

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 19, 2010**

The Gates County Board of Commissioners met in Regular Session on Monday, July 19, 2010 at 7:00 p.m. Due to the number of citizens in attendance the meeting was moved from the Commissioners' Room to the main court room, 202 Court Street, Gatesville. Commissioners Twine, Jernigan, Askew, Nickens and Jordan were present. Also present was County Manager, Toby Chappell.

A prayer was led by Rev. Wesley Boone. Chairman Twine led the pledge of allegiance.

Chairman Twine called the meeting to order.

Approval of Agenda

Chairman Twine stated two items needed to be added to the Agenda, Sandra Nickens and Paulette Wester need to be added under New Business.

Commissioner Jordan made a motion to accept the Agenda with additions. Commissioner Jernigan seconded the motion, motion carried without opposition.

Department Reports

Morgan Jethro, Planning Director, presented a request for Mr. J. E. Harrell to rezone property located at 139 Johnny Harrell Road, Gates, from R-1 to A-1. Mr. Harrell presented his request to the Planning Board in June and it was denied by a 4-3 vote.

Mr. Harrell presented documentation stating similarities between his request and a previous request by Mr. Douglas Baker.

Commissioner Nickens made a motion to open the Public Hearing for Mr. Harrell's rezoning request. Commissioner Jernigan seconded the motion, motion carried without opposition.

Earl Rountree, Sunbury, stated he would like to know the proposed text change for the Zoning Ordinance.

Dan Bazemore, Eure, stated he owns property under a similar situation and feels the request should be approved.

Joe Greene, Planning Board Member, stated he voted against Mr. Harrell's request; he was using the current Zoning Ordinance as his guide.

Earl Rountree, Sunbury, stated you have to abide by the laws/ordinances that are in place, property owners should be able to use their property.

John Hora, Eure, stated he agreed with the prior use rule and you need to abide by the current ordinance in affect but the tax payer should not be penalized. The ordinance needs to be changed.

J. E. Harrell, stated Mr. Baker's request was approved a month ago, do not hold him back because of the existing ordinance text.

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

Commissioner Jordan stated for consistency sake it should not remain; he feels it should be rezoned to solve a problem. Based on land use, he should be allowed to put back what was there but keep the zoning the same.

Commissioners Askew and Jernigan stated they do not have a problem with the property being rezoned.

Commissioner Twine stated he has no problem with Mr. Harrell's request. He would like to have the Planning Board respond to a proposed text change and bring it to the Board for review.

Mr. Chappell read a text change recommendation he and Ms. Jethro propose:

7. Notwithstanding paragraph 5, any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure, ~~of a larger size, so long as the replacement occurs within one hundred twenty (120) days of the removal of the original structure, and the replacement does not create new nonconformities with respect to yard size and setback requirements. In particular, a manufactured/mobile home may be replaced with a larger manufactured/mobile home, and a "single wide" manufactured/mobile home may be replaced with a "double wide."~~ **manufactured home or modular home, so long as the replacement does not create new nonconformities with respect to yard size and setback requirements. The governing use shall be the last structure on the site regardless of time lapse of removal of the structure, as confirmed by the Gates county Tax Department. The replacement of the structure or manufactured home may be ascending or descending in square footage.** This paragraph is subject to the limitations stated in Section on abandonment and discontinuance of nonconforming situations.

Commissioner Jordan made a motion to send a proposed text change to the Planning Board and have a response for the Commissioners at the September Board Meeting. Commissioner Askew seconded the motion, motion carried without opposition.

Commissioner Jernigan made a motion to allow Mr. Harrell to rezone his property located at 139 Johnny Harrell Road, Gates, from R-1 to A-1. Commissioner Askew seconded the motion. Chairman Twine and Commissioners Jernigan, Askew and Nickens voted for the motion. Commissioner Jordan voted against the motion, motion carried by a majority vote.

Old Business

Commissioner Jordan presented a Noise Ordinance that he would like adopted by the Board. Sheriff Ed Webb presented a concern with the cost of noise meters, calibration and instruction. Deputies need to feel qualified to use the meters and have the charges presented in court. The Sheriff's Department does not have the funds available to purchase the meters. The District Attorney and Judge need to be able to understand the charges and be able to prosecute if necessary. He is waiting a response from the District Attorney.

Commissioner Askew stated he would like to have Section 5. Exceptions (5) corrected to remove: when equipment or machinery is operated in accordance with manufacturer's specifications and with all standard noise reducing equipment in place and in good working order.

Chairman Twine stated he would like to have a response from the District Attorney and correct Section 5. Exceptions (5) and present the Ordinance at the September Board Meeting.

Commissioner Jordan presented for the second time a request by the Sunbury Ruritan Club for assistance with their Streetlight Project. Commissioner Jordan proposed the County provide a minimum of \$200/month toward the streetlight expense; during the process the citizens in the Sunbury area could be assessed funds to help meet the remaining expense.

After much discussion Commissioner Jordan made a motion to adopt his proposal to support the Sunbury Ruritan Streetlight Project. There was no second to the motion, the motion did not carry.

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

New Business

Carolyn Self, Executive Director, Greater Albemarle Area Chapter of the American Red Cross, presented a Disaster Services Volunteer of the Year Plaque to Stanley and Sylvia Smith.

Sandra Nickens, Gatesville, stated the phone is always busy at the Department of Social Services. Being a former Social Services employee and familiar with the work load, she does not feel the department is over-staffed. She feels the Department of Social Services is doing a terrific job and provides a great service in the community.

Paulette Wester, Eure, came to notify the citizens about a recent visit to the County by Governor Perdue to meet with African American leaders. She did not know the County had African American leaders but leaders. She urged the Commissioners and citizens to write the Governor and state their concern with this issue.

Citizen Comments

Earl Rountree, Sunbury, thanked the Commissioners for taking a closer look at the new library issue; no passing zones in front of the convenience sites was a good idea and he wanted to know why Commissioner Jordan was interested in a new Noise Ordinance.

Commissioner Jordan explained the Noise Ordinance was spearheaded by the Citizens against OLF and the current ordinance needed to be more enforceable and used as an obstacle against the military. The County also needs an ordinance the Sheriff's Department can enforce.

J. E. Harrell stated he has talked to Major Wilson, Suffolk Police Department. Major Wilson stated noise meters were expensive and unreliable, currently his department runs basically off of sensory perception.

Elmer Hoggard, Corapeake, stated he has a neighbor who plays loud music. He has called the Sheriff's Department; deputies have responded. Deputies are using sensory perception as a ruling, there may be a difference in interpretation; what may be annoying to the one person is not annoying to another. He wanted to make the Board aware of an interpretation difference.

John Hora, Eure, provided a cost analysis of the proposed new public library. He did not feel it would be cost effective; citizens need to respond to this need.

Kim Old, Moyock, spoke regarding Merchant's Commerce Center, a planned commercial and residential development to be located in front of the high school. At a later date he would like to discuss a surety bond, grants and sewer capacity.

Dan Bazemore, Eure, would like for the library issue to be a voter referendum; the library needs to be placed in the center of the County or in the County seat on property the County already owns. The County does not need a large library but it needs to be situated on property with room to expand if needed. Will the Commissioners honor a petition for or against the library?

Chairman Twine stated the library proposal was started over a month ago and is still in the process of gathering information. He requested the Board keep the citizens abreast of the current projects being assessed.

Commissioner Comments

Commissioner Jordan stated at the current Department of Social Services Meeting it was discussed the Employee Evaluations do not require a second reviewer and the Social Services Board would like to evaluate the Director for effectiveness without a second reviewer.

Commissioner Nickens responded to a letter to the editor in the local newspaper from a citizen stating elected officials were not concerned with citizens' opinions. He stated he was concerned with citizens' issues.

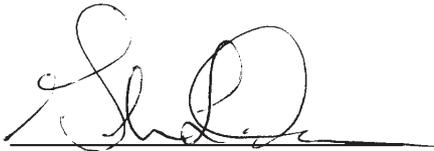
Commissioner Askew stated he was proud of the Eure Volunteer Fire Department that recently celebrated its thirtieth anniversary, proud a Chamber of Commerce has been established and hopes someday the County will have a new library. A library is the anchor of a community.

Commissioner Jernigan stated he is the one who instigated the discussion of a new library with the hopes of stimulus money to build it, not a loan.

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

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

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



Graham L. Twine, Chairman



Diane R. Hendrix, Clerk

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