

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MARCH 21, 2011**

The Gates County Board of Commissioners reconvened in Regular Session at 5:15 pm Monday, March 21, 2011 from Wednesday, March 2, 2011 in the Commissioners' Room, 202 Court Street, Gatesville. Commissioners Twine, Jernigan, Hora, Owens and Jordan were present.

Commissioner Twine called the meeting to order.

Commissioner Jernigan made a motion to enter Closed Session as authorized by NCGS 143-318.11(a)(6). Commissioner Owens seconded the motion, motion carried without opposition.

Commissioner Jernigan made a motion to exit Closed Session and enter Regular Session. Commissioner Owens seconded the motion, motion carried without opposition.

Due to the number of citizens in attendance, the Chairman moved the meeting from the Commissioners' Room to the main court room.

A prayer was led by Commissioner Jordan. Chairman Twine led the pledge of allegiance.

Chairman Twine called the meeting back to order.

Approval of Agenda

Chairman Twine stated Joe Greene will be presenting for Morgan Jethro in her absence.

Commissioner Jernigan made a motion to accept the Agenda as amended. Commissioner Owens seconded the motion, motion carried without opposition.

Citizen's Comments

No Comments

Department Reports

Billy Winn, Emergency Management Director, presented Budget Amendment 48.

Commissioner Jordan made a motion to approve Budget Amendment 48 as presented. Commissioner Jernigan seconded the motion, motion carried without opposition.

Renee McGinnis, Tax Assessor, notified the Commissioners a Board of Equalization and Review Meeting has been scheduled from 4:00 pm to 7:00 pm on May 3, 2011.

Joe Greene, planning board member, presented a request by George and Jill Lang to rezone 165.1 acres on US Highway 158 West from A1 to II.

Commissioner Jernigan made a motion to open the Public Hearing on rezoning the Lang property. Commissioner Jordan seconded the motion, motion carried without opposition.

Dan Lang stated there was a misunderstanding to the parcels to be rezoned.

Thomas Langston, planning board member, stated Agnes Hall, adjoining property owner, has not been notified of the rezoning request.

Commissioner Jernigan made a motion to close the Public Hearing. Commissioner Owens seconded the motion, motion carried without opposition.

Commissioner Jernigan made a motion to table the rezoning request until further investigation. Commissioner Jordan seconded the motion, motion carried without opposition.

Patrice Lassiter, GITS Director, presented a Cellular Phone Usage Policy for the GITS Program proposing the use of cell phones by drivers for business only with a hands free device.

Commissioner Jordan made a motion to approve the Cellular Phone Usage Policy for the GITS Program as presented. Commissioner Jernigan seconded the motion, motion carried without opposition.

Mrs. Lassiter presented an Inclement Weather Policy for the GITS Program.

Commissioner Jordan made a motion to accept the Inclement Weather Policy for the GITS Program with amendments as discussed. Commissioner Owens seconded the motion, motion carried without opposition.

Old Business

Chairman Twine requested dialogue with citizens regarding disposition of the old courthouse/library.

Thomas Horton, Eure, stated he would like for the Gates County Historical Society to take it over, a museum could be formed and the Chamber of Commerce could have an office in the building.

Dan Lang, Gatesville, stated he hoped the County had not waited too long; he would like it saved if it were cost efficient.

Pat Familiar, Gatesville, stated it is part of our history; it is 175 years old and a treasure; it is one of two styles of this type of architecture still in use in North Carolina today.

Linda Hofler, Hobbsville, stated it was constructed in 1836 and would hate to see the building lost. The County just got a civil war marker located beside of it; the building is repairable.

Chuck Brothers, Sunbury, challenged the Board to turn it into a functional use for the County; he has a vision to protect our heritage.

Eddie Baines, Eure, would like to have the funds put in the County's budget to restore it or market it through Preservation North Carolina.

Edith Seiling, Gates, stated the Gates County Historical Society currently has its own museum located in the building.

Chairman Twine asked Mrs. Seiling if the historical society could take over the building.

Mrs. Seiling stated the historical society cannot afford the repairs.

Paul Toti, Gatesville, stated he would like to have the building saved at all costs.

Barbara Toti, Gatesville, stated the Department of Cultural Resources and Arts of the Albemarle could be consulted.

Commissioner Jordan stated a historical commission needs to be in force to oversee the restoration and he would be willing to work on this project.

Commissioner Hora stated a voter referendum was needed to vote on a tax levy for a new library and brought a motion to allow the citizens of Gates County to vote on the issue of using taxpayer money to build a new library as authorized by North Carolina General Statutes GS153A-149 that reads as follows.

§ 153A-149. Property taxes; authorized purposes; rate limitation.

(a) Pursuant to Article V, Sec. 2(5) of the Constitution of North Carolina, the General Assembly confers upon each county in this State the power to levy, within the limitations

set out in this section, taxes on property having a situs within the county under the rules and according to the procedures prescribed in the Machinery Act (Chapter 105, Subchapter II).

(b) Each county may levy property taxes without restriction as to rate or amount for the following purposes:

(2) Debt Service. – To pay the principal of and interest on all general obligation bonds and notes of the county.

(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to a combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation. Authorized purposes subject to the rate limitation are:

(19) Libraries. – To establish and maintain public libraries.

(d) With an approving vote of the people, any county may levy property taxes for any purpose for which the county is authorized by law to appropriate money. Any property tax levy approved by a vote of the people shall not be counted for purposes of the rate limitation imposed in subsection (c).

The county commissioners may call a referendum on approval of a property tax levy. The referendum may be held at the same time as any other referendum or election, but may not be otherwise held within the period of time beginning 30 days before and ending 10 days after any other referendum or election to be held in the county and already validly called or scheduled by law at the time the tax referendum is called. The referendum shall be conducted by the county board of elections. The clerk to the board of commissioners shall publish a notice of the referendum at least twice. The first publication shall be not less than 14 days and the second publication not less than seven days before the last day on which voters may register for the referendum. The notice shall state the date of the referendum, the purpose for which it is being held, and a statement as to the last day for registration for the referendum under the election laws then in effect.

The proposition submitted to the voters shall be substantially in one of the following forms:

(1) Shall Gates County be authorized to levy annually a property tax at a rate not in excess of ____ cents on the one hundred dollars (\$100.00) value of property subject to taxation for the purpose of building a new library or establishing a new library?

(2) Shall Gates County be authorized to levy annually a property tax at a rate not in excess of that which will produce \$____ for the purpose of a new library?

(3) Shall Gates County be authorized to levy annually a property tax without restriction as to rate or amount for the purpose of a new library?

If a majority of those participating in the referendum approve the proposition, the board of commissioners may proceed to levy annually a property tax within the limitations (if any) described in the proposition.

Commissioner Hora made a motion to allow the voters to determine the direction the County will go with a library. Commissioner Jordan seconded the motion. Commissioners Hora and Jordan voted for the motion. Chairman Twine and Commissioners Jernigan and Owens voted against the motion. Motion did not carry by a majority vote.

Chairman Twine called the meeting to order after a brief recess.

Commissioner Hora gave a presentation regarding Water Department billing and to introduce bi-monthly reading/billing.

New Business

Barbara Yates, Friends of the Animal Shelter, discussed the Tri-County Animal Shelter; would like to partner with the Commissioners to have a cheerful, welcoming center with the best management practices.

Toby Chappell, County Manager, presented Section 9.1k of the County's Personnel Policy which has been approved by the Personnel Board.

Commissioner Jernigan made a motion to accept Section 9.1k of the County's Personnel Policy with modifications. Commissioner Jordan seconded the motion, motion carried without opposition.

Mr. Chappell stated the organization, NC-20, has provided the County with a one-year free membership and a representative is needed to attend the meetings. Chairman Twine volunteered to be the NC-20 representative.

Commissioner Jordan made a motion to accept Chairman Twine as the NC-20 representative. Commissioner Jernigan seconded the motion, motion carried without opposition.

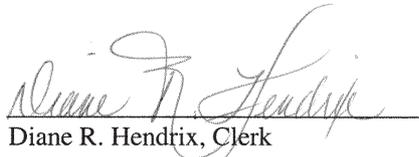
Commissioner Comments

Commissioner Jernigan stated Duke University is continuing to work with Gates County and its continued fight against OLF.

Commissioner Hora made a motion to adjourn. Commissioner Owens seconded the motion, motion carried without opposition.



Graham L. Twine, Chairman



Diane R. Hendrix, Clerk

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