

MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
January 5, 2016

The Wilkes County Board of Commissioners met on Tuesday, January 6, 2016 at 10:00 A.M. with the following members present: Chairman Eddie Settle, Vice Chairman Greg Minton, Commissioner Keith Elmore, Commissioner Gary D. Blevins and Commissioner David Gambill.

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

Chairman Eddie Settle welcomed everyone to the meeting.

INVOCATION – Commissioner David Gambill led the Invocation.

PLEDGE OF ALLEGIANCE – Chairman Eddie Settle led the Pledge of Allegiance.

APPROVAL OF MINUTES – Motion was made by Commissioner Keith Elmore, seconded by Commissioner Gary D. Blevins and unanimously adopted to approve the Minutes of the Board meeting held on December 15, 2015.

BUDGET AMENDMENTS/TRANSFERS – Motion was made by Commissioner David Gambill to approve Budget Amendment No. 15 (General Fund – Diabetes & Health Promotion & Dental Clinic; Received additional funding from State for Fiscal year FY 15-16 for Healthy Communities & Dental, and received a grant from Health Foundation for Fiscal Year FY 15-16 for Diabetes. No county money involved.) The motion was seconded by Commissioner Keith Elmore and unanimously approved.

YADKIN RIVER GREENWAY - UPDATE – Chairman Eddie Settle recognized Charlie White, President and R.G. Absher from the Yadkin River Greenway. Mr. White provided a brief update on the progress of the greenway. He said 2016 is the start of the 24th year of the beginning of the Yadkin River Greenway. In the first 8-years there was a lot of planning and the property owners along the Yadkin and Reddies River was contacted, he added. Mr. White said in 2000 the first segment of the Greenway was constructed. He said from that time it has grown to a series of unconnected sections that total 7 ½ miles with plans to continue the growth. There was an Inter-Governmental Agreement between the two Towns and Wilkes County along with the Yadkin River Greenway council signed in 2000 as well, he noted. Mr. White provided a copy to the Board.

Mr. White stated it has been a great relationship between the two Towns, County, and the Greenway. He said the cost has continued to grow over the past 16-years and they will be requesting an increase for the cost of operations from the two Towns and the County in the near future.

Mr. White showed slides that included maps of the existing Greenway segments and the overall Greenway plan for growth. He said these show pictures from W.K. Scott Dam and Reservoir all the way to Smooth Park and all the connections and segments in-between. He also included slides and updates on recently completed segments as well as the plans for future construction of Greenway additions. Mr. White said once these are completed the Greenway will be extended by 2 miles and about 9 miles total.

In conclusion, Mr. White said they will be working on the segments in which the land-owners have granted easements and working on the connectivity of these areas to the existing Greenway. This includes growth and opportunities in existing side-walk systems within the two Towns that will encourage more folks to use these areas and get outside to enjoy nature, he added. Mr. R.G. Absher stated the Greenway has been a wise investment for all parties.

Chairman Settle asked how much of the Greenway is in the County and not in the city limits for the two Towns. Mr. White replied Lowes Park – Rivers Edge is the largest section of the Greenway and is not in the City limits, and most of it in the County and not in the city limits. Commissioner Blevins added the Mulberry Filed area is all County property, and the low land area between the two Towns (Corn Fields) are in the County. He added the segment up the Reddies River is County as well. Mr. White said the agreement referred to earlier sets out all the lines.

Chairman Settle said Dr. Blackly with the Elkin Valley Trails Association has come before the Board and they are building a trail from Stone Mountain all the way to the Town of Elkin that contains 16 miles in Wilkes. He added they would like to turn right and come up the Yadkin River area. Mr. Absher stated there is a master plan underway to direct funding from the National Park Service and others along the River to study building a trail to Elkin, which is about 19 miles. He said it will bring the trail to the Wilkes Greenway all the way to W. Kerr Scott. This will take one year to complete and should be done in September, he added. Chairman Settle asked if this is part of the Kings Mountain Trail. Mr. Absher replied yes it is part of the Over Mountain Victory National Story Trail. It works well with the Yadkin River Greenway because a high percentage of the Greenway is within that jurisdiction, he noted. Chairman Settle said this will also include the Canoe access area along Hwy 268. Mr. White said it is amazing all the Greenways that are being constructed and Wilkes is a model for them. He added the surrounding counties come to them and ask how did they do the Greenway development in Wilkes because they did it right to start with and the folks that worked on this originally did a great job.

Mr. Absher said the energy in Greenway construction, funding sources, and grants are available and will help Greenways to expand. Chairman Settle stated there was a lot of work provided by the County from employees and equipment over the past several years in the construction of the Greenway. Mr. White agreed they did a great deal of work and have a good relationship.

Commissioner Elmore said there is a former Commissioner at the meeting that worked on the Greenway when this process started, Mr. Arnold Lakey. Mr. Lakey replied it was a long time ago. Commission Blevins added he served a couple of terms on the Greenway Board during the Mulberry portion and also when it went through Wilkesboro and by the Courthouse. Mr. White

said the relationships with the two Town and the County is very valuable to the Greenway Council. They thanked the Board for their continued support.

The Board thanked Mr. White and Mr. Absher for their update.

HIGH COUNTRY COUNCIL OF GOVERNMENT – CONTRACT – DEPARTMENT OF INSURANCE/OSFM – GIS MAPPING INFORMATION – Chairman Eddie Settle welcomed and recognized Kevin Bounds, Fire Marshal. Mr. Bounds stated Jessica Brannock with High Country has worked on other projects for the County. He said they would like her to work on the new NC9S inspection requirements for the Department of Insurance. The inspections will start in the next few months and this is a requirement for the Fire Departments to be approved for their Insurance rating this year, he added. Mr. Bounds said this project will take the current approved maps and description for insurance grading purposes only, and does not deal with tax maps or anything of this nature, and makes them meet the Department of Insurance GIS requirements.

Mr. Bounds stated Ms. Brannock has talked with the Department of Insurance and they are willing to work with her and the Fire Department that will have the earliest inspections in hopes to have this project completed by June 30, 2016. He said he is asking for approval from the Board to allow Ms. Brannock to prepare the GIS Insurance Maps for insurance grading purposes.

Commissioner Blevins ask the cost of this agreement. County Manager John Yates replied \$1,750.00. Commissioner Blevins said Ms. Brannock has done a tremendous amount of work at the High County in GIS and is highly respected for the quality of work she does.

Commissioner Gary D. Blevins made a motion to authorize Fire Marshal Kevin Bounds to sign the Contract with High Country Council of Government for the GIS Mapping for the Department of Insurance/OSFM, as presented. The motion was seconded by Commissioner Keith Elmore and unanimously approved.

PLANNING DEPARTMENT – ROAD NAME REQUEST – REQUEST TO SET PUBLIC HEARING – Planning Director Eddie Barnes asked the Board of Commissioners to set a Public Hearing on a Road Name Request received by petition by the Planning Department. He stated the Road Name Request is for Basset Hound Lane, Rock Creek Township; the request meets the requirements of the Wilkes County Road Naming Ordinance and as required by the Wilkes County Road Naming Ordinance a Public Hearing and a ten day (10) notification period is required.

Commissioner David Gambill made a motion to set a Public Hearing on Tuesday, February 2, 2016, at 9:55 A.M. regarding the Road Name Request as presented. The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

TAX DEPARTMENT – RELEASES – Alex Hamilton, Tax Administrators asked the Board to approve tax releases in the amount of \$38,884.70. He said the release for Carolina West Wireless is needed because the State took over the appraisal of the wireless companies last year.

He said they did not realized this included the furniture, fixtures, and leasehold improvements and a bill was sent for this. Later it was discovered this was included in the value from the State and resulted in a double bill to them, he added. Mr. Hamilton said the taxes were collected.

Commissioner Blevins ask if the State accesses the taxes the sends the bills and collects them for these companies. Mr. Hamilton replied no the State does not bill them, they appraise them and send the values to the County for the utility companies and then the County sends the bills.

Vice Chairman Greg Minton made a motion to approve tax releases in the amount of \$38,884.70 as presented. The motion was seconded by Commissioner Keith Elmore and unanimously approved.

A detailed listing of tax releases is maintained in the Wilkes County Tax Administrator's office.

TOWN OF NORTH WILKESBORO – PLANNING BOARD ETJ MEMBER APPOINTMENT – County Manager John Yates stated a letter has been received that says *“the North Wilkesboro Town of Commissioners unanimously voted at the December 8, 2015 board meeting to recommend that Angela Day be appointed by the Wilkes County Board of Commissioners to serve as an ETJ Member on the North Wilkesboro Planning Board. Mrs. Day will fill the unexpired term of ETJ Member Greg Minton whose term expires in June, 2018.”*

Commissioner Gary D. Blevins made a motion to appoint Mrs. Angela Day to serve as an ETJ Member on the North Wilkesboro Planning Board, as presented. The motion was seconded by Commissioner David Gambill and unanimously approved.

CONCEALED CARRY ORDINANCE – REPEAL – Chairman Eddie Settle said this is on the agenda largely by his request and this is because of what is going on in the world and people have no concern for life and do not care. He stated he has received many calls from folks that said they cannot defend themselves and he is very concerned. Chairman Settle said if someone has a conceal carry permit and they are not allowed to carry a gun to protect themselves, which gives them a chance, he wants to change the ordinance for this reason. He stated it is a shame this has to be discussed, but in this environment it does. This is his opinion and he would like to take the stickers off the door, they do not save anyone and do not keep out the people who want to do harm, he added. Chairman Settle said the stickers only keep out the people that have gone through the process and have the concealed carry permit.

Chairman Settle opened the floor for discussion at this time.

Vice Chairman Greg Minton stated he does not have an issue with a concealed carry permit holder, they have been vetted and had a background check. He said any modification including repeal of the ordinance should have a public hearing to allow the opportunity for both sides to express their views.

Commissioner Gary D. Blevins stated he is in favor of the repeal, but as he stated at the last meeting, the action or vote needs to be done following a public hearing and is the correct

protocol for the Board. He added this is so the media can notify every-one of the public hearing, and they are given a clear opportunity to express their opinions, then the Board can vote.

Vice Chairman Greg Minton made a motion to set a Public Hearing on Tuesday, January 19, 2016, at 6:30 P.M. to consider the repeal of the ordinance permitting the posting of signs to prohibit the carrying of concealed handguns on certain County property as adopted by the Wilkes County Board of Commissioners on November 21, 1995, which became effective on December 1, 1995. The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

Commissioner Keith Elmore stated that some folks had expressed concerns that the Board was prolonging this vote until after the election. He said he wanted to make sure the vote will be taken at the next meeting. The Board agreed the vote will be on the next agenda.

SOLID WASTE – UPDATE – Chairman Settle welcomed and recognized Kent Brandon, Landfill Director and Anderia Van Wy, Solid Waste Enforcement Officer. Mr. Brandon stated in the last meeting the trash on the road sides was discussed and they have reviewed what some other counties are doing. He said they have found those counties are charging a fee for unsecured non-covered loads. Chairman Settle asked what is an uncovered or unsecured load, is bags closed and tied up unsecured or uncovered. Mr. Brandon replied this is a grey area. He added technically if it is in a bag it is covered, but this does not necessarily mean it is secured. Chairman Settle asked what are the neighboring counties doing. Ms. Van Wy said in their research all across North Carolina they have found the landfills rely on the local Sheriff's Departments and State Patrol to enact the liter laws, N.C.G.S. 14-399 and the failure to secure your load section N.C.G.S. 20-116. She said these counties charge a fee for the unsecured or uncovered loads at the scale house before residents are allowed to dispose of their trash. Ms. Van Way added any and all of these actions would be helpful with the liter problem. She stated Wilkes is not unique in this issue all counties have a roadside liter problem.

Commissioner Blevins asked if the ordinance would have to be amended to charge a fee or fine. Ms. Van Way replied yes with an update or amendment. She added some charge a \$10.00 fee in addition to the trash fee for an uncovered or unsecured load. Commissioner Blevins ask if the money is used for trash pickup. County Attorney Tony Triplett replied that is also a grey area. Commissioner Blevins said mulch has to be covered when transported and it is only fair to require trash to be covered as well for the Commercial trucks. He noted this is not to punish residents that are doing the best they can and taking their trash to the landfill, but for the Commercial Business that need to be covered and regulated.

Ms. Van Way said some of the Commercial trucks are covered but this does not make them secured because it comes out the sides, backs, and in some cases the trucks are not properly emptied. She noted this falls outside the landfills' jurisdiction and is a grey area. The Department of Corrections (DOC) is known for maintaining the road sides and right-of-ways and have provided liter pickup, she added. Ms. Van Wy stated in 2009 there were four DOC road crews that picked up trash in Wilkes and 6 surrounding counties. Currently there is only one road crew in Wilkes, she added. Ms. Van Wy said she would like to have 4 crews back in

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Wilkes. Chairman Settle asked if the decrease happen this year. Ms. Van Wy said in 2010 it decreased to 2 and now it is down to 1. She said the landfill called and scheduled a pick up by DOT along the Hwy 268 roadways and other areas in the County back in early December and they are still waiting for them to come. They ask for pick-ups once a month, she added. Ms. Van Wy said they do a great job with what they have to work with and they are very appreciative but would like to see more crews. Chairman Settle asked why it was decreased. Ms. Van Wy replied she does not know why it decreased. Commissioner Elmore said it may be due to the cuts in the fuel tax.

Commissioner Blevins asked if the Wilkes Detention Center inmates could be used. Vice Chairman Minton replied no they cannot. Commissioner Blevins said there are risks with having DOC inmates working on the road side and trained guards are required to be with them and it would be expensive. He said that could be part of the issue. Chairman Settle said the tax payers expect this service as Ms. Van Wy stated. Ms. Van Wy said in their research they found the other counties rely heavily on the DOC for this. Chairman Settle asked if they are getting more crews from DOC than Wilkes. Ms. Van Wy replied yes they are based on what the other counties told her, and some of the other counties do not have any County roadside enforcement for liter they rely completely on the DOC.

Commissioner Elmore said the landfill and solid waste folks do a great job but they are not getting the support they need from the community, law enforcement, DOC, or DOT. They deserve more help and this problem needs to be addressed, he added. Commissioner Elmore said he has to drive up and down Hwy. 268 twice per day and it is horrible and the community is frustrated. Ms. Van Wy said there are things folks can do which is place their road on a schedule to be picked up by DOC, participate in the Adopt a Highway program, turn in someone that is littering or has a unsecured load, and all of this is available through the DOT website. Commissioner Elmore stated most of the public is probably not aware of these options. Ms. Van Wy said several folks that live along Hwy. 268 call the landfill and try to help with this issue. Commissioner Elmore said education on this could be helpful. Ms. Van Wy agreed and said they try to educate the staff and attend conferences to get the word out.

Commissioner Elmore stated if a business was looking to move to Wilkes, which is a beautiful place, the stigma attached to litter in this area is very hard to overcome and the business would not come to that location in most cases. The board discussed that it would be too dangerous for folks to adopt Hwy. 268 to pick up litter, it would take a commercial operation or road crews that could control the traffic for a pick up. Ms. Van Wy said in December it rained 15 days so the road crews could not come out and work in these conditions and this happens a few times a year and it will accumulate more during these times. Commissioner Blevins said this time of year when the vegetation dies the liter is more visible, but it is also a good time to pick it up because no snakes, it's easier to see, and it's not hot outside.

Commissioner Elmore asked where the Board goes from here. Chairman Settle asked for a recommendation. Commissioner Elmore replied the \$10 fee on the unsecured loads is a start. County Attorney Tony Triplett said there is a few things for the Board to keep in mind. He said the 2007 Solid Waste Ordinance already prohibits falling trash and unsecured loads, it does

require interpretation on the County's part of what is an uncovered load as Mr. Brandon has stated earlier. Mr. Triplett said the ordinance does not specify the tipping fee it allows the Board to set this separately by adopting a tipping fee schedule. He added if the ordinance is amended to allow a separate charge for hauling an uncovered load it has to be treated as a fine and it would be collected and turned over to the School Board. Mr. Triplett said the law is very strict on this. He added if the Board does not want to do this they can adopt this as an additional fee or surcharge in the tipping fee schedule and not amend the ordinance. In this case the fee can be used by the landfill or solid waste for clean up or other things, he added. Vice Chairman Minton said the only option is to increase the tipping fee for everyone. Mr. Triplett said no the Board can add a surcharge to the tipping fee for uncovered loads. Commissioner Blevins said it would be nice to set this aside for liter abatement on the highways. Commissioner Elmore said or supplement the tarps. Chairman Settle asked what is uncovered, does everyone have to have a tarp.

Commissioner Blevins said it is apparent what is secured either it can blow out or it can't. With some practice the folks at the landfill could make the determination and use some interpretation and should not be too much of a challenge, he noted. Mr. Triplett stated he would like the opportunity to work with Mr. Brandon and Ms. Van Wy to do some research and draw up some language on this including the tipping fee before action is taken. He added they can bring a proposed amendment to the tipping fee by way of surcharge and language concerning uncovered loads. Commissioner Blevins said he would like a 30-day period in which people are notified that on this date if the load brought to the landfill is not secured there will be an additional charge. Mr. Brandon and Ms. Van Wy supported this as well. Chairman Settle asked how much of this issue is from the Commercial trash trucks. Mr. Brandon replied a lot. Chairman Settle said the folks that will be charged the surcharge is all the others and not these. Commissioner Blevins replied no the Commercial trash trucks have to be regulated. Chairman Settle stated it is at the desecration of the worker at the scale house. Commissioner Blevins said these folks could be charged by the Sheriff's Office. Ms. Van Wy replied yes this is what happens on other counties the Sheriff's Office and Highway Patrol write them a ticket based on the N.C.G.S. mentioned earlier. Mr. Triplett said the existing solid waste ordinance already covers this and that would be a fine that goes to the School System.

Commissioner Blevins stated that maybe Sheriff Shew could place a couple Deputies on Hwy. 268 and have them stop the Commercial vehicles in violation and write them a warning ticket and be more aggressive. Commissioner Elmore said there could be more enforcement from all law enforcement agencies and in the past State Troopers have did this. Chairman Settle agreed it would be great to have both the State Troopers and local Sheriff's Office to cover this area.

Mr. Triplett said the Board needs to give directions for them to take on this matter. Commissioner Blevins said he would like Commissioner Elmore to be involved and lead this effort. Commissioner Elmore stated he will be happy to do this. Chairman Settle said he is concerned that some citizens will be charged the extra fee for bringing a bag of garbage to the landfill and these folks are trying to do the right thing. The Board agreed this is not the source of the problem and who they want to charge the surcharge. Commissioners Gambill stated last time this was addressed the truck would drive to the landfill, stop across the road from the entrance to

the landfill, and cover their load. Commissioner Elmore stated they would meet together and come back to the Board with recommendations. Commissioner Gambill added they need to involve the Department of Corrections, Department of Transportation in this process as well.

The Board thanked Mr. Brandon and Ms. Van Wy on their update.

DEPARTMENT OF SOCIAL SERVICES UPDATE – Chairman Eddie Settle recognized and welcomed Department of Social Services Director John Blevins. Mr. Blevins stated things are going well at the Department of Social Services and he wanted to start with a few things that are not in the packets because it came in after they were sent out. He said they received an email from the State Operational Support Team and they have been looking at the processing of food and nutrition and Medicaid benefits. The email said they have been reviewing the reports for the past 6-months and wanted to give them a year end update, he added. Mr. Blevins read the email that said *“Wilkes County has not appeared on any of the weekly most impacted or counties requiring attention reports. Wilkes is one of the counties that met the 10% benchmark for considered current with Medicaid re-certs this past year. This is very good news. As you know NC is working hard to meet the USDA standards of 95% timeliness for FNS approvals. Your most recent weekly rates have been 95, 100, and 94%, good work.”*

Mr. Blevins said the same workers that work in FNS also handle the heating assistance applications. He said this money is paid directly to the vendor based on the amount they qualify for which could be \$200, \$300, or \$400. December 1 – 31 it was targeted for the Elderly, January 1st it opened up to everyone and they had 146 applications yesterday, he added. Mr. Blevins stated 142 was approved, 1 was denied, and 3 are pending, they issued \$40,300 benefits for low income energy assistance. He added this is federal money and the County covers the administration cost. Mr. Blevins noted to date they have received 606 application, 587 were approved, 16 denied, 3 are pending with \$140,700 funds issued since December 1, 2015. He added there are still \$219,000 remaining to help more people.

Commissioner Gary D. Blevins asked about the 95% rate. Mr. Blevins said this is for timeliness and accuracy. Commissioner Blevins ask about the one time it was at 94% and is this an average and is there a penalty for this. Mr. Blevins replied this is an average and the State has to achieve the 95% overall, some counties are way below this. Commissioner Blevins ask if Wilkes will be affected if the others do not reach the 95%. Mr. Blevins replied yes more than likely. He added the Federal Government will withhold the reimbursements. This is a USDA requirement, the report is sent weekly, and yes it will be an average, and the State has work to do, he noted. Commissioner Elmore asked the cost to Wilkes County if the State does not reach the 95%. Mr. Blevins replied approximately \$300,000.

Commissioner Blevins ask about the additional work load for the able body adults without dependents that have to be working if they meet the criteria. Mr. Blevins said the program begins July 1, 2016. He said this is a good program and will not add a tremendous work load. Some changes were made when a supervisor retired and they changed this to another worker position which added one more working on eligibility, he added.

Vice Chairman Minton asked when the special State audit begins. Mr. Blevins replied tomorrow, and they will be there for 2-days. Vice Chairman Minton asked if this was a look-back. Mr. Blevins replied no it is current and will continue through July. He said they will meet with one supervisor and two workers and go through the process and do a walk through. Vice Chairman Minton asked when recommendations would be made. Mr. Blevins replied they will make a report at the end to the General Assemble and to Wilkes. It will be an intensive review and only 10 Counties were picked, the Wilkes DSS workers do a good job, but with any type of review some issues will be found if you dig deep enough, he added.

Mr. Blevins provided the Commissioners handouts for November. He briefly went over the monthly caseload report, Foster Care financial report, Adoption Services financial report, Child Development and Subsidized Child Care financial report.

Mr. Blevins also went through the CPS Foster Care monthly reports for November and Foster Care financial report. Commissioner Gambill asked how the two new Foster family applicants came to them. Mr. Blevins replied through the Community and from the billboards. Mr. Blevins said next is a graph with a 62 month trend of Children in DSS from September 2010 through November 2015. He added the numbers have dropped slightly, but they are still very high for a county of this size. Commissioner Gary D. Blevins asked if Wilkes County uses the exact same criteria for what constitutes when a child has to go to Foster care. Mr. Blevins replied yes all counties are trained the same across the State and follows the same guidelines. He said he has also done a comparison with the number of children from birth to age 18 in the school system since 2010 through 2014, and this number has stayed almost flat. With 14,556 in 2010 and 14,674, in 2014 yet the number in Foster care has increased. Vice Chairman Minton asked if there was any other correlation he could make for this. Mr. Blevins said no he could not. Commissioner Gary D. Blevins said this increased from 128 children in Foster care in September 2013 to 192 in September 2014, which is only one-year and has stayed at this level. Commissioner Elmore asked if this was about the same time the damning article come out in Yadkin County and everyone including the Court system got scarred and did not want to take any chances.

Mr. Blevins stated the next chart is the Medicaid transportation cost from August 2015 through November, 2015, which did decrease as expected. He added by having the clients transported to Methadone clinics within Wilkes County this cost has dropped.

Mr. Blevins said in conclusion he wanted to share the Child Support shout out report that recognized outstanding collections by Kathi Canter for collecting \$12,550 in November. This was for child support from an absent parent as a settlement between parties, he added.

The Board thanked Mr. Blevins for his report and update.

ADJOURN – Motion was made by Commissioner Gary D. Blevins, seconded by Commissioner Keith Elmore and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 11:28 A.M.

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Sarah D. Call, Clerk

Eddie Settle, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: