

MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
SPECIAL CALLED MEETING
JUNE 27, 2014

The Wilkes County Board of Commissioners held a special called meeting on Friday, June 27, 2014 at 12:00 noon in the Commissioners' Board Room at the Wilkes County Office Building in Wilkesboro, North Carolina, for the purpose of issuance of a permit for a fireworks display. Present for the meeting were the following members: Chairman Gary D. Blevins, Commissioner Keith Elmore, and Commissioner Gary L. Blevins.

Also present for the meeting were Tony Triplett, County Attorney; John Yates, County Manager; Jerry Shepherd, County Finance Director; and Sarah Call, Acting Clerk to the Board.

ACTING CLERK – Judy Snyder, Clerk to the Board, was unable to be present for today's meeting. In her absence, Commissioner Keith Elmore made a motion to appoint Sarah Call as Acting Clerk to the Board for the meeting. The motion was seconded by Commissioner Gary L. Blevins and was unanimously approved.

FIRE MARSHAL – APPROVAL OF PERMIT FOR FIREWORKS DISPLAY – Kevin Bounds, Wilkes County Fire Marshal, stated the County found out in going through the fireworks permits for the July 2, 2014 Commissioners' meeting that they had not heard from the Crossroads Harley Davidson Shop to issue a permit for their fireworks display and had seen advertisements that this was set for Saturday, June 28, 2014. Mr. Bounds stated when Doug Cotton contacted them it was discovered they had filed a permit application with the Town of Wilkesboro through the Fire Chief, but the Pyrotechnics Act of 2010 requires that the County Commissioners, even within municipalities, must approve all fireworks displays and issue permits for them unless the County Commissioners elect to delegate that to the Towns. Mr. Bounds noted the Wilkes County Commissioners' have never done this. He said in 2012 there was a meeting in which the Town of Wilkesboro asked the County to issue all fireworks display permits going forward. Mr. Bounds said he went to Crossroads Harley Davidson on June 26, 2014 and went through the entire process with them and told them the County would need to issue a permit for their fireworks display.

Mr. Bounds stated the Commissioners have a two part process per the 2010 Pyrotechnics Act. He said first the County must make sure there is insurance coverage in place that covers the event in the minimum amount of \$500,000.00 and that it covers the County,

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the Town of Wilkesboro, and Crossroads Harley Davidson Shop. Mr. Bounds noted in this case there is coverage in the amount of \$2 million that does cover Crossroads Harley Davidson, plus Wilkes County and the Town of Wilkesboro as additional insureds for this event. The second item to approve is for Crossroads Harley Davidson to have a fireworks display tomorrow night, June 28, 2014, and to issue a permit for the display. Mr. Bounds stated as the Fire Marshal he has made sure all items required are in place, and he said he is recommending approval. Chairman Blevins asked Mr. Bounds if Crossroads Harley Davidson had to have a licensed operator for the fireworks show. Mr. Bounds said yes they did and that was a part of the application for the permit and it was all included and there were also setback requirements as well. Chairman Blevins noted the reason for the special called meeting was this fireworks display was early and all the rest were to be held after the regular Commissioners' meeting on July 2, 2014. Mr. Bounds stated the Town had this application in April and never informed the Fire Marshal's office and in putting together the items to present to the Commissioners at the next regular meeting it was realized that the Crossroads show was not included. He said this is when the call was made and there is not another regularly called meeting until after this event is scheduled. Chairman Blevins said regardless as to how this may have happened, the County is business friendly and that is why this special meeting was called in order for the event to take place. Chairman Blevins asked Mr. Bounds if he was satisfied that all items were in order for the permit to be issued if approved. Mr. Bounds replied he was and that, if the Commissioners approve this request, he will issue the permit.

Motion was made by Commissioner Keith Elmore to find that the insurance coverage as required under the 2010 Pyrotechnics Act was sufficient for the County, Town of Wilkesboro, and Crossroads Harley Davidson Shop, and to approve the issuance of a permit by Fire Marshal Kevin Bounds for the fireworks display on Saturday, June 28, 2014. Second was made by Commissioner Gary L. Blevins and was unanimously approved.

Mr. Bounds noted there was a handout given to each Commissioner that shows the Annual Injury Report for North Carolina due to fireworks for 2011-2012. He said this came out yesterday and is taken into consideration when issuing permits. Chairman Blevins asked if all of this is per state statutes and if the only way to change this is to give the power to issue permits to the Town. Mr. Bounds stated this is correct and that the County Commissioners may do this. He said the Town of North Wilkesboro has asked the County to continue to issue the fireworks permits for the Memorial Park display and the Town of Wilkesboro has asked the County to issue all of their permits for fireworks displays as well. He stated from now on the County should be issuing all of them. Commissioner Keith Elmore asked if anything went wrong legally would it come back to the County. Mr. Bounds said yes it would come back to the County and that is why we

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have to make sure we are covered by insurance. He stated it is up to the County Commissioners whether to authorize the Towns to issue the permits, but in most cases the County Commissioners do this and the law says they are the ones responsible. Chairman Blevins stated beginning next year he would like to have a deadline for when the applications have to be to the Fire Marshal's Office so that every application is presented at the first regular Commissioners' meeting in June, and then if there were any late applicants they could be presented at the second meeting in June at the latest. Commissioner Gary L. Blevins stated this needs to be in a notice or motion to make sure this is the way it is handled moving forward. Chairman Blevins stated this will be discussed in detail at the next regular meeting on July 2nd.

ADJOURN – Motion was made by Commissioner Keith Elmore, seconded by Commissioner Gary L. Blevins, and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 12:07 P. M.

Sarah D. Call, Acting Clerk

Gary D. Blevins, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: