

**MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
August 6, 2019**

PUBLIC HEARING – PROPOSED REALIGNMENT OF FIRE TAX DISTRICTS BOUNDARIES IN WILKES COUNTY PURSUANT TO HB349 – Chairman Gideon Keith Elmore declared the Public Hearing open regarding the Proposed Realignment of Fire Tax Districts Boundaries in Wilkes County Pursuant to HB349 at 7:01 P.M. on Tuesday, August 6, 2019 with the following members present: Chairman Gideon Keith Elmore, Vice Chairman Eddie Settle, Commissioner Gary D. Blevins, Commissioner David Gambill, and Commissioner Brian Minton.

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

Chairman Elmore asked County Attorney Tony Triplett to explain the purpose of the Public Hearing. Mr. Triplett said the Board set this public hearing to hear comments, if any, on the proposed adoption of the Resolution for approval of Fire Tax Districts in Wilkes County. He added over the past year the Board went through the approval of all new Fire Tax and Fire Insurance Districts. A Local Bill was introduced in the Legislature that would authorize the Commissioners to formally approve and make legally binding the approval of those Fire Tax Districts. Mr. Triplett stated the Local Bill called for a public hearing as part of the process. He said in attendance tonight is Fire Marshal, Kevin Bounds, Assistant Fire Marshal, Niki Hamby, and Tax Administrator, Alex Hamilton who played a huge role and put in a tremendous amount of work, time, and effort to get to this point. Jessica Welborn with the High Country Council of Governments, is not here tonight, but also helped a great deal. Mr. Triplett added Marty Roberts with Buck Shoals Fire Department is here tonight and all Fire Departments have approved these and helped to get to this point.

Commissioner Blevins said he would like to mention formal Fire Commissioner, Greg Minton who played a very large role in this as well. Mr. Triplett agreed. He added the public hearing is being held pursuant to the Local Bill and why they are here, to hear comments if any.

Chairman Elmore asked if anyone would like to speak regarding the proposed realignment of Fire Tax Districts. Fire Marshal Kevin Bounds said since the notice for the public hearing ran in the news-paper his office received one question, which they answered over the phone. He added once explained the individual understood and had no further questions. Chairman Elmore said hearing no further comments on the proposed Realignment of Fire Tax Districts Boundaries in Wilkes County Pursuant to HB349, he declared the Public Hearing closed at 7:04 P.M.

The Wilkes County Board of Commissioners met on Tuesday, August 6, 2019 at 7:05 P.M. with the following members present: Chairman Gideon Keith Elmore, Vice Chairman Eddie Settle, Commissioner Gary D. Blevins, Commissioner David Gambill, and Commissioner Brian Minton.

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

Chairman Elmore welcomed everyone and called the meeting to order.

INVOCATION – Commissioner David Gambill led the Invocation.

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

APPROVAL OF MINUTES – Motion was made by Commissioner Brian Minton, seconded by Vice Chairman Eddie Settle and unanimously adopted to approve the Minutes of the Board meeting held on July 2, 2019.

BUDGET AMENDMENTS/TRANSFERS – Motion was made by Vice Chairman Eddie Settle to approve Budget Amendment No. 1 (Sheriff – Budget request of \$17,000 transfer being made in order to purchase 4 Police Interceptor utility vehicles. Ford has had a drastic price increase in the 2020 production of law enforcement rated vehicles); and Budget Amendment No. 2 (General Fund – Social Services – DSS received an additional allocation of \$34,240 for the Adoption Promotion Program Fund for adoptions completed between June 1, 2018 and May 31, 2019. No County funds required). The motion was seconded by Commissioner Brian Minton and unanimously approved.

WILKES COUNTY SHERIFF'S OFFICE – REQUEST FOR SERVICE WEAPON AND BADGE AWARD TO RETIREE – Chairman Elmore welcomed and recognized Sheriff Chris Shew. Sheriff Shew said Logan Kerr will be presenting this request. Mr. Kerr thanked the Board and said in accordance with General Statute 20-187.2 to turn over an Officers service weapon and badge upon retirement. He added Richard Wilcox retired from the Wilkes County Sheriff's Office effective April 30, 2019 with 27 years of service to the County of Wilkes. They are here to ask the county to turn over his service weapon and badge to him.

Commissioner David Gambill made a motion to approve the badge and service weapon worn and/or carried by Captain Richard Wilcox be awarded upon his retirement, as requested and presented. The motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

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

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

WHEREAS, Captain Richard Wilcox served as a member of the Wilkes County Sheriff's Office until she reached a period of 27-years in law enforcement; and

NOT, THEREFORE, BE IT RESOLVED by the Wilkes County Board of Commissioners that the badge and service weapon worn and/or carried by Captain Richard Wilcox (SN: 47A196159 Sig Sauer Legion 226) be awarded to his on the occasion of his retirement.

ADOPTED this, the 6th day of August, 2019.

Sheriff, Wilkes County

Clerk to the Board, Wilkes County

DEPARTMENT OF SOCIAL SERVICES UPDATE – Chairman Elmore welcomed John Blevins, DSS Director. Mr. Blevins said he had a few updates before they go over the reports. The first is the Medicaid audit, they are half way through 100 cases has been looked at so far with only one eligibility error that does not involve any money. Mr. Blevins said they were eligible for Medicaid and what they were approved for, but the state said it should have been classified as a different program. He stated last month they had the Social Services Institute in Hickory and the state ask them to present because they are doing so well on the audits. Mr. Blevins said they did not present, he told the state it is due to the good staff they have doing their job, and good supervisors that care and want to do it correctly. He added it is not a magical form, they have people that care and want to do a good job. Mr. Blevins said the audits are very stressful for their staff and they dread every month. They have shown their good work, but it is a lot to do and is stressful for the workers.

Mr. Blevins stated the state did make a presentation at the Institute in regards to audits and they listed five different audits for Medicaid on a power point presentation. The presenters got confused on what their audits did and what they were called and on the time frames. This shows just how hard it is to keep up with and how confusing it can be. Mr. Blevins said in the packet is an on-site physical monitoring report where the State monitored several programs for physical compliance. He added they had no findings and found nothing wrong. He stated Joyce Blackburn and her staff do an excellent job. This is the money part of what they do such as claims, reimbursement, and making sure all the bills are paid, and coded from the correct funding source. Mrs. Blackburn and her workers are top notch, do a great job and are very good at what they do. Mr. Blevins said they are very proud of these folks and this report.

Mr. Blevins briefly went over the monthly caseload report for June. Next, he went through the Foster Care financial report, Adoption Services financial report, Child Development and Subsidized Child Care financial reports for June.

Chairman Elmore said this Board is very proud of the entire DSS Department and all of the staff. The leadership and all of the staff do a very good job. The Board thanked Mr. Blevins for his update.

TAX DEPARTMENT:

1. TAX RELEASES – LISTINGS – UNCOLLECTABLE – Alex Hamilton, Tax Administrator asked the Board to approve tax releases for listings that are uncollectable in the amount of \$445.69.

Vice Chairman Eddie Settle made a motion to approve the tax releases for listings that are uncollectable as presented. The motion was seconded by Commissioner Brian Minton and unanimously approved.

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

2. TAX RELEASES – LISTINGS – Alex Hamilton, Tax Administrator asked the Board to approve tax releases for listings in the amount of \$2,030.28.

Commissioner David Gambill made a motion to approve the tax releases for listings as presented. The motion was seconded by Commissioner Brian Minton and unanimously approved.

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

3. TAX RELEASES – COLLECTIONS – Alex Hamilton, Tax Administrator asked the Board to approve tax releases for collections in the amount of \$793.96.

Commissioner Gary D. Blevins made a motion to approve the tax releases for collections as presented. The motion was seconded by Commissioner Brian Minton and unanimously approved.

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

4. TAX SETTLEMENT – TAX YEAR 2018 – Alex Hamilton, Tax Administrator, stated N.C.G.S. §105-373 requires the Tax Collector to come before the Board and make settlement for the 2018 taxes. As of July 1st, the below has been collected:

	Owed	Paid	Rate
Real Estate	\$34,057,384.41	\$32,886,683.47	96.43%
Personal	<u>\$ 4,855,183.96</u>	<u>\$ 4,700,525.44</u>	<u>96.67%</u>
Total	\$38,912,568.37	\$37,587,208.91	96.46%

5. CHARGE TAX ADMINISTRATOR WITH COLLECTION OF 2019 REAL AND PERSONAL PROPERTY TAXES – Alex Hamilton, Tax Administrator, stated N.C.G.S. §105-321 requires that the Board charge the Tax Administrator/Collector with the collection of

the 2019 real and personal property taxes. Real Estate and Personal Property Taxes are as follows:

Real Estate	\$35,350,058.82
Personal Property	<u>\$ 3,020,575.61</u>
Total	\$38,370,634.43

Mr. Hamilton said the Utility Taxes are not included, those are not billed until October, the State provided those values. This looks like is it much lower than the settlement he just presented, but does not include the utility taxes and the settlement includes those. Mr. Hamilton added he will come before the Board in September to be charged with the collections of the Utility Taxes.

Commissioner Gary D. Blevins made a motion to charge Alex Hamilton, Wilkes County Tax Administrator, with the collection of the 2019 Real and Personal Property Taxes as presented. The motion was seconded by Commissioner David Gambill and unanimously approved.

6. RESOLUTION – APPOINTMENT OF REVENUE OFFICERS – Mr. Hamilton said pursuant to G.S. § 47-30.2 the County Commissioner’s appoint Plat Review Officers to review and certify that plat maps to be recorded at the Register of Deeds office comply with recording standards as set forth in NC General Statutes. He asked the Board to approve the Resolution with the appointment of Mr. Edward Barnes, Director of Planning, Mr. Richard Brown, GIS Administrator, and Ms. Lori Eller, GIS Mapping Specialist to perform all responsibilities as required for Review Officer.

Commissioner Brian Minton made a motion to approve and adopt the Resolution to appoint Mr. Edward Barnes, Director of Planning, Mr. Richard Brown, GIS Administrator, and Ms. Lori Eller, GIS Mapping Specialist as Review Officers for Wilkes County as requested and presented. The motion was seconded by Commissioner David Gambill and unanimously approved.

*RESOLUTION
APPOINTMENT OF REVIEW OFFICERS*

WHEREAS, S.L. 1997-309 (S875) made a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds Office to a Review Officer; and

WHEREAS, G.S. 47-30.2 (a) requires the Board of Commissioners in each County, by Resolution, to appoint a person(s) to serve as Review Officer(s) to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and,

WHEREAS, it is the desire of the Wilkes County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 (a) before they are presented to the Register of Deeds for recording.

NOW, THEREFORE, BE IT RESOLVED, that all previous inconsistent resolutions are repealed, and that effective August 6, 2019, Mr. Edward Barnes, Director of Planning, Mr. Richard Brown, Senior Property Mapper and Mrs. Lori Eller, GIS Administrator are hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.

BE IT FURTHER RESOLVED, that a copy of this resolution designating the Review Officers be recorded in the Wilkes County Register of Deeds Office and indexed in the grantor index in the name of the review officers.

Adopted this the 6th day of August 2019.

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

*Sarah Call
Clerk to the Board*

The Board thanked Mr. Hamilton.

BLUE RIDGE OPPORTUNITY COMMISSION (BROC) – BUDGET REVISIONS – FY 2018-2019 – APPROVAL – Chairman Elmore recognized Jennifer Cooper, Program Director, Senior Nutrition Services. Ms. Cooper thanked the Board and apologized for being late. She stated these are the final budget revisions for fiscal year 2018-2019. Ms. Cooper said Wilkes Senior Resources is moving money around within their programs. The one for Senior Nutrition is to move money to spend all of the grant funds. The Area Agency on Aging advised them to increase their reimbursement rate for the final quarter, this meant they have to do a revised line item budget to show this increase. She added the year has been closed out and asked for the Board's approval.

Commissioner Gary D. Blevins made a motion to approve the Blue Ridge Opportunity Commission Home and Community Care Block Grant Budget revisions for FY 2018-2019 as presented. The motion was seconded by Commissioner Brian Minton and unanimously approved.

RESOLUTION – APPROVAL OF FIRE TAX DISTRICTS – PURSUANT TO HB349 - Chairman Elmore recognized County Attorney Tony Triplett. Mr. Triplett stated a memo and resolution are in the packet, a public hearing was held earlier. He added the Local Bill was approved by the General Assembly and they would like to recognize Representative Jeffrey Elmore and Senator Deanna Ballard who both worked on this. They appreciate their assistance

on getting the Local Bill approved. Mr. Triplett said the Local Bill lists certain requirements in order to approve the Fire Tax Districts, one was to notify the owners of any properties proposed to be realigned to another Fire Tax District or to no district, which they did. Alex Hamilton and the Tax Office along with Jessica Welborn notified all property owners with very few comments. The Bill also required they notify the Board of Directors of the Corporations that are providing fire protection. Mr. Triplett said they had each of those Boards to approve what they did and sign a designation, so that is also covered. He added the final step was the public hearing which was held at the beginning of this meeting. Mr. Triplett stated all that is needed is for this Board to approve the Resolution before them the affect of which will officially approve what they have already done, which is approve the Fire Tax Districts that were designated in the documents already approved.

Vice Chairman Eddie Settle made a motion to approve and adopt the Resolution Approving Wilkes County Fire Tax Districts Pursuant to S.L. 2019-96 or HB349, as presented at tonight's meeting. The motion was seconded by Commissioner David Gambill and unanimously approved.

*RESOLUTION APPROVING
WILKES COUNTY FIRE TAX DISTRICTS
PURSUANT TO S.L. 2019-96 (HB349)*

WHEREAS, the County of Wilkes ("the County") has heretofore proposed changes to the boundaries of all authorized fire tax districts within its borders in order to align said fire tax districts with the corresponding 6-mile fire insurance districts as approved by the North Carolina Department of Insurance for insurance grading purposes; and

WHEREAS, said proposal was the result of a requirement by the North Carolina Department of Insurance that maps of all 6-mile fire insurance districts within the state be upgraded to GIS (geographic information system) based maps; and

WHEREAS, the County, in order to comply with the requirements of the North Carolina Department of Insurance for fire insurance districts, implemented said proposal by retaining the services of the High Country Council of Governments to prepare GIS maps and lists of Wilkes County Mapping Department parcel ID numbers for each such 6-mile fire insurance district and corresponding fire tax district, such that said districts were realigned to match each other and to satisfy the requirements of the North Carolina Department of Insurance for fire insurance districts; and

WHEREAS, the County, through action of its Board of Commissioners ("the Board of Commissioners"), designated each such 6-mile fire insurance district and corresponding fire tax district within its borders by adopting for each one an instrument entitled "Designation of 6-Mile Fire Insurance District and Designation of Fire Tax District," to which was attached the GIS map and list of Wilkes County Mapping Department parcel ID numbers for that district; and

WHEREAS, each of the foregoing Designations of 6-Mile Fire Insurance District and Designations of Fire Tax District is hereinafter referred to as a "Designation"; and

WHEREAS, the respective Designations for each 6-mile fire insurance district and corresponding fire tax district were adopted by the Board of Commissioners as set forth hereinafter; and

WHEREAS, the effect of said Designations was to alter the boundaries of all existing 6-mile fire insurance districts and corresponding fire tax districts within the county; and

WHEREAS, N.C.G.S. §153A-233 authorizes counties to designate fire insurance districts and prescribe the boundaries thereof for insurance grading purposes; and

WHEREAS, each Designation explicitly stated that it was approved by the Board of Commissioners pursuant to the authority of N.C.G.S. §153A-233 with respect to the 6-mile fire insurance district established therein; and

WHEREAS, the only statutorily authorized method of designating or changing the boundaries of fire tax districts is under Article 3A of Chapter 69 of the North Carolina General Statutes, unless the North Carolina General Assembly approves local legislation for the same; and

WHEREAS, each Designation explicitly acknowledged that the fire tax district established therein was to be submitted by the Board of Commissioners to the North Carolina General Assembly for approval through local legislation instead of utilizing the procedures of Article 3A of Chapter 69 of the North Carolina General Statutes; and

WHEREAS, the Board of Commissioners, following the approval of all Designations as set out above, submitted local legislation in the form of House Bill 349 ("HB349") to the North Carolina General Assembly for approval of the fire tax districts established by said Designations; and

WHEREAS, HB349 was approved by the North Carolina General Assembly on July 8, 2019, in the form of North Carolina Session Law 2019-96; and

WHEREAS, HB349 provided, inter alia, that notwithstanding Article 3A of Chapter 69 of the North Carolina General Statutes, the County was authorized to simultaneously alter the boundaries of all fire tax districts within its borders upon compliance with the following requirements:

- (1) The County proposes changes to the boundaries of the authorized fire tax districts that align the authorized fire tax districts and any fire insurance districts adopted by the Department of Insurance.*
- (2) The County notifies the owners of any property proposed to be realigned to a different fire tax district, or no district, in writing.*

- (3) *The County notifies each board of directors of the corporation furnishing fire protection in the County of proposed changes to the fire tax districts.*
- (4) *After notification to all affected property owners and each corporation furnishing fire protection in the County, the County conducts a public hearing on the proposed alterations to the boundaries of the authorized fire tax districts. Such public hearing shall be noticed at least 30 days prior to the public hearing, in a newspaper of general circulation in the jurisdiction and shall include the location or locations at which the proposed maps may be viewed. The public hearing may be conducted concurrently with any public hearing required under G.S. 159-12.*
- (5) *After all notifications and the hearing required by this section, the County votes to approve the proposed fire tax districts.*

WHEREAS, the County has complied with requirement (1) above as previously set forth herein; and

WHEREAS, the County has complied with requirement (2) above by causing written notices to be mailed by first class mail to the owners of each and every parcel of real property proposed to be realigned to a different fire tax district, or no district; and

WHEREAS, the County has complied with requirement (3) above in that each Designation as approved by the Board of Commissioners was first approved by the board of directors of the corporation with which the County has contracted to furnish fire protection within that fire tax and fire insurance district, and in evidence thereof each Designation was signed by the President and Fire Chief or other authorized officers for said corporation; and

WHEREAS, the County has complied with requirement (4) above by conducting a public hearing on August 6, 2019, in the Commissioners' Room at the Wilkes County Office Building in Wilkesboro, North Carolina, following notification to all affected property owners and each corporation furnishing fire protection in the County as set out above, for the purpose of receiving comment on the proposed alterations to the boundaries of the authorized fire tax districts within its borders, said public hearing having been noticed and published on July 5, 2019, which was at least 30 days prior to the date thereof, in a newspaper of general circulation in the county, to wit, the Wilkes Journal-Patriot, and having read as follows:

**NOTICE OF PUBLIC HEARING
ON REALIGNMENT OF BOUNDARIES FOR
WILKES COUNTY FIRE TAX DISTRICTS
PURSUANT TO HB349**

PLEASE TAKE NOTICE that the Wilkes County Board of Commissioners (hereinafter "the Board of Commissioners") will hold a public hearing on Tuesday, August 6, 2019, at 6:50 p.m. in the Commissioners' Room at the County Office Building in Wilkesboro, North Carolina, for the purpose of receiving comments on the proposed approval of a Resolution

for the realignment of fire tax district boundaries in Wilkes County pursuant to HB349 as approved by the North Carolina General Assembly on July 2, 2019. The Resolution would realign fire tax district boundaries strictly in accordance with the approvals of those maps and designations of parcel ID numbers as were previously agreed to by the Boards of Directors of the respective corporations furnishing fire protection services in Wilkes County and adopted by the Board of Commissioners, as follows:

<i>Fire Tax District</i>	<i>Meeting Date of Approval by Board of Commissioners</i>
<i>Austin</i>	<i>May 15, 2018</i>
<i>Boomer</i>	<i>June 5, 2018</i>
<i>Broadway</i>	<i>June 19, 2018</i>
<i>Brushy Mountain</i>	<i>August 7, 2018</i>
<i>Buck Shoals</i>	<i>February 5, 2019 (Revised)</i>
<i>Champion</i>	<i>February 5, 2019 (Revised)</i>
<i>Cricket</i>	<i>September 18, 2018</i>
<i>Ferguson</i>	<i>June 5, 2018</i>
<i>Goshen</i>	<i>August 7, 2018</i>
<i>Knotville</i>	<i>September 18, 2018</i>
<i>Little Brushy Mountain</i>	<i>September 18, 2018</i>
<i>McGrady</i>	<i>June 5, 2018</i>
<i>Millers Creek</i>	<i>June 5, 2018</i>
<i>Moravian Falls</i>	<i>June 19, 2018</i>
<i>Mountain View</i>	<i>August 7, 2018</i>
<i>Mulberry-Fairplains</i>	<i>November 20, 2018</i>
<i>Pleasant Hill</i>	<i>May 15, 2018</i>
<i>Roaring River</i>	<i>October 2, 2018</i>
<i>Ronda</i>	<i>May 15, 2018</i>
<i>Shepherds Crossroads</i>	<i>May 15, 2018</i>
<i>State Road</i>	<i>July 3, 2018</i>
<i>Traphill</i>	<i>February 5, 2019 (Revised)</i>
<i>Wilbar</i>	<i>June 5, 2018</i>
<i>Wilkes-Iredell</i>	<i>July 3, 2018</i>

SAID PUBLIC HEARING is being conducted pursuant to the requirements of HB349. Any person who, prior to the public hearing, wishes to view or obtain a copy of the proposed Resolution or copies of the previously approved maps and designations of parcel ID numbers for fire tax districts in Wilkes County, should contact the office of Kevin D. Bounds, Wilkes County Fire Marshal, 580 Poplar Grove Road, Wilkesboro, North Carolina 28697, (336) 921-7534, or the office of Anthony R. Triplett, Wilkes County Attorney, 922 C Street, North Wilkesboro, North Carolina 28659, (336) 667-7201.

This the 5th day of July, 2019.

WILKES COUNTY BOARD OF COMMISSIONERS

WHEREAS, the County now proposes to comply with requirement (5) above by adopting this Resolution for approval of the proposed fire tax districts as set forth in each Designation previously approved by the Board of Commissioners as set forth herein;

NOW, THEREFORE, BE IT RESOLVED, pursuant to HB349, that the Board of Commissioners does hereby approve those fire tax districts as set forth in the Designations previously approved in those respective meetings of the Board of Commissioners as set forth hereinabove, which Designations are set forth in their entirety in the duly approved minutes for each such meeting and which are incorporated by reference in this Resolution the same as if set forth fully herein.

ADOPTED this the 6th day of August, 2019.

WILKES COUNTY

*By: _____
Giddeon Keith Elmore, Chairman
Wilkes County Board of Commissioners*

ATTEST:

Sarah D. Call, Clerk

W. KERR SCOTT DAM & RESERVOIR – SUPPLEMENTAL AGREEMENT TO 1960 CONTRACT – Mr. Triplett said there is a memo and supplemental agreement in the packets which is also a big project and this along with the one just approved are among the largest projects he has been involved in. This is a continuation of the Contract with the Corps of Engineers for W. Kerr Scott Dam and a contract first signed in 1960, that will expire in August 2020. He stated they have worked on this for many years with the City of Winston-Salem (WS) and Corps of Engineers to figure out how to continue this contract. Mr. Triplett said the Corps has proposed a method of how to accomplish this, they were in the driver's seat. He said both the county and city of Winston-Salem more or less just have to concur with what has been proposed. Mr. Triplett said he and John Yates along with the City of WS and 5 officials from the Corps had a conference call a few months ago, where they proposed a supplemental agreement which they now use as a template nation-wide. Mr. Triplett stated they did not prohibit the county from offering changes, but strongly discouraged it. He added in his opinion the supplemental agreement before the Board is the best they will do. It does protect the County's interest, there are provisions in it that could present issues in the future. They have added a new category of expenders called R,R,&R (R&R) which are large one time expenders that are categorized differently from O&M, as explained in the memo.

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Mr. Triplett said the county has paid O&M for almost 50 years, divided 50/50 with the City of WS, together they pay 17.93% of O&M cost at the dam. This is in the 1960 contract and doesn't change. He added this is running about \$130K per year. Finance Director Chris Huffman said it is \$136K.

Mr. Triplett said they have been told R&R will not be a lot different, expenditures that are a one-time capital improvement will be classified by the Corps at R&R and likely to take the place of O&M for a given year. He added it is an accounting method for the Corps of Engineers. This has been created for all their facilities across the country. Mr. Triplett stated they were very encouraging on the call that it will not materially change the County's expeditors. He said this will continue to go up as it has for the past 50 years, but it has been a stable rate. This is a big change in the new contract.

Mr. Triplett stated there is another change in the new contract, the Corps is reserving the right to preform sedimentation surveys. It is impossible to determine if this survey will result in a reallocation of water storage space at some point in the future. Mr. Triplett added it could, but they have said this has never happened at any dam in the country and no reason to believe it will here. This is a new feature. He stated the good part of this supplemental agreement is it will never have to be renewed again, there is no term, the contract continues for the life of the project. Mr. Triplett said as long as the dam is here and the Corps oversees it, this agreement remains in place. There is no termination provision, but the County as well as WS has the option of stopping the payments, in which event they would default and be out of the contract, but would lose their water storage rights. Mr. Triplett added they do not see this happening and will be in this contract for generations to come.

Mr. Triplett said there are provisions if the Corps ever decide to stop overseeing that project, they are willing to turn it over to the City of WS and the County under certain conditions. The first is to have a new agreement in place that is negotiated with the Corps, in which they are absolved of any liability. He added he does not see this happening. Mr. Triplett said this supplemental agreement is something they have worked toward for a long time. It assures that the County has this project in place, has a seat at the table and their rights continue for the indefinite future. He added they are very happy to see this. Mr. Triplett stated the City of Winston-Salem has already approved the agreement.

Vice Chairman Settle stated they are aware of the O&M and what it runs and asked if the county is about at the end of the debt service payment. Mr. Triplett replied yes, they have one payment left. Vice Chairman Settle stated they pay one more payment of \$34K and that is it. Mr. Huffman replied that is correct. Mr. Triplett replied they are at the end of that 50 year payment schedule. Vice Chairman Settle stated it was 60 years. Mr. Triplett replied it was 60 years ago but the term did not start for 10 years.

Commissioner Blevins said the R&R could run into some big money. It is open ended, they could pay 17.5% of whatever, there are no numbers or schedule included. They can decide to replace anything and the county has no say. Mr. Triplett replied they have no say in O&M. Commissioner Blevins stated there use to be about 11 billion gallons of water in the reservoir

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and now there is about 7 to 8 billion. He added they participated in a study with WS on how to raise the level of water to increase the capacity. This can only be gained two ways, raise the water level or dredge the bottom, which would be very expensive. Vice Chairman Settle stated that concerns him and WS has brought this up in the past, they would like to dredge it. Commissioner Blevins added, they need to approve this, but it is not up until next year. Mr. Triplett stated he does not believe anything will change, the Corps is using this as their template. Vice Chairman Settle asked if WS was good with that. Mr. Triplett replied yes, they have approved it.

Chairman Elmore asked if there are not any more questions, is there a motion. Commissioner Blevins stated they have one year before it expires they could wait. Vice Chairman Settle asked is anything going to change on it. Mr. Triplett replied they can't know what they may incur financially going forward, they have never known, they could choose not to pay and lose the rights to the water, but no one wants to do that. Chairman Elmore asked for Mr. Triplett's recommendation. Mr. Triplett said if the Board wants to request more information from the Corps, they can ask to setup something to make them available to answer questions on how this is going to work. He added he expects the reply to be the same as in the call he and Mr. Yates had, which is they will send it up the chain. He does not think anything will materially change.

Commissioner Gambill stated they would like to see a cap or something on this. Chairman Elmore asked what the Board would like to do at this time. Vice Chairman Settle asked if anything would change. Mr. Triplett said they can ask for more information, but he does not think anything will change, it is up to the Board how they would like to proceed. Commissioner Blevins asked if there is a 20-year plan or any plans from the Corps on what they plan to do or what it will cost. Mr. Triplett replied no they do not have anything that he is aware of.

Commissioner Gary D. Blevins made a motion to table the Supplemental Agreement to 1960 Contract as presented at tonight's meeting and approve later after further information is gathered. The motion was seconded by Commissioner David Gambill. Voting on the motion:

Ayes: Commissioner Gary D. Blevins
Commissioner David Gambill

Nays: Chairman Keith Elmore
Vice Chairman Eddie Settle
Commissioner Brian Minton

Chairman Elmore asked if there is a Motion to approve the Supplemental Agreement with the U.S. Army Corps of Engineers. Vice Chairman Settle stated he does not think it is going to change. Commissioner Minton agreed and added in living there, they are difficult to deal with. Vice Chairman Settle said if Winston had not already passed it they may could wait.

Commissioner Gary D. Blevins made a motion to approve the Supplemental Agreement to 1960 Contract between the County of Wilkes, City of Winston-Salem, and the Department of the Army as presented at tonight's meeting. The motion was seconded by Commissioner Brian Minton. Voting on the motion:

Ayes: Chairman Keith Elmore
Vice Chairman Eddie Settle
Commissioner Gary D. Blevins
Commissioner Brian Minton

Nays: Commissioner David Gambill

WILKES COUNTY AIRPORT:

1. ROBERT WISLICK d/b/a AMERICAN AVIATION – RESOLUTION FOR FINAL APPROVAL OF LEASE – Mr. Triplett said this matter was on the agenda in July, the Board authorized advertisement of a ground space lease for Mr. Wislick, he advertised per the statute that governs leases for 30-days. The Airport Board approved this and recommended final approval to this Board. Mr. Triplett said it is before the Board for consideration. The Resolution approves the Lease Agreement.

Commissioner Gary D. Blevins made a motion to approve the Resolution Authorizing Lease Operations Agreement with Robert Wislick d/b/a American Aviation at Wilkes County Airport as presented at tonight's meeting. The motion was seconded by Commissioner David Gambill and unanimously approved.

RESOLUTION AUTHORIZING LEASE AND OPERATIONS AGREEMENT AT WILKES COUNTY AIRPORT

WHEREAS, the County of Wilkes (hereinafter the "County") is the owner and operator of the Wilkes County Airport in Rock Creek Township, Wilkes County, North Carolina, and owns a hangar situated thereon, as set forth hereinbelow, the same currently being occupied by Robert Wislick d/b/a American Aviation, of Wilkes County, North Carolina (hereinafter "American Aviation"); and

WHEREAS, the County entered into a Lease and Operations Agreement with American Aviation dated March 1, 2009, the same having been recorded in Book 1089, Page 083, Wilkes County Registry (hereinafter the "2009 Lease and Operations Agreement"), under which the County leased approximately 23,370 square feet (0.537 acres) of ground space, together with a hangar situated thereon as set forth above, which hangar is owned by the County and which is approximately 5,240 square feet in size; and

WHEREAS, the 2009 Lease and Operations Agreement expired as of February 28, 2019; and

WHEREAS, the Wilkes County Airport Board at its regular meeting of June 20, 2019, approved a new Lease and Operations Agreement for the above described property between the County and American Aviation under terms and conditions as set forth hereinbelow, and recommended that the same be approved by the Wilkes County Board of Commissioners (hereinafter the "Board of Commissioners"); and

WHEREAS, the Board of Commissioners, upon review of the new Lease and Operations Agreement and upon the recommendation of the Wilkes County Airport Board, desires to authorize approval of the same; and

WHEREAS, a Notice of Intent describing the terms of the new Lease and Operations Agreement has been duly published at least thirty (30) days prior to such approval, as required by G.S. §160A-272(a1); and

WHEREAS, the description of the property to be leased as set forth in the Notice of Intent is as follows:

DESCRIPTION OF PROPERTY TO BE LEASED: The new Lease and Operations Agreement is for the lease of approximately 23,370 square feet (0.537 acres) of ground space, together with a hangar situated thereon which is owned by the County and which is approximately 5,240 square feet in size, the same currently being leased by Robert Wislick, d/b/a American Aviation, pursuant to a Lease Agreement dated March 1, 2009, and recorded in Book 1089, Page 083, Wilkes County Registry, which Lease Agreement expired on February 28, 2019. The County has secured a survey of said property in order to more fully and accurately describe the same, and the description from this survey will be attached as an exhibit to the Agreement.

AND WHEREAS, the amount and terms of the offer by American Aviation to lease said property were set forth in the Notice of Intent as follows:

AMOUNT AND TERMS OF OFFER: American Aviation proposes to lease the above described property from the County, and the County proposes to lease the same to American Aviation, for an initial term of two (2) years, commencing March 1, 2019, at a rental of \$500.00 per month. The Agreement further provides for a maximum of four (4) automatic renewal terms of two (2) years each unless either party provides notice to the other at least thirty (30) days prior to the end of the term that the Agreement will not be renewed. Rental to be paid by American Aviation to the County during all renewal terms would remain at \$500.00 per month. The Agreement authorizes American Aviation to engage in the business of aircraft maintenance and repair on the leased premises, and for other purposes consistent therewith. The Agreement also provides that: American Aviation would be responsible for payment of all utilities, contents insurance, and liability insurance; the County would be responsible for insurance on the hangar; and American Aviation would be responsible for all repairs and maintenance, except that the

County would agree to perform an annual inspection on the overhead doors and to perform any maintenance thereon necessitated by the results of said inspection. Said lease shall in all respects be subject to the Rules and Regulations for the Wilkes County Airport.

NOW, THEREFORE, BE IT RESOLVED, pursuant to G.S. §§153A-176, 160A-272, and 63-53(3), that the new Lease and Operations Agreement with American Aviation as presented at the July 2, 2019 meeting of the Board of Commissioners, and as set forth in the Notice of Intent, is hereby approved, and the Chairman and Clerk of the Board of Commissioners are authorized to execute the same on behalf of the County.

This the 6th day of August, 2019.

WILKES COUNTY

By: _____
Giddeon Keith Elmore, Chairman
Wilkes County Board of Commissioners

ATTEST:

Sarah D. Call, Clerk

2. J.C. FAW HANGAR – ASSIGNMENT AND BILL OF SALE TO 8 MILE HIGH AVIATION, LLC – Mr. Triplett said this was heard at the Airport Board’s June 20th meeting in which they recommended to this Board for Approval. This is an Assignment and Bill of Sale of the J.C. Faw Hangar, with no money changing hands. After Mr. Faw passed away his Last Will and Testament bequeathed the hanger to his son, Jim Faw. The Estate has requested this be assigned to 8 Mile High Aviation, LLC, owned and controlled by Jim Faw. Mr. Triplett stated Mr. Faw recused himself and did not vote on this at the Airport Board meeting. The Estate wants the get the hanger and the lease in the name of the LLC and out of the name of the Estate. The lease has 6 years left on the ground space lease with the County, that will not change.

Commissioner Blevins stated Mr. Jim Faw is the Chairman of the Airport Board, he does a great job and runs a good Charter Service as well. He has been a great help in negotiating with Samaritan’s Purse. There is a lot going on at the Airport, he added. Chairman Elmore stated there are no other changes to the lease, just the assignment. Mr. Triplett replied no other changes.

Commissioner Gary D. Blevins made a motion to approve the Assignment and Bill of Sale for the J.C. Faw Hangar to 8 Mile High Aviation, LLC as presented at tonight’s meeting. The motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

WILKES COUNTY PUBLIC LIBRARY – TRAPHILL BRANCH – LEASE AGREEMENT – Mr. Triplett said this has come before the Board many times, which is the

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lease for the Traphill Branch of the Wilkes County Library. The County has leased property from Ms. Judy Durham at the intersection of Traphill Road and Brewer Mill Road since 2007 and it expired June 30, 2019. Mr. Triplett stated they began talking about this in June, it had to first be approved by the Appalachian Regional Library Board, which approved at their meeting in mid-July. The lease is unchanged, same rent and same 2-year term that will expire June 30, 2021. The rent is still \$650.00 per month, which is unchanged.

Vice Chairman Eddie Settle made a motion to approve the Lease Agreement with Judy Durham for the Traphill Library Property as presented at tonight's meeting. The motion was seconded by Commissioner Brian Minton and unanimously approved.

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

All equipment listed below is from the Sheriff's Office.

1998 Honda TRX450 Serial #478TE2246WA010862 6247 Miles and 1046 Hours

Polaris 6-wheeler Serial #4XACL50A10620665 1308 Miles and 338 Hours

Artic Cat Serial #4UF01ATH01T322330 981 Miles

Artic Cat Serial #4UF01ATH61T318251 1048 Miles

Club Car Golf Cart Serial #PRO446459397

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

NEW BUSINESS – Commissioner Blevins stated one of the Recreation Girls Softball teams won the State Championship. Vice Chairman Settle added it was an 8U team. Commissioner Gambill stated the 8U Boys Baseball Team had two teams to go State and one finished Runner Up as well.

ADJOURN - Motion was made by Vice Chairman Eddie Settle, seconded by Commissioner David Gambill and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 8:26 P.M.

Sarah D. Call, Clerk

Gideon Keith Elmore, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: August 20, 2019