

**GATES COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
JUNE 16, 2014**

The Gates County Board of Commissioners met in an Special Meeting at 7:00 p.m. Monday, June 16, 2014 in the Main Courtroom, 202 Court Street, Gatesville. Commissioners Jordan, Owens, Jernigan, Hofler and Felton were present. Also present was Interim County Manager Kenneth Windley.

Chairman Jordan led in prayer and the pledge of allegiance.

Chairman Jordan called the meeting to order.

Closed Session

Commissioner Hofler made a motion to enter into closed session according to NCGS 143-318.11 a (3) Legal (6) Personnel. Commissioner Owens seconded the motion, motion passed without opposition.

Commissioner Jernigan made a motion to exit closed session and enter into special session. Commissioner Hofler seconded the motion, motion passed without opposition.

Commissioner Felton made a motion to authorize the county manager and chairman to make contact with the county manager candidate discussed in closed session and to report back to the Board by Thursday. Commissioner Hofler seconded the motion, motion passed without opposition.

Approval of Minutes

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

Approval of Agenda

Commissioner Owens made a motion to approve the agenda as presented. Commissioner Jernigan seconded the motion, motion passed without opposition.

Administrative Reports

Administrative reports are presented during the 1st monthly meeting; none are available at this time.

Unannounced Delegations

Tom Morgan, Corapeake, stated that he has comments about the budget. Chairman Jordan recommended speaking during the budget public hearing.

Public Hearings

Commissioner Jernigan made a motion to enter a Public Hearing on the 2014-2015 proposed budget. Commissioner Owens seconded the motion, motion passed without opposition.

Chairman Jordan stated that we will now hear public comments on the budget.

Tom Morgan, Corapeake, stated that the water department is very well run and has built up a reserve over time. Last year water funds were used to fund county operations and it appears that this has increased dramatically this year. This will have a negative effect on the water department and will cause water prices to rise in the future.

Chuck Brothers, Drum Hill Road, explained that he appreciates the Board inserting some funding into the capital budget for a consultant to review ordinances.

Commissioner Owens made a motion to exit the Public Hearing on the 2014-2015 proposed budget. Commissioner Jernigan seconded the motion, motion passed without opposition.

Ms. Pittman, Finance Director, stated that a summary of changes was included in the packet and she will be happy to answer any questions.

Commissioner Owens wanted clarification that we are in good shape with the Building & Grounds Budget. Ms. Pittman stated that she feels more comfortable about the line this year and it has been adjusted for some issues that came about last year.

Commissioner Jernigan asked if professional services included the consultant for the ordinances. Ms. Pittman stated yes, it includes the consultant and the tax software.

Commissioner Hofler asked what level the fund balance is at. Ms. Pittman stated we are at about 24% which is close to where we have been the past few years.

Chairman Jordan stated that this is a balanced budget and tax rates have not increased. The Water Department budget takes into account the services that the County uses to support the water fund.

Mr. Windley asked the Board to approve the 2014-2015 Budget Ordinance.

Commissioner Owens made a motion to approve the 2014-2015 Budget Ordinance as presented. Commissioner Jernigan seconded the motion, motion passed without opposition.

Commissioner Hofler made a motion to enter a Public Hearing on a Zoning Ordinance Text Amendment amending the Zoning Ordinance Article 7 Section 7.01 to allow Seasonal Agricultural Housing in A-1 zoning districts as a Permitted Use. Commissioner Jernigan seconded the motion, motion passed without opposition.

Commissioner Felton stated that a discussion has taken place to put a 180 day time requirement in the text amendment. Chairman Jordan read the text amendment including the 180 day insertion.

Chuck Brothers, Planning Board Member, stated that the topic came up at the last Planning Board meeting and time is of the essence for the Cotton Gin to be able to build. Mr. Brothers stated that the Planning Board and the petitioners were not aware that a time limit of 180 days was going to be added into the text amendment. There should be some parameters added that would include workers having to stay longer due to weather delays. If the amendment passes tonight the petitioner needs to be made aware that the time limit has been applied.

John Carter, Planning Board Member, stated that if we do it with 180 days it would be sufficient for any crop production.

Chairman Jordan asked if the 180 days limits the amount that can be harvested by the petitioner. Mr. Carter and Mr. Brothers did not believe that the timeframe would limit the amount harvested.

Commissioner Jernigan stated that workers are often brought in prior to the season to rebuild equipment and prep for the season. Commissioner Jernigan stated that he is not sure if that work is completed within the 180 day limit or not. While the Gin is closed work is still going on but the work may not require workers to be living at the facility.

Commissioner Felton explained that the 180 days does not have to be consecutive, individuals can stay 30 days in January and 90 days at another time. Mr. Brothers stated that he is okay with the 180 days but it needs to be communicated to the petitioner before ginning season.

Tom Morgan, Corapeake, asked the Board if the ordinance will apply to hunting camps. Mr. Windly stated that it is seasonal agricultural and hunting and fishing is considered recreational.

Commissioner Jernigan made a motion to exit the Public Hearing on a Zoning Ordinance Text Amendment amending the Zoning Ordinance Article 7 Section 7.01 to allow

Seasonal Agricultural Housing in A-1 zoning districts as a Permitted Use. Commissioner Owens seconded the motion, motion passed without opposition.

Commissioner Owens stated that we are trying to get clarification and weather and flooding could become issues. Do we need to add something that provides situations in which the 180 day timeline could be extended?

Commissioner Felton stated that the 180 day timeline abides by our subdivision ordinance. Chairman Jordan stated that if our local statues require that it cannot be over 180 days then we have to abide by our statues.

Commissioner Hofler stated that we are counting the time that a worker is staying in the facility. Once the first person enters and leaves the time frame stops until the next worker enters.

Commissioner Owens stated that we have to abide by the statues but we would like to make sure that we make things clear the first time that we go around.

Walter Rodan, Contractor, stated that he has been working with the petitioner on the project and he feels that the spring time maintenance workers do not stay in the facility, the facility is for the cotton gin workers that arrive in the fall for 2 to 3 months.

Commissioner Owens made a motion to approve the Zoning Ordinance Text Amendment amending the Zoning Ordinance Article 7 Section 7.01 to allow Seasonal Agricultural Housing in A-1 zoning districts as a Permitted Use with the 180 day language and the wording on how the days are calculated. Commissioner Felton seconded the motion, motion passed without opposition.

The text amendment reads as follows: Seasonal Agricultural Housing is a permitted use in A-1 zoning districts. The facility shall only be used for any 180 day period in any calendar year. This does not mean continuous days but the total number of days between Jan. 1 and Dec. 31 in any year.

Old Business

Chairman Jordan stated that the Memorandum of Agreement with the Chamber of Commerce was tabled for review by the County Attorney. The County Attorney has approved the agreement and the hold harmless statement has been added. The memorandum of agreement approved by the County Attorney reads as follows:

**Memorandum of Agreement
Between
County of Gates
and
Gates County Chamber of Commerce**

THIS MEMORANDUM OF AGREEMENT is hereby made and entered into by and between County of Gates North Carolina, hereinafter referred to as Gates County and the Gates County Chamber of Commerce, hereinafter referred to as the GCCC.

WITNESSETH:

WHEREAS, it is the GCCCs mission to serve as the leading voice in providing advocacy, promotion and opportunities for the business and professional community of Gates County; and

WHEREAS, it is Gates County's desire to promote its business community and civic organizations through organizations like of the GCCC; and

WHEREAS, it is mutually beneficial for Gates County and the GCCC to work cooperatively to host a Chamber website that is in conjunction with the Gates County website to provide public access to County and Chamber information and to support and promote Chamber members.

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree as follows:

A. GATES COUNTY SHALL:

1. Provide space on the County website hosted by GovOffice for the Gates County Chamber of Commerce.
2. The County Information Technology Department shall provide technical support to create a login to the Chamber portion of the website for the Chamber of Commerce webmaster. The IT Department is not responsible for editing, updating, and maintaining the GCCC webpages.
3. Provide three (3) months' notice to the Gates County Chamber of Commerce Board of Directors if the County should decide to no longer host the Chamber Website.
4. Have the right to tell the GCCC to remove any content from the Chamber webpages that the County deems not favorable, obscene, or illegal.
5. The County of Gates shall be held harmless and indemnified for any liability which may arise from the shared website use under this agreement with the Gates County Chamber of Commerce.

THE GCCC SHALL:

1. Designate a Chamber Board Member as webmaster for the GCCC portion of the County Website and shall put a request in writing to the Gates County Webmaster to create a login for the GCCC webmaster.
2. Create, maintain, and control all content on the GCCC portion of the County Website.
3. Not edit any pages of the website that are County pages and not directly related to the GCCC.
4. Refrain from posting any information that is considered obscene, illegal or not favorable of Gates County.
5. Notify the Board of Commissioners in writing if the GCCC decides to transfer their website to another website host and not utilize the Gates County GovOffice website host.

B. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE SAID PARTIES THAT:

1. If for any reason(s), Gates County Chamber of Commerce does not comply or falls out of compliance with the conditions in this agreement, the County will revoke the rights of the GCCC to utilize the County Website as a host for the GCCC Website.
2. Gates County IT reserves the right to temporarily block access to the website by the Chamber Webmaster if content added to the site is deemed obscene, illegal or not favorable of the County.
3. Any party, in writing, may terminate this agreement in whole, or in part, at any time before the date of expiration, whenever it is determined that the other party or parties have materially failed to comply with the conditions of this agreement.
4. This agreement is executed as of the date of the last signature and is effective through 31 December, 2017, at which time it may be renewed with the mutual consent of both parties.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement as of the last date written below.

County of Gates

BY: _____ Date _____
Chairman, Gates County Board of Commissioners

BY: _____ Date _____
President, Gates County Chamber of Commerce

Commissioner Hofler made a motion to accept the Memorandum of Agreement between the County of Gates and Gates County Chamber of Commerce for website services. Commissioner Felton seconded the motion, motion passed without opposition.

New Business

Chairman Jordan stated that the Board has for their review the Personnel Board Recommendations for Phase 3 of the Pay and Classification Study. This is the last of our pay and reclassifications. The Personnel Board has reviewed and recommends that Phase 3 be approved as presented.

Commissioner Owens made a motion to approve the Personnel Board Recommendations for Phase 3 of Pay and Classification. Commissioner Hofler seconded the motion, motion passed without opposition.

Chairman Jordan stated that the Board of Commissioners waived the fee for the ABC Board for water service fees back in 2012 and since then the contractor has paid \$1,750 for water service/impact fees unaware that the Board had approved the waiving of the fees.

Sandy Pittman, Finance Director, stated that since the fee has been waived the impact fees have been added. The Board waived the water service fees but did not waive the impact fees since they were not in existence.

Chairman Jordan asked if the contractor has built the fee into his services. Mr. Perry, ABC Board member, stated that the architect that helped to draw up the contract told the contractor that the fees were waived. The contractor paid the fee to get the job started and now is out of that money.

Mr. Windley, Interim County Manager, stated that you could reimburse the fees, granted that the fees are not charged to the ABC Board.

Mr. Perry, ABC Board Member, said that if the fee is not waived the contractor is going to add those fees onto the project at the end.

Commissioner Felton made a motion to refund the water service/impact fees for the ABC Board. Commissioner Jernigan seconded the motion, motion passed without opposition.

Sandy Pittman, Finance Director, presented to the Board an amendment to the Customer Service Policy to allow the Tax Office to Collect Prepayments at the Tax Office. Ms. Pittman stated that the way the tax office is set up the prepayments have always been an issue and it has been determined that the best way to collect prepayments is for the tax department to collect and receipt the payments and then bring the payments to customer service on a daily basis.

Commissioner Jernigan asked if this would help to eliminate refunds. Ms. McGinnis stated that those are typically over payments. For the customer service department to accept prepayments they have to run them as overpayments on the prior year and it messes up the refund amount at the end of the month. This will clarify the process.

Commissioner Hofler made a motion to approve the amendment to the Customer Service Policy to allow the Tax Office to Collect Prepayments at the Tax Office. Commissioner Jernigan seconded the motion, motion passed without opposition.

The approved amendment to the Customer Service Policy reads as follows:

The Customer Service Division will serve as cashier for the Tax Department. The Customer Service Division will have the duty of posting tax payments and issuing receipts for same with exception of tax prepayments. A daily settlement for tax payments will be certified to the Tax Collector daily for all tax funds posted and receipted. Tax prepayments will be collected by the Tax Department and receipted daily by the Customer Service Division. Tax payments and tax prepayments received will be processed in accordance with applicable North Carolina General Statutes and the Gates County Cash Management Policy (Attachment II).

Sandy Pittman, Finance Director, presented Budget Amendment 57 for the Board of Elections.

Chairman Jordan asked the result of a meeting that has been conducted since this issue was communicated to the Board. Mr. Windley stated that the Board of Elections Chairman has expressed concerns and stated that he will be making sure that they follow the purchasing policy. Mr. Windley stated that he feels confident that the Board of Elections will work to follow the purchasing policy more efficiently.

Commissioner Owens verified that this is money that has already been spent.

Commissioner Jordan made a motion to approve budget amendment 57 for the Board of Elections. Commissioner Owens seconded the motion, motion passed without opposition.

Commissioner Owens asked for the Board comments to be passed along to the department.

Citizen Comments

Tom Morgan, Corapeake, stated that it is his understanding that the Board is going to consider some changes to the County Subdivision Ordinance and has comments for that issue. Chairman Jordan stated that changes to the Subdivision Ordinance will not be discussed tonight.

Closed Session

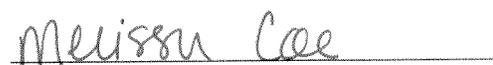
Commissioner Owens made a motion to enter into closed session according to NCGS 143-318.11 a (3) Legal (6) Personnel. Commissioner Jernigan seconded the motion, motion passed without opposition.

Commissioner Jernigan made a motion to exit closed session and enter into special session. Commissioner Owens seconded the motion, motion passed without opposition.

Adjournment

Commissioner Felton made a motion to adjourn the Special Meeting. Commissioner Owens seconded the motion, motion passed without opposition.


Henry L. Jordan, Chairman


Melissa A. Coe, Interim Clerk

GATES COUNTY BOARD OF COMMISSIONERS
