

**MINUTES**  
**WILKES COUNTY BOARD OF COMMISSIONERS**  
**March 21, 2023**

**PUBLIC CONCERNS** – None

The Wilkes County Board of Commissioners met on Tuesday, March 21, 2023 at 5:00 P.M. with the following members present: Chairman Keith Elmore, Vice Chairman Stoney Greene, Commissioner Casey Joe Johnson, Commissioner Bill Sexton and Commissioner Greg Minton.

Also present for the meeting were Tony Triplett, County Attorney; Chris Huffman, Finance Director; and Sarah Call, Clerk to the Board.

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

**INVOCATION** – Commissioner Casey Joe Johnson led the Invocation.

**PLEDGE OF ALLEGIANCE** – Chairman Keith Elmore led the Pledge of Allegiance.

**APPROVAL OF MINUTES** – Motion was made by Vice Chairman Stoney Greene, seconded by Commissioner Casey Joe Johnson and unanimously adopted to approve the Minutes of the Budget Retreat held on February 28, 2023.

**APPROVAL OF MINUTES** – Motion was made by Commissioner Greg Minton, seconded by Vice Chairman Stoney Greene and unanimously adopted to approve the Minutes of the Board Meeting held on March 7, 2023.

**KIWANIS – PROCLAMATION** – Chairman Elmore welcomed and recognized John Willardson, President, North Wilkesboro Kiwanis Club. Mr. Willardson thanked the Board and said they are proud of this club, it was chartered April 3, 1923. They are getting ready to celebrate the 100<sup>th</sup> anniversary. He invited the Board to a celebration on Thursday, March 30, 2023 at the Wilkes Art Gallery from 6 PM – 8PM. Mr. Willardson stated they are asking the Board of Commissioners’ to consider adopting this Proclamation, which he read at this time. Chairman Elmore and the Board thanked Mr. Willardson and the Kiwanis Club for all they do for the citizens and kids in Wilkes County. Commissioner Johnson added he is a teacher and appreciates the Terrific Kids program and what it does for the kids. Mr. Willardson replied last week they hosted 300 terrific kids at The Block, it is a vital program and means so much to them.

Commissioner Bill Sexton made a motion to approve the Proclamation for North Wilkesboro Kiwanis Club and Kiwanis International as presented at tonight’s meeting. The motion was seconded by Vice Chairman Stoney Greene and unanimously approved.

*PROCLAMATION*

*Whereas: Kiwanis International was founded in Detroit, Michigan in 1915 and is one of the largest service organizations in the world with more than 551,000 members of all ages and abilities in more than 80 nations; and*

*Whereas: The North Wilkesboro Kiwanis Club was chartered by Kiwanis International on April 3, 1923 and for a period of 100 years, has devoted itself to projects to improve the world, one child and one community at a time by seeking primacy to the human and spiritual rather than the material values of life; and*

*Whereas: In addition to improving the lives of children in Wilkes County and in communities around the world, Kiwanis International and Kiwanis Clubs promote the development of community leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth, professional development and community service; and*

*Whereas: Since its founding 100 years ago, the service provided by the North Wilkesboro Kiwanis Club has had and will continue to have a positive impact on the lives of the citizens of Wilkes County through countless projects including sponsorship of Terrific Kids programs in all Wilkes County elementary schools, sponsorship of Children's Theater, sponsorship of Key Clubs in all Wilkes County High Schools, the annual award of a scholarship to a graduating Key Club member at each Wilkes County High School and many other acts of service to the people of Wilkes County.*

*Now, therefore, I, Keith Elmore, Chairman of the Wilkes County Board of Commissioners, do hereby proclaim April 3, 2023 as Kiwanis International Day, and hereby call upon and encourage all citizens and officials of Wilkes County to render support to the North Wilkesboro Kiwanis Club and to Kiwanis International, whose members, for the last 100 years and in the future, will continue to provide meaningful service to our homes, schools and communities through various civic projects.*

*In witness thereof, I have hereunto set my hand and caused the seal of the Wilkes County Board of Commissioners to be affixed to this Proclamation, this the 21st day of March, 2023.*

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*Keith Elmore, Chairman  
Wilkes County Board of Commissioners*

*ATTEST: \_\_\_\_\_  
Sarah Call, Clerk to Board*

**WILKES COUNTY WATER INFRASTRUCTURE EXTENSION PROJECT –  
RESOLUTION – FUNDING AWARD – PRE-CONSTRUCTION PLANNING GRANT –**  
Chairman Elmore welcomed and recognized Ryan Hager, P.E., Project Manager W.K. Dickson

& Co., Inc. Mr. Hager stated before the Board is a Resolution which formally accepts a Planning Grant from DWI, which is ARPA funds, in the amount of \$400,000. He added this will be applied to the Design Contract the Board approved several weeks ago for W.K. Dickson for the water infrastructure to serve the Speedway and surrounding area. He added they worked with DWI and structured that Contract so that the first \$400,000 of the design will be paid from this grant. The scope of services and contract is aligned with this grant and they will work with the State and Chris Huffman for the County to be reimbursed for the work they perform. Mr. Hager added it will basically cover surveying services; GEO Technical; preliminary engineering; project management expenses; and funding administration. He added Mr. Yates will need to be given the authority to execute the agreement on behalf of the County in the Resolution before the Board.

Commissioner Bill Sexton made a motion to approve the Resolution Accepting Pre-Construction Planning Grant and give John Yates the authority to sign the Funding Offer and Acceptance of the Pre-Construction Planning Grant from the North Carolina Department of Environmental Quality, Division of Water Infrastructure as presented at tonight's meeting. The motion was seconded by Commissioner Casey Joe Johnson and unanimously approved.

*RESOLUTION ACCEPTING PRE-CONSTRUCTION PLANNING GRANT*

*WHEREAS, the American Rescue Plan Act (hereinafter "ARPA") was funded from the State Fiscal Recovery Fund; and*

*WHEREAS, S.L. 2021-180 and S.L. 2022-74 allocated ARPA funds to assist eligible units of government with meeting their water/wastewater infrastructure needs; and*

*WHEREAS, the North Carolina Department of Environmental Quality has offered ARPA funding in the amount of \$400,000.00 to the County of Wilkes (hereinafter "The County") to perform work detailed in the submitted application for the Wilkes County Water Infrastructure Extension Project (hereinafter "The Project"); and*

*WHEREAS, the County intends to perform the project in accordance with the agreed upon scope of work;*

*NOW, THEREFORE, BE IT RESOLVED BY THE WILKES COUNTY BOARD OF COMMISSIONERS:*

*That the County of Wilkes does hereby accept the American Rescue Plan Act Grant offer of \$400,000.00.*

*That the County of Wilkes does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.*

*That John Yates, Wilkes County Manager, the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above, and to execute such other documents as may be required by the Division of Water Infrastructure.*

*Approved by the Wilkes County Board of Commissioners, this 21<sup>st</sup> day of March, 2023.*

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

*ATTEST:*

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*Sarah D. Call, Clerk*

**TAX DEPARTMENT – TAX RELEASES – LISTINGS** – Mr. Lankford asked the Board to approve 18 tax releases for listings in the amount of \$7,752.41 which covers February and most of March. These will be added to the prior total for the fiscal year of \$78,942.71, for a total to date of \$86,695.12.

Commissioner Greg Minton made a motion to approve the tax releases for listings in the amount of \$7,752.41 as presented. The motion was seconded by Commissioner Casey Joe Johnson and was unanimously approved.

A detailed listing of tax releases is maintained in the Wilkes County Tax Administrator's office.

**RESOLUTION BY THE COUNTY OF WILKES AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION** – County Attorney Tony Triplett said in the packets is a copy of the resolution and settlement agreement for the latest round of settlements in the Opioid Litigation. He added as they have discussed before this settlement involved distributors, such as Walgreens, Walmart, CVS and others, manufactures were in the first settlement. This is known as the wave two settlement. Mr. Triplett said the first wave national settlement was \$26 billion, and the second wave will be just over \$21 billion nationwide. He added North Carolina will get about \$600 million, and Wilkes County will likely receive \$10.2 million from the second settlement; they received a little over \$12 million from the wave one. This settlement will be part of the same package of documents as approved for the first settlement that required approval of several documents. Mr. Triplett said the wave two settlement rides the coat tails of the wave one settlement, the same MOA with the State of N.C. with the same document process will apply. Basically, this says the County will sign on to these additional funds under the same terms as wave one, and authorize the County Attorney to execute the documents necessary to sign on to

this settlement. He added the Resolution will do that if the Board would like to approve and sign on to it with no additional requirements.

Mr. Triplett said he would like to point out the Supplemental Settlement Agreement addresses Counsel Fees; 15% of the settlement funds goes to the State of North Carolina; 84.62% goes to the Counties; and 0.38% is reserved in a fund for the attorneys. It is very important to note that, as in wave one, this is contingent on enough Local Governments signing on to this along with their Counsel for it to take effect. He sees no reason why others will not sign on, as it is additional funding and the attorney fee is way less than the 25% agreed to in the wave one settlement. Mr. Triplett said if all the Counties and Counsels sign on, they are waiving their contingent fee agreements with them and will be agreeing to 0.38% fee. He has been told they have agreed to this, once the Counties and their Counsels all agree and sign this will take effect, this is very good news for them. Mr. Triplett said he has been in touch with our Counsel representative, Garry Whitaker and he has urged Wilkes to approve this and it applies to all attorney fees for wave one and two. Commissioner Minton sated it goes from 25% to 0.38%. Mr. Triplett replied yes, the County has set aside money for this and it would have been 25%. Ms. Felts added the County set aside a bulk of what they have already received in the budget, but they have not received 25% of the settlement funds at this point if they had to pay the fee. Mr. Triplett said they may not need this, if this takes effect, the wave two settlement sets up a fund for attorney fees for both settlements. He added not all counties sued, but all counties will share in the settlement, Wilkes did participate in the lawsuit and both settlements came from that litigation.

Chairman Elmore stated Attorney General, Josh Stein sued on behalf of the State of NC, correct. Mr. Triplett replied yes he did, and in that case the State asked to receive the bulk of the settlement funds. Fortunately, in this settlement that is not the case, the counties are getting 84.62% of the settlement funds, which is good news. There is no down side and he sees no reason to not want to claim these addition funds. He added these funds will come in the same way that Brooke Felts has set up with the Health Foundation helping, under option B of how the funds will be spent. Mr. Triplett said these funds will be added to the funds they already have and will go through the same distribution that the Board will oversee with the assistance from the Health Foundation. Commissioner Minton said this will all be on an annual basis. Ms. Felts replied yes over about 16 years from this point.

Commissioner Bill Sexton made a motion to approve the Resolution by the County of Wilkes Authorizing Execution of Opioid Settlements and Approving the Supplemental Agreement for Additional Funds between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation as presented at tonight's meeting. The motion was seconded by Vice Chairman Stoney Greene and unanimously approved.

*RESOLUTION BY THE COUNTY OF WILKES  
AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE  
SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS BETWEEN THE STATE OF NORTH  
CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT  
OF OPIOID LITIGATION*

*WHEREAS, the opioid overdose epidemic had taken the lives of more than 32,000 North Carolinians (2000-2021);*

*WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and*

*WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and*

*WHEREAS, as of 2020 in Wilkes County, the overdose death rate was 25 per 100,000, the overdose emergency department visit rate was 137 out of 100,000, the overdose death illicit drug involvement rate was 71 out of 100, and the percent of people prescribed opioids was 17 out of 100; and*

*WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and*

*WHEREAS, settlements have been reached in litigation against Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in these Settlements; and*

*WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Supplemental Agreement for Additional Funds (SAAF) to provide for the equitable distribution of the proceeds of these settlements; and*

*WHEREAS, by joining the settlements and approving the SAAF, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and*

*WHEREAS, it is advantageous to all North Carolinians for local governments, including Wilkes County and its residents, to sign onto the settlements and SAAF and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the state and this county to help abate the harm; and*

*WHEREAS, the SAAF directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic, while ensuring that these resources are used in an effective way to address the crisis;*

*NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Wilkes County hereby authorizes the County Attorney to execute all documents necessary to enter into opioid*

*settlement agreements with Walmart, Walgreens, CVS, Allergan, and Teva, to execute the SAAF, and to provide such documents to Rubris, the Implementation Administrator.*

*Adopted this the 21<sup>st</sup> day of March, 2023.*

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

*ATTEST:*

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*Sarah D. Call, Clerk to the Board  
SEAL*

**GRASSY FORK CONVENIENCE CENTER – RENEWAL OF LEASE AGREEMENT –**

Assistant County Attorney Brooke Felts stated before the Board is an updated Lease Agreement for the property leased from Robert and Nina Hayes for the Grassy Fork Convenience Center. She added the previous agreement expired many years ago and they brought this to their attention and requested a new lease. There are only two changes in the new lease: the rent has increased to \$6,000 annually; the lease will now be an annually renewing term lease; and it can be terminated with 30-days' notice. Commissioner Sexton asked how much use does this center get. Anderia Byrd replied last fiscal year they grossed \$27,963; compared to the other outside convenience sites this location is used about ½ of what the other sites are used annually. Chairman Elmore asked if the rent is in line with the others sites. Ms. Byrd replied yes. Commissioner Johnson asked what days are they open at this site and what is the count per day. Ms. Byrd replied they are open 5 days each week and only closed on Sunday and Thursday, she does not have the daily count, the monthly count averages 1400. Chairman Elmore added this is located in a beautiful area. He asked since this automatically renews annually, if they ask for another increase how would that be handled. Ms. Felts replied they would ask to amend the lease with the Boards approval.

Vice Chairman Stoney Greene made a motion to approve the Renewal of the Lease Agreement for the Grassy Fork Convenience Center as presented at tonight's meeting. The motion was seconded by Commissioner Casey Joe Johnson and unanimously approved.

Vice Chairman Greene asked how the unsecured load fee is going, are folks complying with this. Ms. Byrd replied they have a lot of compliance when they come through the gates, they issue at least one unsecured load fee per day. This is working well, and have had surrounding counties reach out to see how they implemented this and how it is working. She added Wilkes County is being recognized for this and many residents are complimenting them for instituting it. Chairman Elmore thanked Ms. Byrd and the Landfill staff and added if they are happy, the Board is happy.

**ADJOURN** – Motion was made by Vice Chairman Stoney Greene, seconded by Commissioner Casey Joe Johnson and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 5:33 P.M.

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Sarah D. Call, Clerk  
Chairman

Giddeon Keith Elmore,

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: April 4, 2023