

MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
March 22, 2016

PUBLIC CONCERNS – None

The Wilkes County Board of Commissioners met on Tuesday, March 22, 2016 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 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 March 1, 2016.

BUDGET AMENDMENTS AND TRANSFERS – Budget Amendment No. 20 (General Fund – Restricted State; Budgeting fund for a grant from the NC Department of Public Safety, Governor’s Crime Commission. This grant is to be used to purchase equipment and software for each uniformed patrol officer to have a body camera. This will add more transparency and accountability in the department and can be used to assist in investigative matters. The grant is \$23,163 (34%) with a required local match of \$44,962 of county funds).

Commissioner Gambill asked if all the budgets have been decreased for fuel. County Manager John Yates replied no money is being transferred at this time. The hope is to capture this at the end of the year and add it back to the fund balance, he added. Mr. Yates said this request is using some of the fuel savings for the Sheriff’s Department and where the match would be coming from for this grant. Commissioner Elmore asked if this grant included cameras, software, and maintenance. Mr. Yates replied cameras and software are included. Commissioner Elmore asked about maintenance. Finance Director Jerry Shepherd replied this is for the first year and no maintenance is included. Commissioner Elmore asked the number of cameras to be included. Mr. Yates replied the grant will cover up to 50 cameras. Vice Chairman Minton added a server is also needed to do this properly because the data has to be saved and retained, which is a large amount of data. Commissioner Blevins added it would be better to capture all the fuel savings as Commissioner Gambill stated and this grant request to be included in the new budget request coming up soon. He asked how many Sheriff’s Departments across the State have this capability. Vice Chairman Minton replied it is very common and is for liability management. Mr. Yates stated this grant has to be used by June 30, 2016.

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Chairman Eddie Settle recognized Bert Hall, Board Chairman and Patsy Reavis, Director of Wilkes Development Day School to address Budget Amendment No. 21 (Other Human Services – Requesting funds from contingency to increase this year’s funding to the Wilkes Development Day School). Mr. Hall thanked the Board for their consideration and added several Board members are also in attendance at the meeting in support of the school. He added there is a funding gap they need help to continue to help the children served by the school. Ms. Reavis gave a brief history of the school and stated they are currently licensed for 70 students. She said they provide special education services and therapy services of many types and have a full time nurse due to the special needs of several of their students. Ms. Reavis stated they serve 24 students placed by the Wilkes County School system and added they do this effectively with their budget. She noted they offer more intense services than the public schools can provide and when the students leave their school to attend public school they need less services.

Ms. Reavis said they currently have an enrollment problem for many reasons and this has caused a shortfall in budget. She added to fix this they have had layoffs, made cuts administratively, and cuts in benefits for the staff. The revenue and expenses are starting to match, but they currently have a shortfall in their budget and will until this settles and they feel the effects of the cuts, she noted. Ms. Reavis stated they are one of the best in the state in caring for special needs children. They also provide day care for children without special needs but a lot of these children are in foster homes and need extra assistance, she said. Mr. Reavis said they are a 5 Star facility, the highest rating offered in N.C. and also an accredited facility which makes them in the top 10% in the nation for the education of young children. Ms. Reavis stated their budget is heading in the right direction, but temporally facing a shortfall and they need assistance from the Board.

Chairman Settle asked how long the settling will take until they feel the effects of the cuts. Ms. Reavis replied with non-profits the trickle down factor can be slow, and the cost of lots of things they offer cannot be cut. She stated the cost of personnel is what they cut in the past 6 – 8 weeks and have not felt this yet, but they will. Chairman Settle added the school has a very good Board. Vice Chairman Minton asked if this was enough to get them through. Mr. Hall replied they hope it will be, but they may be back in a few months, they did not want to ask for more than what was needed at this time. He added he knows how tight all budgets are within the County and Towns. Commissioner Elmore asked how much the fund balance is currently. Ms. Reavis replied they should have about \$40,000 by the end of March and this will pay the bills. Commissioner Elmore asked how much will be saved with the cuts. Ms. Reavis replied over the next 12 months they will save \$81,000. Vice Chairman Minton asked where the cuts came from. Ms. Reavis replied support staff at the school, administratively with an assistant director, and a large cut in health insurance. Vice Chairman Minton stated it was all from the staff and no programing offsets. Ms. Reavis replied, yes every part of the programs they offer is mandated by State or Federal regulations and they are there to offer the best possible care for the Children. She added the children need all the programs.

Commissioner Elmore asked if funding was lost because they lost students. Mr. Reavis replied this is correct. Commissioner Elmore asked how many students they budgeted on. Ms. Reavis replied they considered themselves full at 68 students, they can hold 70, and currently have 61. She added since July they have lost 25 students, but some went to the public schools as they should have. Commissioner Gambill asked how many employees they have, not including the Nurse. Ms. Reavis replied 4 admin staff, 6 teachers, 6 assistant teachers and 1 cook. Mr. Hall added there is also contract staff. Ms. Reavis noted the

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therapists are contracted staff member. Chairman Settle asked how much their budget is. Ms. Reavis replied around \$850,000 annually on average. Mr. Hall invited the Board to come and tour the school to see the progress the kids are making. He thanked the Board for their consideration of this request.

Motion was made by Commissioner Keith Elmore to approve Budget Amendment No. 20 (General Fund – Restricted State; Budgeting fund for a grant from the NC Department of Public Safety, Governor’s Crime Commission. This grant is to be used to purchase equipment and software for each uniformed patrol officer to have a body camera. This will add more transparency and accountability in the department and can be used to assist in investigative matters. The grant is \$23,163 (34%) with a required local match of \$44,962 of county funds). Budget Amendment No. 21 (Other Human Services – Requesting funds from contingency to increase this year’s funding to the Wilke Development Day School). Budget Amendment No. 22 (General Fund – Environmental Health; Received USDA Grant for Environmental Health for FY 15-16. No County money involved. Received State funding for Food & Lodging for FY 15-16. No County money involved). The motion was seconded Commissioner David Gambill and passed unanimously.

RESOLUTION – OPPOSING THE PROHIBITION OF SEX-SPECIFIC RESTROOMS – Chairman Settle stated he requested for this to be on the Agenda tonight and asked County Attorney Tony Triplett to read the resolution before the Board.

*THE WILKES COUNTY BOARD OF COMMISSIONERS
Resolution Opposing the Prohibition of Sex-Specific Restrooms
March 22, 2016*

WHEREAS, The Wilkes County Board of Commissioners is deeply concerned about the recent changes made to the Charlotte’s Code of Ordinances allowing men to share bathrooms and showers with women and young girls in places of public accommodation; and,

WHEREAS, beyond the fundamental flaw in flatly prohibiting sex-specific restrooms, locker rooms, and showers, Charlotte’s ordinance legalizes conduct which would put North Carolinians elsewhere in jail; and,

WHEREAS, it has been held criminal conduct across North Carolina for a male to knowingly enter an area marked for females’ private use;

AND FURTHER, a biological man who exposes himself in an occupied female restroom or locker room subjects himself to the criminal charge of indecent exposure.

WHEREAS, The North Carolina General Statutes expressly prohibit municipalities from passing ordinances that violate the general criminal laws; and,

FURTHER, we cannot have acts that are criminal in one city or county but not in the others; and,

WHEREAS, privacy according to one’s sex is an undeniable principle of our civil society and part of our statewide law;

BE IT THEREFORE RESOLVED BY The Wilkes County Board of Commissioners to oppose the misguided actions of the Charlotte City Council; and,

RESOLVED FURTHER, that North Carolina criminal law must apply everywhere in our great State; and,

FURTHER, The Wilkes County Board of Commissioners opposes President Obama's efforts to force children in North Carolina, Virginia, and South Carolina schools to share unisex bathrooms and locker rooms.

This is 22nd day of March, 2016.

WILKES COUNTY BOARD OF COMMISSIONERS

Eddie Settle, Chairman

Attest:

Sarah D. Call, Clerk

Commissioner David Gambill made a motion to approve the Resolution Opposing the Prohibition of Sex-Specific Restrooms as presented. The motion was seconded by Commissioner Keith Elmore and unanimously approved.

BLUE RIDGE OPPORTUNITY COMMISSION (BROC) – ANNUAL APPOINTMENT OF WILKES AGING ADVISORY COMMITTEE – Chairman Settle recognized Jennifer Cooper, Director, BROC Elderly Nutrition Program. Ms. Cooper stated BROC is the lead agency on aging in Wilkes County and as such they are asking the Commissioners to approve the Aging Advising Committee for 2016/2017. She added there are 15 persons that have agreed to serve on the Aging Advising Committee, which needs the Board's approval.

Below is the list of the FY 2016-2017 Wilkes County Aging Advisory Committee Members presented to the Commissioners:

Mr. Jennifer Cooper, Lead Agency Director
Ms. Julie Wiggins, Director Area Agency on Aging, High Country Council of Governments
Ms. Nicole Hiegl, Aging Service Coordinator Area Agency on Aging, HCCOG
Ms. Suzanne Hanlin, Director, Wilkes Senior Resources
Ms. Jennifer Snider, Director, RPB Adult Day Care Center
Ms. Kay Luffman, Community Social Services Technician
Ms. Betty H. Knight, Wilkes Senior Tar Heel Legislature Delegate
Ms. Freda Degrunchy, Wilkes Senior Tar Heel Legislature Alternate
Ms. Karen Hallman, Community Alternative Program
Ms. Mary Severt, Social Worker
Mr. Gregory A. Minton, Vice Chairman Wilkes County Commissioners

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Ms. Dave Snyder
Mr. Mary Edna Faw
Ms. Gayle Benton
Ms. Carol Brock Jenkins
Ms. Beth March, Social Worker
Rev. Steve Snipes
Ms. Annie D. Wyatt
Ms. Greta Ferguson
Ms. Diane Harper

Commissioner Keith Elmore made a motion to approve the Annual Appointments of the Wilkes Aging Advisory Committee as presented. The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

PLANNING DEPARTMENT – REQUEST FOR SPECIAL INTENSITY ALLOCATION – Planning Director Eddie Barnes gave a brief summary of the 10/70 variance from the Watershed Ordinance that was approved by the State in 1999. He said this allows jurisdiction to take 10% of the gross water shed area and allocate up to 70% for specific projects. Wilkes went further and established criteria where developments have to meet a certain point criteria, which is included in the packet, he added. Mr. Barnes said once this is met they can meet the application standards for the variance. He stated during a special session the Wilkes Joint Planning Board reviewed a request from Venture Properties for a Special Intensity Allocation under the 10/70 Watershed Amendment. The project is in the Big Elkin Creek watershed in Traphill Township, he said. Mr. Barnes added the project will consist of a Dollar General retail store on 2.31 acres of which 70% will be impervious surface. He said the Wilkes Joint Planning Board approved this request and recommends it to the Board of Commissioners for consideration.

Commissioner Blevins asked if there is a provision to allow another structure to be built on this tract, since it allow up to 70% of impervious and this site will be much less than that. Mr. Barnes replied it could accommodate another building but cannot exceed 70%. Commissioner Blevins ask if this could be done with the same permit. Mr. Barnes replied they would have to come back for another approval by the Joint Planning Board to make sure they are meeting the point criteria. He added this area does not have public water and sewer so this does limit it.

Commissioner Gary D. Blevins made a motion to approve the Special Intensity Allocation under the 10/70 Watershed Amendment as presented. The motion was seconded by Vice Chairman Greg Minton and unanimously approved.

FINANCE – CONTRACT TO AUDIT ACCOUNTS FISCAL YEAR 2015-16 – Finance Officer Jerry Shepherd stated it is time to approve the contract for auditing services; the current firm is Martin Starnes & Associates and the County has been very pleased with the work they perform and would like to recommend them again. The contract price is the same it has been for the past Five years, without going back and asking them, he added. Mr. Shepherd said the Local Government Commission requires approval of this contract by the County Board of Commissioners and the Chairman and Finance Officer have to sign the contract after it is approved by the Board.

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Commissioner David Gambill made a motion to approve the Contract to Audit Accounts from Martin Starnes and Associates, CPAs, P.A. for fiscal year ending June 30, 2016 as presented. The motion was seconded by Commissioner Keith Elmore and unanimously approved.

COUNTY PROPERTY – BEAUMONT SUBDIVISION – COMBINATION OF LOTS – County Attorney Tony Triplett handed out a tax map to the Board. He stated this is part of the effort the Board authorized several months ago to try to identify and sell surplus properties. Mr. Triplett added these were chosen first because they are lots in a well-known subdivision acquired by tax foreclosure. He added the problem initial is the lots did not perk. Mr. Triplett stated Mark Bumgarner re-visited the lots and determined one lot will perk but both lots cannot be built upon. He added one lot can be built upon and the other would have the septic system. The only way it can be permitted by the Health Department is if these two lots are combined into one for tax purposes, he added. Mr. Triplett said Mr. Bumgarner proposed that the County apply for the permit on the lot that perks and then it can be transferred with the sale of the property. He added a Deed is needed from the County to the County which states it is for the purpose of combining the two parcels, which is before the Board today. Mr. Triplett said if approved once the Deed is executed and recorded it will combine the two lots to one tax parcel and it can be advertised for sale. He added the County can then apply for the permit, transfer the permit and hopefully get a higher price for the lots.

Commissioner Blevins asked if the covenants for this subdivision allows the lots to be combined without unanimous approval from all property owners. Mr. Triplett replied Beaumont is one of the older subdivisions and they do have restrictions, but this is not restricted in them. He added these lots are not on the plat on record at the Register of Deeds in Beaumont because it is such an old subdivision.

Commissioner Keith Elmore made a motion to authorize the execution and recording of the Deed from the County to the County for consolidation of Lots 51 & 73 in the Beaumont Subdivision into a single parcel, as presented. The motion was seconded by Commissioner David Gambill and unanimously approved.

PURCHASING DEPARTMENT – SALE OF SURPLUS INVENTORY – County Manager John Yates stated the Wilkes County Purchasing Department is requesting approval from the Wilkes County Board of Commissioners to sell the following surplus inventory using electronic auction method, govdeals.com:

Year	Make	Model	Mileage	Department
2004	Ford	Crown Vic	207872	Soil & Water – Vehicle has high mileage
2005	Ford	Crown Vic	174050	Sheriff – Vehicle has high mileage
2007	Ford	Crown Vic	183883	Sheriff – Vehicle has high mileage
2007	Ford	Crown Vic	195164	Sheriff – Needs new Transmission
2007	Ford	Crown Vic	207378	Sheriff – Vehicle has high mileage
2008	Ford	Crown Vic	182850	Sheriff – Vehicle has high mileage
2008	Ford	Crown Vic	179339	Sheriff – Vehicle has high mileage
1997	Ford	Taurus	98645	Health – Removed from fleet due to age and mileage
1998	Ford	Taurus	132753	Sheriff – Removed from fleet due to age and mileage
1998	Ford	Taurus	108119	Health – Removed from fleet due to age and mileage
2001	Ford	Taurus	179168	Sheriff – Vehicle has high mileage

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1997 Ford Ranger 155243 Airport – Removed from fleet due to age and mileage

Equipment

K9 Kennel for 2008 Dodge Charger – will not work in new patrol car

Two pallets of used emergency vehicle equipment from Sheriff and EMS vehicles.

Commissioner David Gambill made a motion to approve the sale of surplus inventory using the electronic auction method govdeals.com as requested. The motion was seconded by Vice Chairman Greg Minton and unanimously approved.

OLD BUSINESS – Commissioner Blevins said he wanted to mention there was an Airport Board meeting last Thursday and they received a report from the engineering firm on the re-paving of the runway. He added it will begin immediately following MerleFest and will take 10 days up to 2 weeks. Commissioner Elmore asked if this was for the entire runway. Commissioner Blevins replied yes the entire runway will be paved and this is the first time this has been done since the Airport was constructed. Vice Chairman Minton added how much did the grant cover. Commissioner Blevins replied 90%.

Vice Chairman Minton asked the status on the Water Intake Project. County Manager John Yates replied the Joint Committee has been meeting and they have chosen Garney Construction and there is a conference call set with Garney tomorrow, with the Town and County Managers and Attorneys to discuss the CMAR Contract. He added the hope is to have the contract to the Board of Commissioners in April. Chairman Settle asked if the deadline will be met for the Clean Water Management Trust. Mr. Yates replied the Joint Committee is working hard to meet this.

CLOSED SESSION – Commissioner Gary D. Blevins 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 Vice Chairman Greg Minton 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.

NEW BUSINESS – County Attorney Tony Triplett stated North Carolina General Statutes §143-318.11(a)(3) requires that the terms of any settlement that has been considered by a public body with respect to a claim, judicial action, mediation, arbitration, or administrative procedure in which it is involved be reported to the public body and entered into its minutes. By an EEOC Mediation Settlement Agreement filed with the U. S. Equal Employment Opportunity Commission under date of December 2, 2015, and a Release executed by the claimant under date of December 3, 2015 (the “settlement documents”), the EEOC claim of former Wilkes County EMS employee Cynthia Cline and any and all other claims arising out of her employment with the County of Wilkes were settled by payment of the sum of \$25,000.00 to Ms. Cline, upon condition of no admission of any liability or fault on the part of Wilkes County, the resignation of Ms.

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Cline from Wilkes County EMS, and other related terms and conditions as set forth in the settlement documents.

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 7:55 P. M.

Sarah Call, County Clerk

Eddie Settle, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: