

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
July 18, 2016**

The Gates County Board of Commissioners met in Regular Session at 7:00 p.m. Monday, July 18, 2016 in the Gates County Court House, 202 Court Street, Gatesville. Commissioners Hofler, Owens, Jordan, Felton and Freeman were present. Also present was County Manager, Natalie Rountree.

Commissioner Owens led in prayer and the Pledge of Allegiance.

Chairman Hofler called the meeting to order at 7:05 p.m.

Approval of Minutes

Minutes are approved during the first meeting of the month.

Approval of Agenda

Commissioner Jordan asked to discuss the School Board Petition for a Referendum. Chair Hofler stated the item can be added under old business.

Commissioner Owens made a motion to approve the agenda as amended. Commissioner Freeman seconded the motion; motion passed without opposition.

Delegations – Unannounced

Earl Rountree, Sunbury, provided comments on the water bill discussion that was held at the 6pm work session. Mr. Rountree asked if the late fee of 10% can legally be accessed on the landfill fee, if not 200 people could bring up a class action lawsuit. Mr. Rountree asked if there is a legal way to collect delinquent landfill fees. Mrs. Rountree stated ads are being run in the newspaper to address delinquent landfill bills.

Chuck Brothers, Gates, stated he was present for 45 minutes of special meeting and wanted to point out that about 30 minutes were spent discussing how to change things for the 1.5% of citizens that are delinquent and not the 98% that pay on time. Mr. Brothers wanted to let citizens know that the payment center in PA is run by Southern Bank and many citizens are frustrated with payments having to go PA because of the extra mailing time that is required. The 4% tax increase to subsidize the Rescue Squad should come with measures being put in place to ensure the money is being spent for the reasons they are being taxed. Operating cost and replacement of capital needs should be looked at and if the money is for the replacement of capital needs the budget cannot support replacement of capital needs every year.

Delegations – Announced

Valrie Riddick, Gates Partners for Health, presented the Gates Partners for Health Yearly Report. The report covered monthly meetings, classes and assessments that are being conducted by Gates Partners for Health. The Gates County Unveiling of the 2016 Comprehensive Community Health Assessment will be August 24th at 10 am at the Merchants Millpond. Ms. Riddick presented the State of the County Report and provided a brief synopsis of the report. Chair Hofler commented that several causes of death in the county are above the state average. Commissioner Freeman asked for Gates Partners for Health to look into dental services that can be provided by some of the dental schools and programs in the region for free or reduced rates.

Administrative Reports

Administrative reports are given during the first meeting of the month.

Public Hearings

None

Old Business

Mrs. Rountree explained the EMS contract has been updated to reflect the new allocation to EMS.

Commissioner Jordan recommended making a change on the second page to reflect that the allocation amount will be evaluated for increase or decrease annually. Currently the contract reads it will be evaluated for increase annually. There may be scenarios where capital expenditures decrease and the allocation could be decreased. The Board agreed to amend the contract to read that the allocations will be reviewed annually.

Mrs. Rountree stated the County has requested 2 staff crews when a disaster occurs and EMS has requested 1 staff crew. Chief Butts stated they have requested 1 staff crew to make the contract in alignment with the reports given during budget request. The information is listed in the Contract so that the County is available to recoup FEMA funding. If at any time during a disaster the Board wants two crews to be available they can request it. The Board agreed to change the wording to reflect one crew during a declared emergency.

Commissioner Jordan made a motion to approve the EMS Contract with amended changes. Commissioner Freeman seconded the motion; motion passed unanimously.

Jennifer Baptiste, County Planner, presented the draft Solar Farm Ordinance amendments for the Board's review. Ms. Baptiste stated the Planning Board addressed all comments that were received for review.

Commissioner Owens asked if our ordinance is alignment with NCDENR requirements for wetlands. Ms. Baptiste stated our ordinance will be a little more stringent than NCDENR requirements.

Commissioner Jordan stated he has a major concern with the decommissioning plan concerning the bond and the letter of credit requirements. The way the ordinance is written the amount of cash tied up on the project doesn't make it realistic for companies to want to develop. Commissioner Jordan asked if there is a way to have a lien on the property if decommissioning does not occur instead of requiring the bond and letter of credit requirements. Chair Hofler asked how you can put a lien on a property that is leased. Commissioner Jordan stated if it is a leased property we should require the landowner to sign the statement as well. Mrs. Rountree stated a county cannot dictate how a lease between two private individuals must be written. Commissioner Jordan stated you are not dictating the lease agreements you are just asking the solar farm and the landowner to sign an agreement with the County and if the landowner is not willing to do so then the solar farm company needs to find a different property. Commissioner Felton is afraid of what is going to be seen in future years when the equipment is obsolete and the companies file for bankruptcy and walk away. Commissioner Owens feels the materials will not be left because of the salvage value, a company is not going to walk away and leave that type of value just sitting. The value of the equipment above and below ground far exceeds the cost to remove the equipment.

Commissioner Owens addressed the issues asked at a previous meeting about retention farms, NCDENR can require retention ponds. He mentioned that several companies have stated they have no problem putting up a buffer that would make a farm not seen from the road and when he talked with Mr. Habul about issues with the Sugar Run farm Mr. Habul said if the County put in a request they would have no problem going back and making changes.

Commissioner Owens asked if when a permit is issued is a mapping of the project required? Mrs. Baptiste stated we require a site plan and if the facility is operating in a zoning area that requires a special use permit, the plan must be submitted to the Technical Review Committee for comments. The report and a staff report is given to the Board of Adjustment for review for the special use permit. If it is permitted by zoning it goes to the Technical Review Committee for review prior to the permit being issued.

Mrs. Baptiste stated the 25% bond recommendation was recommended by the Board of Commissioners. The Planning Board originally recommended 15%. The decommissioning process requires the owner to have a lot of upfront cost before the salvage value can be obtained. The County does not have a staff engineer to dictate retention ponds or any staff to enforce proper running of a retention pond.

Commissioner Jordan reiterated we already have solar farms in the county so the ordinance is saying we have three solar farms and we don't want any more farms to come and to citizens we are saying that we don't feel they can make decisions about their property. The bond and letter of credit is overkill, is not feasible and needs to be addressed.

Chair Hofler asked for information on other decommissioning plans. Mrs. Baptiste shared the decommissioning plan from Washington County which is addressed with a bond but not a specific amount. Commissioner Jordan recommended asking the solar farm directly what they propose and see if it's something we could be in agreement with.

Mrs. Rountree asked if the Planning Board stands behind the ordinance and is not in favor of changing the wording on the decommissioning plan what the Board would like to do. Commissioner Jordan stated he is not in favor of voting for the ordinance as written. Commissioner Owens feels if the Commissioners are not in favor of the ordinance then the Commissioners need to come up with their own plan and need to reach out to companies to see what they propose as industry standards.

Commissioner Owens asked Mrs. Rountree if it is out of order to ask the County Manager to contact SunEnergy? Mrs. Rountree stated she is not in favor of only contacting one solar farm company.

Commissioner Owens made a motion to request the County Manager contact the known solar companies interested in Gates County to obtain a decommissioning statement and security plan to be considered for the Solar Farm Ordinance. Commissioner Jordan seconded the motion; Commissioners Owens, Jordan and Freeman voted in favor and Commissioners Hofler and Felton voted against, motion passed 3 to 2.

Commissioner Felton has an issue with asking a vendor to write the ordinance that governs them and the County Manager can't force a company to provide a statement. Chair Hofler stated every Commissioner she has talked with in Northeastern NC have all said they wished their plan would have been stricter.

Commissioner Felton made a motion to advertise for a Special Meeting on August 15th at 6:30 pm for a 90 day extension to the Solar Farm Moratorium. Commissioner Jordan seconded the motion; motion passed unanimously.

The Board took a recess at 8:45 p.m.

The Board reconvened at 8:53 p.m.

Commissioner Jordan asked to speak about the petition for the school referendum because the Board of Elections needs it by August 20th. If it is not on the August 3rd agenda the Board will miss the opportunity to place it on the ballot for citizen input.

Mrs. Rountree stated information is still being collected and what the school asked for and rescinded was for a supplemental tax which would be a continual tax that did not expire. The LGC is still answering questions and USDA information has been received. Chair Hofler stated there are a lot of options that we haven't discussed yet that need to be discussed at the August 3rd meeting.

New Business

Chair Hofler stated Bundy Logging Company submitted a bid for \$3,300 for the property put up for sealed bid.

Commissioner Felton made a motion to award the sale of property for parcel 01-00772 to Bundy Logging Company in the amount of \$3,300. Commissioner Freeman seconded the motion; motion passed unanimously.

Commissioner Owens made a motion to approve the surplus request for 21 DSS Office Chairs. Commissioner Freeman seconded the motion; motion passed without opposition.

Commissioner Freeman made a motion to reappoint Marva Bond and Renee Kittrell to the Gates County Library Board and the Regional Albemarle Library Board. Commissioner Owens seconded the motion; motion passed without opposition.

Commissioner Freeman made a motion to reappoint Commissioner Owens to the Gates Partners for Health Board. Commissioner Felton seconded the motion; motion passed unanimously.

Commissioner Owens made a motion to reclassify the DSS Accounting Technician II position and current employee to an Administrative Officer I with a salary grade 18 step 1 to be effective August 1, 2016. Commissioner Freeman seconded the motion; motion passed unanimously.

Commissioner Owens made a motion to approve the DSS Administrative Officer I job description. Commissioner Freeman seconded the motion; motion passed unanimously.

Citizen Comments

None

Commissioner Comments

Commissioner Freeman thanked citizens for attending and reiterated it is fortunate that we have a Board that agrees to disagree and works to make the best decisions.

Commissioner Felton said he appreciates everyone support and attendance at meetings.

Commissioner Jordan thanked citizens for their input and the Board doesn't forget that they work for the citizens of the County. Please continue to make your phone calls and express your thoughts.

Commissioner Owens stated it is always good to be at a meeting and to get to work with his colleagues. He thanked the County Manager and staff for producing good information to be considered and the Chair for leading civil meetings.

Chair Hofler stated she enjoys working with the Board and asked citizens to please keep all of their comments and letters coming.

Closed Session

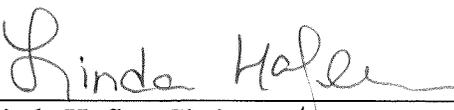
Commissioner Owens made a motion to enter into closed session pursuant to NCGS 143-318.11 a (3) Legal, (4) Economic Development, (5) Real Estate (6) Personnel. Commissioner Freeman seconded the motion; motion passed without opposition.

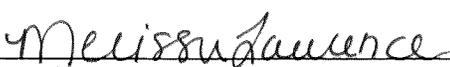
Commissioner Owens made a motion to exit closed session. Commissioner Freeman seconded the motion; motion carried without opposition.

Adjournment

Commissioner Freeman made a motion to pay acquired property tax from the Board of Commissioners Miscellaneous line item. Commissioner Jordan seconded the motion; motion passed without opposition.

Commissioner Felton made a motion to adjourn. Commissioner Freeman seconded the motion; motion passed unanimously.


Linda Hofler, Chairman


Melissa C. Lawrence, Clerk