

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
July 21, 2014**

The Gates County Board of Commissioners met in Regular Session at 7:00 p.m. Monday, July 21, 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 asked that the Board strike 314.3 from the proposed amendments to the Animal Control Ordinance. This item will be discussed at a later time.

Commissioner Hofler made a motion to approve the agenda as presented. Commissioner Jernigan seconded the motion, motion carried unanimously.

Delegations – Unannounced

None

Delegations – Announced

Esther Lassiter, Gates Partners for Health, presented the semiannual report to the Commissioners. Gates Partners for Health is a network of agencies and citizens that are committed to improving the quality of health in our community. The Gates Partners for Health hosted the Goes Red event in February which was attended by 90 citizens and two commissioners. The Presenters were the nutrition pair and a cardiologist. There was funding received by the Obici Health Care Foundation. Another event that was hosted was a partnership with GITS. A grant was written and received to advertise the farmers market on the GITS vehicles. Several other community events were hosted throughout the year. Another project was funding equipment for our rescue and EMS so that they do not have to borrow from another county. There was also partnership with Cooperative Extension to target student athletes and senior citizen results. There was good feedback on both programs. Two healthy living programs were taught this year from May to June. The workshops are six weeks long and meet two hours each week. They are continuing to engage and grow the diabetes support group. The objectives for the community health priorities are behavioral health, cancer, obesity, and chronic disease prevention and reduction. There are objectives and plans for each of these priorities. GPFH will continue to develop strong partnerships with agencies to provide services. GPFH is still very strong and active and they thank the Commissioners for their continued financial support.

Administrative Reports

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

Public Hearings

Commissioner Owens made a motion to enter a Public Hearing on proposed amendments to the Personnel Ordinance. Commissioner Jernigan seconded the motion, motion passed without opposition.

Chairman Jordan stated that there will be changes to paragraph 11.6 and 11.7 (insert titles).

There were no public comments.

Commissioner Jernigan made a motion to exit the Public Hearing on the proposed amendments to the Personnel Ordinance. Commissioner Hofler seconded the motion, motion passed without opposition.

Chairman Jordan stated that paragraph 11.6 and 11.7 deals with the NC Local Government Employee Retirement System benefits. Our ordinance has not been updated to reflect changes that have taken place in recent years. Our current policy does not include the updates that took place in 2004.

There was no Board discussion.

Commissioner Owens made a motion to approve the amendments to the Personnel Ordinance as presented. Commissioner Hofler seconded the motion, motion passed unanimously.

The approved amendments to the Personnel Ordinance are as follows:

11.6 North Carolina Local Government Employees' Retirement System Contributions

North Carolina Local Government Employees' Retirement System (NCLGERS) eligible employees will contribute the individual's required percentage, as set forth by the North Carolina Retirement System. The County contributes an actuarially determined percentage, also set forth by the North Carolina Retirement System.

If an employee separates from service, a refund of his/her contribution, from the North Carolina Retirement System may be available, in accordance with the rules contained in the North Carolina Retirement System.

11.7 North Carolina Local Government Employees' Retirement System Benefits

All North Carolina Local Government Employees' Retirement System (NCLGERS) benefits, including death benefits, are determined in accordance with rules and regulations established and paid by the State of North Carolina, Office of Treasurer. Please refer to the latest Local Government Retirement System (LGERS) handbook or contact the North Carolina Retirement System directly for retirement benefits information.

Commissioner Owens made a motion to enter a Public Hearing on the proposed amendments to the Animal Control Ordinance. Commissioner Jernigan seconded the motion, motion passed without opposition.

Mr. Doug Bailey, Ad Hoc Animal Welfare Committee Chairman, stated that Section 314.3 that is being reconsidered at a later time does not include veterinarian services because they are considered temporary. Amendment number two that was originally given stated that we would have animal cruelty investigators appointed by the County, it has been considered but has there ever been a conclusion that was reached. Chairman Jordan stated that the recommendation to have additional animal cruelty investigators is not considered feasible to move forward with at this time. Mr. Bailey thanked all of the members of the animal welfare committee including as well as animal control officers and the interim county manager.

Sheriff Ed Webb asked for section 303.1 and 303.4 to be joined together in one section so that when the ordinance is enforced they can state one section of the ordinance to citizens. In 312 where it deals with penalties it states that citizens can receive 5 citations. Currently we issue one citation and if it is not paid a criminal summons is issued and they are brought before the judge. Chairman Jordan stated that his interpretation is that if a citation is given and a citizen pays it and then if another citation is given it is listed as the second citation. Sheriff Webb asked at what point the Board would like the Sheriff's office to issue the criminal summons. The previous ordinance was a one-time straight fine. Chairman Jordan stated that as long as they pay the fine we can continue to issue violations and fines. Commissioner Hofler stated that she interpreted the section to refer to the amount of violations that a citizen has at the time of investigation. Sheriff Webb stated that he just needs direction on how to interpret. Commissioner Owens stated that this topic may need further review since there are numerous interpretations within the

Board. Chairman Jordan asked what Sheriff Webb suggests. Sheriff Webb stated that he would not recommend giving more than three chances to a citizen before a criminal summons can be issued, on a third penalty the criminal summons will be taken out. Commissioner Hofler asked if currently there are multiple citations listed at on time. Sheriff Webb stated that they issue one citation with a list of violations. Commissioner Owens asked if a situation is severe enough could a criminal summons be issued. Sheriff Webb stated yes, it is at the discretion of the Sheriff's office. Today there was one cruelty to animal case that was held in court today for 5.5 hours where the individual was found guilty.

Mr. Doug Bailey asked what we would do in a situation where 50 or 60 animals were endangered at a time. This is a situation where the fine needs to be more severe. Sheriff Webb stated that those situations are where warrants are taken out and it falls on the discretion of the officer. Mr. Bailey stated that the reason why they want animals that have been picked up to be evaluated by a veterinarian so that evidence is available for the court case. Sheriff Webb stated that his office already has an animal evaluated and that's why it is important to make sure it is clear that citizens understand that they are responsible for repayment of these costs.

Chairman Jordan stated that section 201.3 should say 10 days or more.

Commissioner Jernigan asked how a coyote falls under an exotic animal. Mr. Bailey stated that according to the NC State Statue a coyote can be considered as an exotic animal. Commissioner Jernigan stated that we have hunters with fox pens that keep coyotes in them to train the dogs. Commissioner Jernigan would like coyote to be taken out of 201.41 Exotic Animals.

Chairman Jordan stated it has been recommended that the violations stop at three and on the third violation a criminal summons to be issued according to the NC General Statute. Commissioner Owens asked if we should leave the criminal summons wording off so that the Sheriff has discretion to take a criminal summons at any given time. Sheriff Webb recommended that the wording be further criminal action may be taken.

Mr. Bailey recommended that we change the wording to read that criminal action may be issued at any given violation but will be issued at the third violation. Mr. Bailey asked why coyotes are being kept. Commissioner Jernigan stated that a coyote is being kept so that hunters can train hunting dogs. Mr. Bailey stated that the intent is to protect emergency personnel so that when they are entering a residence that they know the danger is there. Commissioner Jernigan stated that he would still like it taken out because he feels that it targets hunters.

Commissioner Owens asked if we have a contracted veterinarian. Sheriff Webb stated that the veterinarian will be contacted at the time that the animal is in need. The wording needs to be changed from contract to contact.

Chairman Jordan stated that it has been recommended that "at a minimum on the third violation further criminal action will be taken" should be added to Section 312. Chairman Jordan stated that 303.1 (e) should read "it may be taken to a veterinarian contacted by the County for a physical evaluation prior to its being placed in the animal shelter or other facility". At the end of 303.1 (e) we should reference 303.4 for recoup of expenses from the owner. In section 201.41 coyotes will be removed from the wording of the amendment.

Mr. Bailey stated that 316.3 and 315.4 were not covered. Chairman Jordan asked if there were any issues. Mr. Bailey stated that it needs to be clear that livestock is not included. Chairman Jordan stated that these items have not been discussed because there were no clarifications that need to be made.

Commissioner Owens asked what the effective date would be. Ms. Rountree stated that the committee recommendation would be that it is effective immediately. Chairman Jordan stated that the effective date will be July 21, 2014.

Commissioner Jernigan made a motion to approve the proposed amendments as amended to the Animal Control Ordinance to be effective immediately. Commissioner Owens seconded the motion, motion passed unanimously.

The approved amendments to the Animal Control Ordinance are as follows:

201.41 Exotic Animal- Any mammal, bird, reptile or fish that poses a potential threat to humans. This includes but is not limited to large or poisonous snakes, monkeys, chimps, tigers, and other large cats, crocodiles, alligators, large iguanas, and piranha. Small birds such as parakeets, canaries, cockatoos, parrots, and other animals such as livestock and domestic dogs and cats are exempt from this definition.

201.3-The words in the first line “domestic animals kept as pets” should be changed to “any animals”.

201.11- Owners/keeper- Any person having custody of any animal including strays, feral cats or dogs kept on their property and provided sustenance for ten (10) days or more after first reporting.

Add 303.1 (e)- Whenever an animal is seized by an Animal Control Officer for cruelty, it may be taken to a veterinarian contacted by the County for a physical evaluation prior to its being placed in the animal shelter or other facility, if there is evidence of cruelty. Reference 303.4 for recoup of expenses from owner.

303.3 Gates County may seek assistance for impounded large animals through the Humane Society of America, the U.S. Equine Rescue League, or other qualified organizations.

303.4 When animals are seized during and after a cruelty investigation, Gates County may seek a Power of Forfeiture to allow the County to recoup expenses from the owner. (NCGS 19A-70)

304.4 (8) Any exotic animal owned, harbored, or possessed prior to this effective date of this amendment shall be legal with proper documentation. These animals must be registered with the Gates County Sheriff’s Office within 30 calendar days of the effective date of this amendment.

Section 312 Penalties for Unlawful Violation

Violations of this ordinance shall be governed by NCGS 14-4, 14-360, 361, 362, 363, 363.2, and 153A-123. Monetary penalties shall be as follows:

Number of Violations	Penalty
1	\$50.00
2	\$100.00
3	\$200.00

At a minimum on the third violation further criminal action will be taken.

Section 315.4 (new)

Private citizens shall not be allowed to perform operations on animals that normally are done by a qualified care giver such as a veterinarian. This includes spay/neuter, ear cropping and rabies shots. (NCGS 90-187).

316.3 Standards for Chaining/Tethering a Dog

No animal shall be chained outdoors unattended without a chain, cable or tether designed to be attached to a harness, if deemed necessary by the Animal Control Officer. The maximum weight limit for a chain or tether shall not exceed 10% of the animal’s body weight. All tethers shall have swivels at both ends to prevent twisting and tangling.

Old Business

None

New Business

Chairman Jordan stated that Ms. Rountree needs to be appointed to various Boards that she will serve on as County Manager.

Commissioner Hofler made a motion to appoint Natalie Rountree, County Manager to the RC&D Board, Albemarle Regional Solid Waste Management Authority, Albemarle Rural Planning TCC, PCG Landfill Board and the Tri-County Animal Shelter Advisory Board. Commissioner Felton seconded the motion, motion passed without opposition.

Chairman Jordan stated that we need an approval of a resolution to cover the interim county managers tenure for signatures on sire plans, plats, and maps recoded in the Register of Deeds Office.

Commissioner Hofler asked how you can go back and change something after it has already been done. Chairman Jordan stated that we are not changing the actions, the action was taken and the question is that the Board was in agreement with the action that was taken. The resolution was drafted by the County Attorney and is not in violation of any laws or the constitution. Commissioner Hofler asked if we are sure that this is an entire list of items signed. Chairman Jordan stated that the resolution states that there may be other items signed.

Commissioner Owens states that he sees this as taking care of an oversight that occurred.

Commissioner Owens made a motion to approve the Resolution Ratifying Act of Interim County Manager as Review Officer. Commissioner Jernigan seconded the motion, motion passed without opposition.

The Resolution Ratifying Act of Interim County Manager As Review Officer reads as follows:

RESOLUTION RATIFYING ACT OF
INTERIM COUNTY MANAGER
AS REVIEW OFFICER

Whereas, NCGS47-30.2 requires the Board of County Commissioners in each county, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and to certify that it meets the statutory requirements for recording;
And

Whereas, Interim County Manager, Kenneth Windley, who became employed on March 10, 2014 and acting as Interim County Manager up and until July 16, 2014, it is the desire of the Board of Commissioners to ratify all actions taken by the Interim County Manager in the capacity of Review Officer and, in particular, with the Interim County Manager, Kenneth Windley, reviewing and certifying certain plats which were recorded between March 10, 2014 and July 16, 2014 which are shown on the attached Exhibit A attached to this Resolution and asked to be incorporated in this Resolution by specific reference.

Whereas, and further that any other outstanding unrecorded plats that were signed by Interim County Manager Kenneth Windley between March 10, 2014 and July 16, 2014 that have not yet been recorded are hereby approved and ratified by this Resolution.

Whereas, the County Board of Commissioners believes that the Interim County Manager did, in fact, have authority as Review Officer and the Interim County Manager did earnestly believe that he had authority as Review Officer to execute said plats and acted in good faith; and

Whereas, it is in the best interest of the citizens of Gates County and the county government to ratify by resolution the actions of the interim county manager in regards to the attached plats together with any other unrecorded plats reviewed and signed by him

Now, therefore, it is resolved that the Interim County Manager Kenneth Windley, serving as Gates County Manager, from March 10, 2014 thru July 16, 2014, in his actions as Review Officer, the County Board of Commissioners, hereby ratifies and approves all actions taken by the Interim County Manager, Kenneth Windley, as Review Officer,

together with any other plats that were executed by him between March 10, 2014 and July 16, 2014.

Be it further resolved, that a copy of this Resolution ratifying the actions of Interim County Manager, Kenneth Windley, be recorded in the Gates County Register of Deeds Office indexed in the name of acting Interim County Manager, Kenneth Windley, and this Resolution shall become effective *nuc pro tunc* as of March 10, 2014.

Chairman Jordan stated the customer service department has had some growing pains but the recommended request will make the service to customers better. Chairman Jordan asked what bank we are going to use for the lock box. Sandy Pittman stated that we will be using Southern Bank.

Sandy Pittman, Financial Services Director, presented the following request to the Board for consideration:

Approval of a Lock-Box service for utility payments, which will be a post office box where payments will be mailed, received, and posted to our account. There will be an initial cost to go forward.

Approval of Electronic Payment acceptance for utility payments, this will allow us to accept payments that are not a paper check. This eliminates checks in the mail and makes things a little easier for everyone.

Change to one billing cycle per month; to be effective for the October billing cycle.

The issue is that the ten day window has thrown things out of whack. This request is being brought forward by the ladies that work the window. There is a plan in place to notify citizens of the change prior to.

Ms. Pittman stated that this will free up time for the ladies to do other task that they are not able to do because they are opening so much mail.

Commissioner Owens asked if the electronic payment would cover tax payments also. Ms. Pittman stated that it only covers utility costs at this time. Commissioner Owens stated that if the electronic payments really catch on and citizens utilize the online payment instead of mailing payments then in the future our lock box costs could be decreased.

Commissioner Owens asked if someone mails a note to the lock box would the office receive the note. Ms. Pittman stated that those details will need to be worked out.

Commissioner Jernigan stated that we all know that people pay their bills on the computer, it is something that we have talked about for a while and this is something that we need to transition to.

Commissioner Jernigan made a motion to approve the recommended customer service requests as presented. Commissioner Hofler seconded the motion; motion passed without opposition.

Citizen Comments

None

Commissioner Comments

Commissioner Felton thanked everyone for attending and stated that it is good to see people taking interest in what is going on.

Commissioner Hofler thanked everyone for attending and asked everyone to bring their neighbors with them.

Commissioner Jernigan thanked everyone for attending.

Commissioner Owens thanked everyone for attending and stated that we appreciate the input and the support.

Commissioner Jordan thanked everyone for attending and for the hard work that the committees and county employees take to make the County a better place. Chairman Jordan introduced interim DSS Director Antoinette Holley.

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 Owens seconded the motion, motion passed unanimously.

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

Adjournment

Commissioner Owens made a motion to authorize the Chairman to sign and send the discussed letter to the attorney. Commissioner Jernigan seconded the motion, motion passed without opposition.

Commissioner Hofler made a motion adjourn. Commissioner Felton seconded the motion, motion passed without opposition.


Henry L. Jordan, Chairman


Melissa A. Coe, Clerk

GATES COUNTY BOARD OF COMMISSIONERS

