

County of Ashe

150 Government Circle, Suite 2500

Jefferson, North Carolina 28640

Interim County Manager:

Adam Stumb

Phone: 336-846-5502

October 30, 2019

Gabriel Miller
PO BOX 572
Jefferson, NC 28640-0572

RE: Old Wilkesboro Rd Agreement

Mr. Miller

This intent of this letter is to show compliance with the memorandum of agreement between the County of Ashe and Gabe Miller signed 11/20/2017 by Sam Yearick and Gabe Miller. As of 10/29/2019, Mr. Gabe Miller is in compliance with the agreement. As indicated in #4 of that agreement, a two year period will begin on November 4th, in which Mr. Miller has committed to keeping the property junk/trash free. After the two year period, the County will cancel the full judgement lien of \$22,906.53 against the parcel shown in "exhibit A" in the agreement. Any future complaints of junk or trash at the property shown in "exhibit A" will be assessed and will be addressed with Mr. Gabe Miller.

The above assessment of the agreement will be presented to the Ashe County Board of Commissioners at their meeting on November 4, 2019 starting the two year period.

A handwritten signature in black ink, appearing to read 'A Stumb', is written over the printed name and title of the Interim County Manager.

Adam Stumb
Interim County Manager

NORTH CAROLINA

ASHE COUNTY

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT by and between ASHE COUNTY (First Party) and GABRIEL MILLER (Second Party).

WITNESSETH:

THAT WHEREAS, the Second Parties are the owners, by inheritance of, a 19.66 acre tract of land, Tax Parcel No. 09342-009, located on Old Wilkesboro Road, and;

WHEREAS, the Second Parties also have authority over Tax Parcel No. 09342-037 adjacent to the above referenced tract, and;

WHEREAS, the County has a Judgment Lien against Parcel No. 09342-009 in the amount of \$ 22,906.53 resulting from cleanup of that property ordered in File No. 07-CVD-295, and;

WHEREAS, there is additional cleanup which needs to be done on both properties, which the COUNTY wants to be done, and which the Second Parties are willing to do on the following conditions:

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1. That the Second Parties will undertake the cleanup of Tax Parcel No. 09342-009 and 09342-037 for the portion of the property visible from Old Wilkesboro Road of all existing "junk", which will be specifically identified and agreed upon by the Second Parties and the County Manager prior to the commencement of cleanup; *Area to be cleaned up shown on Aerial photo Exhibit "A" off normal area in the AC.*
The clean-up shall include, but not be limited to, removing all junk/disabled vehicles from the properties or right of ways adjoining the properties, tires, paper, scrap metal, or wood scraps, plastic materials, scrap auto parts and anything else not specifically excluded by the county and designated prior to commencement of the clean-up. All such items shall be properly disposed of.
 2. That excepted from this agreement are the two campers, one located on each of the properties;
 3. That the Second Parties will have 24 months from the date of this Agreement to complete this cleanup;

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4. If the properties remain clean for a period of two (2) years after cleanup and the Second Parties commit to keeping it junk free, the County will at that time cancel the Judgment Lien against Parcel No. 09342-009. *Clean up will be certified by the County in writing when complete.*
5. That all back taxes on both properties will be paid by and will be kept current. *Safe on Parcel NO 0932 - 037 by time of cleanup*
- This Memorandum of Agreement and understanding entered into this the 15th day of November, 2017.

FIRST PARTY:

ASHE COUNTY

By: *Sam Yearick*

SAM YEARICK, County Manager

SECOND PARTY:

Gabriel D. Miller

GABRIEL MILLER

Approved By Ashe County Board of Commissioners on 11-20-17

State of North Carolina

County of Ashe

I, the undersigned Notary Public of the County and State aforesaid, certify that SAM YEARICK personally came before me this day and acknowledged that he is the Manager of ASHE COUNTY, and that by authority duly given and as the act of said entity, he signed the forgoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this the 16th day of November, 2017.



Ann J. Clark
Notary Public

My Commission Expires: 4-8-20

STATE OF NORTH CAROLINA
COUNTY OF ASHE

I, a Notary Public of the County and State aforesaid, certify that **GABRIEL MILLER** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15th day of November, 2017.

Ann J. Clark (SEAL)
Notary Public

My commission expires:

4-8-20

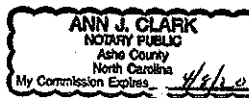




Exhibit 14
General Upland 567

PRES16-102**County Manager Sam Yearick - Combs Property Discussion**

County Manager Sam Yearick told the Board that the County conducted a property cleanup of the RJ Combs property during October 2011. Florence and Gabe Miller contacted the county manager regarding a judgment the County has on the property. Florence Miller inherited the property from RJ Combs. The judgment is \$22,906.53 for the costs associated with clean up of the property. In addition, there is \$10,471.34 in delinquent taxes on this property and two surrounding properties. The county manager proposed that the Millers pay the delinquent taxes on all three properties, and clean up the RJ Combs property and the Billy Hall property in negotiation of forgiving the lien. Commissioner Richardson stated his belief that this would be in the best interest of the County. Vice Chairman Roark suggested that the County forgive the \$22,906.53 lien for clean up of the RJ Combs property if the Millers pay the remaining delinquent taxes, clean up the property, and keep the property clean for a period of 10 years. Florence Miller addressed the Board asking the Board to consider working with them. Commissioner Rhodes would like to hear from the county attorney before a vote is taken regarding the suit filed by the Combs in 2014 against the County to see if that would affect the decision made today. Gabe Miller answered that Tommy Combs name will be taken off the property and it will be in his mother's name, Florence Miller. He agreed to clean up the property that is going to his mother. Vice Chairman Roark made a motion to forgive the \$22,906.53 lien the County has on the property in return for the Millers to pay all delinquent taxes, for the Millers to keep the property clean for 10 years, for the Millers to have the property cleaned up by July 15, 2017, and for the Millers to keep the property taxes paid on time for 10 years. Commissioner Richardson seconded the motion. The motion passed 3 - 2, with Commissioners Rhodes and Sands voting in opposition stating that they are in favor of the action, but they want the county attorney to review the Combs lawsuit against the County before a vote is taken.

Approved

For: 3 - Chairperson Rose, Vice Chairman Roark and Commissioner Richardson

Against: 2 - Commissioner Rhodes and Commissioner Sands

PRES16-103**Representative Jonathan Jordan or Designee - Presentation**

House Representative Jonathan Jordan, on behalf of Governor Pat McCrory, presented Commissioner Larry Rhodes with the prestigious award, the Order of the Long Leaf Pine. The award is presented to people in North Carolina who have a proven record of service to their communities and to the State.

the budget for \$543,375 for a new communications system and \$141,524 for communications equipment at the site mentioned. The current communications system was installed in 2006. There have been issues with the equipment within the last few years. Phil Howell, director of communications, talked about the communication systems. There are currently three primary sites. He explained a scenario that took place in October 2016 when the County's VHS system went down. First responders also addressed issues they have been experiencing with the current communications system and the need for an improved system. Wireless representatives explained that they have been working on the system for two years. Some of the components used in the current system are not manufactured anymore. They believe adding a fourth tower in the Creston area is critical for the communications system. Improvements to the current system would be made in two phases with the first phase being an upgrade in the current three sites and the second phase being the addition of a tower in the Creston area. Commissioner Rhodes then made a motion to pursue negotiations with a potential landowner for a new tower site. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

PRES 17-30 County Manager Sam Yearick - Amendment to Combs Property Agreement

Attachments: 04-03-17 Amendment to Combs Property Agreement

County Attorney John Kilby told the Board that a visit was made to the Combs property by the county manager, county attorney, and County Commissioner Gary Roark. Gabe and Florence Miller inherited the property and they want to complete clean up of all the property. The Millers would also like to clean up the Billie Hall (RJ Combs' sister) property. The County has a judgement against the RJ Combs' property. The Millers would like to be allowed to leave the camper on the property. They are also requesting 24 months to get the property cleaned up. The property is to remain clean for an additional 24 months and then the County will release the judgement. Property taxes need to be brought current and then kept current. Commissioner Rhodes questioned how action taken now would affect action the commissioners took in 2016 regarding this issue. County Attorney Kilby answered that today's action would be an amendment to the previous action. County Manager Yearick stated that the request is to modify the previous agreement as stated by the county attorney. Commissioner Rose made a motion to draft a proposed amendment to the original agreement as verbally outlined and present it to Gabe and Florence Miller for approval and the Board of Commissioners for final approval. The motion passed with Commissioners Sands, Perry, Roark, and Rose voting in favor of the motion. Commissioner Rhodes did not vote which will be recorded as a vote in the affirmative.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

PRES 17-31 Planning Director Adam Stumb - Outdoor Recreation Summit

Attachments: 04-03-17 Outdoor Recreation Summit

Planning Director Adam Stumb told the Board about the Outdoor Recreation Summit event that will be held on May 4th to unveil work done by Destination by Design on the

to reappoint Bill Davis, Paige Stephens, and Doug Goss to the Ashe County Juvenile Crime Prevention Council. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

Appointment(s) Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

Other Items for Consideration

MISC 17-26 North Carolina Association of County Commissioners (NCACC) Monthly Video Update

VII. Commissioner Comments

VIII. Announcements

IX. Executive Session

ES 17-16 Executive Session - G.S. 143-318.11 (a) (3) Legal Issues (Combs Property Lawsuit)

Commissioner Rose made a motion to enter into Executive Session as provided for under G.S. 143-318.11 (a) (3) Legal Issues to discuss the Combs property lawsuit.

Commissioner Roark seconded the motion. The motion passed with unanimous approval. Chairman Sands declared the Board into Executive Session at 9:30 a.m. and out of Executive Session at 10:10 a.m. Commissioner Rhodes made a motion to allow the county manager to negotiate a cleanup agreement with Gabe Miller of the Combs and Hall properties and to report back to the Board on October 16, 2017 for review and possible approval. Commissioner Roark seconded the motion. The motion passed with unanimous approval.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

X. Adjournment

Commissioner Roark made a motion to adjourn the meeting at 10:11 a.m.

Commissioner Rose seconded the motion. The motion passed with unanimous approval.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

Citizens with disabilities requiring special needs to access the services or public meetings of Ashe County Government should contact the County Manager's Office three days prior to the meeting by calling (336) 846-5501.

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

RES 17-6 Resolution Awarding Badge & Service Sidearm to Retiring Lieutenant Detective Dennis Anders

Attachments: 10-16-17 Resolution Awarding Badge&Svc Sidearm-Dennis Anders

Commissioner Rhodes made a motion to approve the resolution awarding the badge and service sidearm to retiring Lieutenant Detective Dennis Anders. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

Adopted

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

Proclamations

PRO 17-3 Domestic Violence Awareness Month Proclamation

Commissioner Rose made a motion to adopt the proclamation setting aside October 2017 as Domestic Violence Awareness Month. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.

Adopted

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

Other Items for Consideration

MISC 17-27 Adoption of 2018 County Holiday Schedule

Attachments: 10-16-17 Holiday Schedule for 2018

Chairman Sands made a motion to adopt the 2018 County Holiday Schedule as presented. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

VII. Commissioner Comments

VIII. Announcements

IX. Executive Session

Commissioner Rhodes made a motion to enter into Executive Session to discuss Legal Issues as provided for under G.S. 143-318.11 (a) (3) regarding the Combs' property lawsuit. Commissioner Roark seconded the motion. The motion passed with unanimous approval. Chairman Sands declared the Board into Executive Session at 10:41 a.m. and out of Executive Session at 11:03 a.m. Commissioner Rhodes made a motion to approve the Memorandum of Agreement regarding the proposed cleanup of the Combs'

property subject to final inspection and approval by the county manager and the execution of the agreement. Commissioner Roark seconded the motion. The motion passed with unanimous approval.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

ES 17-17

Executive Session - G.S. 143-318.11 (a) (3) - Legal Issues (Combs Property Lawsuit)

X. Adjournment

Commissioner Rose made a motion to adjourn the meeting at 11:05 a.m. Chairman Sands seconded the motion. The motion passed with unanimous approval.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

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William Sands, Chairman

Ann J. Clark, MMC, NCCCC
Clerk to the Board