner Zachary made a motion to adopt the Proclamation Celebrating the 250<sup>th</sup> Anniversary of the Establishment of Surry County. Vice Chairman Moxley second.**

**Vote: 5/0.**

**CALENDAR NOTES**

- 1) March 30, 2020 – Joint Meeting with the Board of Education in the Media Center of the Yadkin Early College. The meal will be served at 5:30pm and the meeting will start at 6:00pm.
- 2) April 10, 2020 – County Offices Closed for Good Friday.

- 3) April 23, 2020 – Joint Meeting with the Human Services Advisory Committee at 7:00pm in the Board of Commissioners Room.
- 4) April 28, 2020 – NCACC District Meeting in Wilkes County at 5:00pm.

**MANAGER’S REPORTS/BOARD ACTION**

County Manager Hughes didn’t have anything to report.

**State of Emergency Declaration**

Chairman Austin asked about a State of Emergency Declaration. Some other counties have declared a State of Emergency. County Manager Hughes said staff has been working on a State of Emergency Declaration in case one becomes needed in Yadkin County. At this time, a Declaration is not needed here because the actions taken by the Federal and State Governments are sufficient. The Board can recess this meeting in case action is needed later. A few residents have been tested for the coronavirus and currently there are no positive cases in Yadkin County. The tests go to the State lab. If the test is positive the person is presumed to have the coronavirus and the test is then sent to the CDC so they can confirm the positive test result. The Yadkin County Medical Clinic is being notified when residents are tested and what the results of the tests are. The Yadkin County website has added a page that is dedicated to coronavirus information.

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

Department	Purpose
Human Services Smart Start Supplies & Materials (50) Smart Start Postage 50	Transfer of funds needed to cover the postage costs for the remainder of the fiscal year.
Sheriff's Office Sheriff's Office Supplies & Materials (1) Sheriff's Office Insurance & Bonding 1 Detention Equipment 2 Detention Supplies & Materials (2)	Transfer of funds needed to cover the Sheriff's insurance & bonding costs and the Detention Center equipment costs.

**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.

**YVEDDI Board of Directors**

Marlana Riley and Commissioner Welborn serve on the YVEDDI Board of Directors. Their terms will expire April 23, 2020. YVEDDI has requested they be reappointed. **Vice Chairman Moxley made a motion to reappoint Marlana Riley and Commissioner Welborn to serve on the YVEDDI Board of Directors. Commissioner Zachary second.**

**Vote: 5/0.**

**COMMISSIONER COMMENTS**

**Commissioner Welborn** said it was good to see everyone that came tonight. He appreciated the comments that Daniel Dorn and Ralph Evans made. At this time he is not sure what can be done that would resolve the issue to everyone’s satisfaction.

**Commissioner Zachary** thanked everybody for being here tonight. He appreciated Daniel Dorn and Ralph Evans making comments. At this time he is not sure what can be done about noise. He knows a few citizens have reported having issues with noise in their area. The Yadkin County Noise Ordinance is worded pretty much like the Noise Ordinances that other counties have. He wished that people would be more considerate of their neighbors and keep the noise down. He would like to look into the matter and see if there is something that can be done. Noise is a hard subject to deal with because people won’t always agree on what should and shouldn’t be considered a noise violation.

**Vice Chairman Moxley** thanked everyone for coming out tonight. He mentioned that late this afternoon President Trump made a recommendation that mass gatherings be limited to no more than 10 people. He thanked Daniel Dorn and Ralph Evans for their comments. He is not sure what the Board can do about the

noise other than review the Noise Ordinance and possibly make some changes to it. The Yadkin County Noise Ordinance is very similar to the other counties Noise Ordinances. Trying to restrict property owners from doing things on their own property is a touchy subject. Hopefully when the Sheriff's Office investigates these complaints they will be able to assist with resolving the issues. He knows that a lot of people are really anxious about the coronavirus. Hopefully Yadkin County won't be affected too harshly. He prays that we all come through this unscathed.

**Commissioner Hemric** thanked everyone for coming out tonight. He thanked Daniel Dorn and Ralph Evans for their comments. He would like to look into the matter and see if there is anything that can be done to help. He hopes the coronavirus won't be as bad as some people are predicting it will be and that we get through it fast.

**Chairman Austin** thanked Daniel Dorn and Ralph Evans for being here tonight and expressing their aggravations with their own situations. He is a huge proponent of personal freedom but he is also a huge proponent of personal responsibility and their neighbors need to exercise some restraint and respect for the people around them. What the Board can do is very difficult but it is not something that he is not willing to consider. The Board will continue to talk about the matter and the Sheriff will be asked about these particular instances to see what is happening with them and in what ways they might be dealt with. He hopes that both Mr. Dorn and Mr. Evans understands that the Board is concerned. They want everyone in the County to live peacefully. People talk about the coronavirus outbreak as being no worse than the flu but if there is something that can be done to stop it from spreading it should be done. He thinks about how dangerous the coronavirus is for his 85 year old father. He hopes that everyone is taking all the recommended precautions. This is another area where people have personal freedom and personal responsibility. He hates that some people, as we have heard tonight, sometimes fail to exercise the personal responsibility that they have and the government has to intervene. There is a coronavirus/COVID-19 Task Force in Yadkin County that meets daily. County Manager Hughes, Kim Harrell, Jessica Wall, Keith Vestal, and Chris Bolden are on the Task Force. He is really proud of the Task Force for staying on top of things. Yadkin County is doing everything possible to protect the citizens and will continue to do so.

**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 Welborn second.**

**Vote: 5/0.**

After a motion to come out of Closed Session was made and the Board was in **Open Session, Commissioner Zachary made a motion to authorize the County Manager to approve a starting salary that is 29.38% above the minimum for Social Worker III position #630111. Commissioner Hemric second.**

**Vote: 5/0.**

**Commissioner Welborn made a motion to allow food trucks that are not using the commercial kitchen at the Yadkin County Agricultural & Educational building to dump gray water into the grease trap for a fee of \$20.00 per month and to revise the Policy accordingly to include the fee and the hours of operation of 6:00am to 7:30am and 3:30pm to 5:00pm. Vice Chairman Moxley second.**

**Vote: 5/0.**

**Vice Chairman Moxley made a motion to recess the meeting until 2:00pm on Wednesday, March 18, 2020. Commissioner Zachary second.**

**Vote: 5/0.**

*Tanya Gentry*

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Prepared by Tanya Gentry  
Clerk to the Board

*Kevin Austin*

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Kevin Austin, Chairman  
Yadkin County Board of Commissioners

*4/20/2020*

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Date approved by the  
Yadkin County Board of Commissioners