

**MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
May 17, 2016**

PUBLIC HEARING - 2016-2017 PROPOSED WILKES COUNTY BUDGET – Chairman Eddie Settle declared the Public Hearing open concerning the 2016-2017 proposed Wilkes County Budget at 6:38 P.M. on Tuesday, May 17, 2016 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 were Tony Triplett, County Attorney; John Yates, County Manager; Jerry Shepherd, Finance Director; and Sarah Call, Clerk to the Board.

Public Notice for the Public Hearing was published in the Wilkes-Journal Patriot on May 6, May 9, and May 11, 2016, posted on the County bulletin board outside the meeting location and on the County website. The Public Notice is attached and made a part of these minutes.

Chairman Settle asked if anyone would like to speak regarding the proposed 2016-2017 Wilkes County Budget. Hearing no comments on the proposed 2016-2017 Wilkes County Budget, Chairman Settle declared the Public Hearing closed at 6:39 P. M. Chairman Settle called a recess until 6:50 P.M.

PUBLIC HEARING - ROAD NAME REQUEST – MEADOW GATE DRIVE, EDWARDS TOWNSHIP - Chairman Eddie Settle declared the Public Hearing open regarding the Road Name Request for Meadow Gate Drive at 6:50 P.M. on Tuesday, May 16, 2016 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 were Tony Triplett, County Attorney; John Yates, County Manager; and Sarah Call, Clerk to the Board.

Chairman Settle asked if anyone would like to speak regarding the proposed Road Name Request. Hearing no comments on the proposed Road Name Request for Meadow Gate Drive, Chairman Eddie Settle declared the Public Hearing closed for the Road Name Request.

PUBLIC HEARING – REZONING REQUEST FROM R-20 TO H-B – 6626 W. US HWY 421, REDDIES RIVER TOWNSHIP – Chairman Eddie Settle declared the Public Hearing open regarding the Rezoning request from R-20 (Residential) to H-B (Highway Business) for Holbrook Motel/Bobby Patel, property located at 6626 W. US Hwy. 421, Wilkesboro, NC at 6:51 P.M. on Tuesday, May 16, 2016 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 were Tony Triplett, County Attorney; John Yates, County Manager; Eddie Barnes, Director Planning Department; and Sarah Call, Clerk to the Board.

Chairman Settle asked Eddie Barnes, Planning Department Director to provide background on this request. Mr. Barnes handed out an aerial tax map of the property to the Board. He stated a request was received from Bobby Patel for the address of 6626 W. US Hwy. 421 to have the property rezoned from residential to highway business. Mr. Barnes said the property has been used as highway business for 4 to 5 decades and known as the Holbrook Motel. He said it came to the attention of the Planning Board recently that it was not properly zoned for commercial use and they notified Mr. Patel. Mr. Barnes said Mr. Patel sent a request to the Planning Board and they reviewed the request and unanimously approved rezoning to highway business.

Mr. Barnes said the property to the west is zoned highway business and used for commercial use and the property across the road is also commercial property. Chairman Settle asked about the property line. Mr. Barnes replied the line goes back 300 feet and if approved the rezoning will go back 300 foot north of US Hwy. 421. He added this is a 3.2 acre tract and there will be about 1 acre on the northern tip of the property that will retain a residential zoning. Commissioner Blevins asked if the 300 feet is arbitrary. Mr. Barnes replied it is consistent with the district, there is a 300 feet highway business corridor and it is on the north side of Hwy 421 and to the west side of this property currently. Chairman Settle asked if the portion that will still be zoned residential could be used for highway business by Mr. Patel or if it had to be for residential use. Mr. Barnes replied commercial use cannot be used on the northern portion of the property, only residential.

Commissioner Gambill asked if Mr. Patel currently complied with the County Ordinance for Wrecker and Towing lot. Mr. Barnes said the current zoning of R-20 does not allow this type of commercial activity, however he would be in compliance for what he is doing if the rezoning is approved. He added if he goes into storing vehicles he would have to get a separate permit which is a salvage permit from the Planning Office and screen around the property is also required. Mr. Barnes said his most recent conversation with Mr. Patel is he does not plan to do this, he is looking to lease a storage yard in the Town of Wilkesboro. He noted he's only using the property where the Wreckers are parked to give assistance on the highway. Then he takes the cars to the service center of the customer's choice, he added.

Commissioner Gambill said their advertisement list he has a secure lot. Mr. Barnes replied there is a small chain fenced area at the northeastern corner of the motel property and he may periodically keep some vehicles there. Mr. Patel told him he intends to secure property within the Town of Wilkesboro for storage. Commissioner Gambill said it looks like the entire motel is fenced in. Commissioner Blevins asked if there are State regulations in place concerning salvage yards and are they permitted along Hwy. 421. Mr. Barnes replied a storage and salvage yard or junk yard are not permitted, but a Service Center or Garage that works on wrecked vehicles is allowed.

Vice Chairman Minton asked what defines a salvage yard from pulling wrecked vehicles. Mr. Barnes replied the County defines a salvage yard as any vehicle that is untagged, unlicensed, and

inoperable to move under its own power. He said the County Solid Waste Ordinance exempts Wrecker or Towing facilities up to 12 cars that are considered salvage vehicles. They can keep cars on the property due to the timing in some cases where they have to hold these due to a settlement, he noted. He said if Mr. Patel decided to do that on this property he would have to come in and apply for a conditional use permit, a salvage license, and also would have permitting issues with DOT. Mr. Barnes stated DOT may not allow this due to the 1000 foot buffer from a federal aid highway they require. He said if they only have a Wrecker Service they will be in compliance with the H-B zoning if approved and no solid waste license is required. Commissioner Blevins said they could only have 12 cars. Mr. Barnes replied that is correct.

Tony Triplett, County Attorney stated he had indicated earlier that this rezoning request may be followed up with a condition use permit because earlier indications that Mr. Patel may be planning to store some vehicles on the premises. He said from what he has told Mr. Barnes he is no longer planning to do this, but if he does that request would have to come back before this Board. Commissioner Gambill stated the property is now fenced in and the ad says they offer secure lots. Vice Chairman Minton said the property is in violation of the zoning and has been for 40 years. Mr. Barnes said yes, it is a non-conforming use and it is surprising this hasn't come up before.

Commissioner Elmore asked if this has been approved by the Planning Board. Mr. Barnes replied yes. Commissioner Elmore asked what the discussion in the Planning Board was. Mr. Barnes replied it was more along the lines that it is a non-conforming use and has been used for commercial uses for many years. They saw it warranted the upgrade to a commercial zoning based on that, he added. Mr. Triplett said the storage issue did not come up with them as the only issue before them was the rezoning. Vice Chairman Minton stated this is not being considered at this time by this Board, only the rezoning is being considered. Commissioner Gambill said it is not currently being used as commercial since the motel and store are both closed. Commissioner Blevins asked if the Holbrook Motel would be grandfathered in if it had continued as the hotel. Mr. Barnes replied there is a duration period for grandfathering. Commissioner Blevins asked if the nature of the business changes is it in violation. Mr. Barnes replied he is unsure of when the motel ceased operation as a motel. He said they would have 365 days from the date of closure, under the Wilkes County Zoning Ordinance to re-open this business as a non-conforming use without having a zoning change. If they went over the 365 days, they would have no choice but to come to this Board and ask for this property to be zoned to use as a Hotel, he stated.

Chairman Settle asked if anyone would like to speak regarding the proposed Rezoning Request. Mr. Colin Shumaker stated he is a property owner on the back side of this property. He said he understands along the corridor of a major highway there will be highway business property. Mr. Shumaker added there is a housing development just past this property. He said this will substantially affect the home values for those folks and for him as well, should this be approved. Mr. Shumaker added what they say they are going to do sounds fine, but what someone says they are going to do and what they actually do are two different things. He said he does not mind if they have highway business property, but wishes the Board can make it so he cannot bring detrimental harm to the land owners. In case they decide later they are not going to abide by the

zoning rules, he added. Mr. Shumate stated he is not for it, but he is not against it if they will do what they say. He said he would like it to be restricted so they cannot do anything they want.

Chairman Settle said this will require some more discussion. He asked what about the R-20 tract, can they park vehicles on it. Mr. Barnes replied they cannot park vehicles on this legally by the zoning. Commissioner Blevins said it is hard to back up on this once they get momentum. He added this is not appropriate for Hwy. 421 and the State Statue would not allow this. Mr. Barnes agreed. Vice Chairman Minton asked what the zoning for the property on the west side of the motel is. Mr. Barnes replied highway business.

After the comments on the proposed Rezoning Request for R-20 to H-B for Holbrook Motel/Bobby Patel, Chairman Eddie Settle declared the Public Hearing closed at 7:10 P.M.

PUBLIC CONCERNS – None

The Wilkes County Board of Commissioners met on Tuesday, May 17, 2016 at 7:10 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 May 3, 2016.

BLUE RIDGE OPPORTUNITY COMMISSION – BROCC – APPROVAL FOR BUDGET REVISIONS – WILKES SENIOR RESOURCES AND BROCC – Chairman Eddie Settle recognized Jamie Wyatt with BROCC Elderly Nutrition Program. Mr. Wyatt stated he is here to ask for a few budget revisions for the current fiscal year. He added at this time Wilkes Senior Resources would like to move funds from the following: in-home aide level II to in-home aide level I; from in-home aide level II to medical transport; BROCC elderly nutrition would like to move funds from congregate meals to home delivery meals.

Chairman Settle asked why this change is needed. Mr. Wyatt replied to meet the needs as they develop during the year. He added BROCC has had a large up-tic in the level of consumer contributions for the congregate sites and this is allowing them to move grant funds to home delivery. Chairman Settle asked if home delivery demand has increased. Mr. Wyatt replied the

need for home delivery is great, there are 160 on the waiting list currently. He added they are serving about 125 meals per day. Chairman Settle asked how they decide who to deliver to. Mr. Wyatt replied they have a system they use, they take down all the needs, housing situation, medical needs, is there a relative that lives with them or near-by that can help. He added they have a computer program they use and once all the information is input it generates a score and they get the highest needs on the list first. Mr. Wyatt said they can add a few more stops with this approval.

Commissioner Gambill asked about their volunteers for home delivery. Mr. Wyatt replied they are looking for a few more currently from the Fairplains meal site. He added there is a great need in the Mountain View area at this time. Commissioner Gambill asked what the qualifications are to be a volunteer. Mr. Wyatt replied a valid N.C. Driver's License and a desire to help people. They recruit anywhere and anyway they can, he added. Chairman Settle added they deliver meals five days a week, Monday – Friday.

Commissioner Keith Elmore made a motion to approve the Budget Revisions for Wilkes Senior Resources and BROC as presented. The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

EMS WEEK PROCLAMATION – Chairman Settle welcomed and recognized Eric Morrison, EMS Director and several employees from Wilkes County EMS. Mr. Morrison said EMS week is one week a year that is set aside to thank the men and women that take care of our communities. He added these folks work a lot of 24-hour shifts and are gone from their families on holidays and other important days to take care of other people. Mr. Morrison said this one week a year is a great opportunity to recognize what they do and he is only here to represent them before the Board.

Mr. Morrison thanked the Board for their support of EMS and for the opportunity to recognize them.

The Board thanked Mr. Morrison and all of the EMS employees for what they do every day for this community.

Commissioner Gary D. Blevins made a motion to designate the Week of May 15 -21, 2016 as Emergency Medical Services Week and approved the Proclamation, as presented. The motion was seconded by Vice Chairman Greg Minton and unanimously approved.

EMS WEEK PROCLAMATION

To designate the Week of May 15 - 21, 2016, as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, firefighters, educators, administrators, emergency nurses, emergency physicians, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, the Wilkes County Board of Commissioners in recognition of this event do hereby proclaim the week of May 15-21, 2016, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, EMS Strong, we encourage the community to observe this week with appropriate programs, ceremonies and activities.

This is 17th day of May, 2016.

WILKES COUNTY BOARD OF COMMISSIONERS

Eddie Settle, Chairman

Attest:

Sarah D. Call, Clerk

PLANNING DEPARTMENT:

1. ROAD NAME REQUEST – MEADOW GATE DRIVE – Chairman Eddie Settle recognized Planning Director Eddie Barnes. Mr. Barnes stated a Public Hearing was held earlier this evening to receive public input on a proposed Road Name Request for Meadow Gate Drive in Edwards Township, with no opposition. He stated this request meets the requirements of the Wilkes County Road Naming Ordinance and a ten-day notification period has been met. He stated the Planning Department has not received any comments opposing the Road Name Request.

Commissioner David Gambill made a motion to approve the Road Name Request for Meadow Gate Drive as presented. The motion was seconded by Vice Chairman Greg Minton and unanimously approved.

2. a. REZONING REQUEST – US HIGHWAY 421, WILKESBORO, REDDIES RIVER TOWNSHIP – Mr. Barnes stated the Planning Board has received a rezoning request from Kalpana Bobby Patel located at 6626 W. US Hwy. 421, in Reddies River Township. He said during a regular meeting on April 25 the Wilkes Joint Planning Board reviewed and recommended this rezoning request for approval. The request is to rezone from R-20 (Residential) to H-B (Highway Business), he added. Mr. Barnes stated a public hearing has been heard earlier this evening, first class mail went out to all adjoining property owners, and now it is for the Boards consideration.

Commissioner David Gambill made a motion to table the rezoning request for Kalpana (Bobby) Patel for the Holbrook Motel property located at 6626 W. US Hwy. 421, Wilkesboro, Wilkes County, North Carolina, which is currently zoned R-20 (Residential) to H-B (Highway Business) until the June 21, 2016 regular meeting of the Wilkes County Board of Commissioners. The motion was seconded by Vice Chairman Greg Minton and unanimously approved.

NEW BUSINESS: Chairman Settle recognized Kent Brandon, Landfill Director and Anderia Van Wy, Solid Waste Enforcement Officer. He stated the Board would like to discuss the commercial garbage trucks and trash blowing out while they are driving down the road, because they receive complaints about this. Chairman Settle said he would like to know what is needed and what they can do, and maybe the Highway Patrol or Sheriff's Deputies can help out and write citations. Ms. Van Wy stated she spoke to the Highway Patrol and asked if someone calls and complains about debris coming from a truck, what their procedure is. She said she was told if the caller is willing to testify in Court, provide their name and phone number to the officer they can take someone to court and prosecute them for littering.

Chairman Settle stated they have discussed writing citations to the commercial trucks, it has not made a difference in the past. Ms. Van Wy agreed. Commissioner Blevins asked the amount of the fine. Ms. Van Wy replied according to the Solid Waste Ordinance it is \$25 and they have issued these on occasions. She stated the fine for a citizens is \$250. The Board asked how these amounts were set, it seems they need to be reversed.

Mr. Triplett stated he has not spoken with Mr. Brandon and Ms. Van Wy about this, but he disagrees. He added the Ordinance sets up a two-fold civil penalty provision. Mr. Triplett stated the way it was meant to be interpreted was violations of the registration provisions for commercial solid waste haulers fall in the \$25 category. He added violations for hauling uncovered loads are meant to fall under the \$250 provision. Mr. Triplett said this is how the Ordinance was meant when it was written and the way it should be interpreted. He noted they have not had many conversations about this and it seems maybe they need to. Mr. Triplett stated they could issue a \$250 citation for a commercial solid waste hauler for an uncovered load. He added the \$25 fine is set up under a part of the Ordinance that was meant for when solid waste haulers fail to register with the County.

Commissioner Gambill asked what the issues are with the large trucks. Ms. Van Wy replied there are many types of trucks, but there are two that are primary concern. She said one is the open container such as the construction dumpster and can also be used in demolition. These are

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tarped, but it is not secure and wind still gets underneath and blows out debris, she added. Ms. Van Wy stated the second is the commercial compactor that the large retailers use and it is an open end compactor. She noted when the haulers pick them up a mesh is placed over it and in most cases it is over full and debris falls out while they travel down the road. These are the top two concerns for littering along the road sides.

Commissioner Gambill asked what measures these companies could take to help fix the problems with these two haulers. Chairman Settle stated a higher fine may make a difference. Ms. Van Wy replied in her research, it is expensive, she said the automatic roll out tarps could be used on the construction dumpers or other upgrades would help. She stated she is unsure on the large retailers but one thing that would help is the frequency of pick-ups. Ms. Van Wy said this would be a starting point, because they are overly full and debris falls out due to this. She stated all the counties have this issue and it is expensive to properly secure a load.

Chairman Settle stated they know the ones that are trying to keep their loads covered and do better and they also know the ones that just do not care. Ms. Van Wy agreed. Commissioner Blevins stated a cover that does not perform the function of holding the trash should be a violation. He added in some cases the tarp flies around and blows more trash out and the fact that a tarp was pulled over it is not the answer. Commissioner Blevins said the companies using these devices are going to have to find a better way to fix it so no trash blows out. He asked if they can restrict the use of these type of vehicles for commercial use to haul trash. Mr. Triplett replied the Board could impose additional regulations. Chairman Settle asked if the Board can impose these regulations and give notice that they have a certain number of days to fix the trucks or they have a penalty. Vice Chairman Minton asked if the Board first has to modify the standards and spell out what they have to actually fix or change to be in compliance. Mr. Triplett replied it will depend on how strict the Board wants to be. He said the way the Ordinance is written, the Board can impose some of this now.

Ms. Van Wy said she has called D.O.C. about every road she sees that needs a pick up and she hopes citizens are also doing this. She added D.O.C. has done an excellent job in picking up trash on the roads she has called about. They need more crews because they cover so many counties and roads. Commissioner Blevins stated the convenience centers help. Ms. Van Wy said they have discussed if more convenience centers were available for these trucks would this help if they did not have so much travel time. Commissioner Gambill added on the higher speed roadways it is not easy to turn around and go back when something blows off, in addition to the safety issues. Chairman Settle stated he agrees but the commercial haulers need the higher fines so they will pay more attention and do a better job. Commissioner Gambill agreed. Commissioner Blevins said the Town of Wilkesboro has a new garbage truck that nothing blows out of. Ms. Van Wy agreed. Commissioner Blevins added they are very expensive, but work very well. He added these are not the problem vehicles.

Chairman Settle stated they would like to see the \$250 fine in place. Mr. Triplett added he would speak with the Solid Waste folks and go over the Ordinance so that this fine can begin based on the current Ordinance. Ms. Van Wy asked without the authority to pull a commercial vehicle or truck over that is losing debris who does the Board expect to be able to enforce this.

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Mr. Triplett said the \$250 can begin now, but this is a great question, which is under what circumstances can a citation be issued, since Ms. Van Wy does not have the authority to pull them over. Chairman Settle asked her if she has been issuing these fines. Ms. Van Wy replied yes she has, but it is primarily for the illegal dumping of bags of trash left on the side of the road. Mr. Triplett said the Ordinance is referring to a civil penalty only that they can access on landfill property or for the illegal dumping of trash. They cannot pull anyone over and issue a citation or make arrest for littering, he added.

Chairman Settle said this needs to be discussed in further detail, but the Board would like to see the \$250 fine take effect now. Commissioner Blevins asked if littering is witnessed could they go through an administrative process at the landfill and send a citation to those responsible. Mr. Triplett replied yes, this can be done under the existing Ordinance as a civil penalty. Chairman Settle stated the Board needs to get Law Enforcement involved in this process. Commissioner Blevins asked if the civil penalty is not paid within a certain time period can they disallowed them to use the county facility. Mr. Triplett replied yes. Commissioner Gambill said this needs to be discussed and worked out in greater detail.

ADJOURN - Motion was made by Commissioner David Gambill, seconded by Commissioner Gary D. Blevins and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 7:45 P.M.

Sarah D. Call, Clerk

Eddie Settle, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: