

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
November 17, 2014**

The Gates County Board of Commissioners met in Regular Session at 7:00 p.m. Monday, November 17, 2014 in the Main Courtroom, 202 Court Street, Gatesville. Commissioners Jordan, Owens, Jernigan, Hofler, and Felton were present. Also present was County Manager, Natalie Rountree.

Chairman Jordan led in prayer and the pledge of allegiance.

Chairman Jordan called the meeting to order.

Approval of Minutes

Minutes are approved during the 1st monthly meeting; none are available at this time.

Approval of Agenda

Chairman Jordan stated that the agenda needs to be amended to add RPO Request for Resolution and RC&D Operation Discussion under new business and Recognition of Service will go to item 12 under new business. Under announced delegations we will add Mr. William Britt.

Commissioner Hofler made a motion to approve the agenda as amended. Commissioner Owens seconded the motion; motion carried unanimously.

Delegations – Unannounced

Earl Rountree, Sunbury, stated Thursday afternoon he received a call from a lady from Wisconsin about the FJ Outland Recognition and was real interested and wanted to contribute. She decided she would send a check to the Wounded Warriors project on behalf. Mr. Rountree said that it is hard to find people to serve and he appreciates Commissioner Jernigan's service to the County. After 60 years of involvement in politics Mr. Rountree said that he will be retiring with Mr. Jernigan. Mr. Rountree recognized Commissioner Owens for doing an excellent job in responding to Ms. Bazemore at the last meeting concerning the development of a grocery store. You show character when you look at a situation and are willing to revisit it. Mr. Rountree said he has asked for three years for online banking so that citizens can pay their county bills the same way as they pay all of their other bills. There has been excuse after excuse for why it's not happening and he would like an answer.

Sandy Pittman, Finance Director, explained that Customer Service has been working on an AR Box and electronic payments for about a year now. It has been a long process consisting of finding quotes, talking with different companies, and learning the process. Once we received the quotes we incorporated it into this year's budget. Since July countless hours have been spent working on the logistics and how all parties involved will work together. We hope to have more concrete details in place by sometime around January. Diane is working on hammering out the contract and figuring out how everything is going to work in our system. We are about at the same place with the lockbox and hope to have that go out with the new payment address on the bills in December. We hope to have the contracts by the end of the month to go to the county attorney for review.

Commissioner Hofler asked how the AR Box is different from an automated bank draft. Ms. Pittman stated that the AR Box is when you go online and pay your bill; if we have an AR Box setup you can electronically transfer funds to our account. The automated draft is when it is pulled directly from a bank account when bills go out and there is no action needed by the customer to transfer funds. We are hoping to be able to accept debit & credit cards in the next fiscal year.

Delegations – Announced

Jeff Patterson, Councilman for the Chowanoke Tribe, explained that the Tribe would like to become partners with the County to promote tourism opportunities, host events to

spread the history, and eventually to have opportunities to hire county people. The people have been a fabric of the county for centuries and one of the families that have been partners with the history of the tribe has been the Godwin Family. They have helped to locate where the first school was located and some of the attorneys have helped Chowanoke people to apply for charity funds. The Tribe is seeking a resolution or proclamation from the County in support of the Tribe.

Chairman Jordan stated the dedication service that he and Commissioner Felton attended was a great service and he is interested in the Board reviewing the resolution for adoption at a later meeting.

Commissioner Owens said he would like to see some of the high school students doing more research on the Tribe and their contributions to the area.

Commissioner Hofler said that it is going to be a little more difficult to find the school than students will be able to do. There is some information in the minutes at St. Pauls, it is in scattered papers but it gives some of the names. The problem with locating is that the papers mention Sarem which we think of as the area by Rooks Road but Sarem Creek is a different location and most people think that they were probably located by a creek. Mr. AP Godwin had a newspaper article posted in a Greensboro paper and he gave a speech about the school. Pitt Godwin stated that he has a copy of the speech and has had a few people contact him with their interest in the school. Commissioner Hofler stated we would love to find the school and get a historical marker.

William Britt, Gatesville, provided each Board member with a packet about what he feels is corruption in the Sheriff's Office. There is a court order against Mr. Britt stating that direct or indirect contact with an individual would put him at possible risk of being arrested. Mr. Britt feels that someone informed the individuals that he would be at the meeting to report issues so that they would show up and keep him from talking. Mr. Britt said he would rather meet with Board members individually. Mr. Britt stated if he mentions their names he is at risk of going to jail. He explained that he has appealed his charges and feels he was charged because he keeps putting pressure on the things that are going on in the County. He feels his reputation has been destroyed, he comes from a very good background and decided to open a business in Gates County. Mr. Britt stated his brother was brutally murdered in 2011 and he and his mother decided they would rather open the business than leave the property vacant. He feels there is corruption within the County and the Sheriff Office and he is being harassed. Mr. Britt refuses to mention anyone's name since the deputies are in attendance. Mr. Britt explained that he feels that the deputies in attendance are meant for intimidation. He finished by saying he would rather meet with Board members individually.

Chairman Jordan stated that the avenues that Mr. Britt has and is going through seem to be the appropriate manner.

Mr. Britt stated he is also working with three senators about changing the laws concerning the absolute power of the sheriff's office.

Chairman Jordan reminded Mr. Britt the Board does not have any control over the Sheriff's Office except for the budget.

Administrative Reports

Administrative reports are given at the first meeting of the month; none are available at this time.

Public Hearings

None

Old Business

Chairman Jordan stated that the Board has before them the Personnel Board Recommendations from the November 5, 2014 meeting.

Ms. Rountree, County Manager, provided an overview of the recommendation that reads as follows:

The Personnel Board would like to recommend that the building inspector job description with the addition of the fire inspection, change of the driver's license, and that the position will be full time.

We do have someone that is interested in the position that meets the qualifications. Commissioner Hofler reiterated that we are taking two part time positions and combining them to make a full time. Commissioner Owens confirmed that the individual would be able to obtain certifications within eighteen months.

Commissioner Owens made a motion to approve the building inspector job description with the addition of the fire inspection, change of the driver's license, and to list the position as full time. Commissioner Jernigan seconded the motion; motion passed without opposition.

Chairman Jordan explained that Mr. Milton J. Wiggins will celebrate his 100th birthday on the 29th of November and the Board would like to recognize him with a resolution. The resolution reads as follows:

RESOLUTION TO RECOGNIZE MR. MILTON J. WIGGINS ON HIS 100TH BIRTHDAY

WHEREAS, MR. MILTON J. WIGGINS was born on November 19, 1914; and

WHEREAS, MR. MILTON J. WIGGINS will be celebrating his 100th Birthday on November 19, 2014; and

WHEREAS, MR. MILTON J. WIGGINS attends church and is a member of St. John AME Zion Church in Sunbury; and

WHEREAS, MR. MILTON J. WIGGINS and his family will be celebrating his birthday on November 29, 2014 at T.S. Cooper Elementary School.

NOW, THEREFORE BE IT RESOLVED that the Gates County Board of Commissioners wishes to extend to MR. MILTON J. WIGGINS and his family a very Happy 100th Birthday.

This the 17th day of November 2014.

(SEAL)

Henry Jordan, Chairman
Gates County Board of Commissioners

ATTEST:

Melissa Lawrence, Clerk
Gates County Board of Commissioners

Commissioner Hofler made a motion to approve the Resolution to Recognize Mr. Milton J. Wiggins on his 100th Birthday. Commissioner Felton seconded the motion; motion passed unanimously.

Chairman Jordan stated we had another citizen, Ms. Annie Spivey, that was 109 and passed away yesterday. The Board would like to send their sympathies to the family of Ms. Spivey.

Mike McAllister, Municipal Engineering Services Company, provided an update to the Board and explained it appears that only about 7.5 of the acres are going to be useful and we are down to about 3,000 gallons per day. Don Wells is the soil scientist and is in attendance to answer questions.

Chairman Jordan stated we started out with an anticipation of 30,000-40,000 gallons per day and then the second assessment was 10,000-15,000 and now we are down to about 3,000 gallons per day. Mr. McAllister said with the findings now, it does not make since to continue with the site in the same direction. Chairman Jordan stated he has done some research and had some training and the soils are basically consistent throughout Gates County. What if we give another area and find the same thing, this is the third area that we have looked at and received opinions, at some point we need some type of guidance that we can depend on.

Don Wells, Soil & Environmental Consultant, explained that the soils in this area have a lot of wet conditions and a lot of the farm land in this area has ditches and large canals to try to help the water shed away quickly. When you get a landscape that does not have the drainage the water sits and you have to constantly battle trying to add water with getting rid of water. If it is truly lenior soil utilizing the current state rules and regulations the soil will not produce. To meet current regulations you have to have 12 inches of separation and currently you have areas that have less than 12 inches and the suitable areas have about 15 inches. The subsoils are very tight clay and as you dig through the clay you try to look to see if the soils change with depth and see if they get sandier as you dig deeper. At this site you get some layers of sand and some layers of clay, essentially the drainage is all lateral. In the summer you would still have standing water after a rainfall in July 3 days after the rain. The soil conditions relate to the vertical permeability and the runoff. Farmers use drainage ditches to get surface water to drain, for spray systems you have to buffer those ditches a fairly significant distance based of the level of treatment of the system. Essentially you will lose the effective ability to drain the site and irrigate unless you have a large area that you can work your spray field in and around drainage ditches and property setbacks. Again I would not expect for one area of soil to be different than the other if it is lenior. The other issue is how we manage the property line and drainage areas to offer effective areas to irrigate. If we can find soils that are Goldsboro or Norfolk they will be more conducive to irrigate. The multiple steps that you have to do to evaluate the site are extensive from the State's approach.

When we first got involved and did the work we relayed our opinion and then additional testing was done. That's when the numeric numbers come back to say about how much you can irrigate. The recommendation going to NCDENR would be 1,700 gallons per day. The lenior soil has a very low permeability rate.

Chairman Jordan said that some of the area was some craven soil and that is what type of soil we have our current system on. Mr. Wells said that the state implemented the 2T regulations which govern the application of spray systems. A lot of the sites that were permitted prior to these regulations are difficult to get permitted today.

Commissioner Owens asked if we are in jeopardy with the current system down the road with evaluations since it is on craven soil. Mr. McAllister feels that they have probably downgraded the site about as much as they are going to. A lot of the downgrading was from the soils getting saturated and from the runoff. The site was primarily downgraded because of the maintenance and the runoff. The rules when it was permitted in 1988 were much different. Typically, unless you try to increase the flow, they will let it go.

Commissioner Owens asked if there is a general rule of thumb for how far you can push the waste until it gets to the lagoon system. Mr. McAllister said that it is mainly a cost issue, the further away you go the more capital costs you will have. There is no magic formula and you must look and see if the numbers make sense.

Chairman Jordan asked what we can do to get a spray field to serve the needs of the County. If the same site was landscaped differently would the result be any different. Mr. Wells said that the site has had a lot of logging to take place without any tilling, which is one reason why water doesn't infiltrate the top soil. With the current regulations, the more conducive efforts would be to look at the County and pick our certain areas that have high flows and decentralize the draining area. There are a variety of options and the level of treatment also plays a part in what you can do with the water.

Commissioner Owens confirmed that you can get the water to a level that farmers would be able to get the water and use for irrigation. Mr. Wells explained that a lot of

communities that have water resource issues are going to these systems but you are still limited in areas that have naturally wet soils. If the areas are wet you can't irrigate on top of that or you will still have runoff.

Chairman Jordan stated we have also talked about other systems such as filtration or drip systems. Mr. McAllister said the only thing that will allow is shrinking the buffer and increase the amount of acreage and not the amount of water that can be placed on the land. You would have to use the water for some other type of use. Currently the county doesn't have a secondary option for continuous disposal of waste water.

Commissioner Owens confirmed that when we are looking for an alternative soil we are looking for craven soil. Mr. Wells said that ideally you would be looking for goldsboro or nofolk soil. The craven or lenior soils will work but the level of depth is the issue.

Chairman Jordan asked if anything else has to be done before the application is submitted to NCDENR. Mr. Wells stated he has a lot more data on the site and if we go to NCDENR the application rate that they will permit is going to be a very low number. We need to talk about the plans and costs.

Commissioner Owens asked if we would be better off to not send the application to NCDENR and to talk about alternatives. If this is not in our favor do we close the file and look at alternatives. Mr. Wells said that he is providing information so that a decision can be made, it is not his position to make the final decision. Mr. McAllister stated that you are looking at 7.5 acres instead of 14 acres and economically it doesn't make much sense. Chairman Jordan said we have to look at how much we have spent and how much more it is going to cost if we have to get a new site and go through the whole process again and we are going to give you lenoir or craven, that's all we have. So our option is to go with a more expensive plant or we give you another site and go through tossing it up in the air to see what may work.

Chairman Jordan asked Mr. McAllister what would work, the county needs a spray field and needs to know what to do. Mr. McAllister said that if we are going to look at land application than we need to look at another site or we have to look at a different type of system. Chairman Jordan said that he knows of 48 acres off of the 158 bypass that have been discussed before and they are willing to consider using the site.

Commissioner Hofler stated she has listened very carefully and at some point we have to cut our losses and look at something else. The reason why we have to look for another spray field site is because we have made commitments to Meridian. Mr. McAllister stated it is his understanding that we have the capacity to operate Meridian.

Chairman Jordan stated we have the capacity with the condition that we have to have something else in place.

Mr. Timothy Hedgepeth explained that we are currently at 76.4% capacity once Meridian comes on the system which leaves us 3.6% of play room before we hit the 80% planning phase and the 90% construction phase. Mr. Hedgepeth said he has inflated the calculations a bit to make sure we have wiggle room.

Commissioner Felton said the last time Mr. McAllister was here he was asked if he felt it was economically feasible and he didn't at that time and he believes even more that it is not feasible now.

Chairman Jordan said the decision is not that easy and we have to look for alternatives because not only does this effect what we are currently doing but it affects the grants that we have received. We can cut this project but we have to have an alternative in place.

Mr. McAllister said in his opinion the economics do not make sense but it is the decision of the Board to continue down the same path or to go find something else. Chairman Jordan explained that we need to focus on alternatives and that is where we need help. Mr. McAllister said that we need options of land to look at and where we are looking at now is not going to work.

Commissioner Owens said that it would be smart to get a chart looking at the grant dollars, what our obligations are and analyze it to see what the numbers tell us. We can then look at the alternatives and the feasibility and see what the numbers tell us.

Chairman Jordan said he is interested in knowing how much we have spent to get this assessment. Mr. McAllister said that he can get that number for the Board. Chairman Jordan said that we need guidance and we need to know from the get go if something is going to work or not and at the start we were told that this may work. Mr. McAllister said that based on initial information and the KStats they thought that something could work and you don't know the depth until starting drilling the deep wells. Chairman Jordan said that an engineering firm provides alternatives.

Ms. Rountree asked if the other plant would be an option would you have to have someone willing to take the water before it is built. Mr. McAllister feels that would be the best option. Mr. Hedgepeth said that when we originally looked at that option the thought was that it would be feasible to put on the community center and school ball fields. Now we have domestic taps for irrigation on the sites at Merchants Commerce, the school fields could still be an option. MESCO was directed in a different direction with the hope to be able to reduce costs instead of tying up 2.2 to 2.4 million dollars.

Chairman Jordan said that it looks like we need to make some decisions on the direction that we are going and will do that in closed session.

Commissioner Hofler asked if the onsite septic system is a possibility for us. Mr. McAllister explained that onsite is permitted by different state agencies and depending on the flow and gallons per day will depend on the amount and type of testing that has to be done.

Commissioner Hofler and Commissioner Felton thanked Mr. Wells & Mr. McAllister for an honest and concise report.

New Business

Chairman Jordan stated that a resolution needs to be passed to appoint the new County Planner, Jennifer Baptiste, as Review Officer. The resolution reads as follows:

**GATES COUNTY BOARD OF COMMISSIONERS
A RESOLUTION
APPOINTING A COUNTY REVIEW OFFICER**

WHEREAS, NCGS 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint a person to serve as Review Officer to review each plat required to be submitted for review before it is recorded and to certify that it meets the statutory requirements for recording;

NOW, THEREFORE BE IT RESOLVED that effective November 17, 2014 Jennifer Baptiste, County Planner, shall be a Review Officer pursuant to NCGS 47-30.2 as amended.

In the COUNTY OF GATES

Adopted this 17th Day of November, 2014

GATES COUNTY BOARD OF COMMISSIONERS

By: _____
Henry L. Jordan, Chairman

Melissa C. Lawrence, Clerk to the Board

Commissioner Felton made a motion to approve the Resolution Appointing Jennifer Baptiste as Review Officer. Commissioner Owens seconded the motion, motion passed without opposition.

Chairman Jordan said that the Employee Welfare Committee would like to recommend that the annual Gates County Staff Holiday Celebration be held on December 23rd from 3:00-5:00 p.m.. During this time all offices will close for employees to attend the celebration. If an employee chooses not to attend they will need to take leave for the two hours.

Commissioner Jernigan made a motion to approve the Holiday Celebration and to provide of no more than \$100 for the cost of the meats for the meal. Commissioner Hofler seconded the motion; motion passed without opposition.

Ms. Rountree explained that the January 19, 2015 7pm Board of Commissioners Meeting falls on Martin Luther King Jr.'s Birthday and the county offices will be closed. Chairman Jordan informed the Board that a second meeting is not required by law. Commissioner Hofler asked if we could table the meeting until the December meeting.

Commissioner Felton made a motion that we will not schedule a night meeting for January until we meet on January 7th and see if a meeting is needed. Commissioner Owens seconded the motion; motion passed without opposition.

Ms. Natalie Rountree, County Manager, stated that last week at the RPO/TCC meeting a request was made that a letter or resolution be sent by December 2nd to NCDOT to recommend that HWY 158 east of 17, HWY 168 and the mid Currituck Bridge be added back into the state transportation plan. They are requesting all counties adopt a letter or resolution.

Commissioner Owens made a motion to send a letter and resolution to the NCDOT to support the inclusion of US 158 east of US 17, US 168 and the Mid-Currituck Bridge on the STC network map. Commissioner Hofler seconded the motion; motion passed without opposition.

Ms. Rountree informed the Board that the RC&D will be making some decisions that will determine if they will continue to operate and if so how they will operate moving forward. Mr. Joe Harrell has been on the RC&D Board for two years and would like to present a little information.

Mr. Joe Harrell, County RC&D Representative, presented a packet of information to the Board and provided an update on the issues that the RC&D is facing. It is likely, if RC&D continues to operate, that counties will be asked to increase the amount of funds that they contribute. We are a participating member at the tier 1 level, any work they do is on a fee basis.

Chairman Jordan asked what we currently budget. Mr. Harrell said that he believes the county contributes around \$750. Chairman Jordan asked Board how they would like the County Manager and Mr. Harrell to let the RC&D Board know that we support their efforts.

Ms. Rountree said that they currently have enough operating funds for one more year and if the counties and municipalities decide that they no longer wish to fund them they will finish the projects in progress and then will dissolve.

Commissioner Jernigan said that he feels that for \$750 a year we have had a lot of funds spent here on projects and it appears that we are getting a good bargain. Commissioner Jernigan would like to see the County continue with the amount of funding we currently have budgeted and then look to see if we can increase our support at all.

Commissioner Jernigan made a motion to continue to support RC&D at our current level and will recommend looking at it again at a future date once the RC&D Board has established new membership levels. Commissioner Owens seconded the motion; motion passed without opposition.

Chairman Jordan presented Commissioner Jernigan with a plaque recognizing his eight years of service to the Board.

Citizen Comments

None

Commissioner Comments

Commissioner Owens stated he has enjoyed serving with Mr. Jernigan and has always liked having him to his left. The insight that he has brought to the Board has been very helpful and we will miss Ken on the Board but we do have a good replacement that will be filling the seat.

Commissioner Hofler stated that she has enjoyed working with Kenny over the last few years. He is a man of few words but they are to the point and that is appreciated. We hope to see him in the audience keeping an eye on us.

Commissioner Felton stated he has enjoyed his year on the Board and he remembers the story Ken told about when he arrived 30 years ago and planned to move on but found it to be a great place to live and couldn't leave. Commissioner Felton thanked everyone for coming and said that he appreciates all of those from his district that are in the audience.

Chairman Jordan thanked citizens for attending and said that we do intend on continuing the legacy that Ken has established.

Closed Session

Commissioner Jernigan made a motion to enter into closed session pursuant to NCGS 143-318.11 a (3) Legal (4) Economic Development, (5) Real Estate, (6) Personnel. Commissioner Felton seconded the motion, motion passed unanimously.

Commissioner Owens made a motion to exit closed session. Commissioner Hofler seconded the motion, motion passed unanimously.

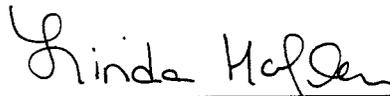
Adjournment

Commissioner Owens made a motion to authorize our engineers and soil scientist to proceed with the spray field option discussed and contact our local health authority about utilizing the area as discussed in closed session. Commissioner Jernigan seconded the motion; motion passed without opposition.

Commissioner Owens made a motion to authorize the County Manager to contact the EEOC and request the information discussed in closed session and consult the county attorney for guidance. Commissioner Jernigan seconded the motion; motion passed without opposition.

Commissioner Owens made a motion to look at the disposition of a cell phone in regards to an employee being able to retain the phone after retirement. Commissioner Jernigan seconded the motion; motion passed unanimously.

Commissioner Jernigan made a motion adjourn. Commissioner Owens seconded the motion, motion passed without opposition.



 Linda Hofler, Chairman



 Melissa C. Lawrence, Clerk

GATES COUNTY BOARD OF COMMISSIONERS
