

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MAY 18, 2009**

The Gates County Board of Commissioners met in Regular Session on Monday, May 18, 2009 at 7:00 p.m. in the main courtroom, 202 Court Street, Gatesville. Commissioners Jordan, Jernigan, Askew, Nickens and Twine were present. Also present was County Manager, Toby Chappell, and County Attorney, Pitt Godwin.

Chairman Jordan called the meeting to order. A prayer was led by Walter Johnston. Chairman Jordan led the pledge of allegiance.

Approval of Agenda

Commissioner Jernigan made a motion to approve the Agenda as presented. Commissioner Askew seconded the motion, motion carried without opposition.

Department Reports

Sandy Pittman, Finance Officer, presented Budget Amendments 83 – 84.

Commissioner Nickens made a motion to accept Budget Amendments 83 – 84 as presented. Commissioner Jernigan seconded the motion, motion carried without opposition.

Wes Haskett, Interim Director of Planning and Zoning, presented the names of citizens who wish to replace Planning Board members, Dan Boyce, Lee Riddick and Thomas Langston, whose terms are expiring. Mr. Langston can be reappointed. Chuck Brothers, John T. Kittrell, Paula Eure, Thomas Langston, Daniel Lang, J. B. Riddick and Paulette Britt voiced their concerns and qualifications for consideration.

Commissioner Twine made a motion to appoint three (3) members to the Planning Board and retain Dan Boyce and Lee Riddick on the Board in an advisory capacity for a maximum of three (3) months, unless the Board deems their services are no longer needed, as non-voting members. Commissioner Nickens seconded the motion, motion carried without opposition.

Chairman Jordan opened the floor for nominations to the Planning Board. Chairman Jordan nominated Chuck Brothers to replace Dan Boyce. Commissioner Nickens seconded the nomination. Commissioner Nickens nominated Daniel Lang to replace Lee Riddick. Commissioner Twine seconded the nomination. Commissioner Jernigan nominated Thomas Langston for another term on the Planning Board. Commissioner Nickens seconded the nomination. Chairman Jordan closed the nominations.

Commissioner Nickens made a motion to appoint Chuck Brothers, Daniel Lang and Thomas Langston to the Planning Board each for a three-year term to expire May 31, 2012. Commissioner Askew seconded the motion, motion carried without opposition.

Mr. Haskett presented a rezoning request by Kenny Buck for the Rook's Landing West Major Subdivision to be rezoned from A1-Agricultural to R1-Residential. The Planning Board voted 6 to 1 to approve the rezoning. The request is not consistent with the 2003-2004 CAMA Land Use Plan but is consistent with the neighboring vicinity.

Chairman Jordan opened the Public Hearing for the Rook's Landing West Major Subdivision zoning request.

Paulette Wester, Eure, voiced her opposition to the rezoning request.

Thomas Langston, Planning Board member, stated he was the one vote against the rezoning request.

Lee Riddick, Planning Board member, stated the process the Planning Board went through at the time of the request. At that time there was no comment or opposition from any county agency.

John Wester, Eure, stated it is difficult to voice your concern if you are not given the opportunity.

Vernon Pope, Eure, questioned if the cost of out-of-county tuition defrayed the cost of education. Citizens have lost the right of use of their property. Mr. Buck should not be penalized for developing his property.

Mark Loudon, Drum Hill, stated controlled growth is needed in the county.

George Walters, Drum Hill, stated there are no jobs available to keep the young people in the County. He has neighbors loosing their homes. The County needs businesses.

Commissioner Jernigan responded you cannot drag a business to the County.

Chairman Jordan had to remind Mr. Walters the Chairman was in control of the meeting and to please sit down

Paula Eure, 4816 Hwy 37 Gates, voiced her concern with people coming to the County to live and the services needed to support these citizens and asked the Commissioners to seek economic development rather than residential development.

Kenny Buck provided the Board with a signed petition from residents within two (2) miles of the Rook's Landing West Subdivision; all of the residents except two (2) were in favor of the rezoning. Mr. Buck stated when he developed an area 25% - 30% of the property is purchased by county residents.

Commissioner Askew questioned what type of homes were to be constructed.

Mr. Buck stated the homes would be stick built or modular, split level or dormers.

Paulette Wester stated the petition received from Mr. Buck would not be valid until all signatures had been verified.

Chairman Jordan closed the Public Hearing

Commissioner Nickens made a motion not to grant the request to rezone Rook's Landing West Major Subdivision from A1-Agricultural to R1-Residential. Commissioner Jernigan seconded the motion. Commissioners Jernigan, Nickens and Twine voted for the motion, Commissioners Jordan and Askew voted against the motion. Motion carried with a majority vote.

The Board reconvened after a brief recess.

Mr. Haskett stated the Board needs to vote on the consistency statement.

Commissioner Twine made a motion the rezoning request for the Rook's Landing West Major Subdivision was denied due to the request being inconsistent with the CAMA Land Use Plan, Commissioner Nickens seconded the motion, motion carried without opposition.

Mr. Haskett presented a rezoning request by Kenny Buck for the Paige Riddick Major Subdivision to be rezoned from A1-Agricultural to R1-Residential. Mr. Haskett stated the request was passed by the Planning Board with a 7 to 0 vote. The request is inconsistent with the 2003-2004 CAMA Land Use Plan but is consistent with development in the vicinity.

Chairman Jordan opened the Public Hearing for Mr. Buck's rezoning request for the Paige Riddick Major Subdivision.

Mr. Buck stated this area is an extension of a neighboring subdivision already in place.

Lee Riddick stated at the time this request came before the Planning Board there were no comments from county agencies.

Dan Bazemore, Eure, questioned if there was a way to have developers state exactly what is to be built on the property prior to zoning approval. He also voiced his approval for Mr. Buck's rezoning request.

Chairman Jordan closed the Public Hearing on Mr. Buck's rezoning request.

Commissioner Nickens made a motion to approve Kenny Buck's rezoning request for the Paige Riddick Major Subdivision from A1-Agricultural to R1-Residential. Commissioner Twine seconded the motion, motion carried without opposition.

Commissioner Twine made a motion this zoning request is consistent with neighboring development but inconsistent with the 2003-2004 CAMA Land Use Plan as recommended by the Planning Board. Commissioner Askew seconded the motion, motion carried without opposition.

Lulu Eure, Community Center Director, presented a Resolution requesting the Support our Students funding be restored.

Commissioner Twine made a motion to adopt the Resolution requesting the Support our Students funding be restored. Commissioner Askew seconded the motion, motion carried without opposition.

The Resolution reads as follows:

**RESOLUTION
REQUESTING THE SUPPORT OUR STUDENTS FUNDING
BE RESTORED**

Whereas, funding for Support Our Students has been eliminated from the Governor's budget; and

Whereas, the Gates County Support Our Students Program is the only after-school program serving children in grades six through eight; and

Whereas, these students will be largely unattended during the hours when most juvenile crime occurs; and

Whereas, seventy-eight students and two staff members will be immediately and irreparably impacted by the loss of this important after-school resource; and

Whereas, the Juvenile Crime Prevention Council considers Support Our Students as a critical service in the local continuum for crime prevention and intervention,

Now therefore be it resolved that the Gates County Commissioners request that the Support Our Students funding be fully restored such that there is no interruption of services.

Adopted, this the 18th day of May, 2009.

Henry L. Jordan, Chairman
Gates County Board of Commissioners

ATTEST:

Diane R. Hendrix, Clerk

New Business

Joe Felton, HJ Felton Plumbing Contracting, Gatesville, requesting Commissioner support in opposition of proposed multiple licenses to be required of plumbing, heating and air contractors.

Commissioner Jernigan made a motion to develop a Resolution in opposition of the proposed multiple licenses to be required of plumbing, heating and air contractors. Commissioner Askew seconded the motion, motion carried without opposition.

Mr. Chappell presented a Skate Park Ordinance in an effort to eliminate the County's liability regarding the operation of the Skate Park currently under construction.

Commissioner Jernigan made a motion to adopt the Skate Park Ordinance as presented. Commissioner Nickens seconded the motion, motion carried without opposition.

The Skate Park Ordinance reads as follows:

One of the portions of the renovations that are being conducted at the Gates County Community Center involves the installation of a Skateboard Park. In an effort to eliminate Gates County's liability regarding the operation of this facility Gates County is adopting this local ordinance. The ordinance shall be as follows:

Gates County has chosen to own and operate a skateboard park at the Community Center located at 130 Highway 158, Gatesville, North Carolina 27938. This park is to be used exclusively by individuals that are competent and proficient in the use of the park and any and all of the apparatus that may be contained within the park. Individuals wishing to use the Skateboard Park will be required to complete a safety training course, whose contents will be at the discretion of the Community Center staff. The use of the park will be guided by this local ordinance and North Carolina General Statutes, specifically however not exclusively, General Statutes 99E-21, 99E-22, 99E-23, and 99E-24. If any potential operator and/or their guardians have questions pertaining to these Statutes and/or any other applicable Statutes they should conduct research prior to using the facility.

There are inherent risks that are associated with the use of the skateboard park even within the intended use of the facility. It is also recognized that risks and dangers are inherent in these activities (using the skateboard park), which risks and dangers will be assumed by those participating in the activities.

Use of the skateboard park is predicated on an implicit and/or explicit agreement to the following:

1. No person will use the skateboard park without simultaneously wearing a helmet, elbow pads, and knee pads. Additionally, skateboard park users must obtain an identification card from Community Center staff documenting that they have completed the required safety course prior to using the facility and
2. Take upon themselves the responsibility for their own actions as these actions relate to damages, injury, or death to himself or herself or other persons or property that results from their actions and/or inactions and
3. Act within the limits of his or her ability and the purpose of the equipment used and
4. Maintain control of his or her person and the equipment used and
5. Refrain from acting in any manner that may cause or contribute to death or injury of himself or herself or any other person.

Neither Gates County, the Board of Commissioners of Gates County, Gates County Schools, nor any other governmental entity takes on any liability for individuals that choose to use the skateboard park. Any person that is found to be in violation of this local ordinance will be guilty of a class 3 misdemeanor and subject to a \$500.00 fine. This ordinance is to be enforced by any law enforcement official that has competent jurisdiction for the area of the skateboard park's location. The requirements of this Ordinance will be posted at the facility affording reasonable notice of requirements and penalties for failing to comply.

This ordinance shall take effect and be in force from and after the 18th day of May, 2009.

Duly adopted by the Board of Commissioners of Gates County, North Carolina, this the 18th day of May, 2009.

Henry L. Jordan, Chairman
Gates County Board of Commissioners

ATTEST:

Diane R. Hendrix, Clerk
Gates County Board of Commissioners

Mr. Chappell presented a request by the Northeast Workforce Development Board to reappoint Colleen Turner to the Northeast Workforce Development Board; her term will expire on June 30, 2009.

Commissioner Jernigan made a motion to reappoint Colleen Turner to the Northeast Workforce Development Board for a three year term, July 1, 2009 – June 30, 2011.

Mr. Chappell presented a Resolution Supporting an Alternative Method of Recognition for Veteran Status of US Merchant Marine Seamen of WWII.

Commissioner Askew made a motion to adopt the Resolution Supporting an Alternative Method of Recognition for Veteran Status of US Merchant Marine Seamen of WWII. Commissioner Twine seconded the motion, motion carried without opposition.

The Resolution reads as follows:

**RESOLUTION
SUPPORTING AN ALTERNATIVE METHOD OF RECOGNITION FOR VETERANS
STATUS TO MERCHANT MARINE SEAMEN OF WWII**

WHEREAS, Public Laws 95-202 and 105-368 bestowed veteran status on US Merchant Marine Semen of WWII.

WHEREAS, two specific U.S. government actions by the U.S. government have caused some 10,000 merchant seamen to have been denied their due recognition:

- (1) The USCG relieved Masters of tugs, towboats and seagoing barges of the responsibility submitting reports of seamen shipped and discharged, and
- (2) The National Maritime Administration ordered ships' logbooks to be destroyed because they were too costly to maintain and had removed the two main criteria required by the government to issue official recognition to those seamen, and

WHEREAS, the average age of the remaining seamen is above 86 and the population of the US veteran is shrinking at an average of 850 per year causing time to be of the essence, and

WHEREAS, no costs are associated with this proposal as funds are already included in the above public laws.

WHEREAS, the Gates County Board of Commissioners therefore requests that immediate action be taken to correct this inconceivable action.

NOW, THEREFORE, BE IT RESOLVED, that the Gate County Board of Commissioners supports the attached proposal and so orders that this Resolution and attached proposal be sent to

Senator Kay Hagan, Senator Richard Burr, Congressman Walter B. Jones and Congressman G. K. Butterfield and this matter be placed into action to ensure expedient passage.

ADOPTED, this the 18th day of May, 2009.

Henry L. Jordan, Chairman,
Gates County Board of Commissioners

ATTEST:

Diane R. Hendrix, Clerk

Mr. Chappell presented a Resolution Opposing the "Public Health Improvement Plan" as Contained in Senate Bill 202.

Commissioner Nickens made a motion to table this Resolution until it can be discussed further. Commissioner Askew seconded the motion, motion carried without opposition.

Mr. Chappell presented a Resolution Against House Bill 1130.

Commissioner Nickens made a motion not to adopt the Resolution Against House Bill 1130. There was no second to the motion. The motion did not pass.

Commissioner Twine made a motion to adopt the Resolution Against House Bill 1130. Commissioner Jernigan seconded the motion. Commissioners Jordan, Jernigan, Askew and Twine voted to adopt the Resolution. Commissioner Nickens voted not to adopt the Resolution. Motion carried by a majority vote.

The Resolution reads as follows:

RESOLUTION

AGAINST HOUSE BILL 1130 (SENIOR PROP 13 PROPERTY TAX RELIEF)

WHEREAS, the North Carolina Constitution requires that all real property be taxed uniformly across the state and at "fair market value";

WHEREAS, the state of North Carolina already recognizes the contributions made by our elderly citizens and long-time residents and offers a generous Homestead Exemption for seniors of up to 50 percent or \$25,000 of a property's value, whichever is greater;

WHEREAS, House Bill 1130 (Senior Prop 13 Property Tax Relief) would provide a significant property tax break for elderly homeowners and for homeowners whose property increases in value more than other homeowners;

WHEREAS, providing this tax break would result in a significant reduction of property tax revenues for all counties and cities in North Carolina;

WHEREAS, providing greater tax exemptions for certain segments of society does nothing to reduce the need for services provided by local governments, which therefore increases the burden to fund these services on those who do not qualify for the exemption;

WHEREAS, the General Assembly can opt to fund this tax break by granting eligible citizens a credit on their state income tax return, instead of requiring cities and counties to fund a state tax break over which they had no input;

NOW, THEREFORE, BE IT RESOLVED that the Gates County Board of Commissioners urges the North Carolina General Assembly not to enact House Bill 1130;

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly representing Gates County and to all 100 counties in North Carolina.

Adopted this the 18th day of May, 2009.

Henry L. Jordan, Chairman
Gates County Board of Commissioners

ATTEST:

Diane R. Hendrix, Clerk

Steve Cavanaugh, President, Cavanaugh and Associates, P.A., provided a presentation on the implementation of a wastewater treatment study. He also provided a sewer opinion survey to obtain citizens input on where there is a need for developing a public sewer system. There will be meetings in the communities to discuss with citizens their concerns. One of the main concerns is to provide sewer for economic growth and development.

Chairman Jordan stated stimulus funding has been applied for to cover 100% of the cost.

Citizen Comments

Victor Scales stated he did not come to this county for a better quality of life but a safer life. He is planning for his retirement. He questioned what happened during past revaluations and how do you justify the increase in value.

Chairman Jordan stated the Commissioners have no choice in regard to revaluation, it is the responsibility of the appraisal firm.

George Walters voiced his opposition to the increase of tax values; stated the value should have been taken after the housing market fell.

Dan Bazemore, Eure, stated he understands the tax system; he just wants to be treated fairly.

Commissioner Askew made a motion to adjourn. Commissioner Twine seconded the motion, motion carried without opposition.

MINUTES OF BOARD OF EQUALIZATION AND REVIEW

May 19, 2009

The Gates County Board of Commissioners reconvened as the Board of Equalization and Review at 9:30 A.M. in the Commissioner's Room, May 19, 2009.

Those present were Chairperson Henry Jordan, Kenneth Jernigan, Wade Askew, Carlton Nickens, Graham Twine, County Manager Toby Chappell, Robert Ezell and Bob Pearson of Pearson Appraisal's and Tax Administrator Renée McGinnis.

Chairperson Jordan called the meeting to order. With no scheduled appeals the Board addressed concerns about the Schedule of Values and if the valuation was equitable.

Mr. Ezell discussed the appeal process with the Board and suggested ways to handle the appeals. He also discussed taxpayer concerns that were being heard in the informal appeal process.

Mr. Pearson discussed the revaluation process and its relation to the Ratio Study and Coefficient of Dispersion (COD).

The Board had questions concerning properties with no right-of-way and with lot values in certain areas of the County. Mr. Nickens questioned the use of the GIS system for accurate assessments. Mrs. McGinnis informed the Board that at the time field began the GIS system was not completed and up to date.

After some discussion, Ken Jernigan moved for a review of the sales in the southern area of the County and also the Sunbury and Corapeake area. The motion was seconded by Mr. Nickens and carried unanimously.

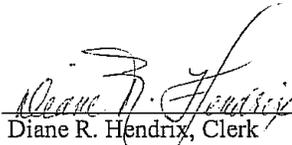
The Board discussed extending the closing date of the Board of Equalization and Review. This will be discussed further at the May 26th meeting.

Random selections of approximately 100 property records cards were distributed to the Board for their review.

Mr. Twine moved the Board adjourn until May 26, 2009 at 9:30 AM. The motion was seconded by Mr. Jernigan and carried.

Renée H. McGinnis
Clerk


Henry L. Jordan, Chairman


Diane R. Hendrix, Clerk

GATES COUNTY BOARD OF COMMISSIONERS
