

**Town of North Wilkesboro
Commissioners Monthly Meeting
May 7, 2019**

A Regular Meeting of the Mayor and Board of Commissioners of the Town of North Wilkesboro was held in the Commissioners Room at Town Hall on Tuesday June 4, 2019.

THERE WERE PRESENT: Robert L. Johnson, Mayor
 Debbie Ferguson, Commissioner
 Junior Goforth, Commissioner

Bert Hall, Commissioner
Joe Johnston, Commissioner
Angela Day, Commissioner

ALSO PRESENT: H. Edward (Ed) Evans, Jr. Interim Town Manager
 Debra Pearson, Town Clerk

ABSENT: Gary Vannoy, Town Attorney

CALL TO ORDER

Mayor Robert Johnson called the meeting to order at 5:30 p.m. and delivered the Invocation. The Pledge of Allegiance was led by North Wilkesboro Police Chief Joe Rankin.

ADOPTION OF AGENDA

Motion to approve the agenda was made by Commissioner Hall and seconded by Commissioner Day. Motion unanimously carries.

CONSENT AGENDA

The consent agenda items were as follows:

- a. Approval of Minutes
 - i. April 2, 2019 Regular Monthly Commissioner's minutes
 - ii. April 11, 2019 Budget Work Session minutes
 - iii. April 23, 2019 Rescheduled Work Session minutes
- b. Approval of donation of Phillips land near water plant
- c. Adopt Resolution for Broadband High-Speed Internet services in Canterbury Estates
- d. Adopt Resolution in opposition of SB 179 & HB 278, Parity for First Responders
- e. Approve Budget Amendment
- f. Approve WFUBMC "Assignment and Assumption of Tenant's Interest in Lease"
- g. Approve planning Board and Board of Adjustment Reappointment
- h. Approval of 4th Quarter Appropriation money for EDC from the 2018-2019 budget

Motion to approve the consent agenda made by Commissioner Day, seconded by Commissioner Ferguson. There being no further discussion, motion unanimously carries.

SPEAKERS FROM THE FLOOR

Mayor Johnson opened the floor for public comments at this time. Martha Nichols wished to speak. She commented on a problem she had on her street. She said the men that work on the streets repaired the problem and deserve a big thank you from both she and the town. At this time Mayor closed the public comment session.

PUBLIC HEARING

Mayor asked for a motion to begin our Public Hearing for the CBDG Grant at 5:50 p.m. A motion to open the public hearing was made by Commissioner Johnston, seconded by Commissioner Goforth and was unanimously approved. Emily Miller from McAdams & Associates, LLC and LeAnn Nixon from the Wilkes Economic Development Commission (EDC) addressed the board to inform they were ready to commence with grant requests for the Jeld-Wen elevated water tank project. Emily gave a brief re-cap of the needs for the elevated water tank. This water tank would allow Jeld-Wen to expand vertical storage of their manufactured products and insure more water pressure and storage of water. This project could also benefit and encourage both commercial and residential growth in the area. Mayor Johnson asked if there were any questions or comments from the audience. Mr. Blake Lovette commented that we should also consider putting sewer in the general area of the water tank. Mayor Johnson commented that there already is sewer at each end of the property. With no further comments or

business to discuss, Mayor Johnson asked for a motion to close the Public Hearing at 6:15 p.m. Motion to close the Public Hearing was made by Commissioner Hall and seconded by Commissioner Ferguson. Motion unanimously carries. The Mayor asked for a motion to approve moving forward with the CBDG Grant request for the elevated water tank. Commissioner Hall made a motion to approve the commencement of the grant request for the elevated water tank with Commissioner Goforth seconding. Motion unanimously carries.

AGENDA ITEMS

Policy proposal for water and sewer connections for those outside city limits- At the last work session Commissioner Hall asked that our policy regarding services to out of city limit residents for water and sewer hookup be discussed. A resident on Sunset Drive is requesting hook up of services but is not in the city limits. Manager Evans says he can't find an existing policy on this. He suggested we work on a policy and have a draft policy ready to review at our next work session and possibly be approved at the next regular board meeting and recommended that we have a public hearing. Commissioner Ferguson made a motion to call for a Public Hearing on this matter. Commissioner Goforth seconded that motion. Motion unanimously carries to Call for Public Hearing to be held June 4, 2019 to consider issue of connection of water and sewer to requesters outside town limits.

Present proposed FY 2019-20 Budget to Commissioners and Call for Public Hearing- Commissioner Johnston made a motion to call for public hearing to be held June 4, 2019 for the presentation and adoption of the FY 2019-20 Budget. Commissioner Ferguson seconded this motion, motion unanimously carries.

Consider change to Town Code, Chapter 2, Administration, Article 2, (2.7) (Meetings)- Commissioner Ferguson made a motion to call for a public hearing to be held June 4, 2019 for the ability to set a date for our agenda work session and be able to take action at work sessions on time sensitive issues. Commissioner Hall seconded that motion. Motion unanimously carries.

Review, Discuss, and Adopt contract proposal from N-Focus- Commissioner Hall made the motion to accept the contract renewal through June 2020 for John Ganus, Codes Enforcement Officer working through N-Focus. Commissioner Johnston seconded this motion. Motion unanimously carries.

Adopt Memorandum of Agreement for Mountain Heritage Trout City- A Resolution of Memorandum of Agreement was approved with motion made by Commissioner Goforth, and Commissioner Day seconding that motion. Motion unanimously carries.

Consider change to Town Code, Chapter 8 Section 16, Interference with Fire Personnel- A motion to call for Public Hearing on June 4, 2019 was made by Commissioner Johnston with Commissioner Goforth seconding. Motion unanimously carries.

Consider request to change NW Fire Dept Knox Box Requirements, Fire Department- To be consistent with NC Fire Code a motion was made by Commissioner Ferguson with Commissioner Johnston seconding to call for a Public Hearing June 4, 2019. Motion unanimously carries.

Official Reports and/or Comments

- a. Mayor- Mayor Johnson stated he appreciates Town Administration, all Town employees and Town Board.
- b. Commissioners- Commissioner Ferguson stated they are working diligently on finding a permanent Town Manager and that Interim Manager Evans could stay! Commissioner Day said that communication is good, and Manager Evans is a good Manager
- c. Town Manager- *See addendum Attachment A*
- d. Tourism Director Crystal Keener spoke briefly on upcoming events planned for the Town. Commissioner Johnston, Commissioner Day and Mayor Johnson thanked Crystal for her work.

Before the closed session began, the board recessed briefly.

Closed Session pursuant to NC General Statutes § 143-318.11. (6) Personnel - To consider the qualifications of Town Manager applicants- At 7:00 p.m. Mayor Johnson asked for a motion to go into closed session with Commissioner Johnston making the motion and Commissioner Hall seconding that motion. Motion unanimously carries.

A motion was made to close the "Closed or Executive Session" at 8:10 p.m. by Commissioner Johnston, seconded by Commissioner Hall. A vote was unanimous to return to open session.

Return to Open Session the board returned to open session at 8:10 p.m. with no action taken.

ADJOURNMENT

There being no further business, Mayor Johnson declared the meeting adjourned at 8:15 p.m.

TOWN CLERK

Robert L. Johnson Mayor

APPROVED: _____

Donation of Phillips Land

Parcel ID: 1402352 Phillips Real Holdings, Inc.- This parcel of land was donated to the Town of North Wilkesboro. Donation of property to the town was approved by the Board of Commissioners May 7, 2019. This property adjoins the North Wilkesboro Water Plant and has a tax value of \$12681.00

Resolution in Support of Broadband – High Speed Internet

To the Residents of Canterbury Estates

Resolution #2019-5

WHEREAS, The residents of Canterbury Estates development in North Wilkesboro, North Carolina have approached the North Wilkesboro Board of Commissioners indicating their desire to have Broadband Internet service in their development; and

WHEREAS, The North Wilkesboro Board of Commissioners unanimously support the residents need and desire for said service; and

WHEREAS, This type service is common, utilized frequently and a necessity in today’s social and business environment; and

WHEREAS; The residents in Canterbury Estates development desire and need the same level of broadband service as the majority of Wilkes County residents now enjoy,

THEREFORE, BE IS RESOLVED, that the North Wilkesboro Board of Commissioners do hereby firmly request that the providers of broadband internet services in Wilkes County hastily provide the same service to the residents of the Canterbury Estates Development in North Wilkesboro, NC

This the _____ day of May 2019

Duly affirmed by action of the Board and executed by its Mayor and Town Clerk

Debra W. Pearson, Clerk to the Board

Robert L. Johnson, Mayor

**RESOLUTION #2019-6
IN OPPOSITION OF
SENATE BILL 179 AND HOUSE BILL 278
PARITY FOR FIRST RESPONDERS**

WHEREAS, the Town of North Wilkesboro is aware that Senate Bill 179 and House Bill 278 would create an unfunded mandate requiring it to provide and pay for a new retirement benefit for firefighters and rescue squad workers called a “special separation allowance;” and,

WHEREAS, municipal taxpayers would bear the entire cost of this new retirement without their local elected municipal officials having a say in this decision; and

WHEREAS, the legislation comes just weeks after the board which governs the Local Government Employees Retirement system, to which firefighters belong, made the difficult decision to require municipalities to increase the amount which they pay into the retirement

system by 1.2 percent of payroll in each of the next three years, which is approximately an additional \$75 million in annual costs from local government employers in each of those three years; and,

WHEREAS, a “special separation allowance” benefit would be in addition to the firefighter and rescue squad workers' pension benefit with an actuarial analysis by the state showing the present total value of the additional benefit for all eligible local government employees at roughly \$300 million; and,

WHEREAS, the cost of this new retirement benefit would be paid solely by the last employer, creating a deterrent to the hiring of late-career firefighters; and,

WHEREAS, cities and towns already have the authority in law to offer this benefit if they choose to do so without any state mandate; and,

WHEREAS, municipalities’ funding of the current retirement system has allowed it to remain one of the best-funded in the country, allowing all classes of employees to be secure in their retirement; and,

NOW, THEREFORE, BE IT RESOLVED that the Town of North Wilkesboro adopts this resolution in **OPPOSITION** of Senate Bill 179 and House Bill 278, Parity for First Responders.

FURTHER BE IT RESOLVED that copies of this resolution are transmitted to the members of the General Assembly representing the Town of North Wilkesboro to let them know of our opposition on this issue.

Adopted this the 7th day of May, 2019.

Debra W. Pearson, Town Clerk

Robert L. Johnson, Mayor

TOWN OF NORTH WILKESBORO
AMENDMENT TO BUDGET ORDINANCE
FISCAL YEAR ENDING 6/30/2019
BUDGET AMENDMENT #7

BE IT ORDAINED by the Governing Board for the Town of North Wilkesboro, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2019:

SECTION 1. To amend the General Fund budget as follows:

	<u>Debit</u>	<u>Credit</u>
10-4200-0200 Salaries & Wages Admin	\$60,000	
10-5000-7300 Capital Outlay Other Improvements		\$40,000
10-5000-7400 Capital Outlay Equipment	\$20,000	
10-5000-5400 Insurance & Bonds		\$10,000
10-5000-7500 Woodlawn Renovations		\$1,500
10-5000-1500 M&R Buildings and Grounds		\$28,500
10-5000-5700 Miscellaneous		\$19,800
10-5000-4600 Contracted Services Dev. Study	\$19,800	
10-4410-3300 Christmas Cheer	\$25	
10-4400-5700 Finance – Miscellaneous		\$25
10-5110-0200 Separation Allowance	\$16,000	
10-5110-0500 Separation Allowance FICA	\$1,400	
10-5100-0300 Police Aux.		\$17,400
10-6900-9901 Transfer to Capital Project		\$256,388
10-3990-0000 Appropriated Fund Balance	\$256,388	
Total	<u>\$373,613</u>	<u>\$373,613</u>

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and the Finance Officer for their direction.

Adopted this 7th day of May, 2019.

Robert Johnson, MAYOR

ATTEST:

Debra W. Pearson, Town Clerk

**TOWN OF NORTH WILKESBORO
AMENDMENT TO BUDGET ORDINANCE
FISCAL YEAR ENDING 6/30/2019
BUDGET AMENDMENT #8**

BE IT ORDAINED by the Governing Board for the Town of North Wilkesboro, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2019:

SECTION 1. To amend the Water Fund budget as follows:

	<u>Debit</u>	<u>Credit</u>
30-6900-8300 W Kerr Scott Planning Debt		\$313,572
30-8100-7415 W Kerr Scott Debt	\$313,572	
Total	<u>\$313,572</u>	<u>\$313,572</u>

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and the Finance Officer for their direction.

Adopted this 7th day of May, 2019.

Robert Johnson, MAYOR

ATTEST:

Debra W. Pearson, Town Clerk

**TOWN OF NORTH WILKESBORO
CAPITAL PROJECT ORDINANCE
YADKIN RIVER WATER INTAKE PROJECT**

BE IT ORDAINED by the Board of Commissioners of the Town of North Wilkesboro, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted.

SECTION 1. The project authorized is the **YADKIN RIVER WATER INTAKE PROJECT PLANNING PHASE.**

SECTION 2. The officers of this unit are hereby directed to proceed with the project within the terms of the budget contained herein.

SECTION 3. The following revenues are anticipated to be available for the project:

N C Department of Environmental Quality (Loan)	<u>\$621,550</u>
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SECTION 4. The following amounts are appropriated for the project:

Professional Services	\$450,000
Survey	\$ 30,000
Geotechnical Analysis	\$ 45,000
Stream Reclassification Permitting	\$ 20,450
Funding Assistance	\$ 18,600

	Property Acquisition	\$ 50,000
	Permitting Fees	\$ 7,500
Total		<u>\$621,550</u>

SECTION 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to provide the accounting required by any agreement associated with this project.

SECTION 6. Copies of this Capital Project Ordinance shall be furnished to the Clerk of the Governing Board and to the Finance Officer for direction in carrying out this project.

Adopted this _____ day of May, 2019.

ATTEST: _____
Debra W. Pearson, TOWN CLERK Robert L. Johnson, MAYOR

**ASSIGNMENT AND ASSUMPTION OF
TENANT'S INTEREST IN LEASE**

THIS ASSIGNMENT AND ASSUMPTION OF TENANT'S INTEREST IN LEASE this "**Assignment**") is effective as of June 30, 2018 (the "**Effective Date**"), by and among **TOWN OF NORTH WILKESBORO**, a body politic and corporate ("**Landlord**"), **WILKES PHYSICIAN NETWORK, INC.**, a North Carolina non-profit corporation ("**Assignor**") and **WAKE FOREST UNIVERSITY HEALTH SCIENCES**, a North Carolina non-profit corporation ("**Assignee**").

RECITALS :

A. Landlord, as landlord, and WRMC Hospital Operating Corporation ("**WRMC**") and Assignor, as tenant, entered into that certain Lease Agreement dated as of June 30, 2017 (the "**Lease**"), concerning various parcels of real property in the Town of North Wilkesboro, Wilkes County, North Carolina, on which are located an acute care hospital facility known as Wilkes Regional Medical Center, as well as other buildings and improvements in which medical practices and other health care delivery services are operated, all as more particularly described in the Lease.

B. In connection with a sale of substantially all of the assets of Assignor to Assignee, and as an activity necessary to winding up and liquidation of the affairs of Assignor following its dissolution pursuant to Section 55A-14-06 of the N.C. General Statutes, Assignor desires to assign, transfer and convey to Assignee, and Assignee desires to assume, all of Assignor's rights, titles and interests under the Lease, and Landlord desires to approve such assignment and assumption.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Assignment and Assumption. Assignor hereby assigns, transfers and conveys to Assignee all of Assignor's right, title and interest in, to and under the Lease. Assignee hereby accepts the foregoing assignment, and hereby agrees to assume, pay, perform and discharge, as and when due from and after the Effective Date, all the agreements, obligations, covenants and undertakings of Assignor under the Lease and agrees to be bound by all of the terms and conditions of the Lease. Landlord hereby approves the assignment and assumption of the Lease hereby by Assignee. Landlord acknowledges that notices sent to Assignee as tenant under the Lease should be delivered to the following address:

Wake Forest University Health Sciences
Medical Center Boulevard
Winston-Salem, NC 27157
Attn: Tim Bell, Property Management and Operations

2. Effect as to WRMC. It is the intention of Assignor and Assignee that this Assignment shall only pertain to the right, title and interest of Assignor in, to and under the Lease, and specifically that (i) the right, title and interest of WRMC in, to and under the Lease is

unaffected hereby, and (ii) WRMC shall remain a tenant under the Lease notwithstanding the assignment and assumption evidenced hereby between Assignor to Assignee.

3. Amendment to Memorandum. Landlord, Assignor and Assignee desire that the Memorandum of Lease dated June 30, 2017, and recorded June 30, 2017 in Book 1248, Page 386, Wilkes County Registry, be amended to reflect the assignment and assumption effected hereby, and in connection with their execution and delivery of this Assignment, Landlord, Assignor and Assignee have caused the Amendment to Memorandum of Lease attached hereto as Exhibit A to be executed, acknowledged and delivered, with the intention that Assignee shall also obtain the signature of WRMC thereon, and shall cause the same to be recorded, at Assignee's expense, in the Wilkes County Registry.

4. Miscellaneous. All capitalized terms not otherwise defined in this Assignment shall be given the meanings assigned to them in the Lease. This Assignment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument. The signature page of any counterpart may be detached therefrom without impairing the legal effect of the signature(s) thereon and attached to any other counterpart identical thereto except having additional signature pages attached to it.

signatures on following page]

IN WITNESS WHEREOF, Landlord, Assignor and Assignee have executed this Assignment effective as of the Effective Date.

ASSIGNOR:

WILKES PHYSICIAN NETWORK, INC.,
a North Carolina non-profit corporation

By: _____ (SEAL)

Name:

Title:

ASSIGNEE:

**WAKE FOREST UNIVERSITY HEALTH
SCIENCES,**
a North Carolina non-profit corporation

By: _____ (SEAL)

Name:

Title:

LANDLORD:

TOWN OF NORTH WILKESBORO,
a municipal corporation and body politic

By: _____ (SEAL)

Name:

Title:

April 18, 2019

Mr. Ed Evans
Town Manager
Town of North Wilkesboro
P.O. Box 218
North Wilkesboro, NC 28659

Dear Mr. Evans,

On behalf of the Wilkes EDC, I hereby respectfully request the Town of North Wilkesboro send their approved appropriation to our organization for the 4th quarter of our 2018-2019 budget. The annual amount approved was \$50,000. This would make the quarterly appropriation payment **\$12,500**.

If you have any questions, please let me know. Thank you for your continued support of the Wilkes EDC.

Sincerely,

Robin D. Hamby
Vice President
Wilkes EDC