

**MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
February 20, 2018**

PUBLIC CONCERNS – NONE

CANCELLATION OF PUBLIC HEARING – SOLID WASTE ORDINANCE AMENDMENT – Chairman Gary Blevins declared the Public Hearing open regarding the Solid Waste Ordinance Amendment at 6:59 P.M. on Tuesday, February 20, 2018 with the following members present: Chairman Gary D. Blevins, Vice Chairman Eddie Settle, Commissioner Keith Elmore, Commissioner David Gambill, and Commissioner Greg Minton.

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

Chairman Blevins recognized County Attorney Tony Triplett. Mr. Triplett said this is unusual and has not happened before. He stated the Board set a Public Hearing at the last meeting for 6:50 PM tonight for amendments on the solid waste ordinance, which requires a 10-day notice. Mr. Triplett stated normally this is fine and they can get the notice in the paper. Which should have been the Friday following that meeting and would provide the 10-day notice. He added they have now found that the Journal-Patriot can no longer print notices except with 3-days' notice ahead of time. This will change their approach to public hearings and also makes this Public Hearing invalid to hold. The 10-days' notice was not given and it would be illegal to hold it. Mr. Triplett said they have no choice but to cancel this Public Hearing. In the future they will need to keep this in mind when scheduling a Public Hearing. He added they can post it online with less notice, but more is needed for the print copy and these notices need to be in the print copy. In some case the Public Hearing cannot be at the next meeting and may need to be set one month later, he said.

Mr. Jule Hubbard stated he is not sure the 3-days' notice is accurate for the print edition. He added he will check on this and let the Board know his findings. Mr. Triplett added the paper would accept the notice, but could not run it in the Friday paper and this would not have given the required 10-days' notice needed. He stated the Board can decide if and when they may want to re-set this public hearing down the road.

The Wilkes County Board of Commissioners met on Tuesday, February 20, 2018 at 7:04 P.M. with the following members present: Chairman Gary D. Blevins, Vice Chairman Eddie Settle, Commissioner Keith Elmore, Commissioner David Gambill, and Commissioner Greg Minton.

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

Chairman Gary D. Blevins stated normally they do not have the National Anthem on the agenda but he wanted to add it tonight. He welcomed everyone and called the meeting to order.

INVOCATION – Commissioner David Gambill led the Invocation.

PLEDGE OF ALLEGIANCE – Chairman Gary D. Blevins led the Pledge of Allegiance.

THE NATIONAL ANTHEM “STAR SPANLE BANNER” – Chairman Blevins led the National Anthem.

APPROVAL OF MINUTES – Motion was made by Vice Chairman Eddie Settle, seconded by Commissioner Keith Elmore and unanimously adopted to approve the Minutes of the Board meeting held on February 6, 2018.

MILLERS CREEK FIRE DEPARTMENT – FIREMAN’S RELIEF FUND - APPOINTMENT – Chairman Gary D. Blevins welcomed and recognized Chad Wayne, Millers Creek Fire Chief. Mr. Wayne said previously their Secretary/Treasurer for the departments’ relief fund stepped down and the Fire Department would like to recommend Mr. Rick Alexander be appointed to fill this position. Chairman Blevins said the Board has received Mr. Alexander’s application and he meets all the requirements

Commissioner Greg Minton made a motion to approve the Appointment of Rick Alexander to the Fireman’s Relief Fund Board for Millers Creek Fire Department, as presented. Motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

The Board thanked Mr. Wayne and the Millers Creek Firemen for their service to the community and Wilkes County.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION – APPROVAL – ROADWAY ABANDONMENT – BREWER MILL ROAD EXTENSION (SR 1943) – Chairman Blevins recognized County Manager John Yates. Mr. Yates said a letter was received from N.C. DOT in regards to the abandonment of this road. He stated they went out and looked at this road and he has spoken with Commissioner Elmore and Vice Chairman Settle about this request. Mr. Yates stated this is an unpaved dirt road that is one mile long and connects Round Hill Church Road and Billings Hill Church Road. He stated he and Commissioner Elmore have discussed this and would like to ask the Board to consider tabling this request. Mr. Yates said they have not heard anything from the community in this area and are concerned that some of the citizens may not be happy about the abandonment of a connector road.

Chairman Blevins stated they received a petition from DOT that says all the land owners on this road are making this request. Mr. Yates added there are no homes on this road. Chairman Blevins stated these are not land owners that reside on this road. Mr. Yates agreed. Chairman Blevins added there is not a requirement to set a public hearing, and asked if this is the first step and it would come back for further approval. He added the letter states “*after the approval is sent back to our District Office, property information research, along with road investigation will follow*”. Chairman Blevins asked if this will come back to them for a recommendation after that process or is this their only step. County Attorney Tony Triplett replied this is the only step from this Board, which is approval of the resolution. He added if the Board elects to table it,

according to the statute it will stop there, unless this Board passes it. Chairman Blevins asked if they could set a public hearing at a later date in order to hear from the citizens that may use this road. Mr. Triplett replied yes.

Vice Chairman Settle asked how can they get in touch with the folks that live close by and/or use this road, some folks do not read the notices in the paper. Chairman Blevins suggested posting a sign as done in zoning matters, at each end of the road, notifying every one of the petition to close the road with a phone number to call. Mr. Yates stated there are two churches on each side and they could possibly help to notify folks and get the word out. Commissioner Elmore stated the Traphill Branch of the Library is close by as well as some other business and could be a way of notification. Chairman Blevins said it is currently a state maintained road and does not need to be closed without input from the community. He added the Board does not name a road without a public hearing and closing a road deserves the same consideration. Chairman Blevins stated he would like to recognize Commissioner Elmore for bringing this to their attention and his thoroughness and attention to detail on matters like this. Commissioner Elmore thanked the Board.

Commissioner David Gambill made a motion to table the Roadway Abandonment for Brewer Mill Road Extension (SR 1943) from the State Maintenance System. The motion was seconded by Commissioner Greg Minton and unanimously approved.

NEW BUSINESS – RESOLUTION – Vice Chairman Eddie Settle stated John Yates will read the proposed resolution. He added he would like to emphasize the match will come from Elkin Valley Trail Association (EVTA) and is not county funds. Mr. Yates agreed. Chairman Blevins added those funds are raised privately. He added this request had to move forward quickly due to the deadline to apply for the grant. Vice Chairman Settle stated the state has purchased the property and EVTA wants to build the trail. Folks are already visiting Carter Falls and more will come with spring now that more know about it.

Mr. Triplett stated the state has sent templates for the lease that they are currently reviewing them. The state will lease this to the county if the Board agrees to do this and the county will be a lessee of the property. He added they will then contract with EVTA to assist with building and maintaining trails. Mr. Triplett said these details are yet to be worked out, but this grant opportunity came along for the construction of a bridge over Carter Falls. The deadline is March 3rd and why this is being presented before the lease. He added this is only a Resolution of Support and it is not legally binding. There will be further paper work to come before the Board as the grant moves forward that will be legally binding. Mr. Triplett said the intent is for EVTA to pay the county's matching portion of this grant and will be included in the forthcoming paperwork.

Commissioner Elmore stated this is a wonderful project and a great asset to the eastern part of Wilkes County and they appreciate the EVTA folks. Vice Chairman Settle added this is a trail to Stone Mountain and goes 16 miles through Wilkes. Many have said it will be a destination place that many will visit. Commissioner Elmore stated there are many things growing around this

area to include a new camp ground, restaurants, and vineyard. He said if anyone has the opportunity they should ride down and hike the trail to see the falls.

Vice Chairman Eddie Settle made a motion to adopt the Resolution in Support of Application to the 2019 Recreational Trails Program Grant Application, as read and presented. The motion was seconded by Commissioner Keith Elmore and unanimously approved.

*Wilkes County
North Carolina*

*RESOLUTION
In Support of Application to the
2019 Recreational Trails Program Grant Application*

WHEREAS, the North Carolina State Trails Program administered by the North Carolina Division of Parks and Recreation is tasked with distributing funds from the 2019 Recreational Trails Program; and

WHEREAS, the North Carolina Trails Committee invited Wilkes County to apply for funds for the Mountain to Sea Trail and more specifically the Bridge over Carter Falls; and

WHEREAS, in order to receive funds Wilkes County is required to provide a 25 percent match, or \$125,000.00 to the requested amount of \$500,000.00, which is the maximum amount that may be requested for the 2019 grant cycle; and

WHEREAS, the applicant's construction obligation for the bridge over Carter Falls will be \$400,000.00; and

WHEREAS, this match will be provided via monies from The Elkin Valley Trail Association.

NOW THEREFORE, the Wilkes County Board of Commissioners resolves to support the application to the 2019 Recreational Trails Program and provide the 25 percent match to fund part of the Mountains to Sea State Trail at Carter Falls.

Adopted this 20th day of February, 2018.

WILKES COUNTY BOARD OF COMMISSIONERS

Gary D. Blevins, Chairman

Attest:

Sarah Call, County Clerk

NEW BUSINESS – Vice Chairman Settle said in light of the school shooting in Florida, Wilkes has 23 schools and only the 4 high schools have School Resource Officers (SRO's). There are many schools without protection. There are folks in the world that want to kill innocent people, he added. Vice Chairman stated Chairman Blevins had a meeting with the Sheriff today and

there is a possibility they could have a security team at each school. This would be comprised of trained school personnel that have been trained and qualified on the range to the Sheriff's requirement. Vice Chairman Settle stated the Sheriff stated this is only a possibility and stressed it would have to be school personnel. Chairman Blevins said in reading the statute it is not clear if it has to be school personnel, but they do have to be trained former law enforcement or military police and would have additional training requirements. He added it also has to be volunteers and not additionally paid staff. Vice Chairman Settle said they indicated they would need help with North Carolina legislation for this and they would only have jurisdiction on the school campus. He added teachers would have to be sworn deputies to do this. Chairman Blevins added they would be deputized, have the ability to make arrest, and wear a firearm.

Commissioner Minton said under the Sheriff's standards there is a caveat where someone can be sworn in for one calendar year before they obtain certification, it is called pro-berry (probationary certification). After the one year they have to meet the Sheriff's standards as a Law Enforcement Officer, he added. Chairman Blevins stated he has instructed County Attorney Tony Triplett to look into this statute and the possibilities for Wilkes. He added Vice Chairman Settle is the liaison to the School system. Vice Chairman Settle stated the school system is very open to this. Commissioner Gambill said the Sheriff can only allow them in this role for one year without certification. He added legislation would have to be passed to qualify a school teacher past this. Vice Chairman Settle stated they want a security team of school personnel that would be armed and ready on each campus if a situation arises. He added Sheriff Shew has deputies patrolling all schools and staying close to those areas as often as they can. Chairman Blevins stated the two Towns and North Carolina State Highway Patrol also have been actively patrolling the public schools. There is good participation already from Law Enforcement to help secure the schools and make sure all the children are safe in these difficult times. He added they would like to do more, but no one seems to know exactly what to do, this is why they are talking about it. Chairman Blevins stated they would like to have a solution that protects the children and also allows citizens their rights to bear arms.

Commissioner Gambill stated Millers Creek Elementary has started a watch dog program, they are using prior Military and off duty Law Enforcement dads that are volunteering and patrolling the school. He said this is one step that has been taken to help with security there. Vice Chairman Settle stated Senator Randleman and Representative Elmore will need to help on this. Commissioner Elmore said when they had the incident at Sandy Hook a few years ago, Marty Hemric was Superintendent and some steps were taken at that time to make schools more secure and safe with door locks and cameras. He added some steps have been taken, but more is needed. It is time to take more steps. Chairman Blevins agreed and said they will follow through until they come up with good, solid practices that will help protect the schools. He said Sheriff Shew told him he has been meeting with churches also and telling them how the congregation can protect themselves from these type of incidents. It is unfortunate that there are some folks in society that have no respect for their own life and no respect for the lives of others. Chairman Blevins added there are lots of factors that contribute to this and in so many cases it comes back to drug abuse, addiction, and the opioid problem. He said the County has engaged with a law firm and are in a lawsuit with the manufacturers and distributors of opioids that have poisoned the county. They hope to receive a monetary settlement, which is unknown at this

time, but if received it will be used for things like this. To protect the children and citizens in Wilkes County. Vice Chairman Settle added it takes a coward, they pick on the incident and unarmed, but if they know someone is going to shoot back it could make a difference.

CLOSED SESSION – Motion was made by Commissioner Keith Elmore to go into closed session under Section 143-318.11(a)(3) of the North Carolina General Statute to consult with and consider and give instructions to the Board’s attorney in regards to a pending judicial action entitled Wilkes County v. Amerisourcebergen Drug Corporation, et al., and to consult with the Board’s attorney to protect the attorney-client privilege. The motion was seconded by Commissioner Greg Minton and unanimously approved.

Motion was made by Vice Chairman Eddie Settle, seconded by Commissioner Keith Elmore and by unanimous vote adopted to adjourn back into regular session. No action was taken in the closed session.

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 7:55 P.M.

Sarah D. Call, Clerk

Gary D. Blevins, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: