

**MINUTES**  
**WILKES COUNTY BOARD OF COMMISSIONERS**  
**April 25, 2017**

**PUBLIC CONCERNS – TONY CALL** – Mr. Call stated he has some concerns about the economy and homeless people. He mentioned some businesses such as taxi services have been regulated out of business. Mr. Call said folks are taxed everywhere they go and this needs to go to a single tax somehow and he would prefer it is only a sales tax and no property tax if possible. He stated more mercy with past due taxes in the tax office is needed. Over 50% of the people in this State are on some type of assistance. In closing he said the working folks can't keep carrying the ball all the time, the homeless need to be helped to get them back into society, and the youth need to find their dream and what will make them happy, which is not money.

Chairman Minton thanked Mr. Call for his comments.

The Wilkes County Board of Commissioners met on Tuesday, April 25, 2017 at 7:00 P.M. with the following members present: Chairman Greg Minton, Vice Chairman Gary D. Blevins, Commissioner Keith Elmore, Commissioner David Gambill, and Commissioner Eddie Settle.

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

Chairman Greg Minton welcomed everyone and called the meeting to order.

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

**PLEDGE OF ALLEGIANCE** – Chairman Greg Minton led the Pledge of Allegiance.

Chairman Greg Minton stated with the consensus of the Board he would like to remove Item G. from the Agenda.

Chairman Minton said he would like to recognize representatives from the Town of Wilkesboro for their attendance and thanked them for coming.

**APPROVAL OF MINUTES** – Motion was made by Commissioner Keith Elmore, seconded by Vice Chairman Gary D. Blevins and unanimously adopted to approve the Minutes of the Board meeting held on April 4, 2017.

**TAX DEPARTMENT – 2017 APPOINTMENTS TO THE WILKES COUNTY BOARD OF EQUALIZATION & REVIEW** – Tax Administration, Alex Hamilton stated the Board of Commissioners passed a resolution in 2001 that established a special Board of Equalization and Review as allowed in North Carolina General Statute §105-322. He stated it is time to appoint members to the Board for 2017 tax year, Vice Chairman Gary D. Blevins, David Day, Steve

Crysel, Carmen James, Andrew Casey and Janie Cheek have agreed to serve this year if that is the Board's desire. Mr. Hamilton added David Day has requested to be assigned as an alternate. He added they have all met the requirements and filed their applications with the Clerk.

Vice Chairman Blevins stated he has spoken with Mr. Hamilton and the Board of E & R will have a short season this year. Mr. Hamilton agreed and added at this time there are only two.

Commissioner Keith Elmore made a motion to re-appoint Gary D. Blevins, David Day, Steve Crysel, Carmen James, and Janie Cheek; and to appoint Andrew Casey to the Wilkes County Board of Equalization & Review for tax year 2017, as presented. The motion was seconded by Commissioner David Gambill and unanimously approved.

**WATER INTAKE – RESOLUTION – REDESIGN CONTRACT** – County Attorney, Tony Triplett said in the packets there is a resolution that has been prepared that addresses the Water Intake. He stated the draft resolution was developed based on discussions undertaken by the Board with ongoing discussion by the Board throughout this project. Mr. Triplett added the current state of the Intake is there is a Guaranteed Maximum Price provision. The Construction Management at Risk Contractor cannot obtain that at this point without moving into a redesign phase and doing a redesign project, he said. This is according to the value engineering estimates prepared by Garney Construction, the Construction Manager at Risk, he noted. Mr. Triplett stated the redesign contract, as with all engineering contracts, would have been signed by the Town of North Wilkesboro who has the design loan on this project. The Town has not yet taken action on this and he does not know what their plans are, he said.

Mr. Triplett stated this Board has considered and discussed the possibility of advancing the monies on the part of the County for the redesign contract. He added the County would enter into the redesign contract with Municipal Engineering Services and volunteer to undertake the redesign contract as a County obligation. This is on the condition that one or both of the Towns agree to provide satisfactory contractual assurance to the County that the County will be reimbursed in full, he said. Mr. Triplett stated the resolution before the Board is for this purpose. Up to this point this has been considered North Wilkesboro's role as they have the design loan, he added.

Mr. Triplett stated under this resolution the County is committing to negotiate with Municipal Engineering Services to become a part of the redesign contract. He said the County would sign the redesign contract and advance the money for the redesign as part of Garney's value engineering for cost production estimates. This is on the condition that one or both Towns reimburse the County in full. He added this is all this resolution does and addresses no other part of this project only the redesign contract and Board's willingness to undertake that under this condition. Mr. Triplett stated he wants to emphasize if this resolution is adopted all it does is express the Board's desire to move forward with that process. They would then have to talk with the Town of Wilkesboro and if the Board wishes, the Town of North Wilkesboro, to determine whether they are going to provide those contractual assurances to reimburse the County. He added only if either or both of them provide contractual assurances to this Board's satisfaction. If that contract is put in place only then will this resolution obligate this Board to sign a contract

with Municipal Engineering Services, he said. Mr. Triplett stated this is simply a first step only to express the Boards intent, if this is how the Board wishes to proceed.

Chairman Settle said he would like to go ahead with this and get the guaranteed maximum price to get this going. He added the agreement was signed in September 2012 and that was 2 months before he was elected and they are still only talking about it. The price keeps increasing and if they wait it will be out of everyone's ballpark, he noted. Commissioner Settle said he is not happy with Municipal Engineering but the County has to keep it going. He stated when they met at the Ag Center and the prices came in Lane Heavy Civil said they guaranteed they could put in the water intake for \$25 million. Commissioner Settle said it is still being talked about and if it keeps getting set back it will sit there and die. He stated this will give North Wilkesboro time to decide once they get the price if they can or can't afford it and what everyone can do. Commission Settle added no one can do anything until they get a Guarantee Maximum Price. Chairman Minton agreed. Commission Settle added this keeps it moving forward for all parties.

Vice Chairman Blevins said he has been involved in this for much longer than 2012, all the way back when he was a member of the Wilkesboro Town Council. He added it was a joint effort between the three government entities to create a water intake and supply fresh water to both Towns. Vice Chairman Blevins stated the price has gone up a lot and this is partly because of the engineering that has been done. He has been for the water intake since it first became an idea and they realized there was a potential to do it, but he does not support this resolution, he added. Vice Chairman Blevins stated the way this resolution is written, the fact that no body from North Wilkesboro is in the room, and it does not address what they need to do to get this project moving forward he cannot vote for it. He said he respects the wishes of the Board.

Commissioner Gambill stated he pretty much has the same position.

Commissioner Eddie Settle made a Motion to approve the Resolution for the Redesign Contact for the Water Intake, as presented. This motion was seconded by Commissioner Keith Elmore. Voting on the motion:

Ayes: Chairman Greg Minton  
Commissioner Keith Elmore  
Commissioner Eddie Settle

Nays: Vice Chairman Gary D. Blevins  
Commissioner David Gambill

Mayor Mike Inscore asked the County Attorney, Mr. Triplett to prepare for the Town of Wilkesboro a document that is a binding contract between the Town of Wilkesboro and the County to that effect. He added he also hopes the same contract will be put in the hands of their counterparts in North Wilkesboro for their consideration. Mayor Inscore said as he has stated many times, and thinks he is speaking for the entire Board that's sitting here tonight, they are ready to do this project. He added Wilkesboro has raised rates 7 times in anticipation of this

project becoming a reality, they can afford an annual payment of \$1.6 million, have over \$4 million in their utility fund accumulated based on all the rate increases, getting ready for this day. Mayor Inscore said until they know what the cost to build is going to be all are speculating and they have to have a firm price for any of them to be able to say with certainty they can or can't do it. He added until they get this they are only talking and this is all they have done for the last few years. Mayor Inscore said they are prepared to support the County's effort and they have the finances in place and their Board is 100% confident and comfortable with the commitment they have heard tonight.

*RESOLUTION  
RE REDESIGN CONTRACT  
FOR WATER INTAKE*

*WHEREAS, the County of Wilkes (hereinafter "the County"), the Town of North Wilkesboro (hereinafter "North Wilkesboro"), and the Town of Wilkesboro (hereinafter "Wilkesboro") entered into a Memorandum of Agreement dated September 28, 2012 (hereinafter "the 2012 MOA"), under which said parties agreed to certain terms and provisions for the design, construction, and operation of a raw water intake and transmission system at W. Kerr Scott Dam & Reservoir and for raw water transmission mains in connection with the same (hereinafter "the Project"); and*

*WHEREAS, the Project went out to bid in February of 2015 and the low bid received at that time was substantially higher than initial cost estimates provided by the Project engineer, Municipal Engineering Services Co, P.A., of Boone, North Carolina (hereinafter "Municipal Engineering"); and*

*WHEREAS, the parties to the 2012 MOA rejected all bids and subsequently chose to utilize the construction management at risk method of construction for the Project, under the provisions of G.S. §143-128.1, and adopted a Joint Resolution with an effective date of January 5, 2016, for the purpose of selecting a construction manager at risk (hereinafter "CMAR") under Article 3D of Chapter 143 of the North Carolina General Statutes; and*

*WHEREAS, said parties selected Garney Companies (hereinafter "Garney") of Winter Garden, Florida, as the CMAR; and*

*WHEREAS, the County and North Wilkesboro, as the applicants for funding for the Project under the State Revolving Loan Fund, entered into a contract with Garney dated May 3, 2016 (hereinafter "the CMAR contract"), under which Garney was to furnish certain pre-construction services, including cost estimates, value engineering (proposed reductions in the cost of the Project), and a guaranteed maximum price for the Project; and*

*WHEREAS, Garney has provided initial cost estimates and proposed reductions in the cost of the Project, which reductions will necessitate a redesign of certain portions of the Project by Municipal Engineering; and*

*WHEREAS, Municipal Engineering has presented a proposed contract for the above described redesign work for approval by North Wilkesboro as the party holding the design loan for the Project; and*

*WHEREAS, North Wilkesboro has not acted on the redesign contract; and*

*WHEREAS, Garney has indicated to all parties that a guaranteed maximum price under the CMAR contract cannot be established or furnished until a redesign contract is approved and the redesign work thereunder is completed by Municipal Engineering; and*

*WHEREAS, the Project consequently cannot move forward without an approved redesign contract; and*

*WHEREAS, the County desires to assist in moving the Project forward by agreeing to negotiate with Municipal Engineering for the development of a redesign contract to be entered into by and between the County and Municipal Engineering, under which the County would advance all funding for Municipal Engineering's services under the same, subject to the agreement of said parties as to the terms and conditions of said redesign contract, and further subject to those conditions as are set forth hereinbelow;*

*NOW, THEREFORE, BE IT RESOLVED, as follows:*

- 1. That the County will enter into negotiations with Municipal Engineering for a redesign contract for the Project, consistent with the foregoing recitals and with the value engineering proposals provided by Garney under the CMAR contract, and that, in the event said parties are able to reach an agreement on the terms and conditions of the same, the County will approve and execute said redesign contract.*
- 2. That the County agrees that said terms and conditions will include the County's agreement to advance all funding for Municipal Engineering's services under the redesign contract, subject to the provisions of paragraph 3 below.*
- 3. That it is an express condition of this Resolution, and that the provisions of paragraphs 1 and 2 above are expressly subject to the requirement, that North Wilkesboro and/or Wilkesboro shall, prior to the approval and execution of the redesign contract by the County, provide such contractual assurances to the County as the County may deem sufficient in its sole and absolute discretion, under which North Wilkesboro and/or Wilkesboro shall agree to fully reimburse the County for all sums expended by the County under said redesign contract.*
- 4. That the County will use its best efforts to effectuate the foregoing by May 31, 2017, but that said date shall not be construed as an absolute deadline, nor shall it or any other provision of this Resolution be construed to require the County to approve or execute any contracts or agreements which are not deemed by the County, acting*

*through its Board of Commissioners, to be in the best interest of the County or its citizens.*

*ADOPTED effective this the 25<sup>th</sup> day of April, 2017, by the Wilkes County Board of Commissioners in regular session assembled.*

**WILKES COUNTY:**

By: \_\_\_\_\_

*G. A. Minton, Chairman*

*Wilkes County Board of Commissioners*

**ATTEST:**

\_\_\_\_\_  
*Sarah Call, Clerk*

Commissioner Eddie Settle stated he has been reading some comments in the paper about the County tax rate and he has been elected since 2012 and they have never raised taxes, and cut taxes last year. He said there has not been a re-evaluation and he does not understand, they have done a pretty good job with the tax money. Mr. Yates and Mr. Shepherd does a good job with the budget and he saw a letter recently in the paper that praised both of them, he added.

Vice Chairman Blevins stated they were also criticized for giving the old jail property to the Town of Wilkesboro which was a smart move. The County is not in the development business and the Town can develop it and make it a taxable property. If it's in the private sector the County will gain additional revenue and potentially general sales tax for both parties, he added. He said they traded out on the downtown building and were compensated for the County's portion of the building. Vice Chairman Blevins also noted the property they gave to the Town of North Wilkesboro was given to the County by them and they were just giving it back. It was a liability for the County. He stated he does not see where these were bad deals for the County.

**ADJOURN** – Motion was made by Vice Chairman Gary D. Blevins, seconded by Commissioner Eddie Settle and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 7:17 P. M.

Sarah D. Call, Clerk

Gregory A. Minton, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: