

**MINUTES  
WILKES COUNTY BOARD OF COMMISSIONERS  
December 15, 2015**

**PUBLIC CONCERNS – RONALD R. SPIERS – PERMIT TO CARRY CONCEALED HANDGUN –**

Mr. Spiers stated he noticed the no guns allowed sign on the door. He added the State law says that any place someone has a legal right to be they also have a legal right to carry a gun concealed. He noted he is a concealed carry instructor with 35-years of competition shooting. Mr. Spiers spoke briefly about the advantages of employees' carrying a concealed handgun in their workplace. He added they have passed the class, obtained the permit, and also passed the test to prove their proficiency in shooting a concealed handgun. He said an employee should be allowed to carry in their workplace just as the State had planned. Mr. Spiers closed by stating if the employees have guns and someone attempts to terrorize their workplace they should have the right to protect themselves and others. He thanked the Board for allowing him to speak.

The Wilkes County Board of Commissioners met on Tuesday, December 15, 2015 at 7:00 P.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 Settle wished everyone a Merry Christmas and Happy New Year.

**INVOCATION** - Commissioner David Gambill led the Invocation.

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

**MINUTES** –Motion was made by Commissioner Keith Elmore, seconded by Vice Chairman Greg Minton and unanimously adopted to approve the Minutes of the Board meeting held on December 1, 2015.

**BUDGET AMENDMENTS/TRANSFERS** - Motion was made by Commissioner Gary D. Blevins to approve Budget Amendment No. 14 (General Fund – Women's Circle Grant & HIV/STD; Received additional funding from State for Fiscal year FY15-16. No County money involved. Received grant to provide mammograms for uninsured women. No County money involved). The motion was seconded by Commissioner Keith Elmore and passed unanimously.

**WILKES COUNTY LIBRARY – APPALACHIAN REGIONAL LIBRARY – APPOINTMENT –**

Chairman Settle recognized Ms. Julia Turpin, Wilkes County Librarian. Ms. Turpin stated they are excited to have Ms. Carol Childers on this Board.

Commissioner Blevins stated Ms. Childers is a fine choice and a great volunteer. He added she is replacing Mr. Rick Harvin. Vice Chairman Minton said Mr. Harvin termed out on the Appalachian Regional Library Board.

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Chairman Settle asked if the Town had fixed the sidewalk in front of the Library. Ms. Turpin replied they have come to look at it and are doing patchwork at other locations so she expects they will get to it. Chairman Settle wished Ms. Turpin a Merry Christmas. Ms. Turpin invited the Board to come by the Library for the winter reading program.

Vice Chairman Greg Minton made a motion to appoint Ms. Carol Childers to the Appalachian Regional Library Board, as presented. The motion was seconded by Commissioner David Gambill and unanimously approved.

**EMS – FIRST RESPONDER CONTRACT WITH LOUISIANA PACIFIC** – Chairman Settle welcomed Eric Morrison EMS Director, Bruce Bell, Jimmy Boles, and Michael Rhae with Louisiana Pacific. They stated the request was to have a First Responder Contract for Basic Emergency Services with the County and Louisiana Pacific Corporation. Chairman Settle asked if Roaring River Fire Department was good with the contract. They replied yes, they had met with the Dale Pierce, Chief at the Fire Department and they are good with this. They added this is not to replace any service just to add extra treatment to employees on site if needed. The L-P representatives noted it will complement the current program with medically trained First Responders and OSHA responders as well.

Mr. Morrison said the EMS had a great opportunity to go down and train with these guys two-months ago and it is an interesting work site they have to deal with and these guys know the risk better than anyone else. He added it is a great asset to have them available on-site. Mr. Morrison stated they are not replacing Roaring River this is in addition to. He added they will fall under the EMS First Responder system and the reason for the contract. They will have the same guidelines that all the other First Responders operate under, he noted.

Chairman Settle stated it would speed up the response time with having to come through the gate onto the property. They replied there are two Medical Responders on-site now and the response is fairly quick, both have been used several times over the years and been very beneficial.

Commissioner Elmore said the Roaring River First Responders have trained in the past at L-P and asked if this would continue. They L-P representatives replied yes it would. They said this contract would not change anything they do with the First Department or First Responders this is just internal so they can provide help to employees a little quicker if needed. Mr. Morrison said there is a good relationship with L-P and EMS and they will do more training together. The L-P representatives added there has been several drills with Roaring River Fire Department, Wilkes Rescue, Wilkes EMS, and Wilkesboro Fire Department, and this will continue.

Commissioner Blevins asked if there was an updated draft, the one in the packet stated there could be changes after all parties had reviewed it. Mr. Tony Triplett stated there are no changes, the attorney for Louisiana Pacific have approved it and the draft in the packets is the final version.

Vice Chairman Minton asked if L-P has a Hazmat team on-site. They replied they do not, they have folks trained for skill response and added they do not deal with many chemicals or things of this nature.

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Commissioner David Gambill made a motion to approve the First Responder Contract with Louisiana Pacific, as presented. The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

**SYNERGY – LEASE AGREEMENT – RESOLUTION** – County Attorney Tony Triplett stated the lease with Synergy and Carl Spake is before the Board for consideration for renewal of the lease. He noted Mr. Spake is also in attendance tonight. He added Commissioner Blevins, County Manager John Yates and himself have met with Mr. Spake several times on the renewal of this lease for the property located on Peace Street which he has leased for several years. There is no written lease agreement in place for 2015, there has been one in place each year prior, he added. Mr. Triplett said this one is not in place because they have been discussing the lease, various maintenance items, costs, and an option to purchase, along with other items. He said during this time Mr. Spake had an unfortunate financial challenge to his business with an infestation of bedbugs at this facility and this cost him a tremendous amount of money. Things are much better now, he added.

Mr. Triplett said now they feel a written lease does need to be in place and the proposal is for a written lease for 2016 and it does lower the rent. He said it goes from \$3,600 per month to \$2,000 and it is lowered retroactively which means for this past year as well as next year. The reason for this is the financial challenges he has faced this past year, but now the contracts with Smokey Mountain and Partners are in place and his consensus are back up, and he has more than 15 employees, he added.

Chairman Settle asked Mr. Spake to please step forward and be recognized. Mr. Spake said he has 20 employees. Mr. Triplett said the proposal is for the rent to be reduced and in exchange Mr. Spake has agreed to take on all the maintenance obligations for the building. He added up to now Mr. Spake was responsible for the first \$2,000 of each repair and the County was responsible for anything over this. Mr. Triplett said the building needs a lot of work and repairs. He added Mr. Spake has gathered some estimate and it is well into the three figure range. Mr. Triplett said Mr. Spake does owe some arrearage on the rent for 2015 in the amount of \$6,000. Mr. Spake added he made a \$3,000 payment today and on December 31, 2015 he will pay the remaining \$3,000. Mr. Triplett said this is included in the terms of the lease before the Board today and if approved the attached Resolution will need to be adopted. This is the procedure for a lease of one-year or less and this is a one-year lease, he added.

Commissioner Elmore ask if the \$3,600 paid by Mr. Spake earlier this year is applied to the balance he owes at the lower amount. Mr. Triplett said yes, the rent is retroactively lowered to \$2,000 per month for a total of \$24,000 due for 2015. He added, Mr. Spake paid \$3,600 for 5 months in 2015 for a total of \$18,000, he owed \$6,000, and he paid \$3,000 today and will pay the remaining \$3,000 by the end of the year. Commissioner Elmore thanked Commissioner Blevins for his work on this arrangement. Commissioner Blevins said there were many issues and they spent a lot of time trying to do what was fair for Synergy, Mr. Spake, and his employees, as well as for the County and the revenue that comes in from Smokey Mountain the LME. Commissioner Blevins added Mr. Spake is running a non-profit and is in a tough business and they are providing a much needed service. He said if the County lost Synergy they would lose the center according to Smokey and all the employees that go with it and it would result in a financial hit to the County. Commissioner Blevins said the County is fortunate to have Mr. Spake using this building it would be difficult to find another tenant for this facility.

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Commissioner Elmore asked if this is one of the buildings identified and on the list for the County to sell. County Manager John Yates replied no this is not on the current list. Commissioner Blevins stated the hope is that Mr. Spake's relationship with Smokey strengthens and they get a better understanding of how the LME's will function long term that he can get in a position to purchase this building from the County. Mr. Spake noted this is his goal. Mr. Yates said they have identified about 20 lots in Belmont and these are being perked at this time and they will be brought to the Board for permission to advertise to sell. Commissioner Elmore added the agreement with Mr. Spake is good. Mr. Spake stated they have been there 15-years and they like what they do, there have been many changes with the reforms that begin in 2001 and lots of volatility and changes. He added they serve 26 counties in the Western Region and Wilkes County is always the largest user of the beds at the center from all the counties they serve. Chairman Settle asked if there were 20 employees at his location. Mr. Spake replied yes most days there is 20 employees.

Mr. Spake thanked the Board and invited them to visit the center at any time and said he would be happy to discuss the substance abuse and mental illness issues in the Community. He said that he is happy to help in any way he can.

*RESOLUTION  
APPROVING  
LEASE AGREEMENT WITH OPTION TO PURCHASE  
WITH SYNERGY RECOVERY, INC.*

*WHEREAS, Wilkes County (the "County") is the owner of certain real property situated in North Wilkesboro Township, Wilkes County, North Carolina, the same being located at 118 Peace Street, North Wilkesboro, NC 28659, consisting of 8.36 acres, more or less, together with improvements situation thereon and ingress and egress to and from the same, said property being more fully described in that Deed recorded at Book 558, Page 069, Wilkes County Registry (hereinafter referred to as "the Property"); and*

*WHEREAS, Synergy Recovery, Inc., a North Carolina non-profit corporation providing mental health, developmental disability, and substance abuse services, with its principal office and place of business being located in Wilkes County, North Carolina (hereinafter "Synergy"), currently occupies and does business on the Property and formerly sublet the same from New River Service Authority, a Joint Agency created pursuant to Chapter 160A of the North Carolina General Statutes (hereinafter "New River"), pursuant to a duly approved lease between the County and New River; and*

*WHEREAS, New River ceased operations on or about October 31, 2011, and no longer leases the Property from the County or sublets the same to Synergy; and*

*WHEREAS, Synergy has been conducting its operations at the Property and has leased the same from the County since January 1, 2013; and*

*WHEREAS, Synergy's most recent lease with the County has expired; and*

*WHEREAS, the County desires that Synergy continue its operations at the Property as a provider of mental health, developmental disability, and substance abuse services, and desires to continue to lease the Property to Synergy for this purpose; and*

*WHEREAS, Synergy desires to continue its operations at the Property as described hereinabove, and desires to lease the Property from the County for this purpose; and*

*WHEREAS, the parties, consistent with the foregoing, have agreed upon a lease of not more than one (1) year for said purpose and desire to evidence the same in a Lease Agreement with Option to Purchase (hereinafter the "Lease Agreement") with a term commencing as of January 1, 2016, and expiring at midnight on December 31, 2016, at a rental of Two Thousand and No/100 Dollars (\$2,000.00) per month, together with other terms and provisions as set forth in the Lease Agreement; and*

*WHEREAS, G.S. §160A-272 authorizes the County to enter into a lease of one (1) year or less upon resolution duly adopted at a regular meeting of the Wilkes County Board of Commissioners; and*

*WHEREAS, the Wilkes County Board of Commissioners is convened in a regular meeting;*

*NOW, THEREFORE, BE IT RESOLVED, pursuant to G.S. §§153A-176 and 160A-272, that the Wilkes County Board of Commissioners hereby approves the Lease Agreement for the Property and further authorizes its Chairman and Clerk to execute the same.*

*This the 15th day of December, 2015.*

**ATTEST:**

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*Sarah D. Call, Clerk*

**WILKES COUNTY:**

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*Eddie Settle, Chairman*  
*Wilkes County Board of Commissioners*

Commissioner Gary D. Blevins made a motion to approve the Resolution for the Lease Agreement with Synergy Recovery, Inc. for a one-year term commencing January 1, 2016, and expiring at midnight on December 31, 2016, as presented. The motion was seconded by Vice Chairman Greg Minton and unanimously adopted.

**BOARD APPOINTMENTS** – Chairman Eddie Settle stated there is no changes to the Board Appointments for 2016 and said there are no changes to the Chairman’s Appointments for 2016.

Below is a complete listing of Board Appointments and Chairman Appointments for 2016:

BOARD APPOINTMENTS FOR 2016

EDDIE SETTLE	Economic Development Commission
GREG MINTON	Wilkes County Library Board High Country RPO's Rural Transportation Advisory Committee (RTAC) High Country CTP Steering Committee
KEITH ELMORE	
GARY D. BLEVINS	Airport Board Board of Equalization & Review Ordinance Committee Smoky Mountain Center Advisory Committee High Country CTP Steering Committee
DAVID GAMBILL	Animal Control Committee Board of Health Wilkes Transportation Authority (WTA)

CHAIRMAN APPOINTMENTS FOR 2016

EDDIE SETTLE (Chairman)	Board of Education – Liaison Child Fatality Team
GREG MINTON	Advisory Committee on Aging Juvenile Crime Prevention Council Region D Development Corporation Wilkes Senior Resources
KEITH ELMORE	Blue Ridge Opportunity Commission Wilkes Community College – Liaison Workforce Development Consortium
GARY D. BLEVINS	County Personnel Liaison High Country Council of Governments Recreation Board Rural Transportation Advisory Committee
DAVID GAMBILL	Criminal Justice Partnership Fire Commission/Emergency Management Local Emergency Planning Committee

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**NEW BUSINESS** – Commissioner Gary D. Blevins said he would like to discuss the subject matter of the public concerns heard earlier this evening. He said this is something the Board has been taking about informally, he has a conceal carry permit and has for a long time. Commissioner Blevins added maybe the Board needs to consider having a Public Hearing to get a feeling for where the Board needs to go with this. He said it is a big topic currently and irresponsible of the Board to not address it in some kind of public manner.

Chairman Settle said the stickers will not keep anyone inside this building from being killed if a bad guy comes in. He added he is also a conceal carry and would like the opportunity to defend himself, if there is not police protection in this building. Commissioner Blevins said there are two former Police Officers in the Building. Commissioner David Gambill said that is correct there are two at every meeting. Commissioner Blevins said a Public Hearing could gauge the sentiment of the public and something for the Chairman to consider.

Commissioner Elmore said litter is dear to him, he and many others have picked up trash for years. He added it is terrible that there is no improvement. He said there are a lot of people concerned about this and he would like to give them a change to voice their concerns. Commissioner Elmore said maybe a committee could be set up to study this issue and help find a solution. Commissioner Blevins stated he has been in landscaping for 35 years, one of their services is to pick up the trash at the sites they take care of, any litter of any kind and there is a cavalier attitude and people just don't care. He added if the trucks would cover the trash they transport properly that would help. Commissioner Blevins said it would take a huge cleanup campaign and something the County cannot afford. Commissioner Elmore agreed this is not something the County could take care of.

Commissioner Elmore said he is not sure the enforcement is at the Landfill for non-covered trash trucks, as it needs to be. Commissioner Blevins said they could be turned around if not covered when they get there. Commissioner Gambill said they are fined now if they come in uncovered. He added that the Landfill handed out tarps so the folks could cover the trucks. County Attorney, Toney Triplett said there was a Solid Waste Ordinance passed in 2007 that is very comprehensive and there is also a standing Ordinance Committee. They have not met in several years but he could take a look at the Ordinance and how it is being enforced if the Board wants, he said. He added there maybe something that can be done under the existing regulations or new regulations could be considered, or even an educational campaign, any and all choices available for the Board. Mr. Triplett stated a new committee could be formed if the Board chooses.

Chairman Settle said it is something that needs to be looked into, Wilkes is trying to attract companies and if they ride around and see trash on the roads this could play a factor in their decision. Mr. Yates added a committee would help draw attention, because sometimes the decisions the County makes are not well received by everyone. Commissioner Blevins said this is a good suggestion.

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**CLOSED SESSION** – Vice Chairman Greg Minton made a motion to go into Closed Session under Section 143-318.11(a)(3) of the North Carolina General Statutes to consult with the County Attorney in order to protect the attorney-client privilege. The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

Motion was made by Commissioner Gary D. Blevins, seconded by Commissioner Keith Elmore and by unanimous vote adopted to adjourn back into regular session. No action was taken in the closed session.

**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 8:01 P.M.

Sarah D. Call, Clerk

Eddie Settle, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: