

**MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
December 19, 2023**

PUBLIC CONCERNS – JOHN WILES - PROCLAMATION CHRISTIAN HERITAGE – Mr. Wiles stated his seven times great grandfather, Abraham Wiles, fought the British during the American Revolution. He lost the use of both of his legs, near what is now called Ronda, and never made it home to Delaware. He lived out his remaining days and is now buried in Traphill. Mr. Wiles said while he respects the Board and the elected positions, he's not going to thank the Board for the opportunity to speak tonight, he's going to honor his grandfather's memory and his sacrifice, and that of all veterans that fought, for would what later become the U.S. Constitution and in particular the first Amendment. The Amendment which guarantees the right to freedom of speech and to address them in their capacity and the freedom of conscious to worship as they each and individually see fit. He added he is not here to speak against religion or Christianity, he is speaking in favor of good sense, small, and efficient, effective government. The Proclamation that is being addressed contains a number of questionable quotes from several founding fathers. Benjamin Franklin was renowned for being something of an anti-religious character. In 1757, after he narrowly avoided a shipwreck off the coast of England, he rejected calls to build a church and memorial to the survivors, and said they should build a lighthouse. Another quote by Jefferson, in his letter to his nephew in 1787, he called upon his nephew to question the bible and specifically the divine nature of Jesus, to be suspicious of it and not to fear a God. Mr. Wiles added Wilkes County is full of Christian churches, no one is hurting for a place to go to church. There is no sense in the government supporting something that is strong and thriving on its own, that is government overreach. A few years ago, a similar issue was brought before the town of Elkin, the County attorneys at that time, told them that the people wanted to bring sectarian objects into the park. They could do that if they wanted to, but as soon as they do that, they have to let everyone. The County of Wilkes will probably incur some legal expenses because of this and as a taxpayer, he doesn't want to pay to defend this. Why line themselves up to put money in the pockets of ACLU and Freedom of Religion Foundation lawyers over this topic.

Chairman Greene thanked Mr. Wiles for his comments.

PUBLIC CONCERNS – DAVID DYER - PROCLAMATION CHRISTIAN HERITAGE – Mr. Dyer thanked the Board for the opportunity to come and support the Commissioner's intent to pass a Proclamation, recognizing the biblical and Christian Heritage, not only as Wilkes County citizens, but as American citizens. Nearly two hundred fifty years ago, the nation struggled for independence and at the helm of that struggle was General George Washington. In looking to leaders of the Country and founders of the Nation, they wouldn't want to look any further than him for an example of what true leadership looks like, especially in a time of crisis. He added they are now in a time of crisis in the Nation, and if there has ever been a moment to proclaim the importance of the biblical heritage, it's today. Mr. Dyer said on November 27, 1779, George Washington overseeing America's campaign for independence, gave these general orders to his troops. *"The honorable Congress has been pleased to pass the following Proclamation; Whereas, it becomes us humbly to approach the throne of almighty God, with gratitude and praise for the wonders which his goodness has wrought in conducting our forefathers to this western world for his protection to them and to their prosperity amid difficulties and dangers. For raising us, their children, from deep distress to be numbered among the Nation's of the Earth and for arming the hands of just and mighty Prince's in our deliverance, and above all that he hath diffused the glorious light of the gospel whereby through the merits of our gracious redeemer we may become the*

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heirs of his eternal glory, therefore resolved that it be recommended to the several states to appoint Thursday the 9th of December next to be a day of public and solemn Thanksgiving, to almighty God for his mercies and of prayer for the continuance of his favor and protection to these United States. That he would look in mercy down upon us, pardon our sins, and receive us into his favor." Mr. Dyer stated the Proclamation and their willingness to pass it, puts them in good standing with one of their greatest founders. George Washington himself was an advocate of Proclamations declaring the importance of almighty God and his hand in our Nation's prospering in its struggle for independence. He added he commends them for the boldness that it takes to stand as leaders in doing this, knowing that not everyone is going to agree. He added he is thankful that they are not here to do things that everyone will agree with, they are here to do things so they might honor the Lord Jesus Christ. Mr. Dyer next read from Psalms 33 and thanked the Board for their willingness to pass this Proclamation and to know they have his support and the support of many others in the community.

Chairman Greene thanked Mr. Dyer for his comments.

PUBLIC CONCERNS – DAVID WHITE - PROCLAMATION CHRISTIAN HERITAGE- Mr. White thanked the Board for the Proclamation and said everything they can do to point some kind of direction to the young people, that they still have remnant in America that honors God. The scripture says those that honor the Lord he will honor. He added thinking about the founding documents, the Mayflower Compact, where pilgrims came over they signed the document that the land was for the Glory of God and the advancement of the Christian faith. The Board considering this is an honorable thing, as many in the nation are now turning away from God. Thinking about Joshua, he said, as for me and my house we will serve the Lord. He couldn't guarantee, couldn't force everybody in his household to serve the Lord, but he set the standard. Mr. White said when the Board does something like this, they are raising a standard for young people, for children, for others to look at and say there are leaders in this County that are honoring the Lord and they believe what is written in front of their building, In God We Trust. He added he appreciates the Board and their willingness to take this up. Seems like all over the world people are having to make a choice, and Jesus said your either for me or against me. They have to stand faithful in the small things and this Proclamation may seem small but it may be bigger than they think. In the eyes of the Lord they're seeking to acknowledge his existence and their trust in him.

Chairman Greene thanked Mr. White for his comments.

PUBLIC CONCERNS – KATHRYN CHARLES - PROCLAMATION CHRISTIAN HERITAGE – Ms. Charles stated she had read through the proclamation and wanted to go through some of the quotes. She said Benjamin Franklin was an American polymath who was active as a writer, scientist, inventor, statesman, diplomat, printer, publisher and political philosopher. He described himself in his autobiography as a throughodist, who as a teenager had rejected the faith of his parents, though he was not a Christian, he was no enemy of religion. He decried the Christian church services for promoting church memberships instead of trying to make them good citizens. He criticized all religions for making orthodoxy more regarded than virtue, and insisted man be judged not by for what they thought, but what they did good for fellow creatures. She added George Washington was a devout Anglican, but tolerated many other faiths, it was also clear that he was a humanitarian who helped care for the poor and believed strongly in charity which he exercised privately. Ms. Charles said Thomas Jefferson's relationship with Christianity was complicated, he took the issue very seriously. A man of the enlightenment he applied himself to the advice which he often gave to others, questioned with boldness the existence of God. Jefferson read broadly on the topic including studying different religions and while he often claimed that religion was a private matter between man and his God, he frequently studied and discussed religion. He believed that Jesus was the first of human sages noting that his philosophy was far superior to others because Jesus preached universal philanthropy, not only to kindred and friends, to neighbors and countryman, but all mankind. She added within his mind, Jefferson said that Christianity would be the best

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religion in a Republic. Ms. Charles said the quote on James Madison “*the diffusion of the light of Christianity in our nation*” was a part of his Memorial and Remonstrance and line 12 of that document says, because the policy of the bill is averse to the diffusion of the light of Christianity. His memorial was urging the Virginia legislature to reject a pending bill that would’ve provided public funding of those teaching the Christian faith and to pass Thomas Jefferson’s freedom bill. Like Jefferson, Madison believed that freedom of conscience was by definition an unalienable right. As Madison explained it is unalienable because the opinions of men depending only on the evidence contemplated by their own minds cannot follow the dictates of other men. Madison was raised an Anglican, but he was a fierce proponent of church state separation and fathered the Bill of Rights. Ms. Charles stated her concern about the Proclamation, is it excludes anyone other than Christians, in her opinion. She added she doesn’t believe that the County should be excluding everybody else; maybe they do have a majority, that’s correct, but they are excluding people who don’t profess to be Christians. Wilkes County must proclaim that there are many honest, decent people in the community who contribute to the community and it seems that they are saying only if you’re Christian. The Proclamation seems to go against the separation of church and state, and she doesn’t see how the Board’s responsibilities as County Commissioner, is representative of all the citizens of Wilkes.

Chairman Greene thanked Ms. Charles for her comments.

The Wilkes County Board of Commissioners met on Tuesday, December 19, 2023 at 5:20 P.M. with the following members present: Chairman Stoney Greene, Vice Chairman Casey Joe Johnson, Commissioner Keith Elmore, Commissioner Bill Sexton, and Commissioner Greg Minton.

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

Chairman Stoney Greene welcomed everyone and called the meeting to order.

INVOCATION – Craig Church led the Invocation.

PLEDGE OF ALLEGIANCE – Senator Eddie Settle led the Pledge of Allegiance.

Chairman Greene stated with the consent of the Board he would like to amend the agenda and add a closed session after item N. at the end. The Board gave their consent at this time.

APPROVAL OF MINUTES – Motion was made by Vice Chairman Casey Joe Johnson, seconded by Commissioner Bill Sexton and unanimously adopted to approve the Minutes of the Board Meeting held on December 5, 2023.

BUDGET AMENDMENTS/TRANSFERS – Commissioner Elmore asked about Amendment No. 13 and where does the half million of the Medicaid Cost settlement that is not going to the Dental Clinic go. Ms. Willard replied it will be spread throughout all their programs that are funded by Medicaid. The Health Dept. is paid on a fee schedule that is lower than a private practice at the end of the year they are paid back based on the services they provided. She added this is usually about \$300k, but because of Covid vaccines and things like that it has increased over the past year. Commissioner Elmore said the budget amendment says the remaining funds will be used to renovate the Community Health office space. Ms. Willard replied about \$70k will be used for the renovation cost, settlement funds can only be used for clinical services so they are utilizing these funds and not using county funds to pay for that.

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Motion was made by Commissioner Keith Elmore to approve Budget Amendment No. 12 (Parks & Recreation – Parks & Recreation received a \$21,000 Grant from the Carson Foundation to be used to purchase new soccer goals. No County funds involved); and Budget Amendment No. 13 (Health Programs - Wilkes Health received \$949,241 from Medicaid Cost Settlement funds. Wilkes Public Health Dental Clinic will receive \$427,159 of these Medicaid funds. The remaining funds will be used to renovate the Community Health office space and for program expenses. No County money involved); and Budget Amendment No. 14 (DSS – This budget request is for an insurance reimbursement for damage to a DSS County vehicle (\$6,267.00) The motion was seconded by Vice Chairman Casey Joe Johnson and unanimously approved.

PROCLAMATION CHRISTIAN HERITAGE – Chairman Stoney Greene asked Vice Chairman Casey Joe Johnson to read the Proclamation Christian Heritage for Wilkes County at this time. Commissioner Elmore asked if the two attorneys have looked at this document and are they comfortable there is no legal jeopardy. Mr. Triplett and Ms. Felts both replied yes.

Commissioner Bill Sexton made a motion to approve the Proclamation for Christian Heritage Wilkes County, North Carolina, as presented at tonight’s meeting. The motion was seconded by Vice Chairman Casey Joe Johnson and unanimously approved.

*Proclamation
Christian Heritage
Wilkes County, North Carolina*

WHEREAS, the PREAMBLE of the Constitution of the State of North Carolina states that: “We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledge our dependence upon Him for the continuance of those blessings and to us and our posterity, do. For the more security thereof and for the better government of this State, ordain and establish this Constitution;” and

WHEREAS, Benjamin Franklin, at the Constitutional Convention in 1787 stated: “It is impossible to build an empire without our Father’s aid. I believe that sacred writings which say that ‘Except the Lord build the house, they labor in vain that built it’ (Psalm 127:1);” and

WHEREAS, George Washington enunciated “animated alone by the pure spirit of Christianity, and conducting ourselves as the faithful subjects of our free government, we may enjoy every temporal and spiritual;” and

WHEREAS, Thomas Jefferson, author of the Declaration of Independence, wrote: “Can the liberties of a nation be secure when we have removed the conviction of these liberties are the gif of God;” and

WHEREAS, James Madison, father of the U.S. Constitution, advocated: “the diffusion of the light of Christianity in our nation” in the Memorial and Remonstrance; and

WHEREAS, the recognition of God by our Government was further established when Congress, in 1954, added the phrase “ONE NATION UNDER GOD” to our Pledge of Allegiance, followed in 1956 by the official establishment of “IN GOD WE TRUST” as our National Motto; and

WHEREAS, these and many other truly great men and women of America, giants in the structuring of American history, were statesmen with high caliber and integrity, who did not hesitate to express their faith; and

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WHEREAS, Christian Heritage provides our citizens with an opportunity to acknowledge blessings to contemplate and offer solutions to the numerous challenges' society faces, and to be rededicated to our nation's spiritual ancestry; and

WHEREAS, the influence of Christianity upon American communities is evident by the presence of many churches, Christian charities, ministries, missions, schools, and the upcoming Christmas Holiday season; and

NOW, THEREFORE, BE IT PROCLAIMED, that the Wilkes County Board of Commissioners proclaim and recognize our Christian Heritage and urge all citizens to proclaim Christianity's important influence in the foundation and life of our County, State, and Nation.

IN WITNESS WHEREOF, the Wilkes County Board of Commissioners approve this Proclamation as a testament to our Christian Heritage during the upcoming Holiday Season and all year long in Wilkes County, North Carolina.

Adopted this the 19th day of December, 2023.

WILKES COUNTY

By: _____

Stoney S. Greene, Chairman

Wilkes County Board of Commissioners

ATTEST:

Sarah D. Call, Clerk

WILKES COUNTY AIRPORT – W.K. DICKSON – ENGINEERING CONTRACT FOR PROFESSIONAL SERVICES – Chairman Greene welcomed and recognized Greg Kershaw with W.K. Dickson & Co., Inc. Mr. Kershaw thanked the Board and stated he is here to present the renewed 5-year contract for Consulting Services to the Airport. He added they have been working with the Airport for a long time. The N.C. Division of Aviation and Grant Assurances that fund projects at the Airport required that the general contracts be renewed every 5-years. When the contract expires each 5-years the sponsor must put an RFQ out and go through a selection process to give consulting engineers an opportunity to win work at the Airport. Mr. Kershaw stated Wilkes County just recently went through this process and W.K. Dickson are grateful for the opportunity to work with Wilkes for another 5-years. Chairman Greene added they do a great job at the Airport with numerous projects.

Mr. Triplett stated the Airport Board did review this at their meeting last week and is recommending it for Approval. He added W.K. Dickson has been the engineers at the Airport since it opened in 1990. They do an excellent job. Commissioner Elmore asked the length of the contract, 5-years. Mr. Kershaw replied yes.

Motion was made by Commissioner Greg Minton to approve the Contract for Professional Engineer Services with W.K. Dickson & Co., Inc. as presented at tonight's meeting. The motion was seconded by Vice Chairman Casey Joe Johnson and passed unanimously.

WILKES COUNTY LANDFILL – CROPLAND PRODUCTION LEASE – RESOLUTION APPROVING LEASE AGREEMENT – County Attorney Tony Triplett said the Board has a Resolution before them which concludes a process they began many months ago. Which is re-bidding the cropland the County owns at the Landfill along the Yadkin River, between 268 and the river. He added they have been

through the bidding process and awarded the high bid for a Lease to ASJ Mathis Farms, LLC that had to be advertised per law. Mr. Triplett said it has now been advertised and all the requirements have been met and the Resolution to approve it is in the packages. He stated if the Board would like to approve it they just need a motion to approve the Resolution before them tonight. This lease will run through the end of 2027, which is also the same amount of time that the corresponding lease grazing land will expire at the same time.

Chairman Greene said this lease puts together both pieces of cropland on the southside of 268 that was two separate properties. Mr. Triplett replied yes.

Commissioner Bill Sexton made a motion to approve the Resolution Authorizing Lease Agreement as presented at tonight's meeting. The motion was seconded by Vice Chairman Casey Joe Johnson and was unanimously approved.

*RESOLUTION
AUTHORIZING LEASE AGREEMENT*

WHEREAS, Wilkes County (hereinafter the "County" or "Lessor") is the owner of certain real property consisting of two adjacent parcels of cropland comprising a portion of the Wilkes County Landfill property in Edwards Township, Wilkes County, North Carolina, located between Highway 268 East and the Yadkin River and being more fully described hereinbelow; and

WHEREAS, the Wilkes County Board of Commissioners (the "Board of Commissioners") at its regular meeting of October 17, 2023, authorized advertisement of a Notice for Solicitation of Bids for the lease of said real property for the purpose of crop production, as more fully described hereinbelow; and

WHEREAS, the Board of Commissioners at its regular meeting of November 7, 2023, reviewed all bids received, accepted the high bid of ASJ Mathis Farms, LLC (hereinafter "ASJ" or "Lessee") as more fully set forth hereinbelow, and authorized advertisement of a Lease Agreement with ASJ for the same, as presented at said meeting (hereinafter the "Agreement"); and

WHEREAS, said advertisement was completed as required under the provisions of G.S. §160A-272(a1), in the form of a Notice of Intent to Approve Lease Agreement (the "Notice of Intent") which was published in the Wilkes Journal-Patriot on November 16, 2023; and

WHEREAS, the Notice of Intent contained the basic terms of the offer received by ASJ for the lease of the real property described hereinbelow as set forth in the Agreement; and

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

DESCRIPTION OF PROPERTY TO BE LEASED. The Lease Agreement is for the lease of two adjacent parcels of real property, described as follows:

PARCEL ONE:

Consisting of 19.51 acres, more or less, of farmland, located in Edwards Township, Wilkes County, North Carolina, and being a portion of that real property described in Tract Two of that Deed from Howard Prevette and wife, Doris E. Prevette, to Wilkes County, as recorded in Book 683, Page 601, Wilkes County Registry, said portion consisting of all of that farmland as described above which lies between N. C. Highway 268 and the right-of-way for Southern Railway on the north and the Yadkin River on the south, subject to the following

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exceptions: (i) portions of said property adjoin the Yadkin River as a buffer or are wooded, crossed by railroad tracks, or otherwise situated such that they are not farmland, and said portions are not included as a part of the Leased Premises hereunder; (ii) a portion of said property is also leased to the Wilkes Radio Control Flying Club (or such other name as it may operate under) for the recreational operation of remote control model aircraft and is not farmland, nor shall it be a part of the Leased Premises hereunder; and (iii) excepted from the Leased Premises are any and all parts of the same which may or are to be utilized by Lessor for improvements undertaken pursuant to the Outdoor Economy Plan for Wilkes County or pursuant to any other similar or related plan or program duly approved by the Wilkes County Board of Commissioners for improvements to or development of said property, including but not limited to the Roaring River Park project. The parties acknowledge and agree that the estimate of 19.51 acres is approximate and that the Leased Premises shall be as described above.

PARCEL TWO:

Consisting of 14.85 acres, more or less, of farmland, located in Edwards Township, Wilkes County, North Carolina, and being a portion of that real property described in that Deed from Betty S. Eller, Trustee of the Betty S. Eller Revocable Living Trust, Paula Sue Eller, and Regina L. Brown and husband, Fred G. Brown, to Wilkes County, dated October 25, 2022, as recorded in Book 1365, Page 266, Wilkes County Registry, said portion consisting of all of that farmland as described above which lies between N. C. Highway 268 and the right-of-way for Southern Railway on the north and the Yadkin River on the south, subject to the following exceptions: (i) portions of said property adjoin the Yadkin River or are wooded, crossed by railroad tracks, or otherwise situated such that they are not farmland, and said portions are not included as a part of the Leased Premises hereunder; and (ii) excepted from the Leased Premises are any and all parts of the same which may or are to be utilized by Lessor for improvements undertaken pursuant to the Outdoor Economy Plan for Wilkes County or pursuant to any other similar or related plan or program duly approved by the Wilkes County Board of Commissioners for improvements to or development of said property, including but not limited to the Roaring River Park project. The parties acknowledge and agree that the estimate of 14.85 acres is approximate and that the Leased Premises shall be as described above.

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

AMOUNT AND TERMS OF OFFER. Lessee proposes to lease the above described property from the County, and the County proposes to lease the same to Lessee, for a term of four (4) years, commencing effective January 1, 2024, and ending at midnight on December 31, 2027, at an annual rental of \$8,105.00, with the first annual rent payment to be for the period from January 1, 2024 through December 31, 2024, and to be made upon the execution of the Lease Agreement; the second annual rent payment to be for the period from January 1, 2025 through December 31, 2025, and to be made on or before January 1, 2025; the third annual rent payment to be for the period from January 1, 2026 through December 31, 2026, and to be made on or before January 1, 2026; and the fourth annual rent payment to be for the period from January 1, 2027 through December 31, 2027, and to be made on or before January 1, 2027. The Lease Agreement shall further provide that Lessee's use of the property shall be for agricultural purposes only, which shall be defined for purposes of the Lease Agreement as the growing and harvesting of lawful crops, together with all usual and necessary incidents thereto. Lessee shall be responsible for all utilities, taxes on personal property, expenses in connection with Lessee's operations on the property, and liability insurance.

AND WHEREAS, the Notice of Intent contained the following additional provisions concerning the Agreement:

ADDITIONAL PROVISIONS. Lessee will have the sole right as tenant under the Lease Agreement to use the property according to the terms of the Lease Agreement. Upon the expiration or termination of the Lease Agreement, Lessee shall remove all of Lessee's personal property which may remain on the Leased Premises, including but not limited to all equipment, supplies, and other personal property. Lessee shall be entitled to ownership of any standing crops left on the Leased Premises by any former tenant of Lessor's. Any standing crop remaining on the Leased Premises as of the expiration or termination of the Lease Agreement shall be considered forfeited as of said date and shall become the property of the Lessor absent a written agreement to the contrary between Lessee and Lessor.

AND WHEREAS, the Board of Commissioners desires to accept the above described bid, and to authorize and approve the Agreement; and

WHEREAS, the Board of Commissioners further finds that, pursuant to G.S. §105-282.7(b), the above stated rental payment should be accepted in lieu of ad valorem taxes on the above described property and is equivalent to or in excess of the amount of such taxes that could otherwise be lawfully assessed by the County;

NOW, THEREFORE, BE IT RESOLVED, pursuant to G.S. §§160A-269 and 160A-272, that the Agreement with ASJ Mathis Farms, LLC, as presented at the November 7, 2023 meeting of the Board of Commissioners, and as set forth in the Notice of Intent, is hereby approved, with an effective date of January 1, 2024.

This the 19th day of December, 2023.

WILKES COUNTY

By: _____

Stoney S. Greene, Chairman

Wilkes County Board of Commissioners

ATTEST:

Sarah D. Call, Clerk

PLANNING DEPARTMENT:

1. REQUEST TO SET PUBLIC HEARING GROWTH MANAGEMENT PLAN – Mr. Scroggs that thanked the Board and said at its regular meeting of November 27, 2023, the Wilkes Joint Planning Board voted to approve and recommend the Wilkes County Growth Management Plan to the Wilkes County Board of Commissioners. Under NCGS 160D-501, a local government shall adopt and reasonably maintain a comprehensive plan or land-use plan and this qualifies as that statutorily required plan for Wilkes County. Per 160D-601, notice of the public hearing will be given once a week for two successive weeks with the first notice being between 10 and 25 days prior to the date scheduled for the hearing. Accordingly, the Planning Board recommends that this matter be set for public hearing and that the Wilkes County Growth Management Plan be approved.

Commissioner Elmore asked if everyone has received the plan. Mr. Scroggs replied they received the draft Growth Management Plan and the final version will be sent to the Board in the next Agenda packet. Ms. Felts added they will get the final version of the plan in the agenda packets this Friday and they are requesting that the Public Hearing be set for January 16th to give time for review and advertisement.

Commissioner Greg Minton made a motion to set a Public Hearing on Tuesday, January 16, 2024, at 5:00 P.M. regarding the Growth Management Plan with the Board Meeting to immediately follow as presented at tonight's meeting. The motion was seconded by Vice Chairman Casey Joe Johnson and was unanimously approved.

2. REQUEST TO SET PUBLIC HEARING AMENDMENT TO WILKES COUNTY

SUBDIVISION ORDINANCE – Assistant County Attorney Brooke Felts said they are requesting the Board to set two additional Public Hearings to consider approval of two text Amendments. The first is for the Wilkes County Subdivision Ordinance and the purpose of this amendment is to remove the minimum acreage requirement for Planned Unit Development (PUDs), which will provide flexibility for the creation of new housing in Wilkes County.

Commissioner Keith Elmore made a motion to set a Public Hearing on Tuesday, January 16, 2024, at 5:00 P.M. immediately following the first Public Hearing regarding the Amendment to Wilkes County Subdivision Ordinance with the Board Meeting to immediately follow as presented at tonight's meeting. The motion was seconded by Commissioner Bill Sexton and was unanimously approved.

3. REQUEST TO SET PUBLIC HEARING AMENDMENT TO WILKES COUNTY

ZONING ORDINANCE – Assistant County Brooke Felts said the purpose of the amendment to the Zoning Ordinance is to remove the minimum acreage requirement for Planned Unit Development (PUDs), which will provide flexibility for the creation of new housing in Wilkes County as well. This will require the same motion as the previous Public Hearing.

Commissioner Keith Elmore made a motion to set a Public Hearing on Tuesday, January 16, 2024, at 5:00 P.M. immediately following the first two Public Hearings regarding the Amendment to Wilkes County Zoning Ordinance with the Board Meeting to immediately follow as presented at tonight's meeting. The motion was seconded by Vice Chairman Casey Joe Johnson and was unanimously approved.

WILKES COUNTY AIRPORT:

1. RESOLUTION AUTHORIZING LEASE AGREEMENT – WINDOW WORLD, INC. –

Chairman Greene recognized County Attorney Tony Triplett. Mr. Triplett stated Dustin Caudill the Airport Manager is here tonight and will present one of the items tonight. Most of these items on the agenda tonight were discussed at the Airport Meeting last week on December 14th or at the prior meeting. The first is a Resolution that is no different than the Resolution passed earlier on the Landfill Cropland Lease. The Board authorized him at an earlier meeting to advertise the new Lease Agreement for Window World Hangar at the Airport. He stated it was advertised as required by the Statute for 30-days and is exactly the same lease they had before: a five year lease, rent of \$3,000 per month, and the same hanger. He added Window World requested this and they would like to re-new for another 5-years. Mr. Triplett stated the Board would need to approve the Resolution which has the effect of adopting the lease.

Commissioner Greg Minton made a motion to approve the Resolution Authorizing Lease Agreement at Wilkes County Airport between Window World, Inc. and the County of Wilkes as presented at tonight's meeting. The motion was seconded by Commissioner Bill Sexton and unanimously approved.

RESOLUTION AUTHORIZING

*LEASE 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 has constructed thereon a hangar which is approximately 10,000 square feet in size, the same being located between the hangar and office building formerly owned by U*S Aviation, LLC (now owned by the County and known as the "community hangar") and the terminal building at the Wilkes County Airport; and*

WHEREAS, the County has received an offer from Window World, Inc., a corporation organized under the laws of the State of North Carolina with its principal office and place of business being located in Wilkes County, North Carolina (hereinafter "Window World"), to lease the above described hangar, together with ground space on which the same is situated and other property as described hereinbelow, upon those terms and conditions as are further described hereinbelow; and

WHEREAS, the above described lease, together with all of the terms and provisions for the same, have been reduced to writing in the form of a Lease Agreement (hereinafter the "Agreement") which the County and Window World desire to execute; and

WHEREAS, the Wilkes County Airport Board at its regular meeting of October 12, 2023, approved the Agreement and recommended that the same be approved and executed by the Wilkes County Board of Commissioners (hereinafter the "Board of Commissioners"); and

WHEREAS, the Board of Commissioners, upon review of the Agreement as presented at its regular meeting of November 7, 2023, and upon the recommendation of the Wilkes County Airport Board, desires to accept said offer by Window World and to execute the Agreement; and

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

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

*DESCRIPTION OF PROPERTY TO BE LEASED: The Agreement is for the lease of approximately 20,836 square feet (0.478 acres) of ground space, together with an aircraft hangar situated thereon which has been constructed by the County and which is approximately 10,000 square feet in size, the same being located between the hangar and office building formerly owned by U*S Aviation, LLC (now owned by the County and known as the "community hangar") and the terminal building at the Wilkes County Airport.*

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

AMOUNT AND TERMS OF OFFER: Window World proposes to lease the above described property from the County, and the County proposes to lease the same to Window World, for a term of five (5) years, commencing as of March 1, 2023, at a rental of \$36,000.00 per year. Said lease authorizes Window World to engage in the storage of aircraft, together with aircraft parts and accessories; to utilize the leased premises for other purposes consistent with aeronautical use as set forth in the Agreement; and to construct additional improvements on the property in the form of office space. 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 Agreement with Window World as presented at the November 7, 2023 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 19th day of December, 2023.

WILKES COUNTY

By: _____
*Stoney S. Greene, Chairman
Wilkes County Board of Commissioners*

ATTEST:

Sarah D. Call, Clerk

2. RESOLUTION AUTHORIZING LEASE AGREEMENT – ROBERT WISLICK d/b/a AMERICAN AVIATION – Mr. Triplett said this matter is the same procedural step as Window World and AJS Mathis Farms which is a lease for Robert Wislick d/b/a American Aviation. As discussed at the last meeting he has moved into the Community Hangar, which is a large county-owned hangar at the Airport. Mr. Wislick plans to use part of it for storage and he is a very valuable asset at the Airport and has a lot of maintenance work on larger aircraft. The Airport Board greatly values his service. Mr. Triplett said this would be the official approval of the Lease for Ms. Wislick at this Hangar. This lease will be for \$2,500 per month which was previously charged for this hangar and his lease is for 19-months. They did this because he also rents another hangar at the Airport and has for several years and they want both leases to come before the Board at the same time going forward. That lease comes up for a 2-year renewal term February 2025, therefore this lease will also come due February 2025. Just as before a motion to approve the Resolution approves the Lease Agreement.

Commissioner Bill Sexton 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 Vice Chairman Casey Joe Johnson 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 is further the owner of a hangar and office space which is approximately 12,648 square feet in size, the same having been purchased by the County from U*S Aviation, LLC, in 2005, and being known as the "community hangar"; and*

WHEREAS, the County has received an offer from Robert Wislick d/b/a American Aviation, of Wilkes County, North Carolina (hereinafter "Wislick"), to lease the above described hangar, together with ground space on which the same is situated and other property as described hereinbelow, upon those terms and conditions as are further described hereinbelow; and

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WHEREAS, the above described lease, together with all of the terms and provisions for the same, have been reduced to writing in the form of a Lease and Operations Agreement (hereinafter the "Agreement") which the County and Wislick desire to execute; and

WHEREAS, the Wilkes County Airport Board at its regular meeting of October 12, 2023, approved the Agreement and recommended that the same be approved and executed by the Wilkes County Board of Commissioners (hereinafter the "Board of Commissioners"); and

WHEREAS, the Board of Commissioners, upon review of the Agreement as presented at its regular meeting of November 7, 2023, and upon the recommendation of the Wilkes County Airport Board, desires to accept said offer by Wislick and to execute the Agreement; and

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

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

*DESCRIPTION OF PROPERTY TO BE LEASED: The Agreement is for the lease of approximately 27,064 square feet of ground space (0.621 acres), together with a hangar situated thereon which is owned by the County and which is approximately 12,648 square feet in size, the same being known as the "community hangar" and having been purchased by the County from U*S Aviation, LLC in 2005 and having formerly been leased to Sherman Aaron d/b/a Aaron Aerospace. The County has secured a survey and legal description of said property in order to more fully and accurately describe the same, and said description and legal description will be attached as exhibits to the Agreement.*

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

AMOUNT AND TERMS OF OFFER: Wislick proposes to lease the above described property from the County, and the County proposes to lease the same to Wislick, for a term of nineteen (19) months, commencing as of August 1, 2023, and terminating at midnight on February 28, 2025, at a rental of \$2,500.00 per month. The Agreement authorizes Wislick to engage in the business of aircraft maintenance and aircraft storage, subject to all standard terms and provisions for the lease of County-owned hangars at the Wilkes County Airport and subject to the Wilkes County Airport Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED, pursuant to G.S. §§153A-176, 160A-272, and 63-53(3), that the Agreement with Wislick as presented at the November 7, 2023 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 19th day of December, 2023.

WILKES COUNTY

By: _____
*Stoney S. Greene, Chairman
Wilkes County Board of Commissioners*

ATTEST:

Sarah D. Call, Clerk

3. HANGAR SPACE LEASE AGREEMENT – County Attorney Tony Triplett said the memo before the Board refers to the following four matters on the agenda which are numbers 3,4,5, and 6 concerning form leases and a proposed Fee and Rent Schedule. He added this is part of a package of material that is designed to address a need at the Airport and was brought to the forefront by the construction of the new T-Hangar. They need a written lease for anyone renting space in the T-Hangar. Previously they also had Hangar space in the Community Hangar they rented without leases for years and they also have Tie-Down Spaces at the Airport as well. This is on the tarmac, folks rent space to leave their planes outdoors and there has never been written leases for this either. Mr. Triplett said the Airport Board felt it was time to address all of these at one time. In the packages are form leases for all three of these. They would like the form leases to be available to Dustin Caudill to administrator as people rent these spaces, they will most likely change on a fairly frequent basis for Tie-Downs and T-Hangar. This will allow Mr. Caudill to do this, but he could not vary from the form leases for anyone wanting to lease Hangar Space, T-Hangar, Space or Tie-Down Space. Mr. Triplett said the rent they pay will be a fixed rent that this Board will approve pursuant to the Fee and Rent Schedule, which is item 6. This will make the signing of these leases an administrative act, there will not be a discretion by Mr. Caudill, he will take what the Board approves and administering it at the Airport.

Commissioner Elmore asked if the leases they approved earlier tonight, will the Commissioners continue to do this or now will just the Airport Board approve those. Mr. Triplett replied leases such as to two earlier for Window Work and Bob Wislick the Board of Commissioners will continue to approve, there is no change to those. He added there is no change to the approval of Ground Space Leases or Hangar Leases, this only refers to individual spaces for T-Hangers, or within Hangers the County owns. Mr. Triplett stated each one will need to be approved separately if the Board would like to move forward and Mr. Caudill will present the fee and rent schedule before it is approved.

Vice Chairman Casey Joe Johnson made a motion to approve the Hangar Space Lease Agreement as presented at tonight's meeting. The motion was seconded by Commissioner Bill Sexton and was unanimously approved.

4. T-HANGAR LEASE AGREEMENT –

Commissioner Greg Minton made a motion to approve the T-Hangar Lease Agreement as presented at tonight's meeting. The motion was seconded by Vice Chairman Casey Joe Johnson and was unanimously approved.

5. TIE-DOWN LEASE AGREEMENT –

Commissioner Bill Sexton made a motion to approve the Tie-Down Lease Agreement as presented at tonight's meeting. The motion was seconded by Vice Chairman Casey Joe Johnson and was unanimously approved.

6. FEE AND RENT SCHEDULE – Mr. Caudill stated he contacted several Airports that are the same size at Wilkes to come up with the fee and rent schedule and these are well within range on the prices for all services and leases. The schedule includes ramp fees; Community Hangar, T-Hangar and Tie-

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Down Spaces. He added, ramp fees are for transient aircraft that come on the ramp and use the facilities for an extended period of time and don't purchase fuel. They are charged a small amount but, if they purchase fuel this fee is waived. Mr. Caudill said there is a difference in the price from the Community Hangar and the T-Hangar because the Community Hangar is a shared smaller space, the T-Hangar is larger and by itself. He asked for the Board's consideration on this item. Chairman Greene said he is glad they waive the fee for the ones that purchase fuel from the Airport. Commissioner Elmore said he stated the fees are in range with other Airports, what about the fuel price. Mr. Caudill replied there are several Airports within a 50-miles range, Wilkes is the 4th cheapest on fuel prices, and they are moving this a lot more than they had in the past. Chairman Greene asked how many Airports are within the 50-mile range. Mr. Caudill replied 20 to 25. Chairman Green added they are the in the top 25% for the cheapest fuel. Mr. Caudill agreed.

Commissioner Bill Sexton made a motion to approve the Fee and Rent Schedule as presented at tonight's meeting. The motion was seconded by Vice Chairman Casey Joe Johnson and was unanimously approved.

7. AMENDMENT TO AIRPORT BOARD ORDINANCE – Mr. Triplett said this item is necessary to implement all of this which is an Amendment to the Airport Board Ordinance. He added this ordinance has been in effect for over 20-years, and required all leases for real estate to come to this Board, this will continue for leases or entire hangars and ground space leases. They can't have Mr. Caudill administer and sign the new leases the Board just approved without changing the ordinance to authorizing that. In the packets is redlined version of the changes that are being prosed to be made. Mr. Triplett said when the Airport Board Ordinance was originally set up the functions was split between the Airport Board and the Board of Commissioners. This amendment will carve out these three leases just approved and shift them from the Commissioners to the Airport Board. The amendment also authorizes the Airport Board to delegate that authority to the Airport Manager, Dustin Caudill. He added the Airport Board voted at their meeting last week to do that, contingent on the Board of Commissioners approving this amendment. If approved they will shift authority only for the three leases just approved to the Airport Board, they in turn authorized Dustin Caudill to do that on their behalf. Mr. Caudill will report to the Airport Board at every meeting on what leases he has authorized, who is in the T-Hangars, got Tie-Down Leases, keep the Airport Board informed. This is the purpose of the amendment before the Board tonight.

Mr. Triplett stated the way State Statutes are worded in order for the Board to approve an Ordinance or an Amendment to an Ordinance at the first meeting it is introduced, all 5 members of the Board have to vote in favor. This is for information only, if they vote on this and it is a 5 – 0 vote, it will take effect immediately. If they vote less than 5 – 0 he will bring it back at a subsequent meeting and it is entirely up to Board, procedurally this is how ordinances work.

Commissioner Elmore stated his concern is they are taking authority from the Board of Commissioners who totally fund the Airport. He asked if Dustin Caudill reports to the County Manager. Mr. Caudill replied yes. Commissioner Elmore said the they have the Airport Board, but he is a County Employee. Commissioner Sexton stated the reason the Airport Board did this was to keep from having to bring so much before the Commissioners, these continuously change and they thought it was better to allow the Airport Board have the authority to allow Dustin Caudill to do this. Chairman Greene said they cannot very from these leases only the tenant name can change. Mr. Triplett replied correct, only the tenants name can change, the amount of the rent and terms of the lease stay the same. Commissioner Elmore said the Airport Board will now be able to cancel or approve leases and the Board of Commissioners will not be a part of that, correct. Mr. Triplett replied no it only applies to these three they just approve, nothing else changes.

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Chairman Greene asked the longevity of the T-Hanger and Tie-Down leases how do these work. Mr. Caudill replied they are month to month, and if he had someone come in tomorrow wanting hangar space and this is approved he can go ahead and sign them up. Otherwise they have to wait a month or however long it takes to get them approved before they can move their airplane in. Chairman Greene said this authority is only for the short term leases, not the Window World, Wislick, etc. Mr. Caudill replied no it is just the month to month short term only. Commissioner Elmore said the amendment states the Airport Board may delegate all or any portion of its authority under this Section 4 to the Airport Manager; provided, that in the event of such delegation, the Airport Manager shall make a full and timely report to the Airport Board of all actions taken pursuant thereto. He asked can they amend this so they at least know what is going on, shouldn't this report be to the County Commissioners also. Mr. Triplett replied yes they can add this and can require the Airport Board or Manager do this. Commissioner Elmore said it is important that this Board is aware that is an entity that is funded with taxpayer's money and for them to delegate authority to the Board they at least need to know what is going on. Mr. Triplett replied if the Board so wishes they can add working to that provisions that the Airport Manager shall make a full and timely report to the Airport Board and the Board of Commissioners of all actions taken. Commissioner Elmore said he would like to have this added.

Commissioner Greg Minton made a motion to approve the Amendment to the Wilkes County Airport Board Ordinance as presented at tonight's meeting on authority to execute month-to-month leases, with the unnumbered paragraph at the end of Article VIII, Section 4 to be re-worded as follows: "The Airport Board may delegate all or any portion of its authority under this Section 4 to the Airport Manager; provided, that in the event of such delegation, the Airport Manager shall make a full and timely report to the Airport Board and the Board of Commissioners of all actions taken pursuant thereto." The motion was seconded by Commissioner Bill Sexton and was unanimously approved.

8. BOARD APPOINTMENTS – REAPPOINTMENTS – Mr. Triplett said the terms of three of the nine members of the Airport Board expired September 30, 2023. He added at its regular meeting on October 12, 2023, the Airport Board considered and discussed the matter of appointments/reappointments. Commissioner Sexton, Mr. Crouse, and Mr. Sparks all indicated they would be willing to have their names submitted for reappointment. The Board also considered all outstanding applications for appointment, including those received either this year or in previous years from David M. Ritter, Karen Wiles Reeves, Robert L. Phillips, Scotty H. Call, William D. (David) Wingler, Thomas Alan Garrett, Darren Eric Childers, and David S. Prevetie. Following their discussion, the Airport Board voted unanimously to recommend to the Board of Commissions that Commissioner Sexton, Mr. Crouse, and Mr. Sparks all be reappointed for terms of three (3) years, from October 1, 2023 through September 30, 2026.

Mr. Triplett stated he should also note that, on October 13, 2023, one day after the Airport Board meeting, Mr. David Schmidt submitted his resignation as an Airport Board member. Mr. Schmidt was with Samaritan's Purse, but he has now left that organization and we are informed that he has moved out of state. Since then the County has received two additional applications for appointment to the Airport Board, one from Mr. Alan York, Chief Pilot and Director of Aviation for Window World, and one from Mr. Edward Graham, Chief Operating Officer for Samaritan's Purse and copies of these applications have been made available to the Board of Commissioners. He added from the available applications, a replacement member will need to be appointed to fill the vacancy created by Mr. Schmidt's resignation and serve for the remainder of his term. Mr. Schmidt's term runs through September 30, 2025. Mr. Triplett said the Airport Board also unanimously voted at its meeting on December 14, 2023 to recommend that Mr. Edward Graham Chief Operating Office of Samaritan's Purse be appointed to fill the vacancy on the Airport.

Commissioner Keith Elmore made a motion to reappoint Commissioner Bill Sexton as the Commissioner member of the Airport Board for a 3-year term running from October 1, 2023, through September 30, 2026; to reappoint Bud Crouse and Chris Sparks as members of the Airport Board for 3-year terms running from October 1, 2023, through September 30, 2026; and to appoint Edward Graham as a member of the Airport Board to fill the vacancy created by the resignation of David Schmidt, for the remainder of Mr. Schmidt's term through September 30, 2025. The motion was seconded by Vice Chairman Casey Joe Johnson and unanimously approved.

CHAIRMAN APPOINTMENTS AND BOARD APPOINTMENTS 2024 –

1. CHAIRMAN APPOINTMENTS:

Chairman Stoney Greene stated he has spoken with all the Commissioners and reviewed the Chairman's Appointments for 2024 at this time.

Below is a complete listing of Chairman appointments for 2024:

CHAIRMAN APPOINTMENTS FOR 2024

<i>STONEY GREENE (Chairman)</i>	<i>County Personnel Liaison High Country Council of Governments</i>
<i>CASEY JOE JOHNSON</i>	<i>Recreation Board</i>
<i>KEITH ELMORE</i>	<i>Blue Ridge Opportunity Commission Wilkes Community College – Liaison</i>
<i>BILL SEXTON</i>	<i>Child Fatality Team Fire Commission/Emergency Management Wilkes Senior Resources Aging Advisory Committee</i>
<i>GREG MINTON</i>	<i>Board of Education – Liaison Juvenile Crime Prevention Council (JCPC) Local Emergency Planning Committee Workforce Development Consortium</i>

2. BOARD APPOINTMENTS: Chairman Stoney Greene went over the Board Appointments this time and asked if there is a motion to approve them as read.

Commissioner Keith Elmore made a motion to approve the Board Appointments for 2024 as presented, subject to the condition that where a Commissioner has already been appointed to a specific Board for a set term, that term will not change by the appointments approved tonight. The motion was seconded by Vice Chairman Casey Joe Johnson and unanimously approved.

Below is a complete listing of Board appointments for 2024:

BOARD APPOINTMENTS FOR 2024

<i>STONEY GREENE</i>	<i>High Country Rural Transportation Advisory Committee (RTAC) ** Ordinance Committee</i>
<i>CASEY JOE JOHNSON</i>	<i>Animal Control Committee Board of Health* * (3-year Term 01/2023 - 01/2026) Wilkes County Library Board Vaya Health County Commissioner Advisory Board* * (1-year Term 12/2023 - 12/2024) ** Ordinance Committee</i>
<i>KEITH ELMORE</i>	<i>Wilkes Community College Board of Trustees * * (4-year Term 06/2021 – 06/2025)</i>
<i>BILL SEXTON</i>	<i>Airport Board* * (3-year Term 10/2023 – 09/2026) Economic Development Corporation</i>
<i>GREG MINTON</i>	<i>Board of Equalization & Review Courthouse Safety Committee</i>

**Please note some Board appointments are for a specific term as notated and the remaining are at the pleasure of this Board*

***Please note Ordinance Committee is Chairman and Vice Chairman*

ECONOMIC DEVELOPMENT – Chairman Greene stated they have received letters of support from Wilkes EDC, the Town of Wilkesboro, and the Town of North Wilkesboro. The Board is looking at the Lowe’s facility and are working on a census among themselves. They will put together a committee to oversee and look at hiring an entity to do a study on the viability, needs, and possible uses of the building for the generation of jobs in Wilkes County. Chairman Greene added it is not an action item and asked if they would need to take up because it was tabled. Mr. Triplett replied not unless the Board wanted to, there is no action necessary. If the Board is not ready for action they don’t have to do anything, they don’t need a motion to table if they don’t want to. Chairman Greene added the Board is working on putting a committee together, a plan and hiring someone to do a study for the Board to look at on the possibilities and viability of the Lowe’s building.

CLOSED SESSION – Motion was made by Vice Chairman Casey Joe Johnson to go into closed session to discuss qualifications, competence, performance, or conditions of employment for a county employee or prospective county employee pursuant to the personnel exception under G.S. § 143-318.11(a)(6); 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 privilege; and. The motion was seconded by Commissioner Bill Sexton and unanimously approved.

Motion was made by Commissioner Keith Elmore seconded by Vice Chairman Casey Joe Johnson 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 Greg Minton seconded by Vice Chairman Casey Joe Johnson and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 6:41 P.M.

Sarah D. Call, Clerk

Stoney S. Greene, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS

Approved: January 16, 2024