

# YADKIN COUNTY BOARD OF COMMISSIONERS REGULAR SESSION MINUTES

**October 21, 2013**

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 Services Building located at 217 East Willow Street, Yadkinville, NC on October 21, 2013 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, Aaron Church; and Deputy Clerk to the Board, Tanya Gentry.

**INVOCATION** led by County Manager Aaron Church.

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

**PLEDGE OF ALLEGIANCE** led by Courtney Elementary School 1<sup>st</sup> grade students, Emily Lillard, Baylee Armstrong, and Hannah Shore. The students were accompanied by their teachers Hannah Cox and Bobbie Gardner.

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

Chairman Austin requested that the Public Hearing to Consider Zoning Text Amendments be removed from the agenda along with item #1, Approve Proposed Text Amendments to the Yadkin County Zoning Ordinance, under Board action. The text amendments are not ready for Board consideration at this time.

**Commissioner Zachary made a motion to adopt the Agenda with noted changes. Vice Chairman Moxley second.**

**Vote: 5/0.**

## **PUBLIC COMMENTS**

Chairman Austin read the rules. One of them is that there is a limit of no more than 2 speakers "for" and 2 speakers "against" any particular issue. A rather large crowd was present tonight. **Vice Chairman Moxley made a motion to make an exception to the rule and allow as many to speak tonight as would like to. Commissioner Welborn second.**

**Vote: 5/0.**

India Collins, of Jonesville, addressed the Board. She was born and raised in Yadkin County. She worked with a non-profit organization to raise funds for the Shelter and they were able to raise \$24,000.00 this year. She requested the Board of Commissioners not limit how this money can be spent. It is free money that will be used to purchase things for the Shelter. She loves animals so she is passionate about helping them. The Animal Shelter has improved from what it used to be and she is concerned that when you start putting stipulations on things and adding new rules that limit what can be donated and set do not exceed dollar amounts it will really hinder Yadkin County. If too many stipulations are placed on things and making donations becomes difficult people will not want to donate to Yadkin County organizations anymore. She would really appreciate everyone coming together on this and have a win for Yadkin County.

Diane Doub, of East Bend, addressed the Board. She thanked Vice Chairman Moxley and the other Commissioners for voting to allow more than two speakers to speak tonight. She feels like there is a problem now and the Commissioners caring is especially needed. In June she stopped by the Animal Shelter and picked up a copy of their wish list. From what she understands the wish list has been ordered down and she doesn't know why that would be done. In September a friend of hers, Ms. Cook, donated 60 different

sizes of leashes to the Shelter. Ms. Cook has a huge heart and was happy to do that for the animals. However Ms. Cook has been told that her donation is now sitting locked up as County property. Ms. Doub doesn't understand why anyone would deny the animals the use of a donation. Her friend Ms. Singh had her second fundraiser for the Shelter animals and over \$20,000.00 was raised. She can't imagine the effort and time it took to plan that event. Ms. Singh began ordering items for the Shelter and when the notification went out that any donations had to be approved first some of those orders had already been shipped. From what she understands, the orders that were shipped to the Shelter were shipped back. There was no policy or contracts or things to sign when the orders were placed. She doesn't believe having a policy is a problem; the problem is having donations locked up and shipped back before the policy came out on October 16<sup>th</sup>. They were dismayed and hurt and the animals are losing out because of this. She asked the Board to please not take the joy of giving and receiving away.

Alice Singh, from East Bend, addressed the Board. Over the past two years the Shelter has become a place that citizens want to go to, where they want to adopt animals and to volunteer their time. It is a place they want to donate items and money to. Finally, the Shelter is a place that we all can be proud of. Volunteers worked together and held the Whiskers and Wine event to raise money for the Animal Shelter. They want the animals at the Shelter to have things that will make their lives better while they are there. She doesn't understand why donated items would be returned and rejected. She has 5 boxes of items that she ordered on September 20<sup>th</sup>. She asked that she be allowed to leave these items for the Shelter because they were ordered prior to Mr. Church's email on October 8<sup>th</sup>. She asked that the MOA that was sent out not be put in place. If donating is made difficult people will just donate to other counties instead. She asked that treats not be limited because you don't know how many animals the Shelter will have in a year and toys shouldn't be limited because you don't know how many of them will be torn up by the animals in a year. The County has taken a lot of steps forward so please don't start taking steps backward. The Whiskers and Wine event has been scheduled for 2014 and they need to know if Yadkin County will support it and accept the donations that come out of that event because it is held only for the Yadkin County Shelter. She asked that donations not be limited and that no changes be made.

Samantha Cook, from Boonville, addressed the Board. She owned a pet salon in Yadkin County for six years before she had to close her doors. She gave the Animal Shelter a larger number of leashes and collars that could be used for photos and for walking the animals. Different sizes were given so that the collars would fit cats, puppies, and larger animals. She wants the Shelter animals to be able to use her donations and not have them sitting locked up somewhere. If they are not going to be used she would like them back.

Robin Raymond, from East Bend, addressed the Board. She stated she had spoken with Mr. Church this morning and she appreciated his time. She helps animals in Forsyth County instead of in Yadkin County because of this. When people don't want to volunteer their time or give donations it is sad for the animals because they are the ones who will suffer for it. The Yadkin County Animal Shelter has come too far now to let whatever issue is going on here keep us from going any further. She requested that the people who want to donate and the people in the County who make the decisions regarding donations work together and make the best decisions for the animals. It should be easy for people to donate their time and money to the Shelter and they need to feel welcome there.

Amy Cave addressed the Board. She has lived in Yadkin County all her life. She is concerned about the wine festival's influence on Yadkin County's youth. Although you have to be 21 to participate in the festival it is held in a parking lot where the youth can witness what is happening. Her son came home on Saturday afternoon with a video of a woman who was lying on the grass so drunk she couldn't get up. It is fine for adults to drink if they want to but if she wants to take her children to town they shouldn't have to see the drunks lying around and throwing up. This type of behavior makes an impression on children and it is a bad one. She believes some guidelines need to be put in place. If the Town wants to have this festival they should have it in an enclosed building, or they should put up a circus tent or a tall fence or something to keep it out of sight of children.

Chairman Austin closed the Public Comments portion at 7:40pm.

## **APPROVAL OF MINUTES**

The October 7, 2013 Regular and Closed Session minutes were reviewed. **Commissioner Welborn made a motion to approve both sets of minutes. Vice Chairman Moxley second.**

**Vote: 5/0.**

### **REPORTS/REQUESTS OF THE BOARD**

There were no reports to the Board.

### **CONSENT AGENDA**

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

**Commissioner Welborn second.**

**Vote: 5/0.**

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

#### **Insurance/Sheriff's Office & DSS Budget Amendment**

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Insurance Payments (Revenue)	1044000-48500	1,000	15,152	16,152
Sheriff Vehicle Maintenance	1054310-53040	35,000	11,499	46,499
DSS Vehicle Maintenance	1055300-53040	9,000	3,653	12,653

Insurance has reimbursed the County for four insurance claims involving deer hits, vendor benders, and incidental damages. This budget amendment is to accept the funds.

#### **Ware Bonsall Extended Jail Services Agreement & Jail/Law Enforcement Center Project Ordinance Amendment**

The construction phase of the jail addition project had to be extended so Ware Bonsall's contract for their services needed to be extended as well. They have agreed to extend their contract through December 1, 2013 for an additional fee. The following Jail/Law Enforcement Center Project Ordinance Amendment is needed to cover the fee:

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Contingency	4054937-58500	211,800	(19,880)	191,920
Professional Services	4054937-51500	1,119,020	19,880	1,138,900

The Board approved the extended jail addition construction services agreement, authorized the County Manager to sign the agreement, and approved the Project Ordinance Amendment.

#### **Amendment to Omega Construction Jail Addition Services Agreement**

The construction phase of the jail addition project had to be extended so Omega Construction's contract needed to be amended to extend their services as well. They have agreed to extend their services through November 30, 2013 for an additional fee. The Board approved the contract amendment and authorized the County Manager to sign it.

#### **Novant Health Renewal Contract for Cancer Control Services**

Novant Health provides comprehensive breast and cervical cancer control services for the County's Human Services clients. This is a renewal contract. The Board approved the contract and authorized the County Manager to sign it.

#### **Amendment to Dennis Martin Contract for Legal Services**

The contract for Dennis Martin needed to be amended to state that reimbursement for his travel expenses, such as mileage, meals, lodging, etc., not exceed the rates established in the County's travel policy. The Board approved the contract amendment and authorized the County Manager to sign it.

#### **G&B Energy Contract for Propane Services**

EMS uses propane gas for heat and hot water at some of its outpost locations. This contract is for the purchase and delivery of propane. The Board approved the contract and authorized the appropriate County officials to sign it.

**Adopt Resolution to Add North Ridge Drive to the State Maintained Secondary Road System**

The Board was asked to adopt a resolution to request that North Ridge Drive be added to the State Maintained Secondary Road System. The Board adopted the resolution as requested.

[Appendix A is the North Ridge Drive Resolution.]

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

**Public Hearing to Consider Zoning Ordinance Text Amendments**

The Public Hearing to consider Zoning Ordinance text amendments was removed from the agenda.

**BOARD ACTION**

**Resolution to Request NC Geodetic Survey of Boundary Lines Between Davie and Yadkin County**

The Davie County Board of Commissioners adopted a resolution at their October 7, 2013 Meeting to conduct a geodetic survey to determine the exact boundary lines between Davie County and Yadkin County. Prior to the survey being done, both counties have to adopt a resolution requesting it be done. Davie County has requested that the Yadkin County Board of Commissioners adopt such a resolution. The State will conduct the survey and there will be no cost to either of the counties. The Board considered the following resolution:

STATE OF NORTH CAROLINA     )  
COUNTY OF YADKIN             )

**RESOLUTION TO REQUEST A NORTH CAROLINA GEODETIC SURVEY OF BOUNDARY LINES BETWEEN DAVIE COUNTY AND YADKIN COUNTY**

**WHEREAS**, there are various ambiguities as to the exact boundary line between Davie County, North Carolina and Yadkin County, North Carolina; and

**WHEREAS**, the North Carolina Department of Environment and Natural Resources, Division of Land Resources currently has a program called the North Carolina Geodetic Survey (NCGS) designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county boundaries as per General Statute 153A-18a.

**WHEREAS**, due to the uncertainty of the boundary between Davie County and Yadkin County, the counties desire to establish an exact boundary.

**NOW, THEREFORE, BE IT RESOLVED** that the Yadkin County Board of Commissioners hereby resolves to use the North Carolina Geodetic Survey program to establish the exact boundary between Davie County and Yadkin County.

Adopted this 21<sup>st</sup> day of October, 2013.

**Commissioner Zachary made a motion to adopt the Resolution to Request a North Carolina Geodetic Survey of the Boundary Lines between Davie County and Yadkin County. Commissioner Hemric second.**

**Vote: 5/0.**

**Replacement of AS400 Operating System and the Accompanying Budget Amendment**

The AS400 the Tax Office has is an older machine that has limited memory and a slower processing time. The operating system needs to be replaced prior to the start of the reappraisal process that will be coming up. The County Manager recommended the Board approve the replacement of the system. In order to cover the costs of the replacement the following budget amendment will also need to be approved:

Line Item	Account	Current Budget	Increase/(Decrease)	New Budget
Appropriated Fund Balance (Committed FY2016 Reappraisal)	1044000-49000	1,639,217	29,747	1,668,964
Tax Revaluation Equipment	1054145-56010	0	29,747	29,747

The Board reviewed the proposal provided by Business Data Solutions to replace the AS400. **Vice Chairman Moxley made a motion to approve the replacement of the AS400 operating system as presented and the budget amendment. Commissioner Zachary second.**

**Vote: 5/0.**

**Davis-Martin-Powell & Associates EJCDC Water System Improvements Agreement**

This agreement is for Davis-Martin-Powell & Associates to provide engineering services for the Yadkin County Water Systems Improvements Project that will construct a waterline to East Bend. The estimated cost of the contract is \$443,650.00. Davis-Martin-Powell will design the waterline and furnish the County with easement maps but they will not acquire any of the easements. It is the County's responsibility to acquire the easements. There is interest in purchasing water off of the line already. The County Manager went over the estimated costs of the Davis-Martin-Powell agreement. The Winston-Salem/Forsyth County Water Services Agreement the Board approved at an earlier meeting had some typos that needed to be corrected before they would sign it. The typos have been fixed and it is going through their approval process for signatures. The County will be ready to move forward with the water project when that signed agreement is returned. **Commissioner Welborn made a motion to approve the Davis-Martin-Powell & Associates EJCDC Yadkin County Water System Improvements Agreement and authorized the County Manager to sign it. Commissioner Zachary second.**

**Vote: 5/0.**

**Adopt the East Bend Water Project Ordinance**

The East Bend Water Project will extend an 8-inch and 12-inch waterline from the Winston-Salem/Forsyth County Water System to a tie-in line in East Bend. The Board has previously committed \$1,000,000.00 of fund balance towards this project. The Project Ordinance is needed to provide funding for the project through County funds and other financing sources such as grants and loans. The Board reviewed the ordinance. The word ordinance is misspelled in Section 1 and needs to be corrected. **Vice Chairman Moxley made a motion to adopt the East Bend Water Project Ordinance with the spelling correction. Commissioner Hemric second.**

**Vote: 5/0.**

**CALENDAR NOTES**

- 1) October 30, 2013 – Staff Chili & Chicken Stew Cook-Off and Halloween Costume Contest from 11:00am to 1:00pm at the County Park.
- 2) November 11, 2013 – County Offices Closed for Veterans Day.

**MANAGER'S REPORTS/BOARD ACTION**

**MOA for Animal Shelter**

There have been some Memorandum of Agreement's (MOA's) done in the past for Animal Shelter projects with larger dollar amounts. Recently, when some people had items they wanted to donate to the Shelter be rejected and they met with Mr. Church to discuss what could be done, entering into a MOA was brought up as a way to get those items approved for use. The MOA mentioned earlier in Public Comments was drafted on an emergency basis after that meeting by a Shelter volunteer so that she could continue giving treats to the animals. He has spoken with some people in this room about the MOA and has told them that it is not set in stone. It is a working draft that can be modified and changed as needed. Things can be added to it, such as listing more treats that can be donated. Anyone can enter into it; it can be signed by individuals or organizations. He is meeting with someone who is in the room tonight at 10:00am in the morning to discuss making donations with a value of \$1,000.00 or more. He is also meeting with someone else who is in the room tonight at noon on Wednesday to discuss educating the public on animal cruelty in the upcoming Annual Report to the People. The County does not intend to limit donations. The Board of Commissioners does have the right to accept or not accept gifts. The County has to be cautious in how it accepts gifts/donations, especially ones with large dollar amounts. There are rules that have to be followed to be sure that acceptance is done properly, with no hint of impropriety. There have been some improprieties in the past and it is the County's responsibility to make sure that does not happen again. County Manager Church went over some of the issues that had occurred in the past. He told those present that he would be glad to meet with any of them to discuss this. He will assist them to modify the MOA if that is needed. The current MOA was an attempt to help one volunteer to continue with what she was doing at the Shelter. Donated

items do have to be accounted for to meet the regulations of the Budget & Fiscal Control Act. He wants people to know that the County is very grateful for all the donations and all the volunteer work. The County takes note of those who volunteer tirelessly and appreciates their efforts.

## **MANAGER'S BUDGET AMENDMENTS & CONTRACTS / NO ACTION REQUIRED**

### **Cross Central Software Contract**

Cross Central Software provides licensing and support services for the FIRECentral Essentials Software that EMS uses.

### **Darrell Salmons Grading & Hauling Contract**

They cleaned out the septic tank located below the concession stand at the baseball fields that are at the County Park.

## **BOARD VACANCIES/APPOINTMENTS**

### **Joint Nursing Home and Adult Care Home Community Advisory Committee**

There are three vacancies on the Committee. Donna Love no longer wishes to serve on the Committee.

### **Alternate on the Board of Adjustment**

There is a vacancy for an alternate on the Board of Adjustment.

## **COMMISSIONER COMMENTS**

**Vice Chairman Moxley** thanked everyone for coming out tonight, especially the ones who spoke. He appreciated India Collins, Diane Doub, Alice Singh, Samantha Cook, Robin Raymond, and Amy Cave speaking tonight and letting the Board know what their concerns are. The Animal Shelter concerns will be worked through and he thinks they will be resolved to everyone's satisfaction. He went by the jail today. Progress has been slower than expected but the grass is green around it and it is starting to look a lot nicer down that way. He hopes the inside tasks will be finished up soon so the new jail can be opened. It will be great to have it done. The East Bend waterline is something that is needed for the Town of East Bend and for others in that part of the County. It will benefit the people in that area of the County who need good potable water.

**Commissioner Hemric** thanked everyone for coming out tonight. He thanked Courtney School for leading the Pledge of Allegiance. He thanked the people who spoke tonight. He appreciates them sharing their concerns with the Board. He believes the East Bend water project is a very important project. People in that area of the County are hurting for water. He hopes construction of the line will begin soon.

**Commissioner Welborn** thanked everyone for coming out tonight. He thanked the students from Courtney School for leading the Pledge of Allegiance. He thanked everyone who spoke tonight. He appreciates their interest in the Animal Shelter. The East Bend waterline project is getting started. It takes a long time to get things like this done because of everything that has to be done to meet the government requirements.

**Commissioner Zachary** thanked everyone for coming out tonight. He thanked the three lovely young ladies from Courtney School who led the Pledge. He thanked the speakers for sharing their concerns about the Animal Shelter. He feels like the County will be able to work those issues out. He asked the audience to understand that there are some issues the Board has to deal with. He applauded the efforts of those who held the event that raised funds for the Shelter. It was a pretty amazing thing. Another step has been taken in the East Bend water project. He would like to see that water contract come in from Winston-Salem/Forsyth County soon. The Town has paved the street at the jail. It is amazing what that has done to improve the appearance of that whole area. The jail really looks nice.

**Chairman Austin** thanked everyone for coming tonight and sharing their views. He appreciates that very much. He wants everyone to know that this whole thing is nothing personal. It is not trying to point fingers at anyone or to insinuate any mistrust in any way, shape or form. He said that this Board is extremely committed to doing everything we can not to have even allegations of misappropriations, embezzlement, etc on our watch. The County hopes all the bases are being covered. The County's auditors do give the County a lot of help. They have found things in the past that have been corrected, like some of the ways that cash

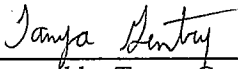
was being handled in various departments and things like that. He asked people to not blame the County Manager for this. This is what the Board has decided how this County is going to be run. As the other Commissioners have already stated, this Board is extremely interested in what the speakers are all interested in and he is confident that we are all going to be able to work through this and make sure the Shelter is the best it can be. When he came on to the Board one of his goals was to end the gas box and another goal was to implement a spay & neuter program for adopted animals and those things have been done. Those were touchy negotiations. These things are not as easy to make happen as people would like to think they are. Tremendous progress has been made in this County. The attention the Shelter animals have gotten in the last few years is phenomenal. The Shelter has a good staff. The goal is to have the Shelter be kill-free by 2018. He believes it can be done. We are well on our way to achieving that goal and he hopes to beat that objective. The Board has been committed since they took office to protecting the integrity of all the County offices and County government and that is for the benefit of the taxpayers. He thanked everyone for their time and attention.

**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. Commissioner Hemric second.**

**Vote: 5/0.**

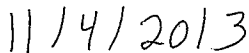
After a motion to come out of Closed Session was made and the Board was in **Open Session, Vice Chairman Moxley made a motion to adjourn. Commissioner Hemric second.**

**Vote: 5/0.**



Prepared by Tanya Gentry  
Deputy Clerk to the Board

  
Kevin Austin, Chairman  
Yadkin County Board of Commissioners



Date approved by the  
Yadkin County Board of Commissioners

**North Carolina Department of Transportation  
Division of Highways  
Request for Addition to State Maintained Secondary Road System**

North Carolina

County: Yadkin County

Road Description: North Ridge Drive (North Ridge Subdivision)

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Yadkin requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System, and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Yadkin that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

**CERTIFICATE**

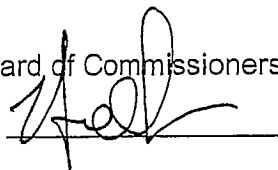
The foregoing resolution was duly adopted by the Board of Commissioners of the County of Yadkin at a meeting on the 21st day of October, 2013.

WITNESS my hand and official seal this the 21 day of October, 2013.

Official Seal

Clerk, Board of Commissioners

County: Yadkin



**PLEASE NOTE:**

Forward direct with request to the Division Engineer, Division of Highways