

**MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
May 10, 2022**

PUBLIC CONCERNS – None

The Wilkes County Board of Commissioners met on Tuesday, May 10, 2022 at 6:04 P.M. with the following members present: Chairman Keith Elmore, Vice Chairman Casey Joe Johnson, Commissioner David Gambill, Commissioner Eddie Settle, and Commissioner Brian S. 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 at this time. He stated with the consensus of the Board Item F will be removed, Sheriff Shew cannot attend tonight.

INVOCATION – Vice Chairman Casey Joe Johnson led the Invocation.

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

WILKES COUNTY AIRPORT – WORK AUTHORIZATION NO. 8 – EASTSIDE T-HANGAR AND TAXILANE DEVELOPMENT – Chairman Elmore welcomed and recognized Jimmy Luther, Aviation Manager W.K. Dickson & Co., Inc. Mr. Luther thanked the Board and stated in the packets is Work Authorization No. 8 for the design and bidding to place a T-Hangar on the East side of the Airport. This was presented to the Airport Board and they are in favor. He added they looked at doing this north of Samaritan's Purse, but that would require 100 yards of material to be moved for a cost of about \$1 million. Mr. Yates thought it would be prudent to place a T-Hangar on the East side where it is already developed. It will get them more for their money and could be constructed cheaper and quicker on the East side. Mr. Luther stated this is going where the Airpark was designed in 2010. There is a Taxilane and pavement there already. The building can be adjacent and a little paving would be needed on the other side to have access from both sides. Mr. Luther said access for tenants to this area would be on Johnson Road which is a little more driving. Mr. Yates added in the future they would like to push for another road to be added on the STIP for aviation to this area. Mr. Luther stated this is for the Board's consideration. Chairman Elmore asked what is the match. Mr. Luther replied it is 10%, their regular AIP funding can go to this. Chairman Elmore asked if it is in the budget. Mr. Yates replied yes.

Chairman Elmore said this is another great project and they appreciate Mr. Luther for all the help at the Airport. Mr. Yates added this has potential to be grant funded including the building which they are very excited about. Mr. Luther said this project should be eligible for the Bipartisan Infrastructural Law Money (BIL) that will be \$295,000 a year for 5-years. It has the same uses that the AIP money has and is an addition funding source on top of the \$150,000.

Commissioner Gambill asked about security in the future at the Airport with all the growth. Mr. Luther replied at this point it includes a 10 foot security fencing, that is all that is allowed on the AIP. It will fence it out and they could have a gate on the land side.

Commissioner Eddie Settle made a motion to approved Work Authorization No. 8 for Eastside T-Hangar and Taxilane Development Design/Bid Phase Services as presented at tonight's meeting. The motion was seconded by Vice Chairman Casey Joe Johnson and unanimously approved.

The Board thanked Mr. Luther.

GRANT PROJECT ORDINANCE – NORTH CAROLINA PARKS & RECREATION TRUST FUND PROJECT # 2022-994 – Chairman Elmore recognized Chris Huffman, Finance Director. Mr. Huffman said he is presenting this for Kelly Coffee it is a Grant Project Ordinance for the North Carolina Parks & Recreation Trust Fund Grant that was awarded to Wilkes County Parks & Rec. He added the Grant award is \$191,194, the County Match is the same amount \$191,194 and will come from the ARPA funds, not County dollars. The total project is \$382,388 and because this is a grant they have to adopt the Ordinance on how the funds will be spent. Commissioner Settle stated no county tax money. Mr. Huffman replied not for this project. Mr. Yates added Ms. Felts will bring the ARPA Ordinance in June to add to this. Ms. Felts said they need to put the match of \$191,194 in the ARPA Project Grant Ordinance for the Part F Grant. Chairman Elmore asked when they spend ARPA funds they will need to do a budget transfer. Ms. Felts replied the Grant Project Ordinance passed back in November laid out the allocations and did not include this, it had not been awarded. Commissioner Gambill stated he is not against the grant and the money coming in, but he is against the bathhouse.

Motion was made by Vice Chairman Casey Joe Johnson to adopt the Grant Project Ordinance for The North Carolina Parks & Recreation Trust Found Project # 2022-994, as presented at tonight. The motion was seconded by Commissioner Brian S. Minton. Voting on the motion:

Ayes: Chairman Keith Elmore
Vice Chairman Casey Joe Johnson
Commissioner Eddie Settle
Commissioner Brian S. Minton

Nays: Commissioner David Gambill

*Wilkes County
Grant Project Ordinance
North Carolina Parks & Recreation Trust Fund Project # 2022-994*

BE IT ORDAINED by the Wilkes County Board of Commissioners, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Parks and Recreation Trust Fund Project described in the Grant Agreement between this unit and the NC Department of Natural and Cultural Resources (NCDNCR) for the construction of a bathhouse and picnic shelter at River's Edge Park.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of NCDNCR, and the budget contained herein.

Section 3. The following revenues are available to complete this project:

<i>Parks & Recreation Trust Fund</i>	<i>\$191,194</i>
<i>Project # 2022-994</i>	

<i>Wilkes County</i>	<i>\$191,194</i>
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Section 4. The following amounts are appropriated for the project:

<i>Construction of a bathhouse & picnic shelter with tables</i>	<i>\$359,418</i>
<i>Contingency</i>	<i>\$ 17,970</i>
<i>Planning</i>	<i><u>\$ 5,000</u></i>
<i>Total Project</i>	<i>\$382,388</i>

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient, specific, and detailed accounting records to provide the accounting to the grant agency required by the grant agreement and state regulations.

Section 6. Requests for funds should be made to the grantor agency in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the grant, revenues received or claimed.

Section 8. Copies of this Grant Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

ADOPTED this 10th day of May, 2022.

Keith Elmore , Chairman

ATTEST:

Sarah D. Call, Clerk

RESOLUTION – AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A DEED OF TRUST AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF AN EMERGENCY SERVICES FACILITY – VACCINE CENTER FOR THE COUNTY OF WILKES, NORTH CAROLINA – Chairman Elmore recognized Tony Triplett, Chris Huffman and Chris Alexander. Mr. Triplett stated the latest Resolution before the Board is for the financing of the Emergency Services Center. There is a series of steps they have to go through and the Bond Council, Tom Lee, has helped lead them through this along with Chris Alexander the Financial Advisor. He added the Resolution for consideration is the latest step in the process. It approves the template or copies they have before them of the Installment Financing Agreement and Deed of Trust, these are the two principal documents for financing like this. Mr. Triplett stated the Resolution says they have been presented and the Board approves them in form. He added they do not have the details included for the rate and financial institution and Mr. Huffman will explain this, but they do have the form of the documents. They are standard documents which he has reviewed and have been used with every financing they do. The Deed of Trust will be pledging the property the EMS Center will be built on as collateral. Mr. Triplett said they had it surveyed it includes about 6 acres and the legal description will be included with the Deed of Trust. This property runs up to the Jail property then runs adjacent to it up to Oakwoods Road. He added tonight the Board is approving the next step in the transaction and the form of these documents.

Mr. Huffman stated the Resolution submitted to the LGC will approve the financial terms. He added it has been a hurdle to get to this point in the process with the interest rates, fixed pricing, and the guaranteed maximum price. They all worked together to get to this point it was a true team effort with the County Manager, Clerk, himself and others. The goal was to get this to the LGC in June, most thought it was impossible, but at this time they are on task to do that. Mr. Huffman said he is going to present a Resolution tonight that includes the Financing Agreement for the Emergency Services Facility-Vaccine Center. It is a lengthy document and will go over the highlights at this time: This will authorize the execution and delivery of an Installment Financing Agreement, Deed of Trust, and related documents in connection with financing an Emergency Services Facility-Vaccine Center for Wilkes County, North Carolina. The document was presented to get on the LGC docket calendar for June. Mr. Huffman said when it was submitted they drafted it as worst case scenario knowing they would get better interest rates than proposed to the LGC. It states the rate will not exceed a 4% and go no longer than to 2042. He added when it is submitted to the LGC it will be updated to the much better terms. It also stated they have selected the Law Firm of Womble, Bond, & Dickinson as the Bond Attorneys and FHN Financial Municipal Advisors through this process. They have leaned on them heavily through the process.

Mr. Chris Alexander, FHN said they put a bid out April 21st; due back May 6th at 1:00 PM; received bids from 6 banks; 13 proposals broken down as ten 15 year financing; three 20 year financing; rates for the 15 year financing ranged from 2.81% to 3.67%; 20 year financing ranged from 3.40% to 3.59%. He stated the recommendation made to the County from FHN Financial was the rate of 2.81% for 15 years with Chase Bank; Bond Counsel maximum fee of \$7,500. This is for a maximum loan of \$10 million; producing a total interest cost of just below

\$2,067,000 over the life of the loan; it is a non-callable and non-refundable loan. They looked at a multitude of difference analysis and valued the benefit of the non-call feature in excess of 20 basis points (bp). He added they expected the rates between the 20 year and 15 years to be in the 25 bp range. The difference between the 15 year and 20 year best deal was 59 bp and too much to overcome. Mr. Huffman said some of the financing terms were only good for 24 hours which was tough as well. This is why some of the documents are out of the ordinary because they needed to present worst case scenario so the Board could adopt something to move forward. Commissioner Gambill asked what is budgeted for the EMS payment. Mr. Yates replied about \$1 million, it is covered. Mr. Huffman added this debt was included in the proposed budget.

Mr. Huffman stated a Public Hearing has been held and legal notification was advertised in the local paper and meet the requirements of the LGC.

Chairman Elmore asked if this has been sent to the LGC and what is the timeline. Mr. Alexander replied the initial draft has been submitted to the Local Government Commission for the application. This is required 30 days prior to the next LGC meeting, which will take place on June 7th at 12 noon in Raleigh. That was needed before all the bids were in and that is why they used worst case scenario. Mr. Alexander said the LGC will meet on the 7th and potentially approve the financing and the county could close as early as June 10th. Chairman Elmore stated they are locked in at 15 years 2.81%. Mr. Alexander replied yes. Commissioner Gambill added they can approve this since the Resolution says up to a maximum of 4%. Mr. Triplett added the Resolution does state up to a maximum of 4%, but they are selecting the actual terms that should be in the motion.

Motion was made by Commissioner David Gambill to approve the Resolution Authorizing the Execution and Delivery of an Installment Financing Agreement, A Deed of Trust and Related Documents in Connection with the Financing of An Emergency Services Facility – Vaccine Center for the County of Wilkes, North Carolina, with Chase Bank for a 15 year loan, 2.81% fixed interest rate, not to exceed \$10 million dollars, as presented at tonight’s meeting. The Motion was seconded by Commissioner Brian S. Minton and unanimously approved.

Present: Chairman Gideon Keith Elmore, presiding, and Vice Chairman Casey Joe Johnson, Commissioners David Gambill, Eddie Settle and Brian Minton

Absent: None

Also present: John Yates, County Manager, Tony Triplett, County Attorney, Chris Huffman, Finance Director, Sarah D. Call, Clerk, Chris Alexander, FHN Financial Municipal Advisor, and Brooke Felts, Assistant County Attorney

Chris Huffman introduced the following resolution, the title of which was read and a copy of which had been previously distributed to each Commissioner:

***RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN
INSTALLMENT FINANCING AGREEMENT, A DEED OF TRUST AND***

*RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF AN
EMERGENCY SERVICES FACILITY-VACCINE CENTER FOR THE COUNTY
OF WILKES, NORTH CAROLINA*

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Wilkes, North Carolina (the "County"):

Section 1. The Board does hereby find and determine as follows:

(a) There exists in the County a need to finance the costs of constructing, equipping and furnishing a new emergency services facility for the County (the "Project").

(b) After a public hearing and due consideration, the Board has determined that the most efficient manner of financing the Project will be through entering into an Installment Financing Agreement, to be dated the date of delivery thereof (the "Agreement"), between the County and a financial institution to be determined by the County pursuant to a request for proposals (the "Lender"), pursuant to which the Lender will advance to the County an amount sufficient, together with any other available funds, to (i) pay the costs of the Project and (ii) pay the financing costs associated therewith, and the County will repay the advancement in installments, with interest thereon (the "Installment Payments").

(c) In order to secure the County's obligations under the Agreement, the County will execute and deliver a Deed of Trust, to be dated the date of delivery thereof (the "Deed of Trust"), from the County to the deed of trust trustee named therein for the benefit of the Lender, granting a lien of record on the site of the Project, together with all buildings, improvements and fixtures located or to be located thereon (the "Mortgaged Property").

(d) There has been presented to the Board at this meeting drafts of the Agreement and the Deed of Trust.

Section 2. In order to provide for the financing of the Project and the payment of the financing costs associated therewith, the County is hereby authorized to enter into the Agreement and receive an advancement pursuant thereto in the principal amount not to exceed \$10,000,000. The County shall repay the advancement in installments due in the amounts and at the times set forth in the Agreement. The payments of the Installment Payments shall be designated as principal and interest as provided in the Agreement. The interest rate payable under the Agreement shall not exceed 4.00% per annum, and the final Installment Payment due under the Agreement shall not be later than November 1, 2042. The prepayment of Installment Payments shall be subject to such terms and conditions as the County Manager and the Finance Director shall determine to be in the best interests of the County.

Section 3. The Board hereby approves the Agreement and the Deed of Trust in substantially the forms presented at this meeting. The Chair or Vice Chair of the Board, the County Manager and the Finance Director of the County are each hereby authorized to execute and deliver on behalf of the County such documents in substantially the forms presented at this meeting, containing such modifications as the person executing such documents, with the advice of counsel, shall approve, such execution to be conclusive evidence of approval by the Board of any such changes. The Clerk to the Board or any Deputy or Assistant Clerk to the Board for the County is hereby authorized and directed to affix the corporate seal of the County to each of such documents and to attest the same as may be required.

Section 4. No deficiency judgment may be rendered against the County in any action for breach of any contractual obligation under the Agreement or the Deed of Trust, and the taxing power of the County is not and may not be pledged directly or indirectly to secure any moneys due under the Agreement or the Deed of Trust.

Section 5. The Chair or Vice Chair of the Board, the County Manager, the Finance Director, the County Attorney and the Clerk to the Board or any Deputy or Assistant Clerk to the Board for the County, and any other officers, agents and employees of the County, are hereby authorized and directed to execute and deliver such other documents, instruments, closing certificates, opinions and other items of evidence as shall be deemed necessary to consummate the transactions described above. Any such actions heretofore taken by such persons prior to the date hereof that is within the authority conferred herein is hereby ratified, confirmed and approved.

Section 6. The law firm of Womble Bond Dickinson (US) LLP has been appointed to serve, but solely at the pleasure of the Board, as bond counsel to the County in connection with the proposed financing.

Section 7. FHN Financial Municipal Advisors has been appointed to serve, but solely at the pleasure of the Board, as financial advisor to the County in connection with the proposed financing.

Section 8. This resolution shall take effect immediately upon its adoption.

Upon motion of Commissioner David Gambill, seconded by Commissioner Brian S. Minton, the foregoing resolution entitled "RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A DEED OF TRUST AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF AN EMERGENCY SERVICES FACILITY FOR THE COUNTY OF WILKES, NORTH CAROLINA" was adopted by the following vote:

Ayes: Chairman Gideon Keith Elmore, Vice Chairman Casey Joe Johnson, Commissioner David Gambill, Commissioner Eddie Settle, and Commissioner Brian S. Minton

Noes: None

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I, Sarah D. Call, Clerk to the Board of Commissioners for the County of Wilkes, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board of Commissioners for said County at a regular meeting held on May 10, 2022, as it relates in any way to the adoption of the foregoing resolution and that said proceedings are to be recorded in the minutes of said Board of Commissioners

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said County this 10th day of May, 2022.

[SEAL]

Clerk to the Board of Commissioners

HIGH COUNTRY WORKFORCE DEVELOPMENT – BOARD REAPPOINTMENT – County Manager John Yates stated Keith Deveraux, Director, sent a memo. It stated he would like this Board to reappoint Ben Garrett to the High Country Workforce Development Board. His business is in Wilkes County in the High Country Region. Mr. Yates added the No Change Form has been received and this is before the Board. Chairman Elmore stated he knows Mr. Garrett and he was originally appointed to finish out a term and this will put him on for a full term.

Motion was made by Commissioner Eddie Settle to appoint Mr. Ben Garrett to the High County Workforce Development Board as the private sector seat for the term ending June 30, 2023 as requested. The Motion was seconded by Commissioner Brian S. Minton and unanimously approved.

N.C DEPARTMENT OF TRANSPORTATION – ROADWAY ABANDONMENT REQUESTS:

1. GOLD METAL ORCHARD ROAD (SR 2471) – County Manager John Yates stated the County has received a letter from North Carolina Department of Transportation that stated: *“This office has received a petition (Form SR-3) requesting the consideration of the 0.50 mile abandonment of Gold Metal Orchard Road (SR 2471) from the State Maintenance System. All Property Owners along this section have signed the Petition. A Turnaround will be constructed just before the beginning of the Abandonment according to State Construction Specifications (at Petitioner’s Expense) to allow for motorists, school buses, and maintenance equipment to utilize. It is required that County Commissioners demonstrate approval of this process. Please contact the North Wilkesboro Districts Engineer’s office (336) 903-9143 if there should be any questions regarding this request.”* Mr. Yates added a few months back they closed the top portion of this road and the owners bought more property. They are now requesting the additional closure, it is not a through road and dead ends at the top of the mountain with the property owners making the request.

Vice Chairman Casey Joe Johnson made a motion to approve the Roadway Abandonment request for the last 0.50 mile of Gold Metal Orchard Road as requested. The motion was seconded by Commissioner Brian S. Minton and unanimously approved.

2. H. ANDERSON ROAD (SR 2422) – County Manager John Yates stated the County has received a letter from North Carolina Department of Transportation that stated: *“This office has received a petition (Form SR-3) requesting the consideration of the 0.07 mile (+- 365 LF) abandonment of H. Anderson Road (SR 2442) from the State Maintenance System. All Property Owners along this section have signed the Petition. A Turnaround will be constructed just before the beginning of the Abandonment according to State Construction Specifications (at Petitioner’s Expense) to allow for motorists, school buses, and maintenance equipment to utilize. It is required that County Commissioners demonstrate approval of this process. Please contact the North Wilkesboro Districts Engineer’s office (336) 903-9143 if there should be any questions regarding this request.”* Mr. Yates added this is not a through road and dead ends at the property owners making the request.

Commissioner Brian S. Minton made a motion to approve the Roadway Abandonment request for the last 0.07 mile of H. Anderson Road as requested. The motion was seconded by Vice Chairman Casey Joe Johnson and unanimously approved.

NEW BUSINESS – SET BUDGET WORK SESSION – Chairman Elmore stated the Board needs to set a budget work session.

Commissioner David Gambill made a motion to set a Budget Work Session for Tuesday, June 7, 2022 at 4:00 P.M. The motion was seconded by Commissioner Brian S. Minton and unanimously approved.

The work session is open to the public.

CLOSED SESSION – Commissioner Eddie Settle a motion to go into Closed Session under Section 143-318.11 (a)(5) of the North Carolina General Statutes to establish or instruct the staff concerning the price or other material terms of a contract or proposed contract for the acquisition of real property; and under Section 143-318.11(a)(3) of the North Carolina General Statutes to consult with the Board’s Attorney to preserve the attorney-client. The motion was seconded by Commissioner David Gambill and unanimously approved.

Motion was made by Commissioner Brian S. Minton, seconded by Commissioner David Gambill 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 David Gambill, seconded by Vice Chairman Casey Joe Johnson and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 6:59 P.M.

Sarah D. Call, Clerk
Chairman

Giddeon Keith Elmore,

MINUTES
May 10, 2022
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WILKES COUNTY BOARD OF COMMISSIONERS

Approved: June 7, 2022