

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

The Gates County Board of Commissioners reconvened from in Regular Session from November 2, 2011 at 7:00 p.m., Monday, November 21, 2011 in the main courtroom, 202 Court Street, Gatesville. Commissioners Twine, Jernigan, Hora, Owens and Jordan were present. Also present was County Manager, Toby Chappell and Attorney, Pitt Godwin.

Chairman Twine called the meeting to order.

Commissioner Jordan made a motion to enter into Closed Session as authorized by NCGS§143-318.11(a)(4). Commissioner Jernigan seconded the motion, motion carried without opposition.

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

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

Approval of Agenda

Chairman Twine stated the Agenda needed to be amended by the following: Billy Winn will be presenting two items under Department Reports.

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

Citizen's Comments

Earl Rountree, Sunbury, referenced Closed Sessions and stated the ABC Board and ABC stores have nothing to do with tax money, commented positively on the library financing, the need for a drop box and the letter received by Chuck Brother, Planning Board member.

John Crocker, Sunbury, Vice-President, Sunbury Ruritan Club, stated his club is interested in the Sunbury School gymnasium.

John Hill, Sunbury, President, Sunbury Ruritan Club, stated he would appreciate any consideration the Board could give the Ruritan's regarding the Sunbury School gymnasium.

Department Reports

Colleen Turner, DSS Director, gave a Child Support Enforcement update by YoungWilliams.

Billy Winn, Emergency Management Director, presented a request by the Gate County Medical Transportation Advisory Committee to deny the request by MedEx Medical Transport Services, Inc. to operate in Gates County.

Commissioner Jordan made a motion to accept the recommendation of the Gates County Medical Transportation Advisory Board with the right of MedEx to appeal. Commissioner Jernigan seconded the motion, motion carried without opposition.

Mr. Winn discussed the process of Pre-employment Criminal History Conviction Investigation.

Commissioner Owens made a motion to accept this method as a resource for criminal history queries. Commissioner Hora seconded the motion, motion carried without opposition.

Old Business

Gus Simmons, Wastewater Engineer, Cavanaugh and Associates, provided an update on the wastewater and sewer collection system. They are ready to advertise for bids. All permits and entitlements are in place by the County and progress has proceeded on schedule. He is seeking the Board's approval to begin advertising on November 29, 2011.

Commissioner Jordan made a motion to authorize Cavanaugh and Associates to advertise for the next phase of wastewater expansion. Commissioner Owens seconded the motion, motion carried without opposition.

Mike Scott, PRO, gave an update on funds applied for and/or received for the wastewater project. He presented an amendment to the NC Rural Center NC Economic Infrastructure Program Supplemental Grant, Contract #2010-148-40401-107, Amendment 1.

Commissioner Jordan made a motion to approve the NC Rural Center NC Economic Infrastructure Program Supplemental Grant Amendment. Commissioner Jernigan seconded the motion, motion carried without opposition.

Sandy Pittman, Finance Officer, presented Budget Amendment 23 to budget for transfers to the Wastewater Treatment Facility Capital Project Fund.

Commissioner Owens made a motion to approve Budget Amendment 23 and approve the Capital Project Ordinance for Wastewater Facility. Commissioner Jordan seconded the motion, motion carried without opposition.

Mr. Chappell discussed the courthouse architect status.

Commissioner Jordan made a motion to accept Clearscapes, PA as the firm of choice and proceed with requesting a proposal. Commissioner Hora seconded the motion, motion carried without opposition.

Mr. Chappell presented request for proposals received for the CDBG-Capacity Building Grant Administrator.

Commissioner Jordan made a motion to waive the time frame and accept all proposals received: Progressive, Coastal Innovative AdVentures, Roanoke Center and The Wooten Company.

Commissioner Jernigan asked to be recused. He serves on the Roanoke Electric Cooperative Board.

Commissioner Hora made a motion to recuse Commissioner Jernigan. Commissioner Jordan seconded the motion, motion carried without opposition.

Commissioner Jordan made a motion to accept PRO as the Grant Administrator and Project Manager for the CDBG-Capacity Building Grant. Commissioner Hora seconded the motion, motion carried without opposition.

Pitt Godwin, Attorney, discussed the tax incentive plan offered to the purchasers of the Sunbury School Properties. It will be equal to fifty percent (50%) of the taxes paid for a five (5) year period to the owner as of December 5, 2011, effective January 1, 2012 and it is non-transferrable.

Commissioner Jernigan made a motion to open the Public Hearing for the incentives to the purchasers of the Sunbury School properties. Commissioner Owens seconded the motion, motion carried without opposition.

Dan Bazemore, Eure, requested clarification on who gets the tax incentive and stated it was a positive move.

Chairman Twine responded the tax incentive will be for the purchaser, not Preservation North Carolina.

Earl Rountree, Sunbury, questioned what happens when the purchaser does not comply.

Mr. Godwin responded there are covenants in the deed and the County could take legal action.

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

Commissioner Owens made a motion to approve the incentive package. That package being a five (5) year grant that is equal to one-half of the property taxes paid in full on the Sunbury School properties and to the sole benefit of the final owners as of 12/05/11 and the grant is non-transferrable. Commissioner Jordan seconded the motion, motion carried without opposition.

Commissioner Jordan made a motion to approve the Resolution Approving the Sale of Sunbury School Properties. Commissioner Owens seconded the motion, motion carried without opposition.

The Resolution reads as follows:

**RESOLUTION
APPROVING THE SALE OF SUNBURY SCHOOL PROPERTIES**

WHEREAS, according to N.C.G.S. §160A-266(b) and §153A-176 authorizes the disposal of real or personal property; and

WHEREAS, provided a County may dispose of real property of any value and personal property valued at thirty thousand dollars (\$30,000) or more for any one item or group of similar items by private negotiation and sale where (i) said real or personal property is significant for its architectural, archaeological, artistic, cultural or historical associations, or significant for its relationship to other property significant for architectural, archaeological, artistic, cultural or historical associations, or significant for its natural, scenic or open condition; and (ii) said real or personal property is to be sold to a nonprofit corporation or trust whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significant; and (iii) where a preservation agreement or conservation agreement as defined in G.S. §121-35 is placed in the deed conveying said property from the County to the nonprofit corporation or trust. Said nonprofit corporation or trust shall only dispose of or use said real or personal property subject to covenants or other legally binding restrictions which will promote the preservation or conservation of the property, and, where appropriate, secure rights of public access.

NOW, THEREFORE, BE IT RESOLVED the Gates County Board of Commissioners wish to sell the Sunbury School Properties, (Parcel #10-03060 Sunbury School, 5.62 acres; parcel #10-03061 gymnasium, 1.12 acres; Parcel #05-00045 teacherage, 0.78 acres, and Parcel #05-00648 agricultural building, 0.58 acres) to Preservation North Carolina for the sum of fifty thousand dollars (\$50,000) and other considerations agreed upon by both parties.

ADOPTED this the 21st day of November, 2011.

Graham L. Twine, Chairman

ATTEST:

Diane R. Hendrix, Clerk

Mr. Chappell presented a text amendment to the Gates County Condemnation Ordinance: **A list of offending properties will be kept on file in the Planning & Inspections department listing the address, owner(s), tax PIN number, and photographs of each structure. The list will come from written citizen complaints as well as from staff observations. Anonymous complaints will be verified by staff before action shall be taken. Priority will be given to sites with close proximity to residences, schools, and businesses. Barns, shelters, lean-to's, sheds, et al...that are utilized for agricultural purposes are not applicable to this ordinance, unless the health, safety, and general welfare of the public is in eminent danger.** *Public or County owned structures which are listed on the National Register of Historic Places and/or the North Carolina State Historic Preservation Office shall be exempt from this Ordinance. Private sites listed on the National Register of Historic Places and/or the North Carolina Historic Preservation Office shall be exempt from this ordinance for a period of 10 years from the date of sale. Within 10 years from any date of purchase, the new owner must have plans in place that maintain, restore, or alter the designated landmark to prevent it from being a danger to the health, safety and welfare of Gates County citizens. The Gates County Board of Commissioners reserve the right to revoke and/or disallow any waivers to this exemption if the requirements are not complied with or if deception is detected, in the judgment of the Gates County Board of Commissioners, to avoid compliance.*

Commissioner Owens made a motion to approve the text amendment to the Condemnation Ordinance. Commissioner Jernigan seconded the motion, motion carried without opposition.

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

New Business

William Rountree, Gatesville, presented a request to extend the water line down Rountree Lane. The request would be to extend the line for 1 – 5 meters for the future. Since Mr. Rountree is a licensed contractor he would like to donate the work to the County provided the County would pay for the engineer.

Chairman Twine stated Timmy Hedgepeth, Water Department Supervisor, is working on a proposal which should be ready for the December meeting.

Mr. Chappell stated requests for proposals have been received the HVAC for the Administration Building. He needs clarification from one of the bidders and will have a response for the Board at the next meeting.

Mr. Chappell presented a request to dispose of items found in the server room when it was cleaned out and are no longer used.

Commissioner Owens made a motion to dispose of surplus equipment on GovDeals and dispose if not sold. Commissioner Jernigan seconded the motion, motion carried without opposition.

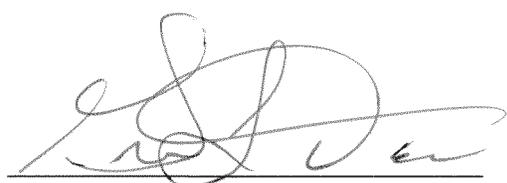
Chairman Twine stated the scheduled January 16 meeting falls on the Martin Luther King Holiday. The meeting needs to be re-scheduled.

Commissioner Jordan made a motion to move the January 16 night meeting to Wednesday, January 18. Commissioner Hora seconded the motion, motion carried without opposition.

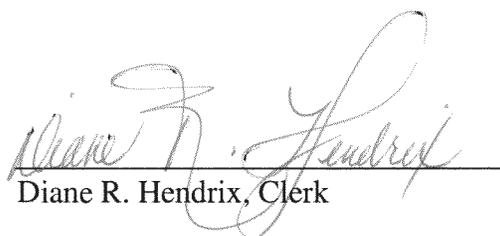
Citizen's Comments

Anthony Felton, Eure, states he goes to the Gates County website to view meetings; he would like for the old courthouse to be used for a museum.

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



Graham L. Twine, Chairman



Diane R. Hendrix, Clerk

GATES COUNTY BOARD OF COMMISSIONERS

