

MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
April 4, 2017

PUBLIC HEARING – 60-DAY MORATORIUM ON ISSUANCE OF PERMITS UNDER WILKES COUNTY HIGH IMPACT LAND USE ORDINANCE – Chairman Greg Minton declared the Public Hearing open regarding the Proposed 60-day Moratorium on the Issuance of Permits under Wilkes County High Impact Land Use Ordinance at 9:54 A.M. on Tuesday, April 4, 2017 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 were Tony Triplett, County Attorney; John Yates, County Manager; Eddie Barnes, Planning Director; and Sarah Call, Clerk to the Board.

Chairman Minton asked County Attorney Tony Triplett to introduce the matter. Mr. Triplett stated the Public Hearing is to receive public comments on a proposed moratorium under the High Impact Land Use Ordinance and if enacted will stop the issuance of permits under this ordinance for 60-days. He added the purpose is to allow time for the Planning Board and Board of Commissioners to study this ordinance and whether they desire to make any amendments or changes. Mr. Triplett said no changes are before the Board, only the possible moratorium for 60-days. He added the moratorium could be extended if enacted, but this is not before them today.

NATHAN CHEEK – was recognized and said the Commissioners were elected to govern on behalf of all Wilkes County constituents. He added to prevent this solar farm is anti-business, anti-property rights, and individual liberty. In closing he said this is not governing on behalf of everyone.

JUDITH PORTER – was recognized and said environmentalism is a driving goal for her. Next she provided her educational background. Ms. Porter stated she is very much in favor of allowing as much energy as soon as they can, from clean energy sources which includes solar in Wilkes County. In closing she added solar panels, which she has on her home and out buildings, are beautiful and make economic sense.

RUTH ANNE JOHNSON – was recognized and read a statement that included a summary of where she lives currently and in the past which includes Wilkes County, North Carolina, Louisiana, Kentucky, Tennessee, and Virginia. She went over some of the industries in these locations and the issues with petroleum, chemicals, and coal mines and the harm to folks that work in these industries. Ms. Johnson said she supports judicious use of solar energy, they need to look to safe, renewable energy for all. She added she recommends they proceed with caution, no energy production is without its drawbacks and gave some examples. Ms. Johnson said she believes in progress but not at the expense of the citizens or environment.

LAURA LOVE – was recognized and said she is in favor of any solar project, clean, and renew project that the county might have the opportunity to embrace. She next read Department of Energy Jobs data. Ms. Love said if this county gets on board with clean and renewable energy there is an opportunity for job growth. In closing she added she hopes they will not embrace this moratorium and go ahead with the project.

GWEN SHAFER – was recognized and briefly stated the company that has prompted this discussion has successfully installed a solar field in the neighboring county. She added it is time for Wilkes to get on board and give this implementation serious consideration now.

KATHRYN CHARLES – was recognized and said she has been involved in many recycling projects since the 1980's, which she listed. She added she has lived in West Virginia and went over the pollution from oil and coal in the river in that area and the improvements since that time. Ms. Charles stated she is a huge proponent of any solar project in Wilkes County. In closing she stated there are job opportunities and future public health to consider, and added other countries will take these opportunities if Wilkes doesn't.

ANDREW PARDUE – was recognized and stated he got information from the US Energy Information Administration (eia.gov), and went over job statistics he found from this site. He said there is an economic system that is growing based on production of renewable energy, 1 in 50 new jobs are in solar energy. In closing he stated solar energy has positive economic, agricultural, and environmental benefits, and will leave future generations with clean, safe, and a livable planet.

Chairman Greg Minton thanked everyone for attending today and speaking he declared the Public Hearing closed at 10:12 A.M.

PUBLIC HEARING – ROAD NAME REQUEST – CHATHAM LANE, BOOMER TOWNSHIP – Chairman Greg Minton declared the Public Hearing open regarding the Road Name Request for Chatham Lane at 10:12 A.M. on Tuesday, April 4, 2017 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 were Tony Triplett, County Attorney; John Yates, County Manager; Eddie Barnes, Planning Director; and Sarah Call, Clerk to the Board.

Chairman Minton asked if anyone would like to speak regarding the proposed Road Name Requests. Mr. Barnes said he is not aware of anyone here to speak and the Planning office has not received any comments regarding this name. Hearing no comments on the proposed Road Name Requests for Chatham Lane, Chairman Greg Minton declared the Public Hearing closed at 10:13 A.M.

The Wilkes County Board of Commissioners met on Tuesday, April 4, 2017 at 10:13 A.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.

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 Budget Retreat held on March 14, 2017.

APPROVAL OF MINUTES – Motion was made by Commissioner Eddie Settle, seconded by Vice Chairman Gary D. Blevins and unanimously adopted to approve the Minutes of the Board meeting held on March 21, 2017.

N.C. ASSOCIATION OF MUNICIPAL CLERKS – WILKESBORO – HOST 2019 SUMMER CONFERENCE – Chairman Minton recognized and welcomed James K. Byrd, Wilkesboro Town Clerk. Mr. Byrd said he would like to announce the N.C. Association of Municipal Clerks 2019 Summer Conference for the Western 1/3 of N.C. has selected the Yadkin Events Center (Holiday Inn) in Wilkesboro. He added other than a Coastal community this is the first time a small community has been selected to host the annual conference. Mr. Byrd added it will be held on August 15, 2019 through August 17, 2019, many Clerks and extended family will arrive the day before to begin their activities. They expect to reserve 125 to 150 rooms for up to 4 nights, the overflow will be at the Hampton Inn. He added they expect up to 350 people to attend. Mr. Byrd said they are only asking for the Board and citizens to be aware of this event and ask that staff is made available for planning as needed in the future.

Commissioner Elmore asked the number of members for this Association. Mr. Byrd replied there are about 550+ municipalities in N.C. and they generally have 125 to 150 in attendance. Vice Chairman Blevins stated this is good news, as many of them are Board Members of the NCACC and see the economic impact when they attend their conferences. Mr. Byrd added that is a sister Association. Vice Chairman Blevins said he would recommend a Resolution from the Board of County Commissioners to welcome them and have the Chairman available to welcome them in August 2019. He added if the county can help in this process they are here to aid them, this will be great occupancy for Wilkesboro during this event. Commissioner Elmore asked who is handling the entertainment for this group. Mr. Byrd replied there is a committee that he is on and they are working on a list and asked if the Board has any suggestions or comments please let him know.

The Board thanked Mr. Byrd.

TAX DEPARTMENT – TAX RELEASES – Alex Hamilton, Tax Administrator asked the Board to approve tax releases in the amount of \$4,640.85.

Commissioner Keith Elmore made a motion to approve the tax releases as presented. The motion was seconded by Commissioner David Gambill and unanimously approved.

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

PLANNING DEPARTMENT – ROAD NAME REQUEST – CHATHAM LANE – BOOMER TOWNSHIP – Planning Director Eddie Barnes stated a Public Hearing was held earlier this evening to receive public input on a proposed Road Name Request for Chatham Lane in Boomer Township, with no opposition. He stated this request meets the requirements of the Wilkes County Road Naming Ordinance and a ten-day notification period has been met. He stated the Planning Department has not received any comments opposing the Road Name Request.

Commissioner Keith Elmore made a motion to approve the Road Name Request for Chatham Lane as presented. The motion was seconded by Vice Chairman Gary D. Blevins and unanimously approved.

DEPARTMENT OF SOCIAL SERVICES – UPDATE – Chairman Minton recognized John Blevins, DSS Director. Mr. Blevins said they held the 7th Annual Silent March and Pinwheels for Children this past Sunday. He added it was a good turnout and the pinwheels are located at Our House at this time. Mr. Blevins stated he spoke at this event and told everyone some of the issues they face in the county and struggle with. Some of which are approved Foster Families which is still an issue, and also finding qualified applicants for their open job. He said he also stated he is appreciative of this Board and allowing DSS to have two additional Social Workers this past year due to the growing foster care numbers. Mr. Blevins stated this is Child Abuse Awareness Month and they try to always make sure the children are protected and cared for.

Mr. Blevins briefly went over the monthly caseload report for February. He next went over the Foster Care financial report, Adoption Services financial report, Child Development and Subsidized Child Care financial reports. He also went over the CPS Foster Care monthly report for February. Vice Chairman Blevins asked how many of the out of county foster children are in family foster homes. Mr. Blevins replied most are in a family foster home through an organization, like the Children's Home Society. He added the Children's Home Society has received a grant from the State and they are going to help with adoptions and finding families to adopt foster kids in Wilkes. Vice Chairman Blevins asked the cost to families for adoptions of children in foster care. Mr. Blevins replied they have assistance programs to help pay this and it should cover all the cost for these adoptions.

Commissioner Elmore stated he would like to recognize a past Member of the DSS Board in attendance, Mr. Larry Pendry who served 5-years.

The Board thanked Mr. Blevins for his update.

FINANCE DEPARTMENT – CONTRACT TO AUDIT ACCOUNTS FISCAL YEAR 2016-2017 – Finance Officer Jerry Shepherd stated it is time to approve the contract for auditing services; the current firm is Martin Starnes & Associates and the County has been very pleased with the work they perform and would like to recommend them again. The contract price is \$62,325 which is a 3% increase over last year (\$1,815). This increase is requested due to the expanded Office of State Auditor additional testing requirements. He added this is the first increase since the 2011 audit. Mr. Shepherd said other counties are having increases in their audits for the same reason, some as much as 6% to 7%. He stated the Local Government Commission requires approval of this contract by the County Board of Commissioners and the Chairman and Finance Officer have to sign the contract after it is approved by the Board.

Vice Chairman Gary D. Blevins made a motion to approve the Contract to Audit Accounts from Martin Starnes and Associates, CPAs, P.A. for fiscal year ending June 30, 2017, as presented. The motion was seconded by Commissioner Eddie Settle and unanimously approved.

COMMISSIONERS’ SCHEDULED MEETING – CHANGE OF DATE – APRIL 18, 2017 – Chairman Minton said they need to change a regular meeting date. Mr. Yates stated it has been recommended for the meeting to be moved from Tuesday, April 18, to Tuesday, April 25, 2017 at 7:00 P.M.

Commissioner David Gambill made a motion to move the Commissioners’ regularly scheduled meeting from Tuesday, April 18, 2017 to Tuesday, April 25, 2017, at 7:00 P.M. with Public Concerns to being at 6:45 P.M. The motion was seconded by Vice Chairman Gary D. Blevins and unanimously approved.

RESOLUTION – APPROVING SALE OF PROPERTY – County Attorney Tony Triplett said this matter has been before the Board once before concerning the offer by Mr. Jeffrey Hudspeth. The offer is to purchase 0.63 acres in New Castle Township and did not extend to advertising in two newspapers, only the first one from the *Journal-Patriot*. Mr. Triplett said he would like to read a motion that will amend the motion passed last time which was broad and covered all advertising cost. He added the Board can then decide if they want to pass this or not. The motion will be to adopt the resolution and simultaneously amend the previous motion.

Commissioner Keith Elmore made a motion pursuant to G.S. §160A-269 to adopt the Resolution as presented by the County Attorney at today’s meeting for approval of the sale of real property on Redmon Road in New Castle Township, Wilkes County, North Carolina, consisting of 0.63 acres formerly owned by Rossalee Hagler and acquired by Wilkes County through tax foreclosure at Deed Book 1117, Page 283, Wilkes County Registry, to Jeffrey Hudspeth for the sum of \$1,450.66 plus Deed preparation and recording costs and the cost of advertising the required public notice in the *Wilkes Journal-Patriot* on March 10, 2017; and to amend the Board’s motion in this matter at its March 7, 2017 meeting to the extent the same is inconsistent with today’s motion. The motion was seconded by Vice Chairman Gary D. Blevins and unanimously approved.

*RESOLUTION
AUTHORIZING SALE
OF REAL PROPERTY*

WHEREAS, the Wilkes County Board of Commissioners (hereinafter the "Board of Commissioners") by motion duly adopted at its regular meeting of March 7, 2017, authorized advertisement for sale of a tract of land owned by Wilkes County (hereinafter "the County") located in New Castle Township, Wilkes County, North Carolina, consisting of 0.63 acres on Redmon Road, the same having been acquired by the County under Commissioner's Deed dated August 27, 2010, as recorded at Book 1117, Page 283, Wilkes County Registry, pursuant to a tax foreclosure sale in the action captioned "Wilkes County vs. Rossalee Hagler, Widower, et al.," File No. 09 CVD 1270, Wilkes County Clerk of Superior Court's Office, and being identified on the records of the Wilkes County Tax Mapping office as PIN #4839-06-6696, Parcel ID No. 13-01584;

AND WHEREAS, said sale is by negotiated offer, advertisement, and upset bid pursuant to G.S. §160A-269;

AND WHEREAS, the County has received an offer from Jeffrey Hudspeth through his attorney, Randall Hinchey, of Jonesville, North Carolina, in the amount of \$1,450.66 plus the cost of publication for the required public notice in the Wilkes Journal-Patriot, Deed preparation, and recording costs;

AND WHEREAS, pursuant to the Board of Commissioners' motion adopted at its March 7, 2017 meeting, said offer was advertised in the Wilkes Journal-Patriot on March 10, 2017, as required under G.S. §160A-269, and in the Elkin Tribune on March 10, 2017;

AND WHEREAS, no upset bids have been received, and the time has expired in which an additional upset bid may be submitted;

AND WHEREAS, advertisement in the Elkin Tribune is not required by law in this matter and was not included in the offer submitted by Jeffrey Hudspeth, and Mr. Hudspeth has indicated he is not willing to amend his offer accordingly;

AND WHEREAS, the Board of Commissioners by motion duly adopted at today's meeting has amended its motion of March 7, 2017, and has withdrawn the requirement that Mr. Hudspeth pay the costs of advertising in the Elkin Tribune;

AND WHEREAS, the Board of Commissioners desires to accept Mr. Hudspeth's bid of \$1,450.66 plus the cost of publication for the required public notice in the Wilkes Journal-Patriot, Deed preparation, and recording costs, and desires to authorize sale of the property pursuant to said bid;

NOW, THEREFORE, BE IT RESOLVED, pursuant to G.S. §160A-269, that the bid of \$1,450.66 plus the cost of publication for the required public notice in the Wilkes Journal-

Patriot, Deed preparation, and recording costs received from Jeffrey Hudspeth through his attorney, Randall Hincer, of Jonesville, North Carolina, is hereby approved, and upon payment of said purchase price, a Special Warranty Deed shall be executed by the County and conveyed to Jeffrey Hudspeth for the above referenced property.

This the 4th day of April, 2017.

WILKES COUNTY

By: _____

G. A. Minton, Chairman,
Wilkes County Board of Commissioners

ATTEST:

Sarah D. Call, Clerk

OLD BUSINESS:

Vice Chairman Blevins stated for the folks involved in the public hearing earlier, due to the way the meetings are structured, the Board generally does not comment during that time. They listen carefully to all comments and concerns presented. He said particularly the idea that they should use due diligence as Commissioners when proceeding in an area that is new and not been addressed before. The only purpose for the moratorium is for the Planning Board to look at the existing ordinance. To make sure the language and the requirements are up to date because it is 12+ years old and come back with recommendations if needed to make it current, he added. Vice Chairman Blevins stated the Board is not opposed to renewable energy, they are concerned with what happens to the property at the end of its life cycle. He said they want the Planning Board to address any issues with regards to any equipment left on the site and its removal. This will be a large area that is affected. If a moratorium is enacted for 60-days it would simply be to make sure there is some sort of bonding process in place, if legal, to make sure money is available for cleanup and restoration back to the natural state, he noted.

Vice Chairman Blevins said they do not want to be perceived as anti-business, or anti-solar. They are not. He added, they only want to make sure the surrounding property owners and the county are held harmless if these projects fail. This is the reason he is interested in taking a closer look at this before they give folks the opportunity to come in and get started, he said. Vice Chairman Blevins said as one gentleman said earlier, they are elected to serve all constituents in the county and he believes this firmly, as does all the Board. He added renewable energy is a controversial subject, it's not a 100% cut and dry. It is reasonable for the Board to be cautious before they allow a high impact electrical production system into the county, he noted. Vice Chairman Blevins stated they are ready to move forward and grow with the renewable energy industry once they are sure that if they are not financially secure going forward the surrounding land owners will not be faced with a large solar farm that no one wants to take responsibility for.

Commissioner Settle stated one speaker brought up a valid point, to proceed with caution and that is the entire intent of the 60-days. He added the concern is the back end, when and if they leave and the cleanup process. Commissioner Settle said he brought this up because the N.C.

Association of County Commissioners and the folks in eastern N.C. that have lots of these said they did not look at this when it was new. He noted they say now when they leave their concern is what condition they will leave the land in and cautioned him to look into this. Commissioner Settle said this is what the Planning Board is looking at. He stated he is all about property rights and everyone knows this is important to Wilkes that is why they don't have countywide zoning.

Mr. Triplett stated if the Board wishes to proceed he has a moratorium prepared to hand out. He added he wanted to stress there is nothing in it that targets any particular high impact land use, solar farms are not targeted, all permits under the ordinance are stopped for 60-days.

Commissioner Elmore asked if this could be studied and not impose the moratorium. Mr. Triplett replied yes, but if someone applies for a permit during this time and meets the requirements, it would be issued. Commissioner Elmore asked what the thoughts of the Planning Board are. Mr. Triplett replied they met the last Monday in March and discussed this, and also in December. They are awaiting this Board's decision and whether or not to address this, they made no decision, and took no action on anything concerning the High Impact Land Use Ordinance at the last meeting, he added. Mr. Triplett stated his opinion was the feeling on the Planning Board is what to do when a High Impact Land Use business leaves, and what to require. He added they would like the opportunity to issue a recommendation on that. Commissioner Elmore stated this affects any High Impact Land Use business for the next 2-months. Mr. Triplett added yes any High Impact Land Use business as listed in the ordinance.

Commissioner Settle asked if they have to impose a moratorium, the Planning Board does have concerns on what happens when they leave at the end of it. Chairman Minton stated the question from this Board is if a moratorium is needed. Mr. Triplett said they can proceed without a moratorium. Chairman Minton said the question to the attorney is if an entity comes in and applies for a permit during the discussion, are they held to the grandfathered ordinance, even if they act on a recommendation by the Planning Board at a later date? Mr. Triplett replied that is correct. Chairman Minton asked what his counsel is. Mr. Triplett replied if the Board wishes to let the Planning Board look at it and make a recommendation, and this Board wishes to consider and study it, to pass the 60-day moratorium so no permits are issued during this time. He added if this Board decides to act and amend the ordinance any subsequent permits are subject to any changes made. Chairman Minton asked if the Planning Board gets back to them in a timely manner with their recommendations can they remove the moratorium prior to the full 60-days. Mr. Triplett replied yes they can re-visit and terminate it at any time. Chairman Minton asked if he was advocating for the 60-day moratorium. Mr. Triplett replied yes as an initial measure simply so no permits are issued while they are studying the issue. There are no permits pending at this time, he added. Vice Chairman Blevins asked when the last time a permit of this nature was issued. Mr. Triplett replied he did not know, it has been years. Mr. Triplett said the next Planning Board meeting should be the last Monday in April. Mr. Yates added that should be on April 24th.

Chairman Minton stated the moratorium it seems is not favored upon by the Board, but they do direct the Planning Board to get back to them with recommendations if any revisions need to be

made to the existing Ordinance. Chairman Minton asked if everyone was in agreement. The Board indicated they were. Mr. Triplett said he will pass this along to the Planning Board.

NEW BUSINESS: BLUE RIDGE OPPORTUNITY COMMISSION (BROC) – ANNUAL APPOINTMENT OF WILKES AGING ADVISORY COMMITTEE – Chairman Minton recognized Jennifer Cooper, Director, BROC Elderly Nutrition Program. Ms. Cooper stated BROC is the lead agency on aging in Wilkes County and as such they are asking the Commissioners to approve the Aging Advising Committee for FY 2017-2018. She asked for the Board's approval of these members.

Below is the list of the FY 2017-2018 Wilkes County Aging Advisory Committee Members presented to the Commissioners:

Mr. Jennifer Cooper, Lead Agency Director
Ms. Julie Wiggins, Director Area Agency on Aging, HCCOG
Ms. Suzanne Hanlin, Director, Wilkes Senior Resources
Ms. Jennifer Snider, Director, RPB Adult Day Care Center
Ms. Michelle Smithey, Community Social Services Technician
Mr. Kenneth Foster, Wilkes Senior Tar Heel Legislature Delegate
Mr. Ormond Loomis, Wilkes Senior Tar Heel Legislature Alternate
Ms. Karen Hallman, Community Alternative Program
Ms. Mary Severt, Social Worker, Westwood Hills Nursing Center
Mr. Keith Elmore, Wilkes County Board of Commissioners
Mr. Dave Snyder
Mr. Mary Edna Faw
Ms. Gayle Benton
Ms. Carol Brock Jenkins
Ms. Tina Nuger, Community Service Representative, Home Instead
Ms. Diane Harper
Ms. Allison T. Brown, Mountain Valley Hospice & Palliative Care
Mr. Matthey Reece, Executive Director, Rose Glen Village

Vice Chairman Gary D. Blevins made a motion to approve the Annual Appointments of the Wilkes Aging Advisory Committee for FY 2017-2018, as presented. The motion was seconded by Commissioner David Gambill and unanimously approved.

CLOSED SESSION – Motion was made by Vice Chairman Gary D. Blevins to go into closed session under Section 143-318.11(a)(5) of the North Carolina General Statutes to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, known as the personnel exception; under Section 143-318.11(a)(3) of the North Carolina General Statute to consult with the Board's attorney to protect the attorney-client privilege; under Section 143-318.11(a)(3) of the North Carolina General Statutes to consult with the County Attorney to consider and give instructions with respect to one or more potential judicial or administrative actions; and to consult with the County Attorney to consider

and give instructions with respect to a pending judicial action captioned *Appling, et al. v. Alleghany County, et al.* The motion was seconded by Commissioner Keith Elmore and unanimously approved.

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

OLD BUSINESS – WILKES COUNTY LANDFILL - AGRICULTURAL LEASE – Mr. Triplett stated the matter before them is to consider the lease of 33 acres of Farm Land at the Wilkes County Landfill. He added the status is, this was advertised, bids were received, and a high bid was previously accepted by the Board from Brian Chatham in the amount of \$4,801.50 per year. Mr. Triplett said the statutory procedure is that this has to be advertised for 10-days before the Board enters into a lease with Mr. Chatham or anyone. It was advertised, the 10-days have passed and nothing is in place unless the Board decides to vote in favor of approving a Resolution accepting that Lease Agreement based on the high bid, he noted. Mr. Triplett added the law does not require that it be bid at all, they simple do this as a matter of tradition. The Board's options are open at this point, the Lease Agreement can be adopted with Mr. Chatham or they can vote to choose another alternative.

Vice Chairman Blevins ask if an alternative would need to be put on the floor in the form of a motion. Mr. Triplett replied yes it needs to be a motion by the Board on how to proceed. He reminded the Board they have already accepted the high bid from Mr. Chatham but the Board has not approved a Resolution adopting the Lease Agreement with Mr. Chatham based on that bid. Vice Chairman Blevins asked if this motion has to be made. Mr. Triplett replied no, a motion to approve the Resolution adopting the Lease Agreement with Mr. Chatham does not have to be made, the Board can make another motion if they wish to do so. He handed out a Resolution to the Board and said this is the standard Resolution adopting the Lease Agreement. If the Board wants to proceed with a lease to Mr. Brian Chatham, someone would need to make a motion to approve this Resolution, he said.

Commissioner Elmore said the issue is they were not aware there was a crop on this land. He said in light of the fact there is a crop there now if they re-bid this lease it gives anyone the opportunity to bid based on the crop being there. Commissioner Elmore added this may entice other bids, because if it is opened back up, it is open to everyone, not just these two. He stated the fact there is a crop there changes the deal completely. Commissioner Elmore said he is in favor of re-bidding based on the fact they now know there is a crop on this property. Mr. Triplett said this can be done and the Board would need to decide when they want to re-bid now or at a date in the future.

Vice Chairman Blevins asked for a point of clarification about the ownership of the existing crop since there is no lease on this property as this time, does it belong to the county. Mr. Triplett replied yes, the lease has expired, the crop belongs to the county. Vice Chairman Blevins asked as part of the motion can all rights to this crop be turned over to the former tenant, ASJ Mathis Farms. Chairman Minton stated this needs to be two separate motions.

Commissioner Keith Elmore stated based on the fact that the Board was unaware that there was a growing crop on this property at the time the previous lease expired, a crop that was planted by the former tenant, ASJ Mathis Farms, the motion is to decline at this time to approve the Resolution adopting the Lease Agreement with the high bidder, Mr. Brian Chatham, and to re-bid this property at a future date to be determined by the Board. This motion was seconded by Vice Chairman Gary D. Blevins. Voting on the motion:

Ayes: Vice Chairman Gary D. Blevins
Commissioner Keith Elmore
Commissioner David Gambill
Commissioner Eddie Settle

Nays: Chairman Greg Minton

Chairman Minton stated the motion passes 4 to 1, and added the reason he dissents is simply because Mr. Chatham complied with the existing advertisement which they posted, he did everything by the numbers and this is what his negative vote was based upon.

Vice Chairman Gary D. Blevins made a motion that the former tenant, ASJ Mathis Farms, who planted the crop that is presently on this property, be allowed to now harvest that crop even though their lease has expired. The motion was seconded by Commissioner Keith Elmore and unanimously approved.

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 12:26 P. M.

Sarah D. Call, Clerk

Gregory A. Minton, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: