

MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
August 20, 2019

The Wilkes County Board of Commissioners met on Tuesday, August 20, 2019 at 7:01 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 Gary D. Blevins, seconded by Commissioner Brian Minton and unanimously adopted to approve the Minutes of the Board meeting held on August 6, 2019.

BUDGET AMENDMENTS/TRANSFERS – Motion was made by Commissioner David Gambill to approve Budget Amendment No. 3 (Health – Programs – ORH Grant – MESH, BCCCP, FP – Wilkes County Health Department received a grant from the Office of Rural Health in the amount of \$150,000 to provide additional services on the MESH unit including but not limited to Mental Health Services thru the Jodi Province Counseling Services. No County money involved. Received addition funds from the state in the amount of \$2,800. These funds will be used to provide 10 additional mammogram screenings for uninsured/underinsured women. No County money involved. Received funds from Appalachian District in the amount to \$20,000 to purchase additional contraceptive/LARC devices for uninsured/underinsured Family Planning patients. No County money involved). The motion was seconded by Commissioner Gary D. Blevins and unanimously approved.

WILKES COUNTY COURTHOUSE – ROOF – AWARD BID – Chairman Elmore recognized County Manager John Yates and Randall E. Baker, Vice President Pinnacle Architecture, P.A. Mr. Yates said Mr. Baker and Pinnacle Architecture received bids on behalf of Wilkes County on Tuesday, August 6, 2019 for the Wilkes County Courthouse Roof project. The low bidder was Frizzell Construction Company. He stated Mr. Baker and Pinnacle Architecture is recommending to Wilkes County that Frizzell Construction Company, Inc. be awarded the contract for the low bid amount of \$273,000.

Commission Brian Minton asked if this is the original roof that was put on in 1998. Mr. Yates replied yes, some repairs have been made over the years, but this is to replace the original roof.

Chairman Elmore stated the original roof had issues that lead to other problems with widows and moisture. Mr. Yates said the county has worked very hard on all of this and completed a lot of work on the Courthouse the past few years. Commissioner Blevins asked the type of roof being used for the replacement. Mr. Baker replied it will be a single ply mechanical fastened roof, the ballast will be gone. Commissioner Blevins stated they will have a lot less trouble with this. Mr. Baker agreed. Commissioner Blevins said during the construction there was a lot of traffic on the roof and this caused some of the problems along with the original design draining inward. He added the building was constructed using porous block which caused issues as well. This was corrected with sealing the building which the county has done twice, he said. Mr. Yates added this is another step in improvements at the courthouse.

Chairman Elmore asked if there is a guarantee with the new roof. Mr. Baker replied yes, they will have a 20 year guarantee. Commissioner Blevins asked where Frizzell is based. Mr. Yates replied they are out of Lincolnton. Commissioner Blevins said they did try to request bids from local contractors. Mr. Baker replied that is correct and actually this was the second bid, the first one resulted in no bidders. He added everyone in construction is very busy. Commissioner Blevins added they can't find workers. Mr. Baker said they called five contractors after the first bid and thought four were going to bid, but two of those did not show up to bid. Mr. Yates stated all the local contractors were contacted. Commissioner Blevins added they just wanted to make it clear that all local contractors were contacted and chose not to bid on this project. Mr. Baker stated after the bid is awarded, they can get started in about two weeks.

Vice Chairman Eddie Settle made a motion to award the Courthouse Roof Project to Frizzell Construction Company, Inc. for the low bid amount of \$273,000, as requested and presented. The motion was seconded by Commissioner Brian Minton and unanimously approved.

Mr. Yates and Mr. Baker thanked the Board.

PLANNING DEPARTMENT – REAPPOINTMENT PLANNING BOARD MEMBERS – Chairman Elmore welcomed and recognized Eddie Barnes, Planning Director. Mr. Barnes stated he would like to request reappointment of the Wilkes Joint Planning Board Members for Mr. Joe Byrd, Mr. Don Love, and Mrs. Peggy Woodruff. Their terms expired July 31, 2019. He added each member has expressed their desire to continue to serve on the Board for another 3-year term. Mr. Barnes said the Town of North Wilkesboro reappointed, Mrs. Terrie Stackhouse, and the Town of Wilkesboro reappointed, Mr. John S. Steele both for 3-year terms as their representatives. Vice Chairman Settle asked how long have these folks served on this Board. Mr. Barnes replied there is no term limit as to how many terms they can serve, some have been on this Board in excess of 20 years except for Mr. Love this will be his second 3-year term. Vice Chairman Settle added they all do a good job. Mr. Barnes added they have lots of experience.

Motion was made by Vice Chairman Eddie Settle to reappoint Mr. Joe Byrd, Mr. Don Love, and Mrs. Peggy Woodruff to the Wilkes Joint Planning Board as presented. The motion was seconded by Commissioner Gary D. Blevins and passed unanimously.

JURY COMMISSION APPOINTMENT – Chairman Elmore recognized County Attorney Tony Triplett. Mr. Triplett stated as the memo in the packet states the reappointment of Mr. Rocky Lyons to the Jury Commission is before the Board. He said as the Board will recall Mr. Herb Settle was initially named as the Commissioners’ appointment to serve, but due to health reasons he was forced to resign. The Board appointed Rocky Charles Lyons to serve the remainder of Mr. Settle’s term. He added this term ended June 30, 2019. The Jury Commission is made up of three members, one appointed by the Board with the other two being appointed by the Senior Resident Superior Court Judge and the Clerk of Superior Court. He added the other two have been appointed and Mr. Lyons is before the Board and has completed his No Change Form.

Commissioner Gary D. Blevins made a motion to appoint Mr. Rocky Charles Lyons to the Jury Commission for a 2-term from July 1, 2019 through June 30, 2021 as presented. The motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

HIGH COUNTRY COUNCIL OF GOVERNMENTS – WILKES COUNTY ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE FOR LONG TERM CARE – BOARD APPOINTMENT – County Manager John Yates said we received a letter from Ms. Stevie John requesting Ms. Elizabeth Harris be appointed for a one-year term to the Wilkes County Adult Care Home Community Advisory Committee for Long Term Care. He added there are currently three vacancies on the committee and she ask to please submit Ms. Harris’ name to the Board for approval. Mr. Yates stated she has completed the required Board application. Commissioner Blevins said he knows Ms. Harris and she will do a great job; these positions are hard to fill and more are needed. Chairman Elmore added Ms. Harris has indicted she has a passion for helping older adults. Commissioner Minton agreed she does have a passion for this and will do a great job.

Commissioner Gary D. Blevins made a motion to approve the appointment of Ms. Elizabeth Harris to serve on the Wilkes County Adult Care Home Community Advisory Committee for Long Term Care for a 1-year term, as requested and presented. The motion was seconded by Commissioner Brian Minton and unanimously approved.

EMS – LEASE – WAKE FOREST BAPTIST HEALTH/WILKES MEDICAL CENTER – Chairman Elmore recognized County Attorney Tony Triplett. Mr. Triplett said as the Board knows they have been working with Wake Forest Baptist Health/Wilkes Medical Center to negotiate a Sublease Agreement for the Wilkes EMS facility located at the hospital for several years. He said they are at the point now with the help of Chad Brown, CEO of Wilkes Medical Center, to finalized the Sublease agreement. Mr. Triplett stated they have reached what he believes is a good agreement for the lease for the EMS facility. They did make a series of requests to Baptist in the most recent negotiations and they have granted everything the county asked for. Mr. Triplett said they waved any claim to back rent, rent will begin August 1, 2019, they will cap rent for the first 3-years at \$75,000 per year, \$6,250 per month. They agreed to a 3-year term with automatic renews after subject to the right of either party to get out with 12 months’ notice, which is ample fixability for both parties. Mr. Triplett said they also agreed to maintenance terms as before, they are basically responsible for structural maintenance and the

county is responsible for interior maintenance, which is the usual arrangement for a commercial lease.

Mr. Triplett stated they have been operating under a Bond agreement for 34 years. The 1985 Bond agreement floated Bonds so Wilkes General Hospital could renovate and allow the construction of this building which allowed EMS to stay there without charge for 34 years. He said they have paid utilities for the last 6 to 8 years, this is more than reasonable. Mr. Triplett said rent is now going to be required with Baptist and this seems reasonable for a fairly short term. He added the Bond agreement will end as of August 1, 2019 and this Lease will begin. Mr. Triplett said this is a three party lease, the Town of North Wilkesboro must approve this as well and it should be on their agenda for September. He added it will not be final until approved by North Wilkesboro and signed by all three.

Chairman Elmore stated Baptist has been very good to work with and this agreement started with Commissioner Blevins before Baptist owned the Hospital. Commissioner Blevins added he and Gene Faile started this process a couple of years ago. He added at that time they were not paying rent and they are not requesting any back rent which would be well over \$100,000, they are grateful for that. Commissioner Blevins said this helps to free up budget money to help develop another site. He added Chairman Elmore helped to finish this along with Tony Triplett and it is a good agreement. Commissioner Blevins said long term the county will have to invest in a capital project and build a comprehensive Emergency Management facility that combines all the service into one location. A three year lease gives time for fact finding and to talk about what this will look like, and see how the finances go. He added they would like to do this in the future and develop another good project for the County.

Commissioner Gary D. Blevins made a motion to approve the Sublease Agreement with WRMC Hospital Operating Corporation, d/b/a Wilkes Medical Center, Wake Forest University Health Sciences, Wilkes County, and Town of North Wilkesboro as presented at tonight's meeting. The motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

AIRPORT – WAKE FOREST BAPTIST HEALTH AIRCARE – LEASE WITH MEYER WILKES PROPERTY, LLC – Mr. Triplett stated this was sent late today as it was just finalized yesterday. He added this is also with Baptist Hospital for AirCare. Mr. Triplett said AirCare came to the Airport Board previously and made a proposal to relocate from Elkin to the Wilkes Airport to make this one of, or possibly their main base. It will have several helicopters and full time personnel in the Chris Meyer hangar at the Airport. They may also have a maintenance facility to work on their aircraft at some point. He added they have plans to be here for a long time. Mr. Triplett said they have worked closely with them, made them very aware they are welcome in Wilkes and let them know they want them here. He added the Airport Board voted at their meeting last week to approve the Lease between Baptist and Chris Meyer. Mr. Triplett said they had to wait for that lease to be developed and signed. He made a few suggestions be added to their lease to protect the county and both parties agreed to include these.

Mr. Triplett state there is a second document that did not go before the Airport Board it is needed for the county to give consent for the lease, Mr. Meyer's Ground Space Lease with the County

requires this. Mr. Triplett said that is the second document in front of the Board called Memorandum of and Consent to Hangar Lease, Baptist signed it yesterday and Mr. Myers will sign it, he is agreeable. Mr. Triplett stated if the Board agrees they will need to approve the Memorandum of and Consent to Hangar Lease and by doing this the Board is approving the Lease itself.

Commissioner Gambill stated the lease is fair to AirCare and the County and hopefully they will stay. Chairman Elmore asked if they know how much equipment they plan to bring. Commissioner Blevins said he, Mr. Triplett, and Mr. Yates have been negotiating with them since they come up with the concept. He added he knows Mr. Meyer well and the relationship has worked out well. It is his understanding they will have Pilots and staff housed there. Commissioner Blevins said it is a great addition to the Airport, it is growing and they have other big things in the works as well. Chris Meyer and MX are still there, AirCare will be a great asset along with purchasing fuel. Commissioner Blevins said hopefully it will provide quicker access to patients in this area for AirCare as well, it is very positive, and they are ready to move in. He added they have a strong Airport Board that are very supportive. Mr. Yates said when they presented to the Airport Board they projected 50 flights a month.

Commissioner Gary D. Blevins made a motion to approve the Memorandum of and Consent to Hangar Lease between Meyer Wilkes Property, LLC, Wake Air Care, LLC, and the County of Wilkes as presented at tonight's meeting. The motion was seconded by Commissioner David Gambill and unanimously approved.

NEW BUSINESS – JAIL INSPECTION – Commissioner Blevins stated he wanted to mention a letter that is addressed to Sheriff Shew that was in his packet. It stated *on July 22, 2019 the Division of Health and Services Regulations Construction Section inspected your facility and determined compliance with 10 NCAC subchapter Jail local confinement facilities. This inspection found no deficiencies, whereby no correction action is necessary. Sincerely Charles B. Brown, Jail Inspector.* Commissioner Blevins said they would like to commend Jason Whitley, Detention Center Administrator, Sheriff Chris Shew, and all the staff for doing such a great job under tough circumstances. He added the Jail is doing great, passing inspections, it is not over capacity, and the payments on the jail are reasonable as well. This is good work by all including this Board, he said.

Mr. Yates stated the Landfill just had their first inspection of the year and they had no violations at the Landfill and the Animal Shelter also had a very good inspection two weeks ago. He added thanks to the great leadership from the Board things are going very well.

CLOSED SESSION – Commissioner David Gambill made a motion to go into Closed Session to establish or instruct the staff on negotiating the material terms of a potential contract for acquisition of an interest in real property under Section 143-318.11(a)(5) of the North Carolina General Statutes; to consult with and give instructions to the Board’s attorney with respect to pending judicial and administrative actions, including a lawsuit against the County and the Sheriff’s Office by James Michael Hercules and appeals from the Wilkes County Board of E&R to the North Carolina Property Tax Commission by Mary Francis Joyce, Richard G. Moretz, and Rose Glenn Village under Section 143-318.11(a)(3) of the North Carolina General Statutes; and 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. The motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

Motion was made by Vice Chairman Eddie Settle, 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 Gary D. Blevins, seconded by Vice Chairman Eddie Settle 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

Giddeon Keith Elmore, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: September 3, 2019