

**MINUTES**  
**WILKES COUNTY BOARD OF COMMISSIONERS**  
**February 19, 2019**

**PUBLIC CONCERNS – NONE**

The Wilkes County Board of Commissioners met on Tuesday, February 19, 2019 at 7:03 P.M. with the following members present: Chairman Keith Elmore, Vice Chairman Eddie Settle, Commissioner Gary D. Blevins, Commissioner David Gambill, and Commissioner Brian Minton.

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

Chairman Keith Elmore welcomed everyone and called the meeting to order.

**INVOCATION** – Vice Chairman Eddie Settle led the Invocation.

**PLEDGE OF ALLEGIANCE** – Chairman Keith Elmore recognized Boy Scout Bryce Waddell with Troop 399 in Millers Creek. He said Bryce is in the 6<sup>th</sup> grade at West Wilkes Middle School and is here for his Citizenship and Community Badge. Chairman Elmore added he is here with his father Brian Waddell. He asked Mr. Waddell to come forward and lead the Pledge of Allegiance at this time.

**APPROVAL OF MINUTES** – Motion was made by Commissioner Gary D. Blevins, seconded by Commissioner Brian Minton and unanimously adopted to approve the Minutes of the Board Meeting held on February 5, 2019.

**BUDGET AMENDMENTS/TRANSFERS** – Motion was made by Commissioner Gary D. Blevins to approve Budget Amendment No. 20 (Sheriff – Budget request made for reimbursement of insurance proceeds in the amount of \$7,777 for wrecked box truck of the Sheriff's Office. Receiving this money, in conjunction with other funds, would allow for the replacement of this box truck). The motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

Sheriff Shew asked if the Board could make this a common practice rather than every time they hit a deer or something to add the insurance proceeds back to the budget for replacement rather than on the agenda each time. County Attorney Tony Triplett stated he and the Sheriff's Department discussed this briefly and he would like to defer this to Chris Huffman, Finance Director to see if this is an option. Mr. Yates stated he would like to add that it would be very hard to do this without a budget amendment each time. They would not know what to add to the budget until the proceeds are received. Chairman Elmore stated they will research this and see what they can find out. He added if this is something they can do for the Sheriff, they will do for all departments, but they need to see if this is an option.

**WATER RESOURCES DEVELOPMENT GRANT – CARTER FALLS** – Chairman Elmore welcomed and recognized Derek Goddard, PLS, BREK, P.A. Mr. Goddard said this is the Carter Falls project at the property purchased by the state. He added the County intends to lease this and is developing a new park in Eastern Wilkes County on Elkin Creek. Mr. Goddard said their project is part of the Mountains to Sea Trail with the Elkin Valley Trails Associations (EVTA). It is to construct a bridge to connect the two trails. He said one year ago he came before the Board for approval of a Resolution for an engineering study, for a grant application for \$150K. Mr. Goddard said this has been awarded, but the State has requested the Resolution be changed to a Construction Resolution. This is what is in the packet and before the Board. He is also preparing a North Carolina Parks and Recreation Trust Fund application to match this money. Mr. Goddard stated this application is for \$250K and he is asking the Board to approve both the applications, with the oversight of the Board's counsel to review those applications prior to being submitted.

Vice Chairman Settle stated this will move it to a construction grant. Mr. Goddard replied yes. Vice Chairman Settle asked if the \$250K and the \$150K grant will build the bridge. Mr. Goddard replied it will build the bridge with the EVTA's matching funds. They have \$50K available. Commissioner Blevins asked if the bridge is under the falls, or at the bottom. Mr. Goddard replied they have to stay above the base flood evaluation, which is very important. He added they must anchor back into the rock face which is also difficult. There are construction challenges, they will have a crane on site, and it will be an amazing feat to build a bridge with that slope. Mr. Goddard stated it will be a suspension bridge like Grandfather Mountain. Commissioner Gambill asked if there is a road on that side. Mr. Goddard replied there is a logging road which is more of a path. Vice Chairman Settle asked if they are going in at the bridge near the Archery. Mr. Goddard replied that is his understanding, they are in the very beginning stages of logistics for construction.

Mr. Yates asked if the EVTA's \$50K will be used for matching funds toward the \$150K Grant. Mr. Goddard replied yes along with the \$250K they are asking from Park and Recreation. Commissioner Blevins asked if that one has been approved. Mr. Goddard replied no, the Parks and Recreation funds is not a done deal, the Water Resources Grant of \$150K is. Commissioner Blevins asked the total cost of the bridge including engineering. Mr. Goddard replied \$550K. Commissioner Blevins stated all those equal \$450K, where is the remaining \$100K coming from. Mr. Goddard replied EVTA intends to put this up, they are raising funds currently. Commissioner Blevins added the County will own the bridge, but both documents clearly say the County is responsible for full payment. He said the County's understanding going into this was they would not need to provide any funding, is this correct. Mr. Triplett replied it is. At some point the Board will be approving the management agreement with EVTA which makes them responsible for all the cost of any grants received. He added they will be contractually responsible to repay the County once the agreements are approved and signed. This should be in a couple of weeks. Mr. Triplett said they are waiting on the State of North Carolina and hopes it will be on the agenda for the March 19<sup>th</sup> meeting. Commissioner Blevins asked who is managing this project. Mr. Goddard replied Dr. Blackly is the primary manager.

Mr. Triplett stated it is up to the Board, as Mr. Goddard said the Board can reverse course at any time. He added the Board can approve this tonight or wait until EVTA is here to sign the agreement and approve the resolution at that time. Vice Chairman Settle asked when EVTA is coming to sign. Mr. Triplett replied they expect it to be March 19<sup>th</sup>, but they are still waiting on the State to get back on the language for the lease that has to be finalized. This is the holdup. He said all of them are planning to come on the 19<sup>th</sup> assuming they hear back from the State.

Chairman Elmore stated this is a great project, supported by the State, EVTA and many others. Vice Chairman Settle added it was just in the Our State Magazine as well. Chairman Elmore stated he has heard no one that is opposed to this project and is a great addition to the State Park System. He added they do not see losing anything on this project. Vice Chairman Settle added EVTA has built two other bridges and raised all the funds to do those. Commissioner Blevins agreed and said, he was only concerned about the grants, EVTA has never been anything but straight-up and always kept their word. He was questioning the \$250K that they do not have in hand. Mr. Goddard replied they met with the Parks and Recreation Trust Funds staff onsite two weeks ago and they seemed favorable. He added one of their big initiatives is the Mountains to Sea Trail project.

Commissioner Gary D. Blevins made a motion to approve the Water Development Grant Resolution for the Carter Falls Bridge as requested, and presented. Motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

Chairman Elmore stated he would encourage anyone that has not been to see Carter Falls to go, it is worth the drive and the ¼ mile hike, and it is beautiful.

*Water Resources Development Grant*

*WHEREAS, the Wilkes County Board of Commissioners desires to sponsor the design and construction of a bridge spanning Carter Falls on Elkin Creek. (A part of the Mountains to Sea Trail)*

*NOW, THEREFORE, BE IT RESOLVED THAT:*

- 1) The Board requests the State of North Carolina to provide financial assistance to Wilkes County for the design and construction of the Carter Falls Bridge in the amount of \$ 150,000 or 50 percent of project construction cost, whichever is the lesser amount;*
- 2) The Board assumes full obligation for payment of the balance of project costs;*
- 3) The Board will obtain all necessary State and Federal permits;*
- 4) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.*

- 5) *The Board will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;*
- 6) *The Board will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;*
- 7) *The Board will assure that the project is open for use by the public on an equal basis with no restrictions;*
- 8) *The Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;*
- 9) *The Board accepts responsibility for the operation and maintenance of the completed project.*

*Adopted by the Wilkes County Board of Commissioners this 19<sup>th</sup> day of February, 2019.*

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*Sarah D. Call, Clerk to the Board*

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*Giddeon Keith Elmore, Chairman  
Board of Commissioners*

**WILKES COUNTY SHERIFF'S OFFICE – REQUEST FOR SERVICE WEAPON AWARDS TO RETIREES** - Chairman Elmore welcomed Sheriff Chris Shew. Sheriff Shew stated they would like to formally request approval for two retirees' duty weapons and badges be awarded. Which is for Debbie Pennington and Victor Hall. Mr. Triplett stated Mr. Kerr included in the packets the North Carolina G.S. 20-187.2 which does allow approval of this. He added they have discussed this, but it also says when it comes to the service weapon it is at a price determined by the governing body. He stated Mr. Kerr contacted the School of Government (SOG) and they are in agreement this can be set at anything. Mr. Kerr added in the past they have simply just awarded it to them. The General Statue uses the terminology award several times, and the SOG agreed the wording is a little ambiguous in nature. He said it is common practice for counties to simply award the service weapon and badge without a price. Mr. Kerr said some county's purchasing policy states a transaction must take place in order for the property to become theirs and the reason for this wording.

Commissioner David Gambill made a motion in compliance with North Carolina G.S. §20-187.2 to approve the Badge and Service Weapon worn and carried by Detective Debbie Pennington and Major Victor Hall be awarded to them upon their retirement from the Wilkes County Sheriff's Office, as presented and requested. Motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

*WHEREAS, G.S. 20-187.2 provides that retiring members of county law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the county; and*

*WHEREAS, G.S. 20-187.2 further provides that the governing body of the county law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and*

*WHEREAS, Detective Debbie Pennington served as a member of the Wilkes County Sheriff's Office until she reached a period of 25-years in law enforcement; and*

*NOT, THEREFORE, BE IT RESOLVED by the Wilkes County Board of Commissioners that the badge and service weapon worn and/or carried by Detective Debbie Pennington (SN: 47A199563 Sig Sauer Legion 226) be awarded to her on the occasion of her retirement.*

*ADOPTED this, the 19<sup>th</sup> day of February 2019.*

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*Sheriff, Wilkes County*

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*Clerk to the Board, Wilkes County*

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*WHEREAS, G.S. 20-187.2 provides that retiring members of county law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the county; and*

*WHEREAS, G.S. 20-187.2 further provides that the governing body of the county law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and*

*WHEREAS, Major Victor Hall served as a member of the Wilkes County Sheriff's Office until he reached a period of 30-years in law enforcement; and*

*NOT, THEREFORE, BE IT RESOLVED by the Wilkes County Board of Commissioners that the badge and service weapon worn and/or carried by Major Victor Hall ( SN: 47A197522 Sig Sauer Legion 226) be awarded to him on the occasion of his retirement.*

*ADOPTED this, the 19<sup>th</sup> day of February 2019.*

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*Sheriff, Wilkes County*

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*Clerk to the Board, Wilkes County*

**PLANNING DEPARTMENT – REQUEST TO SET PUBLIC HEARING – ROAD NAME REQUEST – CLOVER VALLEY DRIVE – REDDIES RIVER TOWNSHIP** – Chairman Elmore recognized Eddie Barnes, Planning Director. Mr. Barnes asked the Board of Commissioners to set a Public Hearing on a Road Name Request received by petition to the Planning Department. He stated the Road Name Request is for Clover Valley Drive, Reddies River Township located off Pads Road. The request meets the requirements of the Wilkes County Road Naming Ordinance and as required by the Wilkes County Road Naming Ordinance a Public Hearing and a ten day (10) notification period is required.

Commissioner Brian Minton made a motion to set a Public Hearing on Tuesday, March 19, 2019 at 6:55 P.M., with the meeting to immediately follow regarding the Road Name Request as presented. The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

Chairman Elmore stated Mr. Barnes has agreed to represent the County and be the contact and spokesman with EVTA on the Carter Falls project. He is a great person and has worked on many projects and signage with wineries and is a well-rounded go to guy. Mr. Barnes thanked the Board for their confidence and added he looks forward to working with EVTA on this project. Vice Chairman Settle asked if these trails help with Economic Development in Wilkes. Mr. Barnes replied absolutely, it is a total package that comes together and helps market the entire Yadkin Valley to benefit everyone.

**FINANCE DEPARTMENT – CONTRACT TO AUDIT ACCOUNTS FISCAL YEAR 2018-2019** – Chairman Elmore welcomed and recognized Finance Director Chris Huffman. Mr. Huffman stated he is here to present a contract to audit accounts from Martin Starnes & Associates, CPAs, P.A. for fiscal year ending June 30, 2019. This is a standard contract used by all governmental entities in North Carolina for auditing services. The total contract amount is \$65,000 which is the same price as the previous year. Commissioner Blevins asked when the last time this was placed out for bid. Mr. Huffman replied if the Board approves this it will be the 11<sup>th</sup> year that Martin Starnes has done the audit for Wilkes. Commissioner Blevins stated it is a good practice to bid this out every few years to make sure the price is competitive. Mr. Huffman replied last year Martin Starnes did a lot of increases on audits for counties due to the testing of more programs. They went up 3% in Wilkes, but some of the surrounding counties went up 30%. Mr. Huffman stated this is in line with what other counties with the same population are paying. Commissioner Blevins added he is not suggesting this be placed out for bid this year, but does think this needs to be done every few years. He added he does appreciate that Mr. Huffman has compared costs with similar counties and this is a fair price from Martin Starnes.

Commissioner David Gambill made a motion to approve the Contract to Audit Accounts from Martin Starnes & Associates, CPAs, P.A. for fiscal year ending June 30, 2019, as presented. The motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

**SYNERGY RECOVERY, INC. – LEASE AGREEMENT – RESOLUTION** – County Attorney Tony Triplett stated there is a Memo in the package and before the Board is a

Resolution for renewal of the annual Lease Agreement with Option to Purchase for Synergy Recovery, Inc. for consideration. He added Mr. Spake is here tonight if the Board has any questions for him. He added all that is needed to renew the lease is approval of the Resolution, the terms are unchanged from last year. The rent is \$2,000 per month, he is responsible for all maintenance, and there is also a purchase option for \$360,000. This would again be a one-year lease retroactive to January 1, 2019 ending on December 31, 2019. Mr. Triplett said since this is a one-year lease no advertising is required, the Board can approve the Resolution which will approve the Lease if they wish to do so. He and Mr. Spake will be happy to answer any questions the Board may have. Commissioner Blevins asked how long Mr. Spake has been at this location. Mr. Spake replied 19 years.

Commissioner Gary D. Blevins made a motion to approve the Resolution for the Lease Agreement with Option to Purchase with Synergy Recovery, Inc. for a one-year term commencing January 1, 2019, and expiring at midnight on December 31, 2019, as presented. The motion was seconded by Commissioner David Gambill and unanimously adopted.

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

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

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

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

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

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

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

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

*WHEREAS, the parties, consistent with the foregoing, have agreed upon a lease of not more than one (1) year for said purpose and desire to evidence the same in a Lease Agreement with Option to Purchase (hereinafter the "Lease Agreement") with a term commencing as of January 1, 2019, and expiring at midnight on December 31, 2019, at a rental of Two Thousand and No/100 Dollars (\$2,000.00) per month, together with other terms and provisions as set forth in the Lease Agreement; and*

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

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

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

*This the 19th day of February, 2019.*

*ATTEST:*

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*Sarah D. Call, Clerk*

*WILKES COUNTY:*

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*Giddeon Keith Elmore, Chairman  
Wilkes County Board of Commissioners*

**WILKES COUNTY LANDFILL – FARM LAND LEASE – APPROVAL OF BID** – Mr. Triplett stated this matter is before them tonight for presentation. There is a bid tabulation sheet that has been given to the Board for the 6 bids received for the farmland lease of 33 acres near the Landfill. Mr. Triplett stated the Board does not have to do anything, they can approve the high bid, they can reject any bids they would like, but if they would like to proceed with the high bid there is a motion he will need to read into the record. The next step will be to advertise the lease for 30 days for the high bid received, he said. Commissioner Blevins asked when the high bidder can utilize the land. Mr. Triplett replied if they approve the high bid tonight the earliest they could use the property is after the April 2<sup>nd</sup> meeting.

Commissioner Gary D. Blevins made a motion to accept the high bid submitted by ASJ Mathis Farms, LLC, in the amount of \$6,105.00 per year for the lease of approximately 33 acres of farmland owned by the County and located on Highway 268 East near the Wilkes County

Landfill, subject to all conditions as stated in that Notice of Solicitation of Bids for Lease of Croplands published in the *Wilkes Journal-Patriot* on February 8, 2019 and February 15, 2019, and to publish notice, pursuant to G.S. 153A-176 and 160A-272, of the intent of the Board of Commissioners to enter into a Lease Agreement between Wilkes County (as Lessor) and ASJ Mathis Farms, LLC (as Lessee) for the same, said property to be used for agricultural purposes under the same terms and conditions as set forth in the previous Lease Agreement between the County and Brian Chatham d/b/a High Mountain Farms dated January 1, 2018, except with a rental of \$6,105.00 per year and a term of 5 years beginning January 1, 2019 and running through December 31, 2023, with the County Attorney to present a Resolution for final approval of the Lease Agreement at the April 2, 2019 meeting of the Board of Commissioners. The motion was seconded by Commissioner David Gambill and unanimously approved.

Below is the bid tabulation sheet provided to the Commissioners:

<b>Landfill Cropland - Bid Tabulation</b>	<b>Lease Amount Per Year</b>
ASJ Mathis Farms, LLC	\$6,105.00
Chris Cheek	\$5,650.00
Shelmer D. Blackburn Jr.	\$5,280.33
Clark Mastin	\$5,000.00
Claude Shew, Jr. - Shew Farms	\$3,630.00
Talmadge Mathis DBA Cranberry Farms	\$3,000.00
Bids were opened in the County Managers office at 8:20 AM on February 20, 2019 with the following individuals present: County Manager John Yates; Human Resources Specialist Tracy Triplett; and County Clerk Sarah Call	

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

*All vehicles listed, unless stated (not in working order) are high mileage vehicles that were used on a daily basis.*

*1997 Ford F-250 Vin.# 44973 Mileage 78734 Sheriff Department – Vehicle has rust on bed and frame*

*2008 Ford Crown Vic Vin.# 44069 Mileage 156,411 Sheriff Department – Vehicle needs new transmission*

*2008 Dodge Charger Vin.# 38634 Mileage 121851 Sheriff Department – Vehicle has bad engine*

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

**COMMISSIONERS' SCHEDULED MEETING – CHANGE OF DATE – MARCH 5, 2019**  
– Chairman Elmore stated due to a couple of Commissioners going to Washington they need to consider moving the date of their March 5, 2019 regular meeting. He adding they have discussed moving it to Thursday, March 7, 2019 as an alternative.

Commissioner David Gambill made a motion to move the date for the Wilkes County Board of Commissioners Regular Meeting scheduled on Tuesday, March 5, 2019 at 7:00 P.M. to Thursday, March 7, 2019 at 7:30 P.M. in the Commissioners Meeting Room located at 110 North Street, Wilkesboro, NC. The motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

**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 7:44 P.M.

Sarah D. Call, Clerk

Gideon Keith Elmore, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: March 7, 2019