

MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
June 21, 2016

PUBLIC CONCERNS – None

The Wilkes County Board of Commissioners met on Tuesday, June 21, 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.

Chairman Settle recognized Zion Boggess from Wilkes County 4-H. Mr. Boggess stated he is at the meeting representing Wilkes County 4-H and he is attending to observe the meeting and write a report. He added this fall he will be attending the Youth Summit in Raleigh which the 4-H puts together. Mr. Boggess said a delegate will be attending from every county in the state and they will learn about local government and how to be more involved. He noted he is happy to be attending this meeting and learning.

APPROVAL OF MINUTES – Motion was made by Commissioner Gary D. Blevins, seconded by Vice Chairman Greg Minton and unanimously adopted to approve the Minutes of the Board meeting held on June 7, 2016.

BUDGET AMENDMENTS/TRANSFERS – Jerry Shepherd, Finance Director stated Budget Amendment No. 28 was voided and taken out because it is taken care of in Budget Amendment No. 29 and should not have been included in the Agenda packets.

Motion was made by Commissioner Keith Elmore to approve Budget Amendment No. 27 (General Fund – Airport – When this year’s original budget was adopted, we didn’t know the Runway Overlay Project would be completed by June 30th. We had planned to budget the majority of this expense after July 1. However, the project is progressing and should be completed by the end of the fiscal year. The total project is for \$2,749,085. We have not budgeted the county match and this amendment will take care of the match as well as the remaining revenue and expenses not already budgeted for this project. The contract with Cedar Peaks Enterprises was approved by the Board on September 1, 2015); Budget Amendment No. 29 (General Fund – Jail Capital Fund – This amendment will officially close out the Jail Capital

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Project. There were still funds available at the end of last fiscal year and there were sales tax receivables and other items we were waiting on to be able to close the project. Also using some of the funds to increase Inmate Medical Expenses line in the General Fund for the Jail. This budget is estimated to be over around \$250,000 and there isn't enough funds in other area of the Jail budget to cover these overages); Budget Amendment No. 30 (Hwy. 268 E Water Ext Project – Making budget adjustments for Highway 268 E Water Project to match actual revenues and expenses. The costs for the project increased during the construction and additional funding was obtained from the ARC to cover the cost overrun. This project was done entirely from funds received from the NC Rural Center, Appalachian Regional Commissioner and the NC Underground Storage Tank Clean-up Fund. No county funds were used in this project); Budget Amendment No. 31 (Law Enforcement Restricted – Adjusting the budget from the Law Enforcement Restricted Fund Balance to purchase weapons for the Sheriff's Department. There are no county funds involved. These funds come from the Federal Equitable Sharing Program); and Budget Amendment No. 32 (General Fund – Year End Amendment – This amendment is for making end of year adjustments to the budget necessary to close out the fiscal year. 1. The Sheriff's special accounts (VICE, Crime and Commissary) are budgeted at the end of the fiscal year in order to see how much they receive in revenue and spend. These are not county dollars, but we have to account for them in our budget for auditing purposes. 2. We received additional JCPC grant funds and are budgeting these additional funds. These funds are forwarded to their respective Juvenile Crime Prevention programs. 3. Taking savings from the DSS Contract Transportation expense and transferring it to cover the cost of the renovations of the Curtis Bridge Building. 4. Taking funds not spent but budgeted for the Ag Center and transferring them to Courts to cover the interior painting and also to purchase a new chiller for the air conditioning. 5. Adjusting the Medical Examiner expenses to cover the additional costs this year. These amounts vary from year to year. 6. Adding additional funds in Veterans Service Salaries to cover the retirement of Susie Wyatt.) The motion was seconded by Commissioner David Gambill and unanimously approved.

BLUE RIDGE OPPORTUNITY COMMISSION – REQUEST FOR APPROVAL OF THE HOME AND COMMUNITY CARE BLOCK GRANT BUDGET FOR FY 2016-2017 – Chairman Eddie Settle recognized Jennifer Cooper, BROCC Elderly Nutrition Program Director. Ms. Cooper said she would like to present a Certificate of Recognition to the Board on behalf of Blue Ridge Opportunity Commission. She stated she wanted to thank the Board for their support throughout the year and all they do for BROCC. Commissioner Elmore said he attended the meeting and the Chairman for BROCC, Joseph Kilby, spoke about the Commissioners and their importance, they were very appreciative, it does not go unnoticed.

Ms. Cooper stated a packet was sent to the Board to approve the budget because BROCC is the lead agency for aging services in Wilkes County and she is here to request approval of the Home and Community Care Block Grant Budget for FY 2016-2017. She added this is for the BROCC Elderly Nutrition program, Wilkes Senior Resources, and the Ruby Pardue Blackburn Adult Day Health Care Center.

Ms. Cooper said the third page is the County funding plan and it has a funding allocation for FY 2016-2017 of \$539,330, the required local match is \$59,926, for a net service cost of \$599,256.

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She added the packet includes each individual agency's proposed budget for the next fiscal year. Ms. Cooper stated the Boards' approval is needed to renew the contract with the High Country Council of Governments for the Home and Community Care Block Grant Funds for older adults for fiscal year 2016-2017.

Commissioner Blevins said he attended the High Country Board meeting last night and they named Julie Wiggins as Director of the Area Agency on Aging. He added this year the Aging services at HCOG represents almost 50% of their budget. This area is increasing in population and they are starting some great new programs, he said. Commissioner Blevins stated this is federal grant money that the HCOG administrators and monitor the services and pass on to BROCC.

Commissioner Gary D. Blevins made a motion to approve the Blue Ridge Opportunity Commissioner Home and Community Care Block Grant Budget for FY 2016-2017 as presented. The motion was seconded by Vice Chairman Greg Minton and unanimously approved.

SHERIFF'S DEPARTMENT – REQUEST FOR PUBLIC HEARING – JAG 2016 GRANT AWARD – Chairman Settle recognized Sheriff Chris Shew and Logan Kerr with the Wilkes County Sheriff's Office. Mr. Kerr stated he has a request to hold a Public Hearing. The Sheriff's Office has been awarded the 2016 Edward Byrne Memorial Justice Assistance (JAG) grant and it does not require any match, he said. Mr. Kerr added the Sheriff's office is proposing to use this money to purchase a tactical bomb tech kit that enables officers to respond more adequately to an active shooter incident or an explosive device. He said this request is to hold a public hearing so citizens can respond to this proposed use of the JAG funds. Commissioner Blevins asked the amount of the grant. Mr. Kerry responded it is \$10,928.

Commissioner Gary D. Blevins made a motion to set a Public Hearing on Tuesday, July 5, 2016 at 9:55 A.M. regarding the JAG 2016 Grant Award as presented. The motion was seconded by Commissioner David Gambill and unanimously approved.

FIRE MARSHAL – APPROVAL OF PERMITS FOR FIREWORK DISPLAYS – Chairman Eddie Settle recognized Assistant Fire Marshal Niki Hamby. Mr. Hamby said each year applications are received and permits cannot be issued without Commissioner approval because of the 2010 Pyrotechnics Act. He added six applications for permits have been received this year and all materials have been submitted in accordance with the Fire Code and Pyrotechnics Act. Mr. Hamby stated Wilkesboro Raceway Park, Traphill Volunteer Fire Department and Crossroads Harley Davidson shows will all be on Saturday, July 2nd. He noted the Memorial Park WELOA et al., and Roaring Volunteer Fire Department shows will be on July 4th. Mr. Hamby said Wilkesboro Raceway Park will also have another show on August 13th.

Vice Chairman Greg Minton made a motion to approve the 2016 Fireworks Display Permit Applications for Wilkesboro Raceway Park; Traphill Volunteer Fire Department; Crossroad Harley Davidson; Memorial Park by Wilkes Law Enforcement Officers Association, County of Wilkes, Town of North Wilkesboro, Town of Wilkesboro, and Journal Patriot; Roaring River

Volunteer Fire Department; and Wilkesboro Raceway Park, as presented. The motion was seconded by Commissioner Keith Elmore and passed unanimously.

PLANNING DEPARTMENT:

1. AUTHORIZATION OF ORDER OF ABATEMENT – WILKES COUNTY SOLID WASTE ORDINANCE – Chairman Eddie Settle recognized Planning Director Eddie Barnes. Mr. Barnes stated Wilkes County has a comprehensive Solid Waste Ordinance and it is regulated by the Planning Department, the Solid Waste Office, and the Health Department. He added the Planning Department's primary responsibility is to regulate junk yards as defined by the ordinance and some items of junk. A dwelling can fall under this category if they are abandoned and dilapidated or decay to a state of disrepair, he added. Mr. Barnes said the ordinance gives several means of enforcement and regulations to find solutions to clean-up the violations. The first is to send a notice of violation to anyone after an investigation has determined it to be in violation of the ordinance, he stated. Mr. Barnes said he wants to speak mainly about the Order of Abatement included in the ordinance that regulates dwellings. He said the constructed homes issues reside with the Planning Department and since the ordinance was adopted in 2007 they have had over 20 violations they have helped to remedy in some way.

Mr. Barnes stated some of the issues they have currently is where they have sent Notices to the property owners and they are either unable or unwilling to clean up the situation. He said the problems right now is the owners do not have the financial ability to clean up burned out homes. Mr. Barnes stated it is very hard to remove the remaining structure and clean it up after it has burned. There are regulations such as asbestos determinations that are required which are very expensive, he said. Mr. Barnes handed out picture of three examples to the Board, and said there are others around the County they are working with now or will be soon.

Mr. Barnes said the Ordinance gives the County the authority to do an abatement of the property and then they can enter onto the property. Commissioner Elmore asked if any of these three properties are in the city limits. Mr. Barnes replied they are not in the city limits, the County does not regulate anything within the corporate city limits. He added through abatement the County can enter onto the property, have it demolished, removed, and through a court proceeding can attach a lien to it. Mr. Barnes said the County can clean this property up with their funds and attach a lien to the property for the amount expended on the clean up or the County could proceed with a foreclosure for the lien. He said in most cases the properties are not very valuable and the houses are more of a liability.

Chairman Settle asked if all means are exhausted to get the owner to clean up the properties and there is no desire for them to do this. Mr. Barnes replied in most of these cases there is a desire, it comes down to a financial hardship. He added in one of the examples there is home that burned and there was no insurance, the owners lost personal contents along with the value of the home. Mr. Barnes said in addition Anderia Van Wy has been working with them and they are in court proceeding to get the Solid Waste issues cleaned up. He said the County Manager's office as well as the Planning Office has received many complaints about this property, it burned in January. The process is to send a letter and try make contact with the owner, tell them about the

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violation of the ordinance, he added. It needs to be removed or rebuilt and there are potential fines that could be assessed, he noted. Mr. Barnes said the County could assess a \$250 fine per day, but in most cases they have a financial hardship already. Chairman Settle stated there are some of these properties all over the County and Wilkes does not have as many as some Counties, but have several. He added he and Commissioner Blevins discussed possible having the Economic Development, Chamber, and Realtors Association to help put a pot of money together to help clean these up. The Board can help with the Landfill costs for this clean up, he noted. Chairman Settle stated they did not want the tax payers to fund all of the cleanup. Mr. Barnes agreed and added it is a community revitalization when taking a blighted area and help to clean it up. Which helps the surrounding property owners with their value and also their pride of ownership, he noted. Mr. Barnes added it can become a health issue due to rodents on the properties and the the risk of a child entering the property is another issue. He said other than the abatement process the fines are the only other choice the County has. Chairman Settle added the fines are not the way to go these folks already lost their home and personal property.

Commissioner Blevins said this was first discussed during a work session to see where the County could possible find some money to start this process. He added they would like to get it off the ground with about \$25K, but it is late in the budget process to do it this year. Commissioner Blevins said they need to move ahead with allowing the Planning Department to identify these properties and move ahead with the abatement process. Chairman Settle asked about possible getting funding from some of these other entities and forming a committee with Mr. Barnes serving as the Chair. Mr. Barnes said under the current ordinance a violation comes to their attention through a written complaint from a citizens or person within the County. He said they do not ride out and identify a property. Chairman Settle added some folks do not want to file a written complaint all they want to do is call. Mr. Barnes agreed and noted they get many calls and folks do not want to move forward once they find this out. He said the ordinance could be amended but this is how it is written at this time. Mr. Barnes added the Solid Waste office does not have to receive a written complaint they can take verbal complaints. He states houses specifically require a written complaint as well as junk yards.

Commissioner Gambill asked if the asbestos is removed if it is found in one of these houses can it be donated to a Fire Department for training to burn it. Mr. Barnes replied that has happen in the past, it is a lengthy process, if asbestos is present it is an added expense to remediate this. He added with demolition it can be taken to a sanitary Landfill if they know it is asbestos and deal with it correctly. Commissioner Blevins stated it has to be double bagged on site and then can be accepted at the Landfill, he spoke with the Landfill Director about this. He added the quotes were about \$1,000 and it is doable.

Assistant Fire Marshal Niki Hamby stated the last few burned houses he has been involved in the biggest expense to the Fire Departments is the asbestos inspection. It cost about \$400 and then if it is present it has to be double bagged on site and then the Landfill can take it, he noted Mr. Hamby added the Fire Department also has to be able to justify training to even burn it. Commissioner Blevins asked if the asbestos inspection is a State requirement. Mr. Hamby replied yes, DENR requires this before it can be burned for training. Vice Chairman Minton asked what the value to the Fire Department would be to burn a home that has already been

burned that justifies getting the asbestos inspection. Mr. Hamby added it is hard to justify the training and these are grey areas and they may can burn it for training and they may be told they cannot. He added it much more difficult to do this once the property has been burnt already.

Commissioner Elmore asked approximately what it would cost to clean up these three properties. Mr. Barnes replied the largest issue in getting quotes is the tipping fees at the Landfill and if there is no asbestos. Commissioner Elmore said if there is no tipping fee what it would cost. Mr. Barnes said about \$5,000 each property may be a good estimate if there is no asbestos and no tipping fee.

Tony Triplett, County Attorney said he needed to let the Board know the County has cleaned up properties on several occasions at the Counties expense under the Ordinance. He added the Order of Abatement has been used less frequently and the reason is because this requires a law suit to be brought before the property can be cleaned up. The Court has to be asked to order the owner to clean it up and if they don't or can't then the County can clean it up and place a lien for the cost of the cleanup, he added. Mr. Triplett said this is not done very often because by the time the legal fees and cleanup cost are added and a lien is filed this amount is not recoverable. He added in most cases the abatement is not done, the cleanup is taken care of at the Counties expense, for this reason.

Commissioner Blevins asked about the civil penalties allowed in the ordinance because it is \$250 per day. Mr. Barnes said the County does not keep the civil penalties. Mr. Triplett added these go to the School system. Vice Chairman Minton said the individuals this would affect is the ones that cannot pay the cleanup, the penalties would not help. Commission Blevins asked if the civil penalties can be recovered by any action from the land itself. Mr. Triplett replied no. Mr. Barnes said in most cases if the owners have the financial ability to clean it up they will once the notice of violation is sent to them. He added it is the ones that don't have the financial ability and no insurance they have issues with. Commissioner Blevins said for the properties that written complaints have been received from neighbors the County needs to see what they can do and what the options and cost are to do something.

The Board decided this needs to be discussed further and will be worked on more in the future.

RECESS – Chairman Eddie Settle declared a recess at 7:46 P.M.

RECONVENE – Chairman Eddie Settle reconvened the meeting at 7:51 P.M.

2. a. REZONING REQUEST – US HIGHWAY 421, WILKESBORO, REDDIES RIVER TOWNSHIP – Chairman Settle asked Mr. Bobby Patel to come forward. He asked Mr. Patel if when he purchased the Holbrook Motel if he thought it was zoned Business. Mr. Patel replied yes. He added he has been paying commercial taxes on this property and was not aware until February that it was zoned Residential. Chairman Settle asked if this was a mistake. Mr. Barnes replied it probable was a mistake it was not zoned commercial and most likely happen in the 1960's when the W. Kerr Scott Reservoir was formed. This is when this zoning district come into effect, he added. He said the Motel property was zoned Residential and not Highway-

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Business as it needed to be at that time. Mr. Barnes said since the motel was already there it was able to operate in a non-conforming status and had never been closed down so it kept a grandfather status. He added it would behoove the district and Mr. Patel to get the zoning in the correct classification and the Planning Board unanimously support this.

Chairman Settle said there has been some concern with this becoming a junk yard. Mr. Patel said he operates a towing business and when someone has an accident the highway patrol calls and they tow it. He added 99% of these vehicles have insurance and the claim is filed and they come and look at the vehicle after about 5-days and either it will be a total loss and the insurance company takes it or they have them to tow it to a body shop. Mr. Patel said in some cases they do not have full insurance and N.C. law says they have to hold it for 10-days and then they can send off a form to the DMV. After 30-days if the owner has not claimed the property and paid the towing fees or made any response back to the state they will mail the towing company a title for the vehicle, he said. Mr. Patel said at this point they can haul it to the scrap yard, or dispose of it. He said he does not have a shop, tools, or space to take off parts and sale them as a junk or salvage yard, and he does not do this, he only tows them.

Mr. Patel stated when he has vehicles that didn't have insurance or pay once he receives the title they donate them to fire departments for training on cutting them up and he has also taken a few to the bomb squad for training. He says they donate them to the community when they can for training. Mr. Barnes said the zoning to Highway-Business would allow for the record services it is considered part of a service station accessory use. He added if this turns into storage of vehicles the Board would have to approve a conditional use permit and it would go to the Planning Board first. Mr. Barnes said any kind of conditions the Board choses can be placed on the conditional use permit if approved. He added if Mr. Patel is using this as its current use as a towing service the Highway-Business zoning is needed. He would be in compliance if this Board decided to approve this, he added. Vice Chairman Minton ask what is the cap for storage of vehicles with Highway-Business zoning. Mr. Barnes replied the ordinance does not speak to this exactly, it is vague, is it 24 hours or is it 30 days, it does not specify. Chairman Settle asked what the number of vehicles he can have on this property. Mr. Barnes replied under the Solid Waste Ordinance less than 12 vehicles can be kept on the property and it is exempted from being a salvage yard. He added if Mr. Patel went over 12 he would have to get a salvage license and Mr. Patel would not qualify for this due to spacing requirements.

Commissioner Blevins ask about the restrictions on Hwy. 421. Mr. Barnes replied this is another good point and a reason they could not get a junk yard permit because of those restrictions. Commissioner Blevins asked if this is over 12 vehicles. Mr. Barnes replied D.O.T. defines a junk yard as 600 square feet. Commissioner Blevins stated this is 10 x 60. Mr. Barnes added they define it as 6 cars.

Vice Chairman Minton stated this should have been fixed decades ago and the motel is zoned Residential currently. Commissioner Blevins said one side of this property is zoned Residential. Vice Chairman Minton said yes but the west side and across the road are both Highway-Business and it was a hotel that operated for 50+ years. He added his concern is the beautification of the area and the residence surrounding and this will never be a salvage yard. Mr. Patel stated it will

never be and he has been doing this for 3-years and no-one has ever noticed. He noted if they drive by the property it is hid behind the dirt bank and the only way to see it is to drive behind. Chairman Settle asked how long he had owned this property. Mr. Patel replied since 1996.

Chairman Gambill asked how many cars are stored in the lot currently. Mr. Patel replied 8 cars is the maximum the lot will hold. He added if he has this number of cars at any times it is only because he is donating them to the local fire departments and waiting for them to get them for training. Mr. Patel said the vehicles that were there, had been for about 2-months and he was waiting on the fire department to conduct their training. He added he does not have to hold these and wait for them, but he wants to do this for the fire departments and bomb squad and their training needs. Commissioner Gambill asked if they have a very busy month what would he do. Mr. Patel said in the past 3-years he has never had this problem. He added there is no way to park 12 cars in the lot, it is not big enough and most are insurance cars and they are in and out.

Chairman Gambill asked about the property in Wilkesboro City limits they had been looking at. Mr. Patel replied they have looked at properties around town as a backup source and have several locations secured. He stated if he needed more space he can do this, but it will cost a lot of money because a fence has to be built, an office building, and also gravel for the lot. Mr. Patel said there is nothing in the City limits of Wilkesboro and it's hard to find another location that is not going to have issues. He has done this for 3-years at his current location and no one knew this until now, nothing is visible, he said.

Commissioner Elmore said he works in this area, he knows Mr. Patel and his family. He added they are an asset to the community. This is the right thing to do for Mr. Patel, he noted. Chairman Settle said he has owned this since 1996. Vice Chairman Minton added it has been improperly zoned for 50-years.

Vice Chairman Greg Minton made a motion to approve the rezoning request for the Kalpana Bobby Patel property located at 6626 W. US Hwy. 421, Reddies River Township, Wilkesboro, Wilkes County, North Carolina, which is currently zoned R-20 (Residential) to H-B (Highway Business), as presented. The motion was seconded by Commissioner Keith Elmore. Voting on the motion:

Ayes: Chairman Eddie Settle
Vice Chairman Greg Minton
Commissioner Keith Elmore

Nays: Commissioner Gary D. Blevins
Commissioner David Gambill

b. REZONING REQUEST – STATEMENT OF REASONABLENESS – County Attorney Tony Triplett said the Statement of Reasonableness is a statutory requirement that must accompany a rezoning by the County Commissioners. He said the courts have held that it has to be approved separately from the rezoning itself. The below Statement of Reasonableness must be part of the meeting record, he added.

N.C.G.S. §153A-341 STATEMENT BY WILKES COUNTY BOARD OF COMMISSIONERS APPROVING RE-ZONING OF THE HOLBROOK MOTEL/KALPANA (BOBBY) PATEL PROPERTY IN REDDIES RIVER TOWNSHIP, WILKES COUNTY, NORTH CAROLINA, FROM R-20 (RESIDENTIAL) TO H-B (HIGHWAY BUSINESS)

THE WILKES COUNTY BOARD OF COMMISSIONERS has on this date adopted a zoning amendment, approving the recommendation of the Wilkes Joint Planning Board that a portion of the property owned by Kalpana (Bobby) Patel in Reddies River Township, Wilkes County, North Carolina, located at 6626 West U.S. Highway 421, Wilkesboro, NC, on the north side of U.S. Highway 421, known as the former Holbrook Motel property, consisting of 4 acres, more or less (3.2 acres on the records of the Wilkes County Tax Mapping Office), being identified on the records of the Wilkes County Tax Mapping Office as Parcel ID #1501447, and being more fully described in that Deed recorded in Book 841, Page 584, Wilkes County Registry, which is currently zoned R-20 (Residential), be re-zoned to H-B (Highway Business).

All of that portion of the above described property which lies between its southern boundary and a line running 300 feet north of and parallel to the northern right-of-way of U.S. Highway 421 is to be re-zoned from R-20 to H-B.

The Board of Commissioners agrees with the findings of the Wilkes Joint Planning Board that the portion of said property to be re-zoned, on which the old Holbrook Motel and associated commercial improvements are located, has for unknown reasons been zoned R-20 since the inception of zoning in the W. Kerr Scott Dam & Reservoir area, despite the fact that the tract has been continuously used for commercial purposes (as the Holbrook Motel) since before the zoning was adopted; that this property is adjoined on the west by a district already zoned H-B which extends 300 feet north from the northern right-of-way of U.S. Highway 421; that property directly across from this tract on the south side of U.S. Highway 421 is also zoned H-B; and that the general character and use of property adjoining U.S. Highway 421 in this area is commercial in nature.

Accordingly, the Board of Commissioners finds, pursuant to G.S. §153A-341, that although Wilkes County has not officially adopted a comprehensive zoning plan, the proposed re-zoning in this case is consistent with the current and historical use of the subject property, is consistent with other zoning requirements currently in place in the area affected by the re-zoning, and is consistent with the goals and purposes of the Wilkes County Zoning Ordinance and with the existing uses of the properties in the surrounding area and district. The Board of Commissioners further finds, for the above stated reasons, that the proposed re-zoning is reasonable and in the public interest.

ADOPTED this the 21st day of June, 2016.

WILKES COUNTY BOARD OF COMMISSIONERS

ATTEST:

Sarah Call, Clerk

Eddie Settle, Chairman
Wilkes County Board of Commissioners

Commissioner Keith Elmore made a motion to adopt the N.C.G.S. §153A-341 Statement by Wilkes County Board of Commissioners Approving Re-zoning of the Holbrook Motel/Kalpana (Bobby) Patel property in Reddies River Township, Wilkes County, North Carolina, from R-20 (Residential) to H-B (Highway Business), as presented at tonight's meeting. The motion was seconded by Vice Chairman Greg Minton. Voting on the motion:

Ayes: Chairman Eddie Settle
Vice Chairman Greg Minton
Commissioner Keith Elmore

Nays: Commissioner Gary D. Blevins
Commissioner David Gambill

WILKES COMMUNITY COLLEGE BOARD OF TRUSTEES REAPPOINTMENT – Chairman Eddie Settle stated there is a recommendation before the Board for the 4-year reappointment to the Wilkes Community College Board of Trustees. He asked Mr. Gerald Lankford to come forward. Chairman Settle said the Board may have some questions. Commissioner Blevins stated he and Mr. Lankford had spoken at length about this and the Board was not satisfied with some of the decisions made about salaries and funding. He added they represent the tax payers and have to make sure they have board appointees that agree with the same set of policies they set in place for the County. Commissioner Blevins stated the issues with Dr. Burns' salary and the use of the supplement given by the County never sat well with this Board. He added Mr. Lankford is one member of a 16 member board and can't be a game changer, but can be an advocate for what this Board wants to see done for fairness to tax payers. Commissioner Blevins noted there is concern that they may need to go in another direction to have this representation. He added they would like them to get in tune with this Board and what they envision for their funding to the Community College. He believes Mr. Lankford can do this and will make a great member for another 4-year term for the College, he stated.

Mr. Lankford said it is a difficult job sitting where the Board sits and it is also a difficult job sitting on the Trustee Board. He added they have a tremendous Community College and one of the best in North Carolina. It has a tremendous budget and opportunity to raise money through MerleFest, he noted. Mr. Lankford said they have lots of assets they would not have without this. He added there is not an endless amount of money and it has to be spent wisely. He said he understands where the Board is coming from and he agrees they have to be conservative and do the best job they can. Mr. Lankford added they are all conservative people. Chairman Settle stated this Board strongly backs the college and it is the best in the State. He added the Board spends other people's money, they spend tax payers' money and they are accountable and receive questions on this. Chairman Settle stated he has received questions about the salary of the former college President and it being excessive. He added education is important and Wilkes Community College is leading the way and is the answer especially with project ADMIT and all the opportunities at the college. Chairman Settle said he knows Mr. Lankford understands where the Board is on this, he has been in their seats and he is very appreciative for all he does. Mr.

Lankford agreed and added he appreciates any feedback the Board has at any time to please call he wants to hear from them.

Commissioner Gambill stated his concern is they have tried to communicate at times and it's not been heard on a couple of issues, especially the last raise that was approved. He added this has bothered him and trying to answer this out in the community has been difficult. It was a very good raise, it was too good, he added. Mr. Lankford replied he understands. He said they heard the information, but they felt at the time it was the right thing to do. Mr. Lankford added they had to make sure they kept a high quality person in that position and think that was the best thing to do.

Commissioner Elmore said he has a lot of respect for Mr. Lankford and what he has done over the years. He added he would like to offer a motion to table this appointment to wait and see the Governor's appointment on this Board. Which is to be made at the end of this month and would have some bearing on the vote at this time, he stated. Commissioner Blevins stated the term expires June 30th and the next regular meeting of the Board is after that date.

Commissioner Keith Elmore made a motion to table the re-appoint of Mr. Gerald Lankford to serve another four-year term on the Wilkes Community College Board of Trustees until the next regular Board meeting on July 5, 2016. The motion was seconded by Commissioner David Gambill. Voting on the motion:

Ayes: Commissioner Keith Elmore
Commissioner David Gambill

Nays: Chairman Eddie Settle
Vice Chairman Greg Minton
Commissioner Gary D. Blevins

Commissioner Keith Elmore made a motion to re-appoint Mr. Gerald Lankford to serve another four-year term on the Wilkes Community College Board of Trustees effective July 1, 2016. The motion was seconded by Vice Chairman Greg Minton. Voting on the motion:

Ayes: Chairman Eddie Settle
Vice Chairman Greg Minton
Commissioner Keith Elmore
Commissioner Gary D. Blevins

Nays: Commissioner David Gambill

PURCHASE OF COUNTY-OWNED PROPERTY IN BOOMER TOWNSHIP – Chairman Settle recognized County Attorney, Tony Triplett. Mr. Triplett said this is a property the County obtained through a tax foreclosure but did not get bids at the time of the foreclosure. He stated Randy Chatham has submitted an offer of \$1,500.00 to purchase the property. As noted in the material in the packet this is less than what the County has in it, which is \$1,900, he added. Mr.

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Triplett noted Mr. Chatham stated the reasons for his offer in the Memo. He added what is before the Board is only to publish this offer in the paper to see if there are any upset bids. It will come back before the Board after the 10-day notice has expired and there will not be any action other than to post the notice until the August meeting, he stated.

Commissioner David Gambill made a motion to publish notice, pursuant to G.S. §160A-269, of the offer received from Randy Chatham on May 13, 2016 for the purchase of property formerly owned by Pamela Carol Barker, consisting of 0.325 acres in Boomer Township, Wilkes County, North Carolina, the same having been acquired by Wilkes County through tax foreclosure at Deed Book 1198, Page 276, Wilkes County Registry, for \$1,500.00 plus Deed preparation and recording costs; provided, that the County first receives a 5% deposit from Mr. Chatham, as presented. The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

2016-2017 BUDGET ADOPTION – Chairman Eddie Settle stated the budget is in front of the Board for consideration. County Manager John Yates said Jerry Shepherd, Finance Director has put together the changes under consideration by the Board from the last few work sessions and discussions. Commissioner Elmore said the top additions had been approved by the Board. Mr. Yates replied yes. Commissioner Elmore asked if the budget amount for the Department of Social Services had changed. Mr. Yates replied no the amount has not changed. Vice Chairman Minton added it is a wash, the amount did not change.

Commissioner Elmore asked if the last three items is all they are adding if the Board wishes to do so. Mr. Yates replied that is correct. Chairman Settle said all the rest have already had a consensus by the Board. Vice Chairman Minton added the bottom three have to be approved if they are to be included in the budget. Chairman Settle said the Sheriff is asking for \$5,200 more for larger cars with more room. Sheriff Chris Shew stated that is correct this request is for larger vehicles that give more room for the Officer in front and also for the Inmate in the back.

CONSENSUS – Commissioners agreed after discussion to increase the proposed budget to the Sheriff Department by \$5,200.00.

Chairman Settle asked what was budgeted for the Library. Mr. Shepherd replied an additional \$16,000 above last year is in the proposed budget at this time. Chairman Settle stated it is a 3% increase. Mr. Shepherd agreed. Commissioner Settle said they requested \$90k. Vice Chairman Minton stated they wanted 3 positions and this will give them one, a part-timer would be rolled into full time. Commissioner Blevins said the Board should hold back on this and wait for the High Country Senior work program, which is in the budget at the High Country. Mr. Yates said it is called the Senior Community Service Employment Program. Commissioner Elmore stated the Library needs one additional full time position. Commissioner Gambill asked if the amount for the Library is \$30k total or an additional \$30k above the original \$16k. Mr. Yates said this is an additional \$30k to the \$16k. Chairman Settle stated no this is only adding \$14k to the \$16 for a total of \$30k. Mr. Shepherd asked if the total is \$30k, which is an addition \$14k to the current proposed \$16k. Vice Chairman Minton stated this is incorrect the meeting he attended they requested \$30k in addition to the \$16k. Commissioner Elmore stated that was his impression as

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well. Chairman Settle said that is not what he understood it was a 3% approval of \$16k and they needed \$14k more for a total of \$30k for this one position. Commissioner Elmore said they are moving a part time to full time. Vice Chairman Minton said correct to keep a part timer and move them to full time was his understanding. Commissioner Elmore said it should not take an additional \$30k.

CONSENSUS – Commissioners agreed after discussion to increase the proposed budget to the Library an additional \$14,000 for a total of \$30,000 to the Library over and above the allocation from last year.

After a short discussion, Commissioners did not add \$25,000 for dilapidated structure clean-up.

Commissioner Blevins stated he did not want to grand stand or anything else but ask if there was any room in the budget for the Board to give a small tax cut to the tax payers in Wilkes County. He added the fund balance is getting ample and as conservatives they should at least ask the question. The property tax payers carry the load for Wilkes County and have had a substantial tax rate since 2009, he stated. Chairman Settle replied this is a good question but should have come up a few months ago when budget discussions started so the proper cuts could have been made. Commissioner Blevins said they did not need to make any budget cuts, just take it out of the fund balance. Vice Chairman Minton stated there is a budget on the table that is pretty much revenue neutral. Mr. Shepherd said yes except for some capital projects. Vice Chairman Minton asked what the capital projects totaled. Mr. Shepherd replied almost \$1.6 million which is coming out of the fund balance. Vice Chairman Minton said this is almost 3 cents of the tax rate. Commissioner Blevins ask what this is for. Mr. Shepherd replied roofs for schools and a few other items.

Commissioner Elmore stated he agreed with Commissioner Blevins and the reason he is for this is it puts \$1 million back in the economy. He added with a 2 cents cut the fund balance stays around 29 and there will be a re-valuation coming up in a couple of years. Mr. Shepherd said in 2019. Commissioner Elmore said the County can withstand a 2 cents cut until 2019 because property values have go up. Chairman Settle said he did not know if that is the case. Commissioner Blevins added sales tax are increasing and asked how much this would be. Mr. Shepherd replied this has changed many times and he is unsure. Chairman Settle added it is only projections. Commissioner Elmore said a few years ago the public voted for ¼ cent sales tax. Commissioner Blevins said they thought it would reduce their property tax burden and it didn't. Commissioner Elmore said this is an opportunity to do that. Chairman Settle asked if the tax rate is going to be reduced without any cuts to the proposed budget. Commissioner Blevins replied yes.

Vice Chairman Minton stated this should have been discussed a month and half ago. Chairman Settle added, it is late in the game, but he supports cutting the taxes. It would have been good to do it while working on the budget, he added. Chairman Settle said he would prefer it didn't come out of the fund balance, which is only average for the State. Commissioner Elmore stated it is above average. Chairman Settle said he checked and it is only average. Commissioner Elmore asked what average is. Chairman Settle replied 32 and Wilkes will be 29, which is a

good fund balance. Vice Chairman Minton added they have to watch it. Commissioner Blevins said it is not drawing much interest at this time. Commissioner Gambill added they need to cut back and be more conservative instead of spending and giving raises and things like the College Board. He said he would rather give it back to the tax payers that are and have been struggling. Commissioner Elmore stated the Law Enforcement Center, Ag Center, Herring Hall and the road over there have all been paid for. Mr. Yates replies yes the County's portion of all of this is paid for. Commissioner Elmore said it is justified, the public needs a break.

BUDGET – 2016/2017 FISCAL YEAR

Motion was made by Commissioner Gary D. Blevins, seconded by Commissioner Keith Elmore and unanimously approved to adopt the 2016/2017 Budget Ordinance in the amount of \$86,181,103 as presented with the changes in front of the Board tonight; and to set the tax rate at sixty-seven (67) cents per \$100.00 valuation with any loss of revenue from lowering the tax rate to come from the Fund Balance.

BE IT ORDAINED BY THE WILKES COUNTY BOARD OF COMMISSIONERS, NORTH CAROLINA, IN REGULAR SESSION ASSEMBLED – JUNE 21, 2016.

SECTION I. The following amounts are hereby appropriated for the operation of Wilkes County Government and its activities for the fiscal year beginning July 1, 2016 and ending June 30, 2017, according to the following summary and schedules:

SUMMARY	2016/2017 ADOPTED BUDGET	TRANSFER TO/FROM OTHER FUNDS	TOTAL
General Fund	\$75,639,279	\$ [127,938]	\$75,511,341
E 911 Telephone System	990,003		990,003
Law Enforcement Restricted	5,000		5,000
Fire Dist. Funds	3,426,661		3,426,661
Airport Enterprise	3,487,432	127,938	3,615,370
Landfill Enterprise	2,519,001	89,273	2,608,274
Landfill Capital Reserve	113,727	[89,273]	24,454
TOTAL	\$86,181,103		\$86,181,103

SECTION II. That for said fiscal year there is hereby appropriated out of the General Fund the following:

<u>GENERAL FUND EXPENSES</u>	<u>APPROPRIATIONS</u>
Governing Body	\$ 262,450
Administration	362,443
Finance	422,263
Tax Administration	1,210,904
Legal	230,000

Court Facilities	546,512
Elections	327,276
Register of Deeds	387,290
Data Processing	359,872
Central Garage	722,260
Public Buildings	778,976
Purchasing	106,242
Central Operations	2,134,800

TOTAL GENERAL GOVERNMENT **\$ 7,851,288**

Sheriff	\$ 5,376,559
Jail	3,305,365
Emergency Communications	1,252,668
Emergency Management	79,031
Fire	215,342
Building Inspections	551,386
Medical Examiner/Coroner	110,000
Emergency Medical Services	4,306,245
Animal Control	703,562

TOTAL PUBLIC SAFETY EXPENSE **\$ 15,900,158**

Forestry	\$ 101,400
Other Environmental	160,000

TOTAL ENVIRONMENTAL **\$ 261,400**

Planning	\$ 247,268
Economic Development	501,500
Other Community Development	161,757
Cooperative Extension	218,783
Extension Local	69,500
Soil & Water Conservation	296,674

TOTAL ECONOMIC PHYSICAL DEVELOPMENT **\$ 1,495,482**

General Health	\$ 2,285,924
Health Programs	1,849,165
Health – Environmental	5,500
Health - Food & Lodging	2,500
Health - Tuberculosis	3,355
HIV & STD Federal	1,784
Health - Communicable Disease	2,293
Comprehensive - B & C Cancer Control	20,910

Adult Health	103,200
Health Care Connection	51,504
Health Promotion	3,300
Health – Diabetes Grant	30,200
Women-Infant-Children	52,500
Health-WIC/BPCP	3,100
Maternal Clinic	1,750
Pregnancy Care Management	3,200
Infant Mortality Reduction	56,110
Child Health	51,600
Health - MESH Unit/Schools	37,650
Health – School Nurse Funding	150,000
Health - Family Planning	59,150
Care Coordination for Children	6,200
Health – Immunization Action	500
Case Management/Community Care	2,800
Wilkes Dental Clinic	1,800,000
Health – Preparedness	3,000
Health – Smart Start	5,390

TOTAL HUMAN SERVICE - HEALTH **\$ 6,592,585**

Smokey Mountain Center/Mental Health	\$ 254,200
Daymark Recovery Services - 5¢ Bottle Tax	15,000
Child Abuse Prevention Team	21,008
Adult Developmental Activity Program	32,400
Vocational Workshop	51,120
Wilkes Developmental Day School	153,160
SAFE Program	11,866

TOTAL MENTAL HEALTH **\$ 538,754**

Administration	\$ 6,561,527
DSS Occupancy Expense	169,305
Work First Employment	190,000
Income Maintenance/Food Stamps	730,734
IM/Medicaid Assistance XIX	1,993,500
Legal	125,354
Foster Care	4,085,605
Links	56,000
Other Assistance	45,000
Other Contractuals	67,500
Day Care	1,826,516

TOTAL SOCIAL SERVICES **\$ 15,851,041**

VETERANS SERVICE	<u>\$ 167,254</u>
JCPC/Youth Services	\$ 242,035
Community in Schools/Friends of Youth	16,524
Secure Detention/Juvenile Subsidy	45,000
TOTAL HUMAN SERVICES – YOUTH	<u>\$ 303,559</u>
JUVENILE CRIME PREVENTION	<u>\$ 21,315</u>
Aging Program Exp/To Agencies	650,000
Volunteer Coalition of Wilkes	8,528
Appalachian Senior Programs	3,240
Ruby Pardue Blackburn Adult Day Care Center	5,600
American Red Cross	12,960
Blue Ridge Opportunity Commission	66,065
Wilkes Senior Resources	220,040
Wilkes Transportation ROAP Grant	210,000
National Guard Armory	2,160
Catherine H. Barber Homeless Shelter	2,000
Barium Springs/Children’s Hope Alliance	32,082
Lincoln Heights Recreation COR	2,000
Volunteers for Wilkes Literacy	14,040
Crime Stoppers	2,000
Mountain View Ruritan Club/Fly-In	4,800
TOTAL OTHER HUMAN SERVICES	<u>\$ 1,235,515</u>
Public Schools	\$ 14,889,043
Wilkes Community College	3,850,495
TOTAL EDUCATION	<u>\$ 18,739,538</u>
Library	\$ 591,735
Parks & Recreation	809,628
Cultural & Museums	34,588
TOTAL CULTURAL & RECREATION	<u>\$ 1,435,951</u>
CONTINGENCY RESERVE FUND	<u>\$ 270,000</u>
TOTAL COUNTY DEBT	<u>\$ 4,847,501</u>
TRANSFERS TO OTHER FUNDS	<u>\$ 127,938</u>
TOTAL GF EXPENSES & OTHER USES	<u>\$ 75,639,279</u>

SECTION III. It is estimated the following General Fund Revenues will be available during the fiscal year beginning July 1, 2016 and ending June 30, 2017, to meet the foregoing General Fund Appropriations:

Taxes - Ad Valorem	\$	35,574,096
Sales Taxes		14,324,317
Other Tax and Licenses		440,000
Unrestricted Intergovernmental		447,000
Restricted Intergovernmental		16,314
Health - Restricted State & Federal		4,188,755
DSS – Restricted State & Federal		8,278,461
Daycare – Restricted State & Federal		1,813,804
Other Restricted – State & Federal		2,593,609
Restricted Local - General Fund Other		94,500
Restricted Local - Health		79,052
Restricted Local - DSS		39,000
Permits and Fees		836,500
Health Permits and Fees		118,000
Health Sales & Services		231,950
DSS Sales & Services		33,975
Sales & Services - General Fund Other		3,387,300
Investment Earnings/General Fund		50,100
Miscellaneous/General Fund		329,603
Fund Balance Appropriated		2,762,943
TOTAL ALL TAXES & GENERAL FUND REVENUE	\$	<u>75,639,279</u>

SECTION V. That for said fiscal year there is hereby appropriated out of the E-911 Telephone System Fund the following:

Emergency Telephone System Expense	\$	990,003
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SECTION VI. It is estimated the following E-911 Telephone System Fund Revenue will be available during the fiscal year beginning July 1, 2015 and ending June 30, 2016:

Emergency Telephone System Revenues	\$	990,003
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SECTION VII. That for said fiscal year there is hereby appropriated out of the Law Enforcement Restricted Fund the following:

Law Enforcement Restricted Fund	\$	5,000
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TOTAL LAW ENFORCEMENT RESTRICTED FUND EXPENSE	\$	5,000
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SECTION VIII. It is estimated the following Law Enforcement Restricted Fund revenues will be available during the fiscal year beginning July 1, 2016 and ending June 30, 2017 to meet the foregoing Law Enforcement Restricted Fund Appropriations:

Law Enforcement Restricted Fund Revenues	\$ 5,000
TOTAL LAW ENFORCEMENT RESTRICTED FUND REVENUE	\$ 5,000

SECTION IX. That for said fiscal year there is hereby appropriated out of the Fire District Fund the following:

DEPARTMENT	TAX RATE	APPROPRIATED
No. 1 - Broadway	.05	\$ 147,500
No. 2 - Mountain View	.05	\$ 145,632
No. 3 - Moravian Falls	.05	\$ 180,074
No. 4 - Mulberry-Fairplains	.075	\$ 258,039
No. 5 - Pleasant Hill	.10	\$ 134,669
No. 6 - Traphill	.09	\$ 151,490
No. 7 - Boomer	.10	\$ 123,250
No. 8 - Champion	.11	\$ 378,755
No. 9 - Austin	.12	\$ 150,247
No. 10 - Goshen	.10	\$ 133,725
No. 11 - Millers Creek	.07	\$ 361,847
No. 12 - Arlington (Ronda)	.10	\$ 6,327
No. 13 - State Road	.075	\$ 87,500
No. 14 - Ronda	.10	\$ 129,315
No. 15 - Knottville	.12	\$ 95,253
No. 16 - Shepherds Crossroads	.07	\$ 55,818
No. 17 - Roaring River	.06	\$ 154,403
No. 18 - Ferguson	.10	\$ 163,929
No. 19 - Cricket	.10	\$ 162,515
No. 20 - McGrady	.10	\$ 84,834
No. 21 - Brushy Mountain	.08	\$ 55,190
No. 22 - Buck Shoals	.05	\$ 38,278
No. 23 - Little Brushy Mountain	.12	\$ 56,193
No. 24 - Wilkes-Iredell	.12	\$ 55,776
No. 25 - Wilbar	.12	\$ 116,102

TOTAL FIRE DISTRICTS **\$ 3,426,661**

SECTION X. It is estimated that the following Fire District Fund Revenues will be available during the fiscal year beginning July 1, 2016 and ending June 30, 2017 to meet the foregoing Fire District Fund Appropriations:

TOTAL FIRE DISTRICT REVENUE **\$ 3,426,661**

SECTION XI. That for said fiscal year there is hereby appropriated out of the Airport Fund the following:

Airport/Capital Projects	2,604,742
Airport/Operating Expenses	1,010,628
TOTAL AIRPORT EXPENSES	\$ 3,615,370

SECTION XII. It is estimated the following Airport Fund Revenue will be available during the fiscal year beginning July 1, 2016 and ending June 30, 2017 to meet the foregoing Airport Fund Revenue and Appropriations:

Airport – Restricted Intergovernment	\$ -0-
Airport – Grants/State & Federal	2,476,804
Airport – Sales & Service	895,128
Airport – Rents	115,000
Airport – Miscellaneous/Airport	500
Airport – Transfers from Other Funds/Airport	127,938
TOTAL AIRPORT REVENUE	\$ 3,615,370

SECTION XIII. That for said fiscal year there is hereby appropriated out of the Landfill Fund the following:

Landfill	\$ 2,597,547
Transfer to Other Funds/Landfill	10,727
TOTAL LANDFILL EXPENSES	\$ 2,608,274

SECTION XIV. It is estimated that following Landfill Fund Revenue will be available during the fiscal year beginning July 1, 2016 and ending June 30, 2017 to meet the foregoing Landfill Fund Revenue and Appropriations:

Landfill – Restricted State & Federal	\$ 175,000
Landfill – Sales & Service	2,311,274
Landfill – Investment Earnings	1,000
Miscellaneous/Landfill	21,000
TOTAL LANDFILL REVENUE	\$ 2,608,274

SECTION XV. That for said fiscal year there is hereby appropriated out of the Landfill Capital Reserve Fund the following:

TOTAL LANDFILL CAPITAL RESERVE EXPENSE	\$ 113,727
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SECTION XVI. It is estimated the following Landfill Capital Reserve Revenue will be available during the fiscal year beginning July 1, 2016 and ending June 30, 2017 to meet the foregoing Landfill Capital Reserve Fund Revenue Appropriations:

Interest on Investments	\$ 3,000
Transfer from Landfill Enterprise Fund	10,727
Fund Balance Appropriation/Landfill	100,000
TOTAL LANDFILL CAPITAL RESERVE REVENUE	\$ 113,727

There is hereby levied for the fiscal year ending June 30, 2017 a tax rate of sixty-seven (\$0.67) cents on each one hundred dollars (\$100.00) assessed valuation of taxable property as listed as of January 1, 2016, for the purpose of raising the revenue from current year's property tax as set forth in the foregoing estimate of revenue, and in order to finance foregoing appropriations.

The tax rate of sixty-seven (67) cents per hundred dollars valuation is based on an estimated total appraised value of property for the purpose of taxation of \$5,360,231,228, with estimated collection of 95.34% on real and personal property and 99.78% on vehicles.

BUDGET 2016/2017 - ADOPTED – JUNE 21, 2016.

NEW BUSINESS – Chairman Eddie Settle said Mr. Robert Hege needs to be reappointed from Wilkes County's private sector to the High Country Council of Governments Workforce Development Board. Mr. Yates stated yes this is for a 2-year appointment.

Motion was made by Commissioner Keith Elmore to reappoint Robert Hege, III to the High Country Workforce Development Board for a 2-year term, as presented. The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

ADJOURN – Motion was made by Commissioner Keith Elmore, seconded by Commissioner David Gambill and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 8:44 P. M.

Sarah D. Call, Clerk

Eddie Settle, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: