

**OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
SEPTEMBER 14, 2015**

Chairman Ronda Jones
Vice Chairman Jimmy Walker
Commissioner J. Leon Inman
Commissioner Ernest Lankford
Commissioner James D. Booth

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Board in the Pledge of Allegiance.

GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA

Chairman Jones entertained a motion to approve or amend the September 14, 2015 Agenda.

Finance Director Julia Edwards requested to replace Budget Amendments #17 and #18 due to errors on the copies placed in September 28th Agenda.

Commissioner Lankford requested the following:

- Remove Budget Amendment #19 (District Resource Center) from the Consent Agenda and place it on the September 28th Discussion Agenda
- Remove the Certificate of Clerk – Re Approval of Tax-Exempt Loan to Volunteer Fire Department by the Board of Commissioners – Sauratown Volunteer Fire Department - Purchase of Fire Truck from the Consent Agenda and place on today's Discussion Agenda

Commissioner Lankford noted the following regarding his request:

- Need further discussion on both items

The Board had no issues with Finance Director Edwards' request and no issues with Commissioner Lankford's request.

Commissioner Booth moved to approve the September 14th Agenda with the changes requested by Finance Director Edwards and Commissioner Lankford. Vice Chairman Walker seconded and the motion carried unanimously.

COMMENTS - Manager/Commissioners

Chairman Jones opened the floor for comments from the Board and the County Manager.

County Manager Rick Morris commented:

- **Blood Drive**
 - County recently held a Blood Drive on August 31st
 - Very good turnout - collected 38 units
- **Cooperative Extension**
 - 4-H Agent Matt Barber recently received a State Award as the Best New 4H Agent
 - 4-H Agent Barber also received a National Award for his Environmental Education Program which will be given out in Oregon

Commissioner Lankford commented:

- Ethics for Life – “If thine enemy be hungry, give him bread to eat; if he be thirsty, give him water to drink” (Proverbs)
- Commend the Stokes County Arts Council for another successful Stokes Stomp held this past weekend

Commissioner Booth commented:

- Welcome everyone here today
- Appreciate people taking interest in what the County is doing
- Also like to commend the Stokes County Arts Council for another successful Stokes Stomp

Commissioner Inman commented:

- Would also like to welcome everyone here today
- Great to see people taking an interest in their county

Vice Chairman Walker commented:

- Apologize for being late for the meeting, had called the Clerk to let her know due to an unforeseen event, I would be a little late for today's meeting
- Good to see everyone here today
- Appreciate the encouragement and support the Board is receiving
- Hope the Board is going down the same path regarding fracking
- I have been pretty steadfast all along – which is that there needs to be a moratorium
- Need to give technology a chance to catch up with the process
- Do have a request to the members of our audience and the Chairman
- Was a bit concerned at the last meeting regarding people speaking out of turn from the audience
- When I ran a meeting as Chairman of this Board and Mayor of the town I live in, I did not allow that
- I think it takes away from the decorum of our meeting
- I think it deteriorates the process
- Would appreciate if anyone has anything to say, that they would get the Chairman's permission to speak
- Do not want to do anything to discourage anyone from attending the meetings
- We have times that there are only one or two people in the audience which is a bit disappointing
- Glad to have everyone here today

Chairman Jones commented:

- Understand it was another good Stomp, was in Charlotte this past weekend for Continuing Education
- Would like to recognize Commissioner Leon Inman who was recognized by the North Carolina Association of County Commissioners for meeting the requirements for the Mentor Level in the Local Elected Leaders Academy (LELA)

- A Mentor has completed a minimum of 84 credits (18 orientation credits + 42 focused in-depth credits + 24 elected credits)
- LELA recognizes county commissioners who have dedicated themselves to becoming effective local leaders for their communities
- Very big undertaking
- Commend Commissioner Inman for putting Stokes County on the map in a very positive way

PUBLIC COMMENTS

The following spoke during Public Comments:

E.A. “Buddy” Timm

PO Box 573

Walnut Cove, NC

Re: **“Just Governance – Duty”**

Mr. Timm read and presented the Board of Commissioners the following:

“In light of the discussions about law, caused by the chained and imprisoned Kim Davis for not issuing homosexual marriage licenses, I would like to speak on just or legitimate governance and what is our duty to uphold it; since we in the military and elected officials take an oath to uphold the Constitution, and George Washington added – so help me God. And, I would like to request that you individually or collectively, request our Governor and our General Assembly to reject false law – that which is not true – that which does not conform to reality – that of the Supreme Court’s Ruling: “homosexual marriage is Constitutionally lawful. Without truth, you cannot have justice.

The Constitution is the Supreme Law of the land as stated in Article VI, never forgetting that in Article IV, Section 4, it states: “The United States shall guarantee to every State in this Union a Republican Form of Government.” That means a representative form of government based on the laws of our Creator. Justice is conformity to our Creator’s Natural and Revealed Laws, Professor of Law, Dr. John Wu explains in his book: *“Fountain of Justice”*; and that, Christianity has been part of the Common Law from its beginning.

America’s foundational law was declared in 1776 which superseded all other laws, including the King’s laws. America’s Declaration reads: “When in the Course of Human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Stations to which the Laws of Nature and of Nature’s God entitle them...” The Laws of Nature and of Nature’s God is a legal term defined in our Founders’ Law Book – *“Blackstone’s Commentaries”* as the Bible’s Holy Scriptures, from which our Republic was founded. Then the Declaration concludes with Trust in God – “with a firm Reliance on the Protection of divine Providence....”

We must never forget our Founder’s first grievance: “He (the King) has refused his Assent to Laws, the most wholesome and necessary for the public Good”. Like our Founders complained, we should be refusing to accept the Ruling promoting the immorality of homosexual alleged marriage.

Where is our commitment to our Founder's use of Biblical Law for our Constitutional Republic? For, if there is a Right and Wrong, there must be a Moral Law to differentiate between the two, and if there is a Moral Law, there must be a Moral Law giver – God; but if there is no God, there is no Moral Law giver; therefore, there is no Moral Law and hence no Right and Wrong. Depravity will be our self-destruction.

Can we stay silent with that which is not true?"

Chairman Jones expressed the Board's appreciation to those who spoke in Public Comments.

CONSENT AGENDA

Chairman Jones entertained a motion to approve or amend the following items on the

Consent Agenda:

- Minutes of August 24, 2015 - Regular Meeting
- Minutes of June 11, 2015 - Joint Budget Work Session with the Board of Education

Sheriff's Department - Budget Amendment #17

Finance Director Julia Edwards submitted Budget Amendment #17.

To amend the General Fund, the expenditures are to be changed as follows:

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
Sheriff's Department				
100.4310.351	Maintenance & Repair-Auto	\$93,500.00	\$200.00	\$93,700.00
100.4310.511	Equipment – Non Capitalized	<u>\$164,000.00</u>	<u>\$8,000.00</u>	<u>\$172,000.00</u>
	Totals	\$257,500.00	\$8,200.00	\$265,700.00

This budget amendment is justified as follows:

To appropriate insurance claim funds to purchase a used vehicle to replace vehicle that was totaled in accident.

This will result in a **net increase** of **\$8,200.00** in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
100.3839.850	Insurance Claims	<u>\$664.00</u>	<u>\$8,200.00</u>	<u>\$8,864.00</u>
	Totals	\$664.00	\$8,200.00	\$8,864.00

Social Services - Budget Amendment #18

Finance Director Julia Edwards submitted Budget Amendment #18.

To amend the General Fund, the expenditures are to be changed as follows:

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
	Social Services			
100.5470.003	Special Adoption	<u>\$00.00</u>	<u>\$42,622.00</u>	<u>\$42,622.00</u>
	Totals	\$00.00	\$42,622.00	\$42,622.00

This budget amendment is justified as follows:

To appropriate Special Adoption Funds for expenditures.

This will result in a **net increase** of **\$42,622.00** in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
100.3301.216	Special Adoption	<u>\$00.00</u>	<u>\$42,622.00</u>	<u>\$42,622.00</u>
	Totals	\$00.00	\$42,622.00	\$42,622.00

District Resource Center - Budget Amendment #19

Budget Amendment #19 was approved to be removed from today's Consent Agenda and placed on the September 28th Discussion Agenda. (Request made by Commissioner Lankford)

Special Appropriation - Budget Amendment #20

Finance Director Julia Edwards submitted Budget Amendment #20.

To amend the General Fund, the expenditures are to be changed as follows:

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
	Special Appropriation			
100.4520.490	YVEDDI	<u>\$168,734.00</u>	<u>\$(455.00)</u>	<u>\$168,279.00</u>
	Totals	\$168,734.00	\$(455.00)	\$168,279.00

This budget amendment is justified as follows:

To adjust appropriation from the RGP Transportation and DOT WorkFirst per state funding for Fiscal Year 2015-16.

This will result in a **net decrease** of **\$(455.00)** in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
100.3301.263	RGP Transportation	\$120,347.00	\$367.00	\$120,714.00
100.3301.367	DOT WorkFirst	\$13,863.00	\$(822.00)	\$13,041.00
	Totals	\$134,210.00	\$(455.00)	\$133,755.00

Wilkes Communication, Inc. – Lease Agreement/Resolution – Administrative Correction

County Manager Rick Morris presented the approved Wilkes Communication, Inc. Lease Agreement and Resolution with a request to change the following underlined items which do not impact the context of the documents:

Resolution:

**RESOLUTION AUTHORIZING EXECUTION OF A GROUND LEASE TO
WILKES TELEPHONE MEMBERSHIP CORPORATION**

WHEREAS, RiverStreet Communications of NC, Inc. (dba Riverstreet Networks) a wholly owned subsidiary of Wilkes Telephone Membership Corporation has offered to lease from Stokes County an unimproved parcel of land consisting of approximately one acre and located at the intersection of Sheep Rock Road and Hwy 8 and 89 in Danbury, North Carolina for the purpose of constructing and operating an office and communications center to provide fiber optic broadband internet service to all areas of Stokes County, including unserved and underserved areas, all as more particularly set forth in the attached Lease Agreement; and

WHEREAS, the terms of said offer have been advertised for ten days as required by law, and no upset bid has been received by the County; and

WHEREAS, the terms of the attached lease are fair to the County, and provide an adequate rate of return based on the market value of the property; and

WHEREAS the construction and operation of an office and communications center to provide fiber broadband internet service to all of Stokes County, including unserved and

underserved areas of the county, will make available needed communication services to all Stokes County residents, and will be an economic benefit to all of Stokes County;

NOW THEREFORE, BE IT RESOLVED that the Stokes County Board of Commissioners hereby authorizes the Chairman and Clerk to the Board to execute, on behalf of Stokes County, the attached Lease Agreement, subject to a pre-audit certificate thereon by the County Chief Financial Officer and approval as to form and legality by the County Attorney.

Adopted this 14th day of September, 2015.

Chairman Ronda Jones

Vice-Chairman Jimmy Walker

Commissioner J. Leon Inman

Commissioner Ernest Lankford

Commissioner James D. Booth

Clerk to the Board Darlene M. Bullins

Lease Agreement:

NORTH CAROLINA

LEASE AGREEMENT

STOKES COUNTY

THIS LEASE, dated as of _____, 2015, and entered into by and between the County of Stokes, North Carolina, a political subdivision of the State of North Carolina, as lessor (the "County"), and RiverStreet Communications of NC, Inc. (dba RiverStreet Networks), a wholly owned subsidiary of Wilkes Telephone Membership Corporation, as lessee, ("RiverStreet"),

W I T N E S S E T H:

WHEREAS, the County and RiverStreet desire to provide fiber optic broadband services to all areas of Stokes County, including the unserved and underserved areas of the County;

WHEREAS, RiverStreet has proposed to lease from the County approximately one acre of vacant land located at the intersection of Sheep Rock Road and Hwy 8 and 89 as more particularly described on the attached Exhibit A, hereinafter referred to as the "Leased Property", to construct and use a building on the Property to be used as an office and communications center for said services;

WHEREAS, the County, has agreed to lease said Property upon the terms and conditions set forth herein;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

ARTICLE I

Definitions

All capitalized terms used in this Lease and not otherwise defined herein have the meanings assigned to them in the Lease Agreement, unless the context clearly requires otherwise. In addition, the following terms have the meanings specified below, unless the context clearly requires otherwise:

“Lease” means this Lease Agreement between the County and RiverStreet.

“County Representative” means the Chairman of the Board of Commissioners of the County or the County Manager or any person at the time designated by a written certificate furnished to RiverStreet and signed on the County’s behalf by the Chairman of the Board of Commissioners, to act on the County’s behalf for the purpose of performing any act under this Lease.

“Event of Default” means one or more events of default as defined in Section 11.1.

“Lease Term” means the term of this Lease as determined under Article IV.

“Lease Year” means the twelve-month period of each year commencing on June 1 and ending on the next May 31.

“Leased Property” means the Property as described in Exhibit A and the improvements thereon.

All references to articles or sections are references to articles or sections of this Lease, unless the context clearly indicates otherwise.

ARTICLE II

Representations, Covenants and Warranties

The County and RiverStreet each represent, covenant and warrant for the other’s benefit as follows:

(a) Neither the execution and delivery of this Lease, nor the fulfillment of or compliance with its terms and conditions, nor the consummation of the transactions contemplated hereby, results or will result in a breach of the terms, conditions and provisions of any agreement or instrument to which either is now a party or by which either is bound, or constitutes a default under any of the foregoing.

(b) To the knowledge of each party, there is no litigation or proceeding pending or threatened against such party (or against any other person) affecting the rights of such party to execute or deliver this Lease or to comply with its obligations under this Lease. Neither the execution and delivery of this Lease by such party, nor compliance by such party with its obligations under this Lease, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.

ARTICLE III

Demising Clause

The County hereby leases the Leased Property to RiverStreet, and RiverStreet hereby leases the Leased Property from the County, in accordance with the provisions of this Lease, to have and to hold for the Lease Term.

ARTICLE IV

Lease Term

Section 4.1 *Initial Term.* The Initial Lease Term commences on the date of the Lease and ends on May 31, 2025..

Section 4.2 *Renewal Options.* RiverStreet shall have an option to renew this lease for three consecutive ten year renewal Terms beginning at the expiration of the initial term. RiverStreet may exercise the option to renew by giving the County 90 days written notice of intent to renew prior to the end of the then existing term. If any renewal term is not exercised, then all RiverStreet rights under this lease shall terminate at the end of the then existing term.

Section 4.3 *Additional Renewals.* In the event that RiverStreet exercises all of its renewal options, and desires to renew this Lease for one or more additional terms, the County agrees to negotiate in good faith with respect to any such additional renewal terms.

ARTICLE V

Quiet Enjoyment

Section 5.1 *Quiet Enjoyment; Transfer.* The County hereby covenants that RiverStreet shall, during the Lease Term, peaceably and quietly have and hold and enjoy the Leased Property without interference or hindrance from the County, except in the event of default by RiverStreet, or as otherwise expressly required or permitted by this Lease.

The provisions of this Article are subject to rights to inspect the Leased Property as set forth herein.

ARTICLE VI

Consideration For Lease

Section 6.1 *Use of Leased Property.* RiverStreet hereby agrees to use the Leased Property as an office and communications center to provide fiber optic and broadband internet services to all areas of Stokes County, and for no other purpose.

Section 6.2 *Payments.* In partial consideration for its acquisition of rights to use the Leased Property during the Lease Term, RiverStreet hereby agrees to pay to the County monthly rent in the amount of \$168.00 payable in advance on the first day of each month during the lease term. Rent for the first partial month shall be pro-rated.

ARTICLE VII
Possession, Maintenance, Utilities, Repair and Taxes

Section 7.1 Possession. RiverStreet shall take possession of the Leased Property on the date of this Lease.

Section 7.2 Use, Maintenance, Repair, Insurance, Taxes and Assessments.

(a) **Maintenance; Repair.** RiverStreet shall use the Leased Property in a careful and proper manner, in compliance with all applicable laws and regulations. RiverStreet shall maintain the Property in a neat and attractive condition and shall be responsible for all landscaping, grounds and parking lot maintenance and repair.

(b) **Insurance.** RiverStreet shall maintain continuous insurance on the Leased Property, to include the following: (1) all-risk, fire, casualty and extended coverage insurance covering the Leased Property in an amount not less than one hundred percent of the full insurable replacement thereof, as the same may from time to time be determined, including any improvements, alterations and additions; and (2) comprehensive general liability insurance in an amount customarily maintained by the County at its other facilities. RiverStreet shall furnish to the County a Certificate of Insurance evidencing continuous coverage for all such insurance.

(c) **Taxes and Assessments.** RiverStreet shall also pay all taxes and assessments of any type or nature levied, assessed or charged against any portion of the Leased Property.

(d) **Utilities.** RiverStreet shall be responsible for all utilities expense and costs for utilities furnished to the Leased Property and improvements.

Section 7.3 Improvements and Modification of Leased Property, Liens.

(a) **Additions, Modifications and Improvements.** RiverStreet shall be totally responsible for all modifications or improvements to the Leased Property.

(b) **Water and Sewer.** RiverStreet shall be totally responsible for extension of any utility lines necessary to furnish the Leased Property with water & sewer service.

(c) **Liens.** RiverStreet will not permit any lien to be established or remain against the Leased Property for labor or materials furnished in connection with any additions, modifications or improvements made by RiverStreet under this Section. Except as provided in this Article and except as the County may consent thereto, RiverStreet shall not, directly or indirectly, create, incur, assume or suffer to exist any mortgage, pledge, lien, charge, encumbrance or claim on or with respect to the Leased Property, other than the respective rights of RiverStreet and the County as herein provided.

(d) **Condition of Property.** RiverStreet accepts the Property in "as is" condition, and County shall have no obligation or liability to make any repairs or improvements to the Property.

ARTICLE VIII

Corrective Action

Section 8.1 *Further Assurances; Corrective Instruments.* RiverStreet and the County agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for correcting any inadequate or incorrect description of the Leased Property hereby leased or intended so to be, or for otherwise carrying out the intention hereof.

Section 8.2 *RiverStreet and County Representatives.* Whenever under the provisions hereof the approval of RiverStreet or the County is required to take some action at the request of the other, unless otherwise provided, such approval or such request is to be given for RiverStreet by the RiverStreet Representative and for the County by the County Representative, and RiverStreet and the County are authorized to act on any such approval or request of such representative of the other.

ARTICLE IX

Title to Leased Property; Limitations on Encumbrances

Section 9.1 *Title to Leased Property and Improvements.* The Leased Property shall be owned by County at all times during the term of this Lease. During the term of this Lease, all improvements on the Leased Property paid for by RiverStreet shall be owned by RiverStreet. Upon the expiration or earlier termination of this Lease, the Leased Property shall continue to be owned by the County, and all improvements on the Leased Property shall become the property of the County.

Section 9.2 *Limitations on Encumbrances.* RiverStreet will not allow any encumbrances to be placed against the Leased Property or any improvements without the express written consent of the County.

ARTICLE X

Assignment, Subleasing and Indemnification

Section 10.1 *Assignment and Subleasing.* RiverStreet may not assign or sublease the Leased Property, in whole or in part, without the prior written consent of the County.

Section 10.2 *Indemnification.* RiverStreet agrees to indemnify and save the County, its officers, employees and agents harmless against and from all claims by or on behalf of any person, firm, corporation or other legal entity arising from the operation or management of the Leased Property by RiverStreet during the Lease Term, including any claims arising from: (a) any condition of the Leased Property resulting from the acts or negligence of RiverStreet and its employees and agents, (b) any act of negligence of RiverStreet or of any of its agents, contractors or employees or any violation of law by RiverStreet or breach of any covenant or warranty by RiverStreet hereunder; or (c) the incurrence of any cost or expense in connection with the construction of improvements. RiverStreet further agrees to investigate, handle, respond to, provide defense for, and defend the same at its sole expense and agrees to bear all other costs and expenses related thereto. RiverStreet shall be notified promptly by the County of any action or proceeding

brought in connection with any claims arising out of circumstances described in (a), (b) or (c) above.

ARTICLE XI

Events of Default

Section 11.1 *Events of Default.* Each of the following is an “Event of Default” under this Lease, and the term “Default” means, whenever it is used in this Lease, any one or more of the following events:

(a) RiverStreet failure to observe and perform any covenant, condition or agreement on its part to be observed or performed for a period of 30 days after written notice specifying such failure and requesting that it be remedied has been given by the County, unless the County agrees in writing to an extension of such time before its expiration; but if the failure stated in such notice cannot be corrected within the applicable period, the County shall not unreasonably withhold its consent to an extension of such time if corrective action is instituted by RiverStreet within the applicable period and diligently pursued until such failure is corrected and, further, if by reason of any event or occurrence constituting force majeure RiverStreet is unable in whole or in part to carry out any of its agreements contained herein, RiverStreet shall not be deemed in default during the continuance of such event or occurrence.

(b) The dissolution or liquidation of RiverStreet or the voluntary initiation by RiverStreet or the of any proceeding under any federal or state law relating to bankruptcy, insolvency, arrangement, reorganization, readjustment of debt or any other form of debtor relief, or the initiation against RiverStreet of any such proceeding which shall remain undismissed for 60 days, or the entry by RiverStreet into an agreement of composition with creditors or RiverStreet’ failure generally to pay its debts as they become due.

(c) The failure of RiverStreet to complete the construction of an office and communications center in a timely manner.

(d) The failure of RiverStreet to operate an office and communications center on the Leased Property on a continuous basis for the furnishing of fiber optic broadband services to Stokes County.

(e) Abandonment of the Leased Property by RiverStreet.

Section 11.2 *Remedies on Default.* Whenever any Event of Default has happened and is continuing, the County may terminate this Lease and take possession of the Leased Property; and/or take whatever action at law or in equity may appear necessary or desirable, including the appointment of a receiver, to collect the amounts then due, or to enforce performance and observance of any obligation, agreement or covenants under this Lease.

Section 11.3 *No Remedy Exclusive.* No remedy herein conferred on or reserved is intended to be exclusive, and every such remedy is cumulative and in addition to every other remedy given hereunder and every remedy now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing on any default impairs any such right

or power, and any such right and power may be exercised from time to time as may be deemed expedient. It is not necessary to give any notice in order to be entitled to exercise any remedy reserved in this Article, other than such notice as may be required in this Article.

Section 11.4 *Waivers.* If any agreement contained herein is breached by either party and thereafter waived by the other party, such waiver is limited to the particular breach so waived and will not be deemed to waive any other breach hereunder. A waiver of an event of default under the Contract shall constitute a waiver of any corresponding Event of Default under this Lease; provided that no such waiver shall extend to or affect any subsequent or other Event of Default under this Lease or impair any right consequent thereon.

Section 11.5 *Waiver of Appraisal, Valuation, Stay, Extension and Redemption Laws.* RiverStreet and County agree, to the extent permitted by law, that in the case of a termination of the Lease Term by reason of an Event of Default, neither RiverStreet nor the County shall or will set up, claim or seek to take advantage of any appraisal, valuation, stay, extension or redemption laws now or hereafter in force in order to prevent or hinder the enforcement of any remedy provided hereunder, and RiverStreet and the County, for themselves and all who may at any time claim through or under either of them, each hereby waives, to the full extent that it may lawfully do so, the benefit of such laws.

ARTICLE XII Miscellaneous

Section 12.1 *Notices.* All notices, certificates or other communications hereunder are sufficiently given if given by United States mail in certified form, postage prepaid, and will be deemed to have been received five Business Days (as defined in the Indenture) after deposit in the United States mail in certified form, postage prepaid, as follows:

- (a) If intended for the County, addressed to it at the following address:

County of Stokes, North Carolina
Government Center
P O Box 20, Danbury, NC 27016
Attention: County Manager

- (b) If intended for RiverStreet, addressed to it at the following address:

RiverStreet Networks, LLC
1400 River Street, Wilkesboro, NC 28697
Attention: _____

Section 12.2 *Binding Effect.* This Lease is binding on and inures to the benefit of RiverStreet and the County and their successors in interest, subject, however, to the limitations contained in Article XI.

Section 12.3 *Severability.* If any provision of this Lease, other than the requirement of the County to provide quiet enjoyment of the Leased Property, is held invalid or unenforceable by any

court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 12.4 Execution in Counterparts. This Lease may be simultaneously executed in several counterparts, each of which is an original and all of which constitute but one and the same instrument.

Section 12.5 Applicable Law. This Lease is governed by and to be construed in accordance with the laws of the State of North Carolina.

Section 12.6 Captions. The captions or headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Lease.

Section 12.7 Amendments and Further Instruments. The County and RiverStreet may, from time to time, execute and deliver such amendments to this Lease and such further instruments as may be required or desired for carrying out the expressed intention of this Lease.

Section 12.8 Memorandum of Lease. The County and RiverStreet shall, on or before the Closing Date, file this Lease or a memorandum of this Lease legally sufficient to comply with the relevant provisions of the North Carolina General Statutes with the Stokes County Register of Deeds.

Section 12.9 Renewal. RiverStreet shall have the right and option to renew this lease on the same terms and conditions as set forth in Section 4.2 herein.

Section 12.10 Attorney Fees. In the event of a default under the terms of this Lease, RiverStreet agrees to pay reasonable attorney fees incurred by the County in enforcing the terms of this Lease.

Section 12.11 Zoning Approval. The foregoing notwithstanding, this Lease is subject to zoning approval by the Town of Danbury, for the use of the Leased Property by RiverStreet.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed in their corporate names by their duly authorized officers, all as of the day and year first above written.

County of Stokes, North Carolina

By: _____
Ronda Jones, Chairman
Stokes County Board of Commissioners

Attest:

Darlene M. Bullins
Clerk to the Board of Commissioners

RiverStreet Communications of NC, Inc.
(dba RiverStreet Networks) a wholly
owned subsidiary of Wilkes Telephone
Membership Corporation

By: _____

Name: _____

Title: _____

STATE OF NORTH CAROLINA)
)
COUNTY OF STOKES)

I, a Notary Public of the County and State aforesaid, certify that Darlene M. Bullins personally came before me this day and acknowledged that she is the Clerk to the Board of Commissioners for the County of Stokes, North Carolina and that by authority duly given and as the act of said County, the foregoing instrument was signed in its name by the Chairman of the Stokes County Board of Commissioners and attested by her as Clerk to said Board of Commissioners.

Witness my hand and official stamp or seal, this the _____ day of _____, 2015.

Notary Public
Print: Name: _____

My Commission Expires: _____
(NOTARY SEAL)

STATE OF NORTH CAROLINA)
)
COUNTY OF _____)

I, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of Wilkes Telephone Membership Corporation and that by authority duly given and as the act of said Corporation, the foregoing instrument was signed in its name by him.

Witness my hand and official stamp or seal, this the _____ day of _____, 2015.

Notary Public
Print: Name: _____

My Commission Expires: _____
(NOTARY SEAL)

EXHIBIT A
Legal Description

County Manager Morris requested the Board of Commissioners review and approve the amended Wilkes Communication, Inc. Lease Agreement and Resolution with the corrected changes at the September 14th meeting.

Proposed ATM Lease Agreement – State Employees’ Credit Union

County Manager Rick Morris presented the following request from the State Employees’ Credit Union (SECU) regarding the lease agreement for the Automated Teller Machine (ATM) located in the upper parking lot of the Government Center Complex for the Board’s review and approval at the September 14th meeting:

- SECU wishes to exercise the ninth one-year renewal option
- Monthly rental payments will remain the same
- Lease term beginning January 1, 2016 to December 31, 2016

Certificate of Clerk – Re Approval of Tax-Exempt Loan to Volunteer Fire Department by the Board of Commissioners – Sauratown Volunteer Fire Department – Purchase of Fire Truck Proposed Capital Reserve Resolution for Fiscal Year 2015-16

Item approved to be moved to today’s Discussion Agenda (requested by Commissioner Lankford)

Commissioner Inman moved to approve the Consent Agenda as amended during the approval of the Agenda by the Board of Commissioners. Commissioner Booth seconded the motion.

Vice Chairman Walker confirmed with Chairman Jones that Budget Amendment #19 will be placed on the September 28th Discussion Agenda and Certificate of Clerk for the Tax-Exempt Loan for Sauratown Fire Department will be on today’s Discussion Agenda.

The motion carried unanimously.

GENERAL GOVERNMENT – GOVERNING BODY – INFORMATION AGENDA

CenterPoint Human Services – Biannual Update

Chief Executive Officer (CEO) Betty Taylor expressed appreciation to the Board for allowing time on today’s Agenda for the Biannual Update.

(CEO) Betty Taylor introduced CenterPoint’s new Chief Financial Officer (CFO) Cathy Wilson who replaced Kevin Beauchamp.

CEO Taylor turned the presentation over to CFO Wilson.

CFO Wilson presented the following financial information as of June 30, 2015:

- Expense Ratios
 - CenterPoint receives Medicaid and State Funding for services and administration
 - Revenue and expenditures are maintained independently
 - Medical and administrative expense ratios for Medicaid and State funds are tracked throughout the year
 - Medicaid Medical Expense Ratio
 - Averaged 91% for the fiscal year ending June 30, 2015
 - Medicaid Administrative Expense Ratio
 - Averaged 98% for the fiscal year ending June 30, 2015
- Preliminary Income State Fiscal YTD as of June 30, 2015
 - Fiscal Year 2015 YTD Actual
 - Funding streams were approximately \$11 million more than what was budgeted for the fiscal year; expenditures were held to approximately \$13 million less
 - Revenue Less Expenditures Before Risk Reserve
 - \$22,129,368
 - Less Risk Reserve set Aside
 - \$(2,877,117)
 - Revenue Less Expenditures
 - \$19,252,251
 - Savings can be used for future investments that are in line with CenterPoint's mission
- Days to Pay Clean Claims for Medicaid for the Period (07-01-14/06-30-15)
 - Have been able to maintain less than 10 days for paying a claim which is quite impressive across the State and the Nation
- Top Five Overall Reasons for Denied Claims for all Funding Sources for the Period June 2015
 - Medicaid B
 - Client has other covered insurance (BOC) =25%
 - Duplicate Claim = 24%
 - Claim received after billing period = 21%
 - Non-covered ancillary services = 15%
 - Service is not authorized = 15%
 - Medicaid C
 - Duplicate claim =77%
 - Service is not authorized = 20%
 - Claim received after billing period = 3%
- Medicaid Claim Denial Percentages for the Period 01-01-15/06-30-15 was an average of 8 percent with some months falling below 8% (Benchmark is 10%)

Chairman Jones opened the floor for questions/comments for CFO Wilson.

The Board had no questions for CFO Wilson.

CEO Taylor turned the presentation over to Chief Administrative Officer (CAO) Ronda Outlaw.

CAO Ronda Outlaw presented the following information:

- Access to Care
 - Total customer services calls = 7,379
 - Service Requests appear to be declining with Information Request increasing which is mainly due to the way the State requires calls to be categorized
 - Review of overall calls does reflect a slight decrease; believe this is due to some providers being able to provide some services without people having to call the customer services line (for example: there is no longer a requirement for a prior authorization for outpatient therapy; people are able to walk into open access centers and receive an evaluation and also see a psychiatrist on the same day)
 - Conclusion is that there has not been a significant decrease in the number of people who are seeking services
- Services Update
 - RHA Health Services is discontinuing the delivery of mental health services in the three CenterPoint counties; however, they will continue to deliver services to people with developmental disabilities
 - Provider Transition
 - DayMark Recovery Services picked up all services previously provided by RHA Health Services (IIH, ACTT, outpatient therapy/medication management) on 09-01-2015
 - New Service Site
 - Youth Haven – Will be opening a new Child Outpatient Therapy & Medication Management site at 131 Plant Street, Walnut Cove
- Day Treatment Utilization
 - Youth Haven picked up the Day Treatment last summer in the Stokes County schools
 - Meadowbrook Middle School (maximum capacity = 12)
 - Currently at maximum capacity
 - King Elementary School (maximum capacity = 24)
 - Currently have 12 students enrolled in the program
 - Youth Haven is also providing outpatient therapy at all 19 schools if needed
 - Currently delivering services in 18 of the 19 Stokes County schools
 - Youth Haven has done an outstanding job since picking up those services from RHA Health Services last summer
- Network Development (January-June 2015 Successes)
 - New Service/Support
 - Elementary School-based Day Treatment (King Elementary)
 - Ages Served = Child
 - Disability Served = Mental Health

- New Service/Support
 - Ambulatory Detox (Winston Salem)
 - Ages Served = Adult
 - Disability Served = Substance Use
- New Service/Support
 - 30-Day Comprehensive Assessment
 - Ages Served = Child
 - Disability Served = Mental Health, Substance Use, Dual Disorder
- New Service/Support
 - myStrength.com (web-based recovery tool for DayMark clients)
 - Ages Served = Child
 - Disability Served = Mental Health, Substance Use
- New Service/Support
 - Co-located behavioral health services at Stokes County Public Health Department
 - Ages Served = Adult, Child
 - Disability Served = Mental Health, Substance Use
 - Taking referrals from Public Health, DSS, and trying to meet the local needs with availability in the Northern part of the County
- New Service/Support
 - Spanish-speaking Intensive in-Home
 - Ages Served = Child
 - Disability Served = Mental Health, Substance Use
- New Service/Support
 - Residential Level II Group Home
 - Ages Served = Child
 - Disability Served = Mental Health
- New Service/Support
 - Wellness Center
 - Ages Served = Adult
 - Disability Served = All
- Working very hard to increase the referrals for needed services
- New Proposed Facility-Based Crisis Center – Services
 - 24/7 Behavioral Health Urgent Center
 - (12) 23-hour observation “chairs”
 - 16-bed inpatient unit with Involuntary Commitment (IVC) capability
 - Integrated on-site medical services (Novant Health and Baptist Medical Center)
 - Wellness Center similar to the Stokes County Center for peer support and recovery focus pre- and post-crisis
- New Proposed Facility-Based Crisis Center – Status
 - Lease agreement for Highland Avenue location pending
 - Request for Qualifications for “Construction Manager at Risk”
 - To save costs regarding the construction process

- Steering Committee of local stakeholders plus workgroups (Law Enforcement/EMS, medical clinic, care model, Wellness Center)
- Counties Support Behavioral Health (Statewide and National)
 - NC Association of County Commissioners provides leadership via statewide Mental Health Taskforce
 - Taskforce Chair Commissioner Leon Inman was recognized with NC Council 2015 Leadership Award
 - National focus: “Stepping Up” a jail diversion initiative
 - Working with Commissioner Inman to develop a stakeholder’s group that will help to define and implement some of the initiatives under “Stepping Up”

Chairman Jones opened the floor for questions/comments for CAO Outlaw.

Commissioner Inman commented:

- Stokes County Board of Commissioners was one of the first counties in the State to adopt the “Stepping Up Initiative” Resolution
- So far, only about ¼ of the counties have adopted the Resolution
- Pushing to get all counties to adopt the “Stepping Up Initiative” Resolution which is a joint initiative with the National Association of Counties
- Confirmed with CEO Taylor that the new Crisis Center, soon to be under construction, is being built with savings from Medicaid without a decrease in the service level and a state grant – no taxpayer dollars
- There is discussion in Raleigh regarding Bill 372, that both houses seem to be agreeing on, that would ask for a one-time nonrecurring return of Fund Balances of \$110 million from Managed Care Organizations (MCO) and \$150 million of nonrecurring Fund Balances next year
- CenterPoint will not be returning any from Fund Balance because they do not have any to return (approximately \$1.5 million balance) due CenterPoint has used Fund Balances in the past to lessen the impact of reduction of services to the catchment area

Chairman Jones commented:

- Attended the “Stepping Up” Workshop at the NC Association of County Commissioners’ Annual Conference
- There were a lot of counties who have done the “Stepping Up” Resolution that have not been accounted for by NCACC
- Feel there will be a lot of participation with the initiative

CAO Outlaw continued:

- Presented the Stokes County Clients Served (Unduplicated for Q4 FY 2014 through Q4 FY 2015

	Q4-FY 2014	Q1-FY 2015	Q2-DF 2015	Q4-FY 2015	Q4-FY 2015
MH	713	661	705	671	689
i/DD	118	124	123	121	127
SA	133	149	147	139	138

Dual	56	78	86	82	82
Total	1020	1012	1061	1013	1036

- Numbers of client served, as reported above, are based on approved (pending payment) and paid Medicaid and state-funded service claims for all disabilities
- 90-day billing window means that numbers will increase as additional claims are received
- Continue to focus on these numbers
- Very encouraged to see the number of people being served increase

CAO Outlaw presented the following Community Operations information for Community Operations Director Mike Bridges who was unable to attend today's meeting:

- Wellness Center Overview
 - Located at 3169 NC 8 HWY S, Walnut Cove
 - Emotional
 - Coping effectively with life and creating satisfying relationships
 - Environmental
 - Good health by occupying pleasant, stimulating environments that support well-being
 - Physical
 - Recognizing the need for physical activity, diet, sleep, and nutrition
 - Occupational
 - Personal satisfaction and enrichment derived from one's work
 - Spiritual
 - Expanding our sense of purpose and meaning in life
 - Social
 - Developing a sense of connection, belonging, and a well-developed support system
 - Financial
 - Satisfaction with current and future financial situations
- Upcoming Wellness Programing
 - Health Integration Peer Program
 - Autism Society parent support group
 - Wellness Recovery Action Planning
 - Mental Health First Aid Training
 - Suicide Prevention: Symptoms and Resources
 - Social Security Benefits Information
 - Financial Literacy
 - Arts and crafts classes
 - Healthy Eating Series
 - Walk to Wellness
 - Meet and Greet with faith leaders
 - Recovery Yoga
 - Parenting support group
 - Essential Oils for Health

- Awareness Campaigning
 - “What is Stopping You?” media campaign
 - Goal: Encourage people to seek services; reduce stigma
 - How? TV commercials, billboards, posters, magnets
 - Commissioner Inman, CenterPoint Board of Directors, is featured on the poster regarding “Treating the Whole Person”
- Crisis Intervention Team Training (40- Hour Training Course)
 - Four Stokes Law Enforcement Officers have been trained
 - EMS CIT Training – Nine Stokes Paramedics have been trained
 - Crisis Intervention Team Training for Probation Officers
 - Working on a Training for Probation Officers
 - Plan on offering the training to all Probation Officers in the County
- Stokes Stakeholder Meeting
 - Recognized need for local stakeholder group
 - Focus on strategies important to the community: Stepping Up initiative; quality of life
 - Starting in October
 - Will be working with Commissioner Inman on this new initiative
- FUNday
 - 9th Annual FUNday
 - September 25, 2015 – 10:00 am to 2:00 pm
 - King Central Park
 - Food, entertainment, activities
 - Hope everyone will be able to attend

Chairman Jones opened the floor for questions/comments.

Commissioner Booth commented:

- Appreciate the CIT training being provided to Law Enforcement and EMS

Chairman Jones confirmed with CAO Outlaw there could possibly be some funding made available for someone other than Law Enforcement and EMS for the CIT Training.

CAO Outlaw commented:

- The Mental Health First Aid Training is an 8-hour course which will be made available to DSS, Health, Schools or anyone who interacts with the public
- The course is designed to train people how to recognize a behavioral need, how to deescalate and intervene appropriately, and how to get that person linked with the needed care
- Will be available at the Stokes County Wellness Center

Vice Chairman Walker commented:

- Questioned how comfortable CenterPoint is regarding how information is getting out to the communities?
- Still wonder if the word is getting out to the public

CAO Outlaw responded:

- That is the purpose of the initiative “What is Stopping You”
- There are billboards in the County with the toll free number
- Feel the Wellness Center provides the needed information
- Feel there is always room to expand and appreciate any feedback regarding ways to get the information out to the public

Commissioner Inman responded:

- At one of the stakeholder’s meeting, we will talk about access to services and how we can increase the ways of getting information to the public
- Feel it is one of our jobs as a commissioner, to get the information out to the public
- A lot of public relations money being spent to get the information out to the public – advertising, printed materials, etc.
- CenterPoint made a decision that it was very important to get information out to the public in all four counties served by CenterPoint

CEO Taylor presented the following comments:

- Services to the people will continue to happen regardless of the state budget which is supposed to be released after 1:00 pm today
- Have been told that the State budget will include the recoupment of Fund Balances indicated by Commissioner Inman
- Have been told that state funding for indigent care will be slashed dramatically which continues the trend from the past five years
- As the need has increased with the economic downturn, the funding has decreased
- Thanks to the leadership team at CenterPoint who makes good things happen in spite of what is happening in Raleigh
- Have been told that Senate Bill #372, as referenced by Commissioner Inman, contains the provisions that for-profit commercial managed care will be allowed to apply to an RFP for three statewide contracts to provide medical Medicaid services
- In addition, there will be a certain number of regional contracts that the concept is the provider led organizations, most likely hospitals, would be allowed to apply for a rather aggressive timeline for implementation of that plan
- Have heard there might be some provision, we have heard most recently, for four years (my words, not the bill’s word) to hold MCOs harmless; MCOs would continue to administer Medicaid and state funds for behavioral health care
- Under the guidance of the Board of Directors, have been aggressively, since last September when negotiations with Partners terminated, to be very mindful what our strategic path was and to look for any opportunities
- Currently, considering an alternative arrangement that the Board of Directors will be discussing in September
- The Secretary told all CEOs of the MCOs last week, while lobbying for a longer term to be held harmless was occurring, to continue the 1915 BC Waiver which is very successful for the State
- The Secretary cut the presentation stating that you don’t need to know who the players are for the future, your job now is to get as big and as valuable in delivering services, so that the commercial for-profit will want you to handle this population

- I will be available to come back and talk more about specifics after the Board of Directors has discussed and directed me on the next steps
- Think this will move forward fairly quickly with our focus being on emphasizing our ability to continue to deliver quality services, to have high quality providers, to enable us to have a larger geographic scope that will be very marketable whether it be the provider led organizations or commercial managed care

Chairman Jones opened the floor for questions/discussion for CEO Taylor.

Commissioner Lankford confirmed with CEO Taylor, on that particular issue, that CenterPoint will be growing larger.

Commissioner Lankford and CEO Taylor both agree that will be okay as long as funding is available to support it and maintaining dedication to local connections which is the heart and soul of what we do.

Chairman Jones expressed the Board's appreciation to CEO Taylor and staff for today's update.

GENERAL GOVERNMENT – GOVERNING BODY – DISCUSSION AGENDA

Proposed Fracking Moratorium

Chairman Jones presented the following proposed Ordinance Establishing a Three-year Moratorium on Oil and Gas Development within Stokes County prepared by County Attorney Tyrone Browder:

STOKES COUNTY ORDINANCE ESTABLISHING A THREE-YEAR MORATORIUM ON OIL AND GAS DEVELOPMENT WITHIN STOKES COUNTY NORTH CAROLINA

Section 1. Name

This Ordinance shall be known and may be cited as "The Stokes County Oil and Gas Development Three-Year Moratorium".

Section 2. Definitions

The words and phrases defined in this Section shall have the following meaning in this Ordinance:

1. "Drilling" shall mean the sinking, penetrating, boring, or digging of a shaft or hole in the earth for any purpose.
2. "Gas" shall mean all natural gas, casing-head gas, coal-bed methane, and all other hydrocarbons not defined as oil in Subsection 4.
3. "Hydraulic Fracturing" or "Fracturing" or "Fracking" means all stages of the treatment of a well by the application of hydraulic fracturing fluid under pressure that is expressly designed to initiate or propagate fractures in a target geologic formation to enhance production of oil and/or gas.
4. "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas after it leaves the reservoir.
5. "Oil or Gas Development" means all or any part of the process of exploration, development or production of oil or gas, including without limitation, drilling, casing, operation, fracturing, completion, plugging and abandonment of wells, pads, impoundments and other associated activities.
6. "Oil or Gas Operator" means the person who acquires a lease or other property interest in surface and/or subsurface lands for the purpose of conducting exploration for or extracting oil or gas.
7. "Oil or Gas Owner" means the person who has the right to drill into and to produce from any pool, and to appropriate the production either for himself or for himself and others.
8. "Person" means any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind.
9. "Water Supply or "Water Resources" means any groundwater or surface water intended or used for human consumption, household purposes, farm, livestock, or garden purposes, or for conservation and preservation purposes.
10. "Well" means any new or existing shaft or hole drilled, sunk, bored, or dug into the earth or into underground strata for the extraction, injection, or placement of any oil, liquid, or gas; or any new or existing shaft or hole drilled, sunk, bored, dug or used in conjunction with such extraction, injection, or placement of any oil, liquid, or gas using hydraulic fracturing, fracturing or fracking methods. The term "well" does not include any shaft or hole drilled, sunk, bored, or dug into the earth for the sole purpose of testing for, pumping, or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural, public use, or other activity not related to oil or gas development activities.

Section 3. Jurisdiction

This Ordinance shall apply to all of Stokes County except for those areas included in incorporated municipalities and their extra-territorial jurisdictions.

Section 4. Purpose

The purpose of this Ordinance is to establish a moratorium to allow the Stokes County Board of County Commissioners time to (1) research and study the impact of Hydraulic Fracturing and other Oil and Gas Development activities in other states; (2) determine the adequacy of existing state and federal laws and regulations applicable to Hydraulic Fracturing and other Oil and Gas Development activities; (3) research and study the potential impact of Hydraulic Fracturing and other Oil and Gas Development activities on Stokes County's roads and other infrastructure, and natural resources, and health and safety of the residents of Stokes County; (4) develop standards and conditions to be implemented in the Stokes County Zoning Ordinance to address any impacts that are not adequately addressed by applicable state and federal regulations.

Section 5. Factual Findings

WHEREAS, the Stokes County Board of County Commissioners, based on its own research and information and views expressed by the residents of Stokes County, makes the following findings of fact with respect to conditions necessitating a moratorium on Hydraulic Fracturing and Oil and Gas Development activities in Stokes County:

1. Recent test drillings by the North Carolina Department of Energy and Natural Resources have detected signs of shale gas resources in southeastern Stokes County; and
2. The presence of shale gas resources in Stokes County raises the possibility of oil and gas exploration, development and production and specifically Hydraulic Fracturing or Fracking within Stokes County; and
3. Hydraulic Fracturing is a relatively new industry; and, significant environmental, community and human health impacts have resulted from Hydraulic Fracturing in other states, the full extent of which has not yet been determined; and
4. Stokes County is a small rural county which is primarily dependent on agriculture, agribusiness, tourism and residential development for its income; and
5. A large portion of the residents of Stokes County depend upon individual wells for drinking water from ground water supplies; and
6. Stokes County's unique geography and minimal separation between shale formations and groundwater supplies puts well water users disproportionately at risk of groundwater supply contamination; and
7. Hydraulic Fracturing could involve the use of hazardous materials and generate large quantities of toxic waste which Stokes County is not equipped to deal with due to its small size and rural character; and
8. Stokes County's current highway infrastructure is not equipped to handle the increased traffic from large commercial vehicles which could result from Hydraulic Fracturing activities; and

9. Oil and Gas Exploration, and specifically Hydraulic Fracturing poses a significant threat to the health, safety and welfare of the residents, environment and natural resources of Stokes County; and

10. Existing North Carolina statutes and regulations do not adequately protect the health and welfare of the residents of Stokes County; and also do not adequately protect the environment and natural resources within Stokes County; and

11. The Stokes County Board of County Commissioners needs additional time to study the impact of Hydraulic Fracturing and other Oil and Gas Development activities in other states; and determine the adequacy of existing state and federal laws and regulations; and

12. The Stokes County Board of County Commissioners needs additional time to study the potential impact of Hydraulic Fracturing and other Oil and Gas Development activities on Stokes County's roads and other infrastructure, and natural resources and health and safety of the residents of Stokes County; and

13. The Stokes County Board of County Commissioners needs additional time to revise and update the county's existing zoning ordinance for the purpose of developing standards and safeguards for Hydraulic Fracturing and Oil and Gas Development activities in order to protect the health and safety of the residents of Stokes County as well as protect the environment and natural resources of Stokes County.

14. Due to the complexity of the issues involved in Hydraulic Fracturing, the Stokes County Board of Commissioners needs a minimum of three years within which to develop standards and safeguards to protect the health and safety of the residents of Stokes County, as well as protect the environment and natural resources of Stokes County.

Section 6. Alternative Courses of Action Considered

The Stokes County Board of County Commissioners considered the following alternatives to a moratorium and determined that the following enumerated alternatives were inadequate:

1. The Board considered taking no action and letting the existing county zoning regulations together with federal and state regulations regulate potential Oil and Gas Development in Stokes County. This was not considered to be a viable alternative because the current county zoning regulations do not address the potential problems presented by the relatively new industry of Hydraulic Fracturing. Also, the Board did not feel that existing state and federal regulations address the problems that Hydraulic Fracturing could present to a small rural county such as Stokes County.

2. The Board also considered immediately amending the existing zoning ordinance to establish standards and safeguards for Oil and Gas Development in Stokes County; however, the Board determined that without further study and research, this would be premature and could result in standards that are inadequate to regulate or mitigate the local impacts, or that are unnecessarily stringent and might be subject to legal challenge as pre-empted by the state statute. The Board determined that it needed more time to determine what conditions are necessary and reasonable to supplement the state and federal regulations without being subject to pre-emption.

Section 7. Legal Authority

This Ordinance is enacted pursuant to (1) NORTH CAROLINA GENERAL STATUTE SECTION 153A-121, which grants Stokes County general ordinance making power; (2) NORTH CAROLINA GENERAL STATUTE SECTION 153A-123, which grants Stokes County authority to enforce its ordinances; (3) NORTH CAROLINA GENERAL STATUTE SECTION 153A-340, which grants Stokes County the authority to adopt zoning and development regulation ordinances to promote health, safety, morals, or the general welfare, including authority to adopt temporary moratoria; (4) NORTH CAROLINA GENERAL STATUTE SECTION 113-415.1, which addresses the county's ordinance making powers related to oil and gas development.

Section 8. Establishment of Moratorium

There is hereby established a three year moratorium on any approval required by the Stokes County Zoning Ordinance for Hydraulic Fracturing and/or Oil and Gas Development activities. It shall be unlawful and a violation of this Ordinance for any person within the jurisdiction to which this Ordinance applies to engage in Hydraulic Fracturing and/or Oil or Gas Development activities that require a Stokes County permit. The Stokes County Board of County Commissioners will use this three year moratorium period to study the impacts of oil and gas development activities in other states and develop a plan to regulate and mitigate impacts from these activities that are not adequately addressed by state and federal laws and regulations, the existing Stokes County Zoning Ordinance, and other ordinances, giving consideration to the health and safety of the citizens of Stokes County, and the protection of the environment and natural resources of Stokes County.

Section 9. Enforcement and Penalties

1. This Ordinance may be enforced by any legal or equitable remedies available, including, but not limited to, injunctive relief. The County Manager shall have authority to direct the County Attorney to take appropriate legal action to address any violation of this Ordinance.

2. Any person engaging in oil and gas development activities in violation of this Ordinance shall be guilty of a misdemeanor pursuant to NORTH CAROLINA GENERAL STATUTE SECTION 14-4, and shall be subject to a fine of \$500 per offense. Each day that a person continues to violate this Ordinance after receiving notice of violation shall be considered a separate offense.

Section 10. Moratorium Expiration

This Moratorium shall expire three years from the date of adoption of this Ordinance.

Section 11. Severability

If any portion of this Ordinance is determined to be invalid or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 12. Effective Date

This Ordinance shall be in full force and effect from and after adoption.

ADOPTED THIS THE _____ DAY OF _____, 2015 BY THE STOKES COUNTY BOARD OF COUNTY COMMISSIONERS.

Chairman Jones turned the floor over to County Attorney Tyrone Browder.

County Attorney Browder commented:

- Presenting a proposed Ordinance Establishing a Three-Year Moratorium on Oil and Gas Development within Stokes County, North Carolina for the Board's consideration and discussion
- This would establish a moratorium for three years regarding the issuance of any permits that would allow oil and gas development with fracking within the areas of Stokes County to which the Zoning Ordinance applies
- Purpose of the Ordinance would be to allow the Board sufficient time to do research and study the problems that have been encountered with fracking in Oil and Gas Development in other states and what the impact of these activities would be particularly to Stokes County being a very rural county
- Would also give the County time to develop rules, regulations, and ordinances in order to protect the health and safety of the citizens of Stokes County and to protect the environment and natural resources of Stokes County
- Five-page document
- Would be effective the day of adoption for three years from that date
- Would require a Public Hearing prior to the adoption per moratorium guidelines
- Have requested Planning Director David Sudderth be present at today's meeting for any questions or concerns

Chairman Jones opened the floor for discussion.

Vice Chairman Walker commented:

- Referred to Section 3 – Jurisdiction – This Ordinance shall apply to all of Stokes County except for those areas included in incorporated municipalities and their extra-territorial jurisdictions.
- Some county ordinances apply countywide unless they override jurisdictions
- Questioned County Attorney Browder if this moratorium could be structured in that way?

County Attorney Browder responded:

- This applies to the Zoning Ordinance which does not apply to the incorporated municipalities and their extra-territorial jurisdictions
- If those areas wanted to enact a moratorium, they could do so on their own
- The County has no authority within incorporated municipalities and their extra-territorial jurisdictions.

Vice Chairman Walker confirmed with County Attorney Browder that municipalities could also enact a moratorium.

Vice Chairman Walker continued:

- Seems very comprehensive, covers a lot ground
- What in simple terms would be the effect of this moratorium regarding fracking?

County Attorney Browder responded:

- It would prohibit, for a three-year period, the issuance of any permits to allow fracking or oil and gas development activities within that period

Vice Chairman Walker confirmed with Attorney Browder there are no “loop holes or wiggle room” that can be determined at this point and there would be no question that there would not be fracking in Stokes County for three years from the date of adoption.

County Attorney Browder noted Planning Director David Sudderth was in attendance to answer any questions as his understanding is that these activities are not permitted without a permit within that time period.

Vice Chairman Walker requested permission from Chairman Jones to allow Director Sudderth to make any comments, if so desired.

Chairman Jones had no issues allowing Director Sudderth to speak.

Director Sudderth commented:

- County Attorney Browder has covered most of the information
- It would go in as part of the Zoning Ordinance, it would be a permitted use under Conditional Zoning
- It would be like any other petition
- Right now it is currently not a permitted use in our Ordinance
- The Board would have to adopt something to allow it into the Ordinance and then it would be allowed the same procedures as any other zoning petition from any citizen in the County’s jurisdiction

Commissioner Booth commented:

- This has been a several meeting process with several interested citizens coming to meetings which has been very beneficial in gathering information
- You must listen to what people have to say and gather information
- This moratorium will allow the County to continue to gather information

- The Board's policy is to not comment on Public Comments made at each meeting, that is why I have not commented regarding this issue
- Information from the test in Walnut Cove is telling me that fuel in the shale is from 60 ft to 300 ft deep; wells in Stokes County can range from 60 ft to 800 ft
- Do not want to mess with the water table
- Heard at first it would be found in the range of 3,000 ft to 5,000 ft
- Stokes County is a rural county that depends on well water
- Will continue to be gathering information

Commissioner Inman commented:

- Would like to take a few moments to review
- Started the process a couple of years ago when we first heard of hydraulic fracturing
- Would admit to you, have heard of fracking a well for water, but it was fracking for water
- Those in this room, know that the air we breathe and the water we drink are imperative to life itself
- If you look at Maslow's Triangle Hierarchy of Needs, we know what is at the very top of that triangle
- We can live days without food, we can't live long without water
- Adopted a Resolution regarding fracking, on my way home, I received a call from a commissioner from Lee County who literally let me have it for adopting the resolution against fracking
- I told him, I was in Stokes County, and this Board is going to try to look after Stokes County
- That is where we live, we work, we play, we eat and drink
- We don't have much pipe in the ground in Stokes County, we have wells
- If you take away our water, you have taken away our life
- Saw a Mining and Energy Commission established by state legislature that was stacked the way they wanted – people from the mining and gas industries
- Fracking scares me to death
- I didn't like it then and don't like it now
- I am a big proponent of landowner rights
- I think you should be able to do with your land what you want to as long as it does not impact my property and my quality of life
- You can't frack in this county and not affect my quality of life because you are jeopardizing the water I drink
- Need to talk about "forced pooling" where someone can frack on my farm without my permission
- This Board has been very responsive; we have been doing our due diligence
- As Commissioner Booth noted, the Board does not comment to Public Comments, but that does not mean that we are not doing our due diligence
- Everyone who sits on this Board lives among you in this County
- Our lives are here
- We are very embedded in the community
- We go to church in the community

- We work in the community
- We deal with the same people that you do
- In this process, I have been extremely disappointed with some of things that have come out of the legislature
- What really makes me happy today is the price of gas; I hope it goes to \$1 a barrel
- Would love to see people cut back and not use as much so that the price goes so low that they would never want to frack in this county
- We sit on a aquifer
- If you mess that up in that Dan River Basin, where do we go?
- Bioremediation was turned down by this Board, it was not the state's decision; it did not fit our Land Use Plan and it would impact the quality of life perhaps by people around it and impact their property values
- I am a realtor, if your farm is fracked, it is worthless
- Not only is it worthless, but the adjoining property is worthless
- I would have to disclose information if property or if adjoining property had been fracked
- No one would want to buy property next to a parcel that has been fracked
- The state was very good with their preemptive nature
- I have had a long conversation with Richard Whisnant, Professor of Public Law & Government at School of Government at UNC-Chapel Hill
- The Senate Bill clearly states that counties and municipalities may not preempt the state statute
- This Board could pass an ordinance today that prohibits fracking in Stokes County that would not go anywhere
- We can do a three-year moratorium
- We can't discriminate against fracking
- Our Land Use Plan can't prohibit fracking in Stokes County
- We can do setbacks
- This country could have been on green energy 50 years ago, but it did not want it to, all because it was all about oil, gas, and big money
- Very much in favor of this proposed moratorium

Chairman Jones commented:

- Could parrot all of Commissioner Inman's comments
- Will add that this is for public safety and that is our number one motive that we have, not only for property rights, but public safety

Commissioner Lankford commented:

- Think most everything has already been said
- Stokes County is different from a lot counties because of the terrain and how the water system runs
- This Board has been doing their due diligence for a long time and will continue to do more due diligence during the three-year period
- As Director Sudderth stated, this is not a permitted use in the County's current Zoning Ordinance

- Adopting the Ordinance will provide the Board time to gather more information
- We will be doing more due diligence
- We will be doing our job, you can depend on that
- We will continue to represent the people of Stokes County

Vice Chairman Walker questioned County Attorney Browder if it would be advantageous to put wording into the proposed moratorium to where it could be renewed at the end of the three-year period?

County Attorney Browder responded:

- You would have to go through the same process according to general statutes
- You would have to review it at the end of the three-year period and establish the need for additional time
- You can't put in an automatic renewal
- It is possible you could renew it at the end of the three-period, but you must first establish the need for the renewal

Chairman Jones noted that she did not find anything about the Comprehensive Land Use Plan in the proposed moratorium, questioned if that is something that we should add to the proposed moratorium?

County Attorney Browder noted that language could be included in the proposed moratorium as an additional finding.

Vice Chairman Walker commented:

- Would agree to add if it strengthens the moratorium, but if it opens the door to certain areas of the county, makes those more vulnerable, would have concerns about placing that language in the proposed moratorium
- Before we include the Comprehensive Land Use Plan, we would want to look at how our County is laid out to be sure we are not inviting, in the future, attention to some parts of our county versus other parts of the county

County Attorney Browder noted he felt it could possibly strengthen the moratorium.

Vice Chairman Walker noted that he wanted to make sure it would not make certain parts of the county more of a target.

Commissioner Lankford questioned if this needs to go to the Planning Board before any action is taken or before any Public Hearing?

Planning Director David Sudderth noted that any issues dealing with the Zoning Ordinance would have to go through the normal process.

County Attorney Browder responded:

- This does not have to go before the Planning Board as the County is not amending the Zoning Ordinance

The Board unanimously agreed to hold a Public Hearing in Courtroom “A” of the Government Center at their scheduled meeting on Monday, September 28th.

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item on the September 28th Action Agenda and to advertise for the Public Hearing.

Proposed Session Law – An Act to Prohibit the Possession or Consumption of Alcohol on Rivers in Stokes County

County Manager Rick Morris presented the proposed Session Law – An Act to Prohibit the Possession or Consumption of Alcohol on Rivers in Stokes County for the Board’s review and consideration:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**SESSION LAW _____
SENATE BILL _____**

**AN ACT TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOL ON RIVERS
IN STOKES COUNTY.**

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to possess or consume any alcoholic beverage on the waters of any river in Stokes County or within 50 feet of the banks of any river in Stokes County unless consumption is in a venue licensed and approved by the State of North Carolina.

SECTION 2. This act does not apply to the actions of a landowner, the landowner’s lessee, or the landowner’s or lessee’s guests on the landowner’s property, if that property is adjacent to a river. It also does not apply to the waters in Stokes County that have been impounded to form Belews Lake, which is owned by Duke Energy.

SECTION 3. Violation of this act is a Class 3 misdemeanor punishable by a fine of not less than fifty dollars (\$50.00)

SECTION 4. This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

SECTION 5. This act applies only to Stokes County.

SECTION 6. This act becomes effective on _____, and applies to offenses committed on or after this date.

s/ _____
President of the Senate

s/ _____
Speaker Pro Tempore of the House of Representatives

County Manager Rick Morris commented:

- This proposed Session Law will remove the use of alcohol from the rivers in Stokes County
- The basis of this Session Law is the environment on the rivers that we feel has been created by the use of alcohol from a tourism standpoint that is not really what the County desires and becoming a less friendly environment as people tube, kayak and participate in other activities on the river
- Back in 2005, Polk County had the same kind of issues with their rivers with activities similar to Stokes County as far as tourism and use of the river
- Polk County had a Session Law approved by the Legislature to remove the use of alcohol on the rivers; this had a tremendously positive effect on the total environment, increased business, increased tourism and provided a much better environment for families who used the river
- Our Legislators are willing to take the proposed Session Law in the short session next year
- Request Board members review the proposed law for any suggestions
- Sheriff Mike Marshall, Wildlife Officers Carey Bostic, D.J. Woods, and David Cox are in attendance for today's meeting to answer any questions and would be intricately involved in the enforcement of these kind of things on our rivers if this Session Law were to get approved by the State Legislature
- Would like for the Wildlife Officers to comment on a recent "sting" operation done on the river a few weekends ago
- County Attorney and I both agree this is the kind of subject that needs to have a Public Hearing
- Request the Board schedule a Public Hearing for the September 28th meeting for citizen input
- Request the approval at the September 28th meeting
- Have already heard positive comments from several of the business owners who do tubing and kayaking and sell alcohol and are in favor of having this Session Law adopted to clean up the environment currently on the river and to improve tourism
- The business owners and law enforcement must deal with all the issues that are generated from the bad behavior which we think a large part is caused by the overuse of alcohol on the river

County Attorney Browder commented:

- This type of action has to be done through the legislature since it is dealing with navigable waterways

- County does not have the authority to enact laws dealing with navigable waterways

Chairman Jones opened the floor for comments/discussion from Sheriff Mike Marshall, Wildlife Officers, and commissioners.

Sheriff Mike Marshall commented:

- One thing I would like for the commissioners to know, regarding the Sheriff's Department, this act does not apply to the actions of a landowner, the landowner's lessee, or the landowner's or lessee's guests on the landowner's property or their business, if that property is adjacent to a river
- Have received complaints from landowner's regarding exposure, littering, trespassing/intruding, etc. on private property
- Have been in meetings with property owners who are irate about being overrun on their own property
- In almost every instance that I have talked to property owners, alcohol has been involved
- Feel this Session Law will help to protect the citizens, property owners, and visitors

Vice Chairman Walker confirmed with Sheriff Marshall that this Session Law has his full support and gives his concurrence to the wording of the proposed Session Law.

Commissioner Lankford questioned if wording needed to be added regarding littering on private property?

County Manager Morris noted that was already a law and did not need to be included in the proposed Session Law.

Vice Chairman Walker suggested including wordage on the signage that will be put up, if the Session Law is approved by the Legislature, to remind people about the littering fines.

Sheriff Marshall continued:

- Constantly hear comments from people who come off the river that they will never come back due to environment of the river

Commissioner Inman commented:

- Noted an economic development workshop he attended about 7 or 8 years ago with Vice Chairman Walker at a conference in which commissioners were asked to talk about their county's assets
- Both mentioned the great people of Stokes County first and the second thing was the aesthetic beauty of this County – Sauratown Mountains and the Dan River

- Congratulate this Board on taking a proactive approach and the support of the Sheriff and Wildlife Officers to help keep our County clean
- People should not have to tolerate drunkenness
- Have previously discussed the littering on the river
- Do not believe this Session Law infringes on anyone's rights
- Feel this is a very good proactive step

Commissioner Booth commented:

- Noted the fine of not less than fifty dollars
- Questioned if the court costs could be included in the Session Law so that people would know the total cost?

Sheriff Mike Marshall noted that the cost of court is usually not included because the court costs change all the time and the total cost, if it were approved today, would be around \$280.

Commissioner Booth suggested the wording "plus court costs" be put in the Session Law.

County Attorney Browder noted there would be no problem in adding Commissioner

Booth's recommendation – "plus court costs"

Commissioner Booth continued:

- Soil and Water has gotten three grants (approximately \$1.7 million) within the last six years in three counties to improve the water quality in the Dan River
- Stream restoration has just started on Big Creek
- Things are being done to protect our river
- We want people to come and enjoy the river

Vice Chairman Walker requested time for the Wildlife Officers to speak.

Wildlife Officer Carey Bostic commented:

- Have equipment to do the enforcement, but also try to bring in other manpower from other districts to help with enforcement
- Four weeks ago, had a detail that involved 10 officers who made 41 arrests on the river which included 3 cocaine arrests, underage drinking, marijuana, drunkenness and disorderly
- Had one lady who was drinking liquor and cussing everyone on the river who ended up going to jail
- If we could have had 20 officers, could probably made 80 arrests
- If we could have had 30 officers, no telling how many arrests could have been made
- Requested Officer Woods to give the statistics of the arrests

Wildlife Officer D.J. Woods commented:

- Wildlife Officers have other duties other than policing the river such as Belews Lake
- Would love to come to the Dan River and work it more but obviously we are strapped with time
- That particular day, there were 41 arrests, but it is like this every time we come to the Dan River
- I also have heard numerous complaints, like the Sheriff mentioned, from visitors who come from across the State and are baffled at what they saw coming down the river
- Their comment is usually that they will not be coming back here
- Do believe with the Session Law, it will attract the kind of tourists that we want in Stokes County
- Young children are being exposed to the drinking, cussing, and disorderly people while they are floating down the river
- Do believe a majority of the issues are concentration in a particular area – between Seven Island Bridge and Moratock Park
- Will continue to enforce as much as possible

Commissioner Booth confirmed with Officer Woods that most of the arrests done that weekend are pending court dates – most are scheduled for October.

Wildlife Officer Woods responded:

- A lot arrests are waivable offenses which means there is a minimum fine set with court costs
- With the new law, there would be an additional charge added

Vice Chairman Walker commented:

- Questioned if everyone was checked or just those who appeared to be causing problems?

Wildlife Officer Woods responded:

- Absolutely not
- Without reasonable suspicion or probable cause, we have no reason to check everyone floating down the river
- The only time we approach someone is when we have actually seen a violation in progress
- Do not check everyone's coolers
- General Statutes does not allow officers to inspect everyone's cooler unless we have reasonable suspicion or probable cause

County Manager Rick Morris confirmed with Board members that the wording of "rivers in Stokes County" was adequate and did not need to specify Dan River.

The Board discussed a possible Public Hearing at the September 28th meeting.

The Board unanimously agreed to hold a Public Hearing at the September 28th meeting.

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item on the September 28th Action Agenda and advertise a Public Hearing for the September 28th meeting.

Proposed Application for Transportation Operating Assistance – Fiscal Year 2016 Rural Operating Assistance Program Funds

County Manager Rick Morris noted that Transportation Director Jeff Cockerham, YVEDDI, was present for today's meeting to present the annual Application for Transportation Operating Assistance for Fiscal Year 2016 – Real Operating Assistance Program Funds.

County Manager expressed appreciation to Director Cockerham for the outstanding service provided by YVEDDI during the recent Stokes Stomp.

Director Jeff Cockerham presented the following information regarding the FY 2016 Rural Operating Assistance Program:

- NC Department of Transportation distributes the Rural Operating Assistance Program Grant known as the ROAP Grant to all the rural counties in NC that apply
- Purpose of the grant is to assist with the operating cost of providing transportation to residents in the following groups in Stokes County
 - Elderly and Disabled Fund
 - This year's allocation to Stokes County is \$58,829
 - YVEDDI uses this fund to transport those 60 years old or older and those persons with disabilities to dialysis and critical medical appointments
 - Fund is limited and is not enough for all medical needs, YVEDDI supplements this fund by using the General Public Fund for general medical appointments
 - This is an increase of \$200 over last year's allocation of \$58,629
 - Rural General Public Fund
 - This year's allocation to Stokes County is \$61,885
 - YVEDDI uses this fund to provide general medical trips and any general public trips in the county
 - Anyone that resides in the county or is visiting the county is eligible to ride using this fund
 - This is an increase of \$167 from last year's allocation of \$61,718
 - Employment Fund
 - This year's allocation to Stokes County is \$13,041

- This is a reduction of \$822 from last year's allocation of \$13,863
- Requesting \$5,000 be allocated to DSS for the Employment Program and the remaining \$8,041 to YVEDDI for their program
- Eligible participants for this program are:
 - Anyone transitioning off WorkFirst or TANF during the past 12 months
 - Anyone in a WorkForce Development Program
 - The transportation disadvantaged public
- Eligible activities are:
 - Any work or work related activity
 - GED or any continuing education activity
 - Job search
- No Public Hearing is required this year
- Have sent surveys to other agencies regarding the allocation of this year's funding
- Have information regarding YVEDDI Transportation on the County's website
- Request the ROAP Application be placed on the September 28th Action Agenda for approval (authorize the county manager and finance director to execute the application)
- Request approval for YVEDDI to manage the ROAP Funds as presented in the application
- Approve the Certified Statement – FY 2016 – Rural Operating Assistance Program
- Approve the Memorandum of Agreement -Rural Operating Assistance Program

Director Cockerham also requested the following regarding the FY 2015 ROAP Funding:

- \$7,655 was unexpended in Stokes Employment Funds
- Will have to be returned to NCDOT if not transferred to another ROAP Program
- YVEDDI provided Stokes residents with over \$17,000 worth of trips in excess of state allocations in Elderly and Disabled Budget for FY 2015
- Would request the Board of Commissioners authorize the Finance Director to sign the ROAP Report to transfer the unexpended Employment Funding of \$7,655 to overspent Elderly/Disabled Funding which provided dialysis for Stokes County residents for FY 2015

Chairman Jones opened the floor for discussion.

Vice Chairman Walker confirmed with Director Cockerham that this year's application "is business as usual" and the need for the approval today to transfer unspent Employment Funding for FY 2015 to Overspent Elderly and Disabled Funding.

Vice Chairman Walker had a question for Manager Morris and DSS Director Elmes: "Do either of you have any questions or concerns regarding the information presented by Director Cockerham?"

County Manager Morris and Director Elmes both acknowledged that there were no issues with the information presented by Director Cockerham for FY 2016.

Commissioner Inman commented:

- The services provided by the Elderly and Disabled Fund are to some of the County's most vulnerable citizens – elderly and disabled who have no other means of transportation
- YVEDDI has a great history of serving the County
- Director Cockerham has done a great job managing those funds
- Would like to recognize Vice Chairman Walker and Commissioner Lankford for their service on the YVEDDI Board

The Board discussed Director Cockerham's request to transfer unexpended Fiscal Year 2015 Employment Funding to the Elderly and Disabled Funding.

Commissioner Booth commented:

- Have no issues with the request to transfer unspent Employment Funds to the overspent Elderly and Disabled
- Know some of the people who use YVEDDI for transportation to dialysis and greatly appreciate the service
- Recommend Director Cockerham speak to Interim Economic Development Director David Sudderth who introduced a new app at the Stokes Stomp that deals with restaurants, lodging, etc. – might be able to include YVEDDI on the new app

Vice Chairman Walker confirmed with Director Cockerham that YVEDDI provides door to door services for clients.

Vice Chairman Walker noted that YVEDDI provides a very valuable service to Stokes County residents.

The Board discussed the request for transfer of unexpended funds for FY 2015.

Director Cockerham noted that the report must be in Raleigh by September 28th for the FY 2015 funding.

The Board unanimously agreed to authorize Finance Director Edwards to transfer unexpended FY 2015 Employment Funds to Elderly and Disabled Funds for trips.

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item

on the September 28th Action Agenda.

Tax Administration Report – August 2015

Tax Administrator Jake Oakley presented the following informational data for the August Report:

Fiscal Year 2015-16	Budget Amt	Collected Amt	Over Budget	Under Budget
Current 2015 Taxes Percentage = 0.5224%	\$20,083,177.00	\$10,492,023.81		\$9,591,153.19
New Schools F-Tech Fund Percentage = 0.5301%	\$1,295,689.00	\$686,830.90		\$608,858.10
Prior Taxes County Regular & Motor Vehicles Percentage = 0.1711%	\$675,000.00	\$115,469.00		559,531.00

Business and Personal Property Discovery Report

Audit Dates	Accts	Total Value	Taxes Due
(08-01-15/08-31-15)	3	\$7,254.00	\$66.24
(07-01-15/06-30-16)	7	\$23,058.00	\$200.31

Motor Vehicle Release Report

Audit Dates
Assessment through NC
Department of Motor Vehicles

Garnishment Totals

Month	Total Accounts	Original Levy Amount	Collected Amount
(08-01-15/8-31-15)	47	\$8,377.50	\$21,965.31
F/Year 2015-16			
(07-1-15/6-30-16)	87	\$43,328.97	\$38,737.05

Interstate Collection Report

August 2015

	Collection	Total Collected
Cumulative Total Collected to Date	NC Debt Setoff	\$235,247.42
Cumulative Total Collected (to date)	Motor Vehicles	\$134,243.04
Cumulative Total Collected (to date)	Property Taxes	\$49,251.57
Cumulative Total Collected (to date)	EMS	<u>\$300,073.29</u>
Collected (to date)	All Categories	\$483,567.90

Collection of New State Motor Vehicle Billings

Tax Administrator Jake Oakley presented the following Collection of New State Motor

Vehicle Billing for the Board's review:

- Graph shows each month's collection per taxing codes:
July 2015

New VTS System

Tax Code	Levy	Interest	Adjustment	Billing	Net
Jurisdiction	Billed	Paid	Made	Cost	Collected
City of King	\$19,272	\$169	-\$333	-\$979	\$18,129
King Car Fee	\$2,470	\$21	None	None	\$2,491
Walnut Cove Town	\$3,219	\$26	None	-\$137	\$3,108
Danbury Town	\$256	None	None	-\$11	\$245
School Tax	\$13,002	\$95	-\$75	-\$578	\$12,444
King Fire	\$3,729	\$17	-\$30	-\$168	\$3,548
Rural Hall Fire	\$637	\$4	None	-\$28	\$613
Walnut Cove Fire	\$2,111	\$15	-\$14	-\$94	\$2,018
General County	\$195,789	\$1,436	-\$1,123	-\$8,709	\$187,393
Service Fire	\$11,326	\$90	-\$27	-\$501	\$10,888
Total Collected	\$251,811	\$1,873	(\$1,602)	(\$11,205)	\$240,877

- Cost in the New VTS System is calculated in all areas of billing (staffing, contracting, postage, DMV, software, etc.) by the NC Department of Revenue and prorated on each taxing district per bill
- Cost in car fees for the City of King is calculated in the City of King Bills

CUMULATIVE COLLECTION FOR FISCAL YEAR 2015-16
NC Vehicle Tax System Summary per Tax District)

Total Cumulative Collected to date (NCVTS) system	City of King/Car fee	\$21,599.00
Total Vehicles Billed Per Tax Code 545	Total Expenses	<u>\$(979.00)</u>
Average Cost per Bill = \$1.80	Total Net Collected	\$20,620.00
Total Cumulative Collected to date (NCVTS) system	Town of Walnut Cove	\$3,245.00
Total Vehicles Billed Per Tax Code 130	Total Expenses	<u>\$(137.00)</u>
Average Cost per Bill = \$1.05	Total Net Collected	\$3,108.00
Total Cumulative Collected to date (NCVTS) system	Town of Danbury	\$256.00
Total Vehicles Billed Per Tax Code 12	Total Expenses	<u>\$(11.00)</u>
Average Cost per Bill = \$0.92	Total Net Collected	\$245.00
Total Cumulative Collected to date (NCVTS) system	F Tech/School Fund	\$13,022.00
Total Vehicles Billed Per Tax Code 4,896	Total Expenses	<u>\$(578.00)</u>
Average Cost per Bill = \$0.12	Total Net Collected	\$12,444.00
Total Cumulative Collected to date (NCVTS) system	King Fire District	\$3,716.00
Total Vehicles Billed Per Tax Code 779	Total Expenses	<u>\$(168.00)</u>
Average Cost per Bill = \$0.22	Total Net Collected	\$3,548.00

Total Cumulative Collected to date (NCVTS) system	Rural Hall Fire District	\$641.00
Total Vehicles Billed Per Tax Code 139	Total Expenses	<u>\$(28.00)</u>
Average Cost per Bill = \$0.20	Total Net Collected	\$613.00
Total Cumulative Collected to date (NCVTS) system	Walnut Cove Fire Dist.	\$2,112.00
Total Vehicles Billed Per Tax Code 523	Total Expenses	<u>\$(94.00)</u>
Average Cost per Bill = \$0.18	Total Net Collected	\$2,018.00
Total Cumulative Collected to date (NCVTS) system	General County	\$196,102.00
Total Vehicles Billed Per Tax Code 4,896	Total Expenses	<u>\$(8,709.00)</u>
Average Cost per Bill = \$1.78	Total Net Collected	\$187,393.00
Total Cumulative Collected to date (NCVTS) system	Service Fire District	\$11,389.00
Total Vehicles Billed Per Tax Code 2,780	Total Expenses	<u>\$(501.00)</u>
Average Cost per Bill = \$0.18	Total Net Collected	\$10,888.00
Total Cumulative Collected NCVTS through July		
(all tax districts)		\$252,082.00
Total Expenses for NCVTS through July (all tax districts)		\$ (11,205.00)
Total net collected for NCVTS through July (all tax districts)		\$240,877.00
Average cost per total billings through July		\$2.29 per bill
Lowest cost billed = \$2.08 (County, School Fund, Service Fire based on 4,896 cars)		
Highest cost billed = \$3.70 (County, School Fund, King City based on 545 cars)		

EMS Billing & Collections for Fiscal Year 2015-16

Tax Administrator Jake Oakley presented the following EMS Billing & Collections

Report for Fiscal Year 2015-16 for the Board's review:

Transports				Medicare Medicaid Non	Other Non	Collection
Month	Billed	Charged	Collected	Billable*	Billable*	Rate
Jul-15	481	\$264,725.10	\$141,902.31	\$44,654.00	\$5,450.71	53.02%
Aug-15	235	\$136,920.60	\$121,859.97	\$52,114.81		89.00%
Sep-15						
Oct-15						
Nov-15						
Dec-15						
Jan-16						
Feb-16						
Mar-16						
Apr-16						

May-16
Jun-16
Totals 686 \$401,645.70 \$236,762.28 \$96,768.81 \$5,450.71 65.67%
Non Billable are contractual obligation, amount for which the patient can't be billed

Commissioner Booth questioned Tax Administrator Oakley regarding the difference in the number billed in July versus August and the amount collected in August versus July?

Tax Administrator Oakley responded:

- Payments usually run about 3 months behind
- What was collected in July might be April's bills
- Transports normally vary
- The collection does not have anything to do with the number of calls due to the payments are normally a few months behind

Releases Less than \$100 – Real and Personal Property

Tax Administrator Jake Oakley presented the following Releases less than \$100 –

Real and Personal Property (August 2015) at the September 14th meeting for the Board's review:

**Releases Less Than
\$100 - Real/Personal
Property**

Name	Bill No	Amount
Clifton Cale	309884-2015	\$36.50
Lester Bennett	301957-2015	\$78.84
William Hornaday, Jr	302508-2015	\$43.52
Annette Dew	297671-2015	\$51.38
Ronald Simmons	5592-2015	\$6.00
James Anthony Nelson	7003-2015	\$46.70
Charles D Collins	280607-2015	\$6.00
Dennis Rufus Sapp Jr	11688-2015	\$9.31
Dennis Rufus Sapp Jr	11688-2014	\$10.16
Michael Froelich	285303-2015	\$6.00
Robert Taylor Flynn	283015-2015	\$6.00
Jeffrey Wall	2944-2015	\$2.41
Jeffrey Wall	2944-2014	\$2.56
David A Bailor	5218.2015	\$3.54
David A Bailor	5218-2015	\$4.12
Wells Fargo Fin Leasing	2852-2015	\$47.90
Wallace Transport LLC	10541-2015	<u>\$57.08</u>
Total		\$418.02

Refunds Less than \$100 – Real and Personal Property

Tax Administrator Jake Oakley presented the following Refunds Less than \$100 – Real and Personal Property (August 2015) at the September 14th meeting for the Board's review:

Refunds Less Than \$100 - Real/Personal Property

Name	Bill No	Amount
William Hornaday, Jr	302508-2014	\$5.83
	302508-2013	\$49.35
	302508-2012	\$49.35
	302508-2011	\$49.35
	302508-2010	\$46.55
James Anthony Nelson	7003-2014	\$45.43
	7003-2013	\$43.57
	7003-2012	<u>\$42.91</u>
Total		\$332.34

Discount for Early Payments of Annual Bills

Tax Administrator Jake Oakley presented the following information regarding the total discounts taken on 2015 Stokes County Annual Bills:

		2013 Tax Bills	2014 Tax Bills	2015 Tax Bills
County	G01	\$208,349.26	\$212,322.31	\$220,106.32
New School/F-Tech Fund	E01	\$ 13,888.84	\$ 14,152.99	\$ 14,197.06
Service Fire District	S01	\$ 11,742.02	\$ 11,899.41	\$ 13,039.76
King Fire District	F01	\$ 3,341.76	\$ 3,408.70	\$ 3,671.35
Walnut Cove Fire District	F03	\$ 2,099.47	\$ 2,315.81	\$ 2,262.77
Rural Hall Fire District	F02	\$ 636.10	\$ 631.19	\$ 677.98
Dogs	D01	\$ 418.01	\$ 345.48	\$ -
City of King	C01	\$ 26,312.13	\$ 26,113.76	\$ 27,108.50
Town of Danbury	C04	\$ 290.14	\$ 290.78	\$ 311.04
Town of Walnut Cove	C03	\$ 4,315.97	\$ 4,477.96	\$ 4,057.82
Totals		\$271,393.70	\$275,958.39	\$285,432.60

Releases more than \$100 – Real and Personal Property

Tax Administrator Jake Oakley presented the following Releases more than \$100 – Real and Personal Property (August 2015) at the September 14th meeting for the Board's review with a request for consideration at the September 28th meeting:

Releases more than \$100 - Real/Personal Property

Name	Bill No	Amount	Reason
Sanford Leroy Smith Revocable Trust	314672-2015	\$351.92	Value Correction
Sanford Leroy Smith Revocable Trust	314762-2014	\$345.28	Value Correction
Walter Ronald Petree	319122-2015	\$492.74	Donated to Stokes Co. in March 2015
Margaret A. Petree Ivey	319112-2015	\$451.58	Donated to Stokes Co. in March 2015
National Tissue Co. LLC	10393-2015	\$11,753.78	Listed in Error
Sarpes Printing Ser	10541-2015	\$321.74	Adjusted per appeal
James Allen McKnight	8324-2015	\$366.71	Adjusted per appeal
Donna Adams	26576957	<u>\$137.54</u>	Adjusted per appeal
Total		\$14,221.29	

Vice Chairman Walker questioned Tax Administrator Oakley regarding the large amount being released for National Tissue Co. LLC?

Tax Administrator Oakley responded:

- The large amount is due to the fact that National Tissue Co. LLC was closed and was listed in error
- The company failed to let the County know about the closing

Refunds more than \$100 – Real and Personal Property

Tax Administrator Jake Oakley presented the following Refunds more than \$100 – Real and Personal Property (August 2015) at the September 14th meeting for the Board's review with a request for consideration at the September 28th meeting:

**Refunds more than
\$100 - Real/Personal
Property**

Name	Bill No	Amount	Reason
Kevin J Finn			
Misha P Finn	14A694900596841	\$230.54	House burned in 2013
James McBryde	22347546	\$105.34	Sold Vehicle
Rusty Wright	25755191	<u>\$218.32</u>	Sold Vehicle
Total		\$554.20	

Tax Administrator Oakley requested the following be placed on the September 28th Consent

Agenda:

- Real and Personal Property Releases More than \$100
- Real and Personal Property Refunds More than \$100

Request for Proration of the 2015 Annual Tax Bills (Petree Land – Donation to Stokes County)

County Manager Rick Morris presented the following information which was provided by

Tax Administrator Oakley regarding the proration of Tax Bills for Mr. Walter Ronald Petree:

- Parcel 6694-01-16-0458 (20.42 acres) amount of bill = \$611.74
 - County can be exempted of the taxes in the amount \$492.74
 - County can pay the taxes for Mr. Petree in the amount of \$119.00
- Parcel 6694-01-05-7701 (16.12 acres) amount of bill = \$560.64
 - County can be exempted of the taxes in the amount \$451.58
 - County can pay the taxes for Mr. Petree in the amount of \$109.06
- Mr. Petree owned the properties from January 1st – March 12th (71 days)
- Taxes relating to the time owned by Stokes County in 2015 can be exempted according to NC General Statutes 1015-381(b)
- Amount to be released (County's Portion) \$944.32

County Manager Morris continued:

- Recently received a letter from Mr. Petree regarding the proration of the taxes for the parcels donated to the County
- Feel it would be asinine to ask Mr. Petree to pay his portion when his donation to Stokes County is almost \$2 million and is thinking about possibly donating another \$2 million
- Request the County paid the \$228.06 on Mr. Petree's behalf

Chairman Jones opened the floor for discussion.

The Board had no issues with approving the payment of Mr. Petree's taxes and thanked

the manager for bringing this to the Board's attention.

Tax Administrator Oakley requested this item be placed on the Consent Agenda for the September 28th meeting.

The Board had no issues with Tax Administrator Oakley's August Report.

Chairman Jones, with full consent of the Board, directed the Clerk to place the following items on the September 28th Consent Agenda:

- Real and Personal Property Releases Less than \$100
- Real and Personal Property Refunds More than \$100
- Request for Proration of the 2015 Tax Bills – Petree Property

Social Services Monthly Report

DSS Director Stacey Elmes presented the following Social Services Monthly Report:

- Program Reports
 - Services Report (Social Work Services, Family Support Services, Administration)
 - Provides July and August 2015 data for all services

NCFast Update:

- Provided Charts from the NCFast System regarding applications and pending workload
- Just found out today, there was a glitch in the system the day the reports were run and are now null and void – information not correct
- Tend to be finding more and more that NCFast reports are not accurate
- Will be cautious in providing reports from NCFast until things get better

Metrics

- As of August 2015:
 - Income Maintenance
 - NC Fast – In Compliance
 - WorkFirst – In Compliance
 - FNS – In Compliance
 - Adult Medicaid – In Compliance
 - Family and Children's Medicaid – In Compliance
 - Child Support – In Compliance
 - Program Integrity – In Compliance
 - Appeal Hearings and Fraud Hearings – In Compliance
 - Day Care – In Compliance
 - Foster Care
 - Foster Care Services – Immediate Attention Required
 - Staff in Training/numbers are still very high
 - Load is tremendous

- Foster Care Home Licensing – Needs Improvement
 - Position vacant until 9-8-2015
 - New MAPP class starting 09-17-2015 (eleven families)
 - Adoptions – In Compliance
- Child Protective Services
 - Investigations – Needs Improvement
 - Some work is not timely causing this to be yellow
 - Supervisor working on this issue
 - Case Management – In Compliance
 - Adult Services
 - Adult Protective Services – In Compliance
 - Guardianship– In Compliance
 - SSBG/HCCBG/Payee/Adult Day– In compliance
 - Family/Monitoring– In compliance
 - SA IH/MAC– In compliance
 - CAP DA/CAP C– In compliance
 - Intake– In compliance
 - Caseloads– In compliance
 - Supervision (Staff/Supervisor Ratio)- Needs Improvement
 - Per state statue, CPS/Foster Care Supervisors are to supervise 1-5 social workers and both SW Supervisors have more than 5 Social Workers under them
 - Staffing (Years of Service) – In Compliance
 - Medicaid Transportation – In Compliance
 - Clerical – In Compliance

Chairman Jones opened the floor for discussion.

Vice Chairman Walker commented:

- Confirmed with DSS Director Elmes that her overall comfort level right now is pretty good – things getting better

Commissioner Lankford requested to reschedule the meeting scheduled at DSS on Wednesday, October 14th to another time due to scheduled surgery at the end of September.

Chairman Jones opened the floor for discussion.

The Board had no issues with rescheduling the date.

County Manager Morris suggested having the meeting after a scheduled State audit in November.

It was the consensus of the Board to cancel the scheduled October 14th meeting at DSS

reschedule for a later date, possibly in November.

Chairman Jones directed the Clerk and DSS Director to provide some dates on an upcoming Agenda for the Board's discussion.

Chairman Jones expressed appreciation to DSS Director Elmes for the monthly report.

Commissioner Booth wanted to inform the Board that he would not be present for the September 28th regular Board meeting due to vacation plans.

Petree Project – Proposed Bids – Sewer System

County Manager Rick Morris presented the following information regarding the Proposed Bills for the Petree Project Sewer System:

- Pre-bid meeting was held at the site on August 17, 2015 with the following in attendance:
 - B&M Septic
 - Overbey's Septic
 - Ward Brothers
 - Darrell Salmons
- Bids were publicly opened on August 24, 2015 for the installation of the septic system at Pine Hall Medical/Community Center
- The following bids were received:
 - Darrell Salmons – Bid of \$44,320.24
 - Ward Brothers – Bid of \$46,000.00
 - Overbey's Septic – Bid of \$47,837.00
- Recommendation is to accept the low bid of \$44,320.24 from Darrell Salmons
- Request approval at the September 28th meeting

Chairman Jones opened the floor for discussion.

Commissioner Booth confirmed with Manager Morris that there is adequate funding from Mr. Petree to cover all the expenses.

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item on the September 28th Action Agenda.

Proposed Resolution – Surplus Refuse Truck

County Manager Rick Morris presented the following Proposed Resolution Authorizing the

Sale of Personal Property Worth less than \$30,000 (GS 160A-266 & GS160A-267) for the Board's review and consideration:

**Resolution authorizing sale of personal property worth less than \$30,000.00
(G.S. 160A-266; 267)**

WHEREAS, The County of Stokes owns a 1999 Mack/Heil front loading refuse truck that has become surplus; and

WHEREAS, North Carolina General Statute 160A-269 permits the County to sell such property by upset bids upon authorization by the Board of Commissioners at a regular meeting; and

WHEREAS, the Board of Commissioners is convened in a regular meeting;

THEREFORE, THE BOARD OF COMMISSIONERS OF STOKES COUNTY RESOLVES THAT:

1. The Board of Commissioners authorizes the Support Services Supervisor to proceed with selling the following surplus refuse truck utilizing the upset bid procedure as stated in NCGS 160A-269;

1999 Mack chassis with a Heil refuse body VIN # 1M2K195C6XM014321.

Adopted the ____ day of September 2015.

Rhonda Jones - Chairman

Jimmy Walker – Vice Chairman

J. Leon Inman - Commissioner

Ernest Lankford - Commissioner

James D. Booth – Commissioner

Attest _____
Darlene Bullins - Clerk to the Board

County Manager Morris noted the following:

- Carolina Environmental Services has offered to purchase the 1999 Mack Refuse Truck for \$12,500.00
- This Mack Refuse Truck will be taken out of service when the new Refuse Truck arrives in early October
- Proposed Resolution will allow staff to start the upset bid process which could take several weeks if upset bids are received
- Request to move to today's Action Agenda in order to expedite the selling process

Chairman Jones opened the floor for discussion.

The Board had no issues with the Agenda item and unanimously agreed to move the item

to today's Action Agenda.

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item on today's Action Agenda.

Proposed Agreement – H-GAG Cooperative Purchasing Group

County Manager Rick Morris presented a proposed Agreement between Houston-Galveston Area Council (H-GAC) for the Board's review.

County Manager Rick Morris noted the following:

- H-GAC is a cooperative purchasing program like NJPA (which the County is currently a member)
- H-GAC is another tool for the County to use to purchase large ticket items utilizing contracts formalized by cooperative purchasing groups which is allowed per NC General Statutes 143-129 (e) (3)
- Several cities and counties are current members
- Will be able to use with the purchase of the next ambulance
- Request approval at the September 28th meeting

Chairman Jones opened the floor for discussion.

The Board had no issues with the Agenda item.

Vice Chairman Walker recommended placing the item on the Consent Agent for the September 28th meeting.

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item on the September 28th Consent Agenda.

Capital Equipment Purchased for Fiscal Year 2015-16

County Manager Rick Morris presented the following information regarding the purchasing of Capital Equipment for Fiscal Year 2015-16 for the Sheriff's Department and the Department Social Services:

- Sheriff's Department
 - Capital Ford - \$23,581.00
 - Five Police Interceptors

- Social Services Department
 - Earl Tindol Ford – \$17,925.27
 - Two Fusions
 - Bobby Murray Chevrolet -\$18,725.00
 - One Equinox
- Funding Source – Lease Purchase Agreement
- Would request to change the Equinox for DSS to a Dodge Caravan
 - Equinox only seats five passengers
 - Caravan will seat seven passengers
 - Can be used for other departments if needed
 - Dodge Caravan – Ilderton Dodge - \$20,845.00
 - Only \$2,120 increase with county only paying approximately 40%
 - DSS Director Elmes has no issues with purchasing the Caravan
- Must order by September 29th in order to purchase 2016 models at 2015 prices
- Request the item be moved to today's Action Agenda

Chairman Jones opened the floor for discussion.

The Board had no issues with the request and the Manager's recommendation to buy the Caravan instead of the Equinox for DSS.

The Board unanimously agreed to place the item on today's Action Agenda.

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item on today's Action Agenda.

Cooperative Extension – Livestock Position for Fiscal Year 2015-16

County Manager Rick Morris presented the following information regarding the Cooperative Extension Livestock Position for Fiscal Year 2015-16:

- In the 2015-16 approved Budget, the Livestock Agent was to be shared with three other counties with Stokes County's share being 25.37%
- Since the start of the 2015-16 Fiscal Year, the two other counties have chosen to go a different route
- Currently, there is no one on our immediate borders for Stokes County to share a livestock position
- Department would like to recommend a full time livestock agent position for the remainder of Fiscal Year 2015-16 which would be a 50/50 split with the State
- Based on a \$40,000 salary and 30% fringe benefits, there would be an additional amount of \$9,200 of county funding needed for the remainder of FY 2015-16 (FY 2015-16 Budget appropriated \$10,800 for the county's share of this position)
- Department requests approval to hire a full time livestock agent

Cooperative Extension Director Cox commented:

- The number of requests received this summer expressed the need for the livestock agent
- Very concerned about the Avalon Flu
- Surrounding county agents have helped as much as possible regarding livestock questions and issues which often delay getting information back to the livestock owner
- Just heard that Horne Creek has been told by the State to get rid of their flock
- Understand that the State is prepared if the Avalon Flu comes
- Feel the request will help to meet the needs of the department

County Manager Morris noted:

- Recently spoke to a veterinarian who feels this flu is coming

Chairman Jones opened the floor for discussion.

Commissioner Inman commented:

- Questioned Director Cox:
 - With the decrease of tobacco, is there an increase in livestock in the county?
 - Do you feel there is the need for a full time position?

Director Cox responded:

- The increase of calls are from the new farmers and organic farmers (poultry and beef cattle)
- The change from the tobacco farmer to other crops is effecting the calls received by the department
- Do still feel that we would like for it to be a shared position possibly in future, but there are no options currently for a shared position
- Until strategic plans are completed and memorandums of understanding are signed, we are at a spot where the surrounding counties will not be shifting anytime soon
- Position will be helping Matt with 4H

Commissioner Lankford commented:

- Confirmed with Director Cox when the budget process was going, the department was looking at sharing the position with Rockingham and Guilford Counties

Director Cox responded:

- Have also looked at other counties since the three county option did not work out
- Livestock agents are the positions that are the most in demand in Cooperative Extension right now
- Basically, have no county to share with at the moment, but do need to get a livestock agent on board
- Don't think Cooperative Extension Management at the university wants to do three counties and definitely not four – mileage would be overwhelming

Commissioner Lankford continued:

- Do not think the volume of livestock has increased that much
- Do not think the volume is there for a full time position

Commissioner Booth commented:

- Big change looking at a full time position now instead of 1/3 of a position
- County would be responsible for 50% of costs
- Have questions going with a full time position
- Confirmed with Director Cox that sharing the position could be looked at any time there is an opportunity

Vice Chairman Walker commented:

- Questioned Director Cox how long the university would be willing to pay their 50%?

Director Cox responded:

- Their goal is to get all these base positions in each county
- Don't think they will take away their 50%
- When things will move, it will be when the County renegotiates some of the base positions
- There is always going to be agriculture, 4H, and add ons – FCS will always be shared
- State wants four employees in each county

Vice Chairman Walker continued:

- Confirmed with Director Cox that the person in the livestock position could perform other duties as needed

Director Cox responded:

- Hope that this position can help 4H Agent Matt Barber build a bigger 4H base
- Job description will read to include 4H responsibilities
- Could have really been used this week at the Stokes Fair

Vice Chairman Walker questioned Director Cox how was the vacant position being handled now and how important in her view is it to recommend a full time position?

Director Cox responded:

- It is now being handled currently by getting information from surrounding counties along with researching issues
- It is important to have a livestock on staff to serve the citizens of Stokes County
- Feel the need is there, that is why I am asking for a full time position – have no other options at the moment

Chairman Jones confirmed with Director Cox that the request is what is needed now to get someone in the position, and that the position can be looked at for a shared position at a later

September 14, 2015

time, if there is a surrounding county that would like to share the position.

Chairman Jones confirmed the county's share for the full time position would be \$9,200 more county funding for the remaining of this FY.

Director Cox noted:

- Concur that the shared position requested in the budget was adequate for meeting at that particular time
- But things have changed since the budget was approved, there are no other counties to share a position
- Trying to get some type of service in the county to meet the needs

Chairman Jones confirmed with Director Cox that there are enough agriculture sales in the county to justify the position.

Director Cox commented:

- Data from NC State shows that Stokes County gets \$57 million from agriculture which includes tobacco, forestry, and livestock

Chairman Jones commented:

- That is a significant amount
- The amount of \$9,200 does not seem such a huge sacrifice for providing service to the farmers in the county

Commissioner Booth commented:

- Reiterated that Director Cox stated that the shared position in this year's FY budget was adequate
- Now there is a request for a full time position which almost doubles the county's appropriation

Commissioner Lankford commented:

- The County's appropriation for a full year will be approximately \$26,000 for a full time position
- Need to do some work on this issue

Chairman Jones commented:

- You have to look at the \$57 million in agriculture sales, Avalon Flu on the horizon which is a huge public/farm safety issue, and that Stokes County is a rural county that needs the service
- At the end of the day, the \$9,200 is only a drop in the bucket to assist the farmers

Vice Chairman Walker commented:

- Confirmed with Director Cox that if there were enough votes to approve the full time position now, a shared position could be considered at the budget time next year
- Right now with the needs and the possibility of Avalon Flu, there might be enough to keep the individual busy, but long term, is there enough for a full time position?

Director Cox responded:

- Must keep in mind, there will be more farms turning over in the future
- We are going to have people buying these farms that do not have any background in farming
- The trend is showing us that there will be more cattle and livestock
- Have recently had three calls wanting information about organic farming

Commissioner Lankford commented:

- Most people buying property in the northern side of the County are not farming the land
- They just want to live in a rural area
- The internet can also be helpful with some of the issues

Commissioner Booth commented:

- Questioned Director Cox what happens if this Board does not approve the full time position and how long has it been since we have had an agent in the position?

Director Cox responded:

- Will have to come back if another solution could be found
- Means there will continue to be no agriculture agent in the county
- Will have to continue to ask other counties for assistance and do not know how much longer that will last
- Has been empty since March 2014

Vice Chairman Walker questioned County Manager Morris what his position is on the full time position?

County Manager Rick Morris responded:

- Bottom line – there are no sharing options currently
- Will not have an agent without putting on a full time position
- Will have to continue to call the next door counties for assistance which is certainly not a good practice for a long period of time
- Don't have a great feel as Director Cox does
- Would recommend Director Cox gather additional information/statistics regarding the amount of livestock in the County
- Need to consider the possibility of the Avalon Flu
- Need more information to recommend a full time position

Vice Chairman Walker questioned County Manager Morris what information would he need to be able to make a recommendation?

Director Cox responded:

- The current agriculture statistics did not have a good feel; those statistics are usually two years behind
- The statistics are not accurate because a lot of farmers do not declare all the livestock being raised in the county
- Very hard to get your hands around correct data
- When the last agent had a cattle producers meeting, he would have 24 folks

County Manager Morris suggested that Director Cox provide the Board with additional information regarding number of calls, number of farmers, estimated livestock in the county, etc.

County Manager Morris commented:

- This all boils down to projecting the risks, not sure a risk assessment could be done
- You would have to include the Avalon Flu, livestock activities in the county, etc.

Vice Chairman Walker continued:

- With considering the risks, it seems like it is not a matter of if, it is more like when
- Along with the downside, I am very encouraged with the upside
- I am a strong supporter of 4H and want to see a stronger 4H in our County, feel it is a great organization that builds character and leadership
- Encouraged that the full time position could help in 4H along with taking care of the livestock needs for our citizens

Commissioner Lankford commented:

- Feel we have a good 4H Program already

Vice Chairman Walker responded:

- Do have a great 4H Program but can always provide ways to have a better one

County Manager Rick Morris noted the possibility that in time that help from surrounding counties may not be there when needed.

Vice Chairman Walker noted that you have to look at if it is really fair to surrounding counties to keep using them for our needs.

Director Cox commented:

- As far as the Avalon Flu, there is one specialist for twenty (20) counties, but we have been told from the state that if it breaks out here, a team will be dispatched

Fire Marshal Brian Booe commented:

- There are 17 chicken farms in the County that average about 10,000 birds per chicken house

Director Cox noted that you have to also include the backyard chicken farmers.

Vice Chairman Walker confirmed Director Cox that the amount of the request to put on a full time livestock agent for the remainder of this fiscal year is \$9,200.

Vice Chairman Walker noted that the position could be re-evaluated during budget time.

Commissioner Inman commented:

- Looking at this issue, would agree with Manager Morris, additional information is needed before a decision can be made
- Need to check again to see if there is any possibility of sharing the position
- Definitely need for statistical information
- Not sure there are three votes right now to approve a full time position
- Would recommend placing the item back on the Discussion Agenda and requesting Director Cox to provide the Board with additional information

Vice Chairman Walker commented:

- There may be two votes, I know I am one of the votes to approve a full time position, as I support the farmers in this County every chance I get
- \$9,200 is a small amount when you look at the big picture – livestock, poultry, farmers, 4H, etc.
- I would vote for it today, but additional information would be helpful

Commissioner Inman noted that he also has always supported the farmers in Stokes County.

Commissioner Inman suggested also looking at possibly farming the position out – possibly allowing the agent to work for another county on special projects and the county receive reimbursement for his services – basically look at all options.

Director Cox concluded with the following:

- Appreciate County Manager Morris acknowledging Matt Barber's awards
- Just wanted to let you know that when the other 4H Agents found out there was a lack of funding for Matt to attend the award presentation in Oregon, they individually mailed him money to help pay for sending him to Oregon
- Matt will be attending the award presentation in Oregon with a little help from our budget and the generous donations

The Board unanimously agreed to request additional information from Director Cox and place the item on the September 28th budget.

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item on the September 28th Discussion Agenda.

Appointments – Stokes County Fire Commission

County Manager Rick Morris noted the following vacancies for the Stokes County Fire Commission:

- Two Fire Members
 - Currently filled by Clifford Hall and Donnie Mabe who wish to be considered for re-appointment
- Two Civilian Members
 - Currently filled by Steve Fagg who wishes to be considered for re-appointment
 - Billy Joe Joyce has resigned due to medical reasons (need appointment to complete his term ending in October 2016)

Chairman Jones opened the floor for nominations.

Commissioner Lankford nominated Keith Lawson to fill the remaining term of Billy Joe Joyce.

There was discussion regarding his eligibility to be able to fill the civilian position.

Fire Marshal Brian Booe noted that Keith no longer serves as a fire fighter, only as a member of the Board of Directors.

Commissioner Inman nominated the following:

- Fire Service Members
 - Clifford Hall
 - Donnie Mabe
- Civilian Member
 - Steve Fagg

Chairman Jones entertained a motion to close the nominations.

Commissioner Inman moved to close the nominations. Commissioner Lankford seconded and the motion carried unanimously

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item

on the September 28th Action Agenda.

Certificate of Clerk – Re Approval of Tax-Exempt Loan to Volunteer Fire Department by the Board of Commissioners – Sauratown Volunteer Fire Department – Purchase of Fire Truck Proposed Capital Reserve Resolution for Fiscal Year 2015-16

County Manager Rick Morris presented a request from Sauratown Volunteer Fire Department to approve the Certificate of Clerk – Re Approval of Tax-Exempt Loan to Volunteer Fire Department by the Board of Commissioners which was moved from today's Consent Agenda to the Discussion Agenda.

County Manager Morris noted:

- This certificate is to approve the loan for the purchase of a fire truck for Sauratown Vol. Fire Department Inc
- Board recently approve a loan agreement for Northeast Stokes Vol. Fire Department for equipment purchase
- Fire Commission has a \$400,000 cap on the purchase of a fire truck
- Fire Marshal Brian Booe is in attendance for the meeting to answer any questions

Fire Marshal Brian Booe commented:

- Sauratown Vol. Fire Department is in the process of securing their loan for the purchase of a fire truck which has been approved by the Fire Commission
- This paperwork is necessary for the loan process which takes approximately 60 days

Chairman Jones noted that Commissioner Lankford requested to move the item to today's Discussion Agenda.

Chairman Jones opened the floor for comments.

Commissioner Lankford commented:

- Pulled the item due to it being on the Consent Agenda – feel this item needed to be discussed
- I need justification for the need of this fire truck

Fire Marshal Booe commented:

- This is a replacement for a 1990 Fire Truck
- Through the budget process, the Fire Commission approved Sauratown Fire Department to purchase this truck in the 2015-16 budget year

Commissioner Lankford commented:

- That needs to be presented to the Board of Commissioners in another way other than just saying it was approved by the Fire Commission

- Fire Commission only makes a recommendation
- Want more information to justify the need

Chairman Jones confirmed with Manager Morris this was included in this year's fiscal year budget.

Fire Marshal Booe noted that he would be glad to take that information back to the Fire Commission when the new budget process starts and can provide the manager with a cover letter each year that details which departments are up for equipment purchases.

Commissioner Lankford commented:

- I would like to have justification for this purchase
- If the department's current equipment passes all state regulations, don't understand the need to replace the item
- Been in fire service for more than 35 years, it is more of a want than a need
- I am not saying this is not a need
- I don't have any justification that this is a need
- If the fire department can make the payments for equipment purchases without county funding, then their Board of Directors can do so as a self ruled entity
- If they want county funding, I am going to need justification for the need for the purchase

Vice Chairman Walker commented:

- Listening to interest to Commissioner Lankford's comments
- One thought, if there is a \$400,000 cap for the purchase of fire truck and I was a member of a fire department, my purchase would be \$400,000
- Interested how the cap of \$400,000 was arrived at and is there a fairer process?
- Is there a way to look at what the fire department needs?

Commissioner Lankford commented:

- Everything has to be justified
- Seen this for the first time when I received my Agenda on Thursday

Fire Marshal Booe commented:

- There has been a lot of discussion regarding bulk buying for all the fire departments to get better pricing
- But each department has its own entity – own Board of Directors
- Can make recommendations, but the final decision is made by that particular department's Board of Directors
- There has been a lot of discussion on looking at a particular truck for the departments
- Items such as turnout gear, air tanks, etc. could easily be bought in bulk thus savings dollars

Vice Chairman Walker commented:

- Need to look at what is needed for that particular department instead of a flat dollar amount

Fire Marshal Booe commented:

- Most of the apparatus that has been purchased recently is not just a fire truck, it is a pumper/tanker that serves two needs
- Have tried to stress that the trucks be stocked with equipment, that is where some of the extra cost is with the \$400,000 cap; that way the department will not be back asking the next year for additional funding to equip the truck
- Truck will be ready to go when the truck is delivered

Commissioner Booth commented:

- Each department is a separate corporation with the taxpayer funding being used
- Heard at one time the cap was going to be set at \$300,000 and then it was changed to a \$400,000 cap
- Costs have to be controlled
- Fire departments received a fire tax increase this fiscal year

Fire Marshal Booe commented:

- The budget packet actually asks each year for the replacement year for all apparatus that is requested for purchase
- Fire Commission has pushed back purchase years if the equipment is not top priority
- The last budget was focused on funding part time personnel to get the trucks out during the day instead of apparatus

Commissioner Booth commented:

- Confirmed with Fire Marshal Booe that once the apparatus purchase is approved, the next year's budget will automatically increase
- This could possibly decrease other budgets

Commissioner Inman commented:

- We are very much appreciative of what the Fire Commission does, putting a lot of long hours into their budget recommendation
- I do agree with Commissioner Lankford that justification is needed

Fire Marshal Booe commented:

- Reiterated this is a replacement truck and understand that once the new truck arrives, the old truck will be sold
- Fire Commission stresses to the departments the need to not hang on to old equipment

Commissioner Lankford commented:

- Need to know the mileage
- Need to know if the vehicle has passed the pump test
- Need justification for the purchase

Commissioner Inman added:

- As the fire budgets increase, the taxpayer is going to have to pay more in fire taxes

The Board agreed justification is needed for the purchase of this equipment.

Fire Marshal Booe confirmed with the Board to take back to the Sauratown the need for justification for the purchase of this fire truck.

Vice Chairman Walker requested information on how they have determined they need this particular truck and this particular equipment versus something that may not cost as much.

Chairman Jones, with full consensus of the Board, directed the Clerk to place the item on the September 28th Discussion Agenda.

County Manager Morris noted at some point, the Board needs to determine what the Fire Commission needs to do and possibly give the Fire Commission guidance as to what this Board needs for the next budget session.

The Board agreed to review the Policy and Guidelines before the next budget session.

GENERAL GOVERNMENT – GOVERNING BODY – ACTION AGENDA

Taking Ownership of Bank Street, Danbury, NC

Chairman Jones entertained a motion to approve the Instrument of Combination and Private Street Declaration for taking ownership of Bank Street, Danbury, NC which was presented at the August 24th meeting.

Commissioner Lankford moved to approve the Instrument of Combination and Private Street Declaration for taking ownership of Bank Street, Danbury, NC. Vice Chairman Walker seconded and the motion carried unanimously.

Appointments – Town of Walnut Cove Planning/Board of Adjustments – ETJ Alternate

Chairman Jones opened the floor for nominations for the Town of Walnut Planning/Board of Adjustments - ETJ Alternate appointment (Carolyn Kiger resigned)

Chairman Jones opened the floor for nominations.

Commissioner Lankford nominated Lester Overby.

There were no further nominations.

Chairman Jones entertained a motion to close the nominations.

Commissioner Inman moved to close the nominations. Commissioner Booth seconded and the motion carried unanimously

Chairman Jones polled the Board.

Commissioner Lankford: Lester Overby

Commissioner Inman: Lester Overby

Chairman Jones: Lester Overby

Vice Chairman Walker: Lester Overby

Commissioner Booth: Lester Overby

Chairman Jones noted Lester Overby was unanimously appointed to serve as the Alternate Member for the Town of Walnut Cove Planning/Board of Adjustments ETJ.

Appointments – Stokes County Human Services Advisory Committee

Chairman Jones noted the following were nominated at the August 24th meeting for appointment consideration for the Stokes County Human Services Advisory Committee:

- Dwayne Young – General Public – Interest or background in Social Services
- Gaye Woods – Dentistry Field

Chairman Jones opened the floor for any further nominations.

There were no further nominations.

Chairman Jones entertained a motion to close the nominations.

Commissioner Booth moved to close the nominations. Commissioner Lankford seconded and the motion carried unanimously

Chairman Jones polled the Board.

Commissioner Lankford: Dwayne Young and Gaye Woods

Commissioner Inman: Dwayne Young and Gaye Woods
Chairman Jones: Dwayne Young and Gaye Woods
Vice Chairman Walker: Dwayne Young and Gaye Woods
Commissioner Booth: Dwayne Young and Gaye Woods

Chairman Jones noted Dwayne Young and Gaye Woods were unanimously appointed to the Stokes County Human Services Advisory Committee.

Proposed Resolution – Surplus Refuse Truck

Chairman Jones entertained a motion to approve the proposed Resolution Authorizing the Sale of Personal Property Worth less than \$30,000 (GS 160A-266 & GS160A-267) to start the upset bid process for the sale of a Surplus Refuse Truck which was presented at today's meeting.

Commissioner Booth moved to approve the Resolution Authorizing the Sale of Personal Property Worth less than \$30,000 (GS 160A-266 & GS 160A-267). Vice Chairman Walker seconded the motion.

Commissioner Booth confirmed with Manager Morris that this motion just starts the upset bid process and that the truck has been valued and the starting bid is in that range.

Vice Chairman Walker confirmed with Manager Morris that advertising is done to try to get the best price possible for the sale of surplus equipment.

The motion carried unanimously.

Capital Equipment Purchases for Fiscal Year 2015-16

Chairman Jones entertained a motion regarding the purchase of Capital Equipment For Fiscal Year 2015-16 presented and recommended by County Manager Morris for the Sheriff's Department and the Department of Social Services.

Commissioner Inman moved to approve the purchase of Capital Equipment For Fiscal Year 2015-16 for the Sheriff's Department (Five Police Interceptors) and the Department of Social Services (Two Fusions and One Caravan). Vice Chairman Walker seconded and the

motion carried unanimously.

September 28, 2015 – Meeting – Courtroom “A”

Chairman Jones noted that the next meeting had three Public Hearings and wanted to make sure Board members had no issues with scheduling the meeting in Courtroom “A” of the Government Center Complex.

The Board had no issue with the meeting being scheduled for Courtroom “A”.

CLOSED SESSION-

Chairman Jones entertained a motion to enter Closed Session for the following:

- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged pursuant to G.S. 143-318.11(a)(3)
- To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the Board of County Commissioners or any other public body, or to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the Board of Commissioners or of some other public body pursuant to G.S. 143-318.11(6)

Commissioner Inman moved to enter Closed Session for the following:

- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged pursuant to G.S. 143-318.11(a)(3)
- To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the Board of County Commissioners or any other public body, or to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the Board of Commissioners or of some other public body pursuant to G.S. 143-318.11(6)

Commissioner Lankford seconded and the motion carried unanimously.

The Board reentered the opened session of the September 14th meeting.

Adjournment

There being no further business to come before the Board, Chairman Jones entertained a motion to adjourn the meeting.

Commissioner Inman moved to adjourn the meeting. Commissioner Lankford seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

Ronda Jones
Chairman