

# ADOPTED

APR 27 2021

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Gaston County Board  
of Commissioners

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

MARCH 23, 2021

The Gaston County Board of Commissioners (BOC) met in Regular Session on March 23, 2021 at 6:00 p.m., in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Chairman Tom Keigher presided with Commissioners Allen R. Fraley, Vice-Chairman; Chad Brown, Bob Hovis, Kim Johnson and Ronnie Worley in attendance.

Commissioner Tracy L. Philbeck was not in attendance.

Others present included Dr. Kim S. Eagle, County Manager; Jonathan L. Sink, County Attorney; and Donna S. Buff, Clerk to the Board.

Upon request of Chairman Keigher, Commissioner Hovis called for a Moment of Silence to commemorate those individuals that lost their lives due to a senseless tragedy [in Colorado] and led those assembled in the Invocation and Commissioner Brown led in the Pledge of Allegiance.

**Public Hearing RE: Commissioner Fraley - Building & Development Services - Zoning Map Change: Z21-04 Manuel Ellis (Applicant); Property Parcels: 302793, 302792, and 302791, Located at 337, 341, & 347 Eaker Rd., Bessemer City, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Moderate General Zoning District**

Chairman Keigher announced the Public Hearings as advertised; explained procedures to be used and called for the motion to enter into Public Hearings.

On motion introduced by Commissioner Hovis and seconded by Commissioner Brown, the BOC unanimously entered into Public Hearings.

Chairman Keigher recognized Mrs. Sarah Penley, Building and Development Services Senior Planner, for comments.

Mrs. Penley advised that subject request is to rezone parcels 302793, 302792, and 302791 located at 337, 341, & 347 Eaker Rd., Bessemer City, NC, from the (R-1) Single Family Limited Zoning District to the (R-2) Single Moderate General Zoning District; the Applicant/Property Owner is Manuel Ellis; total acreage of property is 2.59 acres; currently the property is undeveloped; Applicant wish to place a doublewide manufactured home on property for personal use; the property was recently subdivided into three separate parcels to allow his two children to build at a later date.

She reviewed aerial, zoning and property owners maps and advised the property is located in the 300 block of Eaker Rd. (south and east of Cherryville; northwest of Bessemer City; east of Cleveland-Gaston County line); the immediate vicinity is residential in nature with some undeveloped tracts; area zoning includes R-1 and R-2 to north and east of property; property owners were notified of public hearing per the listing of those owners.

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Staff reviewed the application and found it to be consistent with the Comprehensive Land Use Plan (Comp Plan) as presented; Planning Board met on March 8 and recommended approval by a unanimous vote (8-0); notices were mailed out and the property was posted per County policy; staff received a few calls for information and clarification.

Chairman Keigher called for comments from the Applicant.

Mr. Manuel Ellis, 42 Warwick Circle, Apartment 106, Lake Wylie, SC, advised when he purchased and subdivided the land to build that wood was expensive; the County's property value was \$18k and is now over \$41k; he wants to put a manufactured home with a footing underneath on the property.

Chairman Keigher called for citizen comment; hearing none, called for questions from the BOC.

Commissioner Hovis advised he understood that a parent lot can be subdivided into three parcels without adhering to the Subdivision Ordinance.

Mrs. Penley clarified that five lots or less is considered a minor subdivision and can be recorded by a deed; a plat was recorded although it was not necessary; anything five lots or less does not require a subdivision submittal or review by Planning and Development Services.

Commissioner Hovis asked if the lots could not be subdivided further per the acreage restriction.

Mrs. Penley responded that is correct; that is the maximum with the acreage and minimum lot size requirements for the R-1 and R-2 zoning districts at 30,000SF; the properties cannot be further divided per subdivision regulations.

Hearing no further questions, Chairman Keigher called for a motion to close the Public Hearing.

On motion introduced by Commissioner Fraley and seconded by Commissioner Brown, the BOC unanimously closed the Public Hearing.

Chairman Keigher called for a motion to approve.

On motion introduced by Commissioner Fraley and seconded by Commissioner Brown, the BOC unanimously approved **2021-069**, upon consideration of the map change application, public hearing comment and recommendations from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (R-2) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural designation and is in harmony with other residential uses within the immediate vicinity.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore the map change request for Property parcels: 302793, 302792, and 302791, is hereby approved, effective with the passage of this Resolution.

- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

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Chairman Keigher asked if the County Attorney had any comments to add from the Planning Board.

The County Attorney advised the Planning Board recommended approval by a unanimous vote and read the Consistency Statement as follows: *The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (R-2) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural designation and is in harmony with other residential uses within the immediate vicinity.*

**Public Hearing RE: Commissioner Philbeck - Building & Development Services - Zoning Map Change: Z21-05 James William Kirk (Applicant); Property Parcel: 170590, Located at 2047 Puetts Chapel Rd., Bessemer City, NC, Rezone from the (R-2) Single Family Moderate Zoning District to the (R-3) Single Family General Zoning District**

Chairman Keigher introduced Mrs. Penley for comments.

Mrs. Penley advised that subject request is to rezone parcel 170590 located at 2047 Puetts Chapel Rd., Bessemer City, NC, from the (R-2) Single Family Moderate Zoning District to the (R-3) Single Family General Zoning District; the Applicant/Property Owner is James William Kirk; total acreage of property is 4.63 acres; current use of property is residential with a single-wide manufactured home on the site; if approved this would bring the non-conforming use of the single-wide into compliance; Applicant also wants to place an additional single-wide manufactured home on the property that was inherited from his mother's estate.

She reviewed aerial, zoning, property owners maps and listing of property owners and advised the property is located in the 2000 block of Puetts Chapel Rd. (north and east of Bessemer City; northwest of Gastonia; northwestern section of County); the area is wooded and vacant with a single-wide manufactured home on the northeast corner of property; surrounding uses are residential and manufactured houses; area zoning includes R-2, R-1 and some R-3 to north and west of property; property owners were notified of public hearing per listing of those owners.

Staff reviewed the application and found it to be consistent with the Comp Plan as presented; Planning Board met on March 8 and voted unanimously (8-0) to recommend disapproval; there was some initial confusion about the existing home versus the inherited home; Planning Board assumed Applicant's original intent was to replace the existing home with the inherited home; staff clarified that it could have been done without rezoning the property; the Planning Board was most concerned about the potential of adding additional single-wide manufactured homes on the property and recommended the Applicant return with a subdivided portion; staff explained it was their recommendation that the Applicant rezone the entire property to bring the existing home into compliance and to allow the Applicant to add the home that was inherited; Applicant does not intend to further subdivide the property for any additional homes other than the one what was inherited.

Notices were mailed and the property was posted per County policy; staff did not receive any calls regarding the application.

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Responding to Chairman Keigher, she clarified that staff found it to be consistent with the Comp Plan but the Planning Board voted to disapprove it and found it to be inconsistent.

Chairman Keigher called for comments from the Applicant.

Mrs. Penley advised the Applicant is ill and is unable to attend the meeting; she can assist with any questions on their behalf.

Chairman Keigher called for citizen comment; hearing none, called for questions from the BOC.

Commissioner Fraley advised the Applicant called and informed him they could not attend meeting because of a health issue; if it cannot be approved tonight, since staff finds it is consistent with the Comp Plan, the Applicant should have an opportunity to speak; would be willing to make a motion to approve, but would prefer tabling rather than running the risk of it being disapproved tonight.

Commissioner Fraley introduced a motion to approve and Commissioner Brown provided the second.

Chairman Keigher asked the County Attorney to render the Planning Board comments.

The County Attorney advised the Planning Board voted unanimously to *disapprove* and read the statement as follows: *The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-2) to (R-3) will allow the subject parcel to continue as a residential use in nature, which allows for other housing types that are **inconsistent** with primary residential uses in the surrounding area.*

The County Attorney advised that statement would only apply if the BOC agreed with the Planning Board's recommendation **to disapprove** the project.

Commissioner Fraley withdrew the motion to approve and made a motion to table the request in order to allow the Applicant an opportunity to present their case. No Second was heard.

Chairman Keigher interjected and asked if any other Commissioners had comments.

Commissioner Hovis asked if this request was like creating a mini mobile home park by having multiples on a single lot.

Mrs. Penley responded "yes, sir"; however, to be correct, if this application was approved, the Applicant would not be allowed to add the additional home until he subdivided it; would only bring the existing home into compliance; then Applicant could move forward with the subdivision to allow for the other home; the reason staff does not recommend a survey in advance is in case an application is denied, the Applicant has not spent an unnecessary amount of money to subdivide property that they may, or may not, be able to develop.

Commissioner Hovis advised the BOC is looking at the current plat; want to know what it is before taking action on it; concurred that Applicant deserves to present their case; is in agreement with

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tabling the issue; without the plat being in its proper state, he will not approve a zoning change for a single plat where the Applicant cannot do what they initially intended to do.

Commissioner Brown advised if the request fails, the house would not come into compliance; if BOC approves tonight that would bring the one house into compliance since no additional homes can be added; the Applicant can come back and change it to what the plat looks like later.

Chairman Keigher stated that was his understanding as well.

Mrs. Penley responded "that is correct"; if Applicant made any modifications or improvements the home would be in compliance and would no longer be considered a non-conforming use; the Applicant would not be able to add any additional homes on the property as the request is presented currently.

Chairman Keigher called for a motion to close the Public Hearing.

On motion introduced by Commissioner Brown and seconded by Commissioner Fraley, the BOC unanimously closed the Public Hearing.

Chairman Keigher called for a motion to approve.

On motion introduced by Commissioner Brown and seconded by Commissioner Worley, the BOC **APPROVED 2021-070**, upon consideration of the map change application, public hearing comment and recommendations from the Planning Board and Planning staff, finds:

- 1) ***The map change request is consistent with the County's approved Comprehensive Land Use Plan.\****  
The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-2) to (R-3) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural designation and is in harmony with other residential uses within the immediate vicinity.

The Commission considers this action to be reasonable and in the public interest, based on: Planning staff recommendation and compatibility with existing land uses in the immediate area. Therefore the map change request for Property parcel: 170590 is hereby approved, effective with the passage of this Resolution.

- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

The vote carried as follows:

Ayes: Commissioners Brown, Fraley, Johnson, Keigher, Worley

Nay: Commissioner Hovis

Absent: Commissioner Philbeck

*\* The County Attorney read the Consistency Statement as indicated above.*

**Public Hearing RE: Commissioner Philbeck - Building & Development Services - Zoning Map Change: Z21-07 Wilson Family Rentals LLC (Applicant); Property Parcel: 169183 (part of), Located at Dallas High Shoals Hwy., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (C-3) General Commercial Zoning District with (US) Urban Standards Overlay**

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Chairman Keigher introduced Mrs. Penley for comments.

Mrs. Penley advised that subject request is to rezone parcel 169183 (part of) located at Dallas High Shoals Hwy., Dallas, NC, from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (C-3) General Commercial Zoning District with (US) Urban Standards Overlay; Wilson Family Rentals LLC is the Applicant/Property Owner; total acreage of property is 12.82 acres; 10.76 acres of that total acreage is being considered for rezoning; currently the property is vacant, undeveloped and is currently considered as a split zoning; the Applicant is requesting the BOC to rezone a portion of the property to have one consistent zoning district for the entire parcel.

She reviewed aerial, zoning, property owners maps and listing of property owners and advised the property is located on the Dallas-High Shoals Hwy. or 321 Business (north of Dallas; south of High Shoals; west of 321 Hwy.); the property is currently vacant with some commercial uses to the north and across road and has some residential uses to the west; area zoning include R-1 w/US Overlay, C-3 (front portion of property; adjoining parcels to north and southeast), R-3 (across street), single family general with a touch of industrial (across street) and general industrial (south and east of property just before Town of Dallas); property owners were notified of public hearing per listing of those property owners.

Staff reviewed the application and found it to be consistent with the Comp Plan as presented; Planning Board met on March 8<sup>th</sup> and recommended approval by a unanimous vote (8-0); notices were mailed and the property was posted per County policy; staff received several calls for information and clarification.

Chairman Keigher called for comments from the Applicant.

Mr. Tim Moore, Attorney at Law, 305 E. King St., Kings Mountain, NC, and accompanied by the Applicant (Mr. Mark Wilson, 531 Coman Ln, Kings Mountain, NC), advised currently the property is divided within the same lot under two differing zoning districts; the intended use of the property is for mini-storage warehouses which is consistent with the Comp Plan; the property that backs up to one of the residential areas has a thick grove of woods, about 300' deep, between it and the next residential area. Mr. Wilson is looking forward to developing the property and can answer any BOC questions.

Chairman Keigher called for citizen comment and for questions from the BOC; none was heard.

Chairman Keigher called for a motion to close the Public Hearing.

On motion introduced by Commissioner Hovis and seconded by Commissioner Brown, the BOC unanimously closed the Public Hearing.

Chairman Keigher asked the County Attorney to provide comments on the Planning Board recommendation.

The County Attorney advised the Planning Board recommended approval by a unanimous vote (8-0) and read the following Consistency Statement: *The proposed rezoning is in the Rural Center*



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*future land use plan. Rural Center areas can serve a commercial purpose and can be anchored by a rural market, allowing for residential homes and business to be closer together and built closer to the roadway. The use, going from (R-1) to (C-3) will make the subject parcel commercial in nature, which is consistent within the Rural center designation and is in harmony with other commercial districts within the immediate vicinity.*

Chairman Keigher called for a motion to approve.

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously approved **2021-071**, upon consideration of the map change application, public hearing comment and recommendations from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed rezoning is in the Rural Center future land use plan. Rural Center areas can serve a commercial purpose and can be anchored by a rural market, allowing for residential homes and business to be closer to the roadway. The use, going from (R-1) to (C-3) will make the subject parcel commercial in nature, which is consistent within the immediate vicinity.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore the map change request for Property parcel: 169183 (part of), is hereby approved, effective with the passage of this Resolution.

- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

Chairman Keigher recognized Mr. Tim Moore, Speaker of the NC House of Representatives and Representative Kelly Hastings as they departed the meeting.

**Public Hearing RE: Commissioner Fraley - Building & Development Services - Zoning Map Change: Z21-08 Garren Lee Beam (Applicant); Property Parcel: 304255 (part of), Located at 456 Robert Rd., Cherryville, NC, Rezone from the (I-2) General Industrial Zoning District to the (R-1) Single Family Limited Zoning District**

Chairman Keigher introduced Mrs. Penley for comments.

Mrs. Penley advised that subject request is to rezone parcel 304255 (part of) located at 456 Robert Rd., Cherryville, NC, from the (I-2) General Industrial Zoning District to the (R-1) Single Family Limited Zoning District; the Applicant/Property Owner is Garren Lee Beam; total acreage of property is 11.71 acres and 6.37 acres of that is under consideration for rezoning; the property is currently vacant and undeveloped; the parcel has two different zoning districts (split zoning) and the Applicant wants to rezone a portion of the property to have one consistent zoning district.

She reviewed aerial, zoning, property owners maps and listing of property owners and advised the property is located in the 400 block of Robert Rd. in Cherryville (western portion of County; north and west of Cherryville; south of Lincoln County Line); zoning in area consists of I-2 and R-1; it is surrounded by Cherryville's ETJ and is consistent with I-3, I-2 and R-1 zoning districts; property owners were notified of public hearing per listing of those property owners.

Staff reviewed the application and found it to be consistent with the Comp Plan as presented; Planning Board met on March 8<sup>th</sup> and recommended approval by a unanimous vote (8-0); notices

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were mailed and the property was posted per County policy; staff did not receive any calls for information.

Chairman Keigher called for comments from the Applicant.

Mrs. Penley advised the Applicant was unable to be in attendance.

Chairman Keigher called for citizen comment and for questions from the BOC; none were heard.

Chairman Keigher called for a motion to close the Public Hearing.

On motion introduced by Commissioner Fraley and seconded by Commissioner Brown, the BOC unanimously closed the Public Hearing.

Chairman Keigher asked the County Attorney to provide the Planning Board comments.

The County Attorney advised the Planning Board recommended approval by a unanimous vote (8-0) and read the following Consistency Statement: *The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (I-2) to (R-1) will make the subject parcel residential in nature, which is consistent with the Rural designation and is in harmony with other residential district within the immediate area.*

Chairman Keigher called for a motion to approve.

On motion introduced by Commissioner Fraley and seconded by Commissioner Brown, the BOC unanimously approved **2021-072**, upon consideration of the map change application, public hearing comment and recommendations from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (I-2) to (R-1) will make the subject parcel residential in nature, which is consistent with the Rural designation and is in harmony with other residential district within the immediate area.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore the map change 304255 (part of), is hereby approved, effective with the passage of this Resolution.

- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

**Public Hearing - RE: Commissioner Keigher - EDC - To Approve a Level One Economic Incentive Grant to Project Frosty**

Chairman Keigher introduced Mr. Donny Hicks, EDC Director, for comments.

Mr. Hicks advised a European company is interested in buying the Maestro building at the Gastonia Technology Park (GTP) and will invest about \$9M in machinery, equipment and in buying the



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building; the company will pay an average salary of about \$56k/year; anticipate the company will try to move this summer to acquire the building and have it operational by late this year or early next year; the City of Gastonia will consider this item on April 6<sup>th</sup>; it is hard for them to travel back and forth to meet with staff; the company wants reassurance that the County will do what it said it would do; staff will forward the Resolution to them as confirmation that the County will do what it promised them.

Chairman Keigher called for citizen comment; hearing none, called for questions from the BOC.

Commissioner Worley asked how many jobs was involved.

Mr. Hicks responded 22 to start with.

Chairman Keigher called for a motion to close the Public Hearing.

On motion introduced by Commissioner Hovis and seconded by Commissioner Brown, the BOC unanimously closed the Public Hearing.

Chairman Keigher called for a motion to approve.

On motion introduced by Commissioner Worley and seconded by Commissioner Johnson, the BOC unanimously approved **2021-073** as follows:

WHEREAS, Project FROSTY is considering a total investment of \$9 million in the purchase of an existing building in the Gastonia Technology Park, and the purchase and installation of machinery & equipment to establish an advanced manufacturing facility with the expectation to complete this investment on or before December 31, 2021; and,

WHEREAS, the firm intends to create at least twenty-two (22) new jobs, within five years of establishing operations, expecting to pay an average annual wage of \$56,000 which is above the current average annual wage for Gaston County; and,

WHEREAS, this investment consists of not less than nine million dollars in real property and personal property (M&E) investment; and,

WHEREAS, North Carolina General Statute §158-7.1 authorizes a County to undertake an economic development project by providing grants for the location of industry; and,

WHEREAS, Gaston County developed the Gastonia Technology Park (GTP) to provide global advanced manufacturing companies with a high quality industrial park location; and, WHEREAS, it is anticipated that the Company's capital investment in and at the Property and its operations thereat will generate significant ad valorem tax, sales tax and other revenues to the County; and,

WHEREAS, the County will prepare a detailed Economic Development Agreement (EDA), between Project FROSTY, the County and the City of Gastonia, so as to induce the company to provide good job opportunities and capital investment which will enhance the County's ability to attract additional business and industry.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners:

Authorizes the Chairman of the Gaston County Board of Commissioners to execute any documents necessary to complete an Economic Development Agreement for Project FROSTY.

Chairman Keigher announced that the Public Hearings had concluded.

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**Agenda Revision/Approval**

On motion introduced by Commissioner Hovis and seconded by Commissioner Brown, the BOC unanimously approved the Agenda of March 23, 2021.

**Citizen Recognition**

Ms. Sierra Hall, a County citizen, and speaking on behalf of the Gaston County Citizen for Change (GCCC), advised she forwarded many emails to BOC and received some responses; the GCCC is extending an invitation to get to know the BOC better and to help the BOC understand more about what the GCCC wants to see done in the County; encouraged the BOC to reach out to citizens that want to help them accomplish their goals; asked when the BOC would respond to adding removal of the Confederate Monument on the Agenda.

**Consent Agenda**

On motion introduced by Commissioner Brown and seconded by Commissioner Worley, the BOC unanimously approved the Consent Agenda as follows:

**2021-074 Commissioner Hovis - BOC - Commendation - To Commend the Recipients of the 2021 Gaston Together MLK Unity Awards**

**2021-075 Commissioner Keigher - Commendation - Governor's Volunteer Service Award**

**2021-076 Commissioner Keigher - BOC - To Dissolve and Delete the Belmont Historic Preservation Commission from the Appointment Records**

**2021-077 Commissioner Worley - Budget & Management Services - To Approve Transferring Funds Designated for Indirect Costs from the Closed Out 2019 Urgent Repair Program to the CDBG Program Income Designated for Match for Future Home Rehabilitation Grants (\$5,631) per Budget Change Request:**

Account Description	Account Number	Amount
2019 Urgent Repair Program	010-07-4935-0000-560000-19579	(\$5,631.00)
CDBG Program Income	040-07-4932-4932-540006-08315	\$5,631.00
Transfer to CIP Fd	010-98-9800-0000-580040-	\$5,631.00
Transfers from General Fund	040-98-9800-0000-480010-	(\$5,631.00)

**2021-078 Commissioner Worley - Budget & Management Services - To Appropriate Funds Received from the Governor's Crime Commission for Indirect Costs for Grant Administration from Fund Balance to the Grants Training Account (\$2,427) per Budget Change Request:**

Account Description	Account Number	Amount
Fund Balance Appropriated	010-99-9900-0000-490000-	(\$2,427)
Grants Training	010-01-4131-0000-560000-12276	\$2,427

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**2021-079 Commissioner Worley - County Attorney - To Schedule a Public Hearing Regarding Closure of a Portion of an Approximately 25-Foot Right-of-Way off Edgewater Drive in the South Point Township**

**2021-080 Commissioner Johnson - County Attorney - To Schedule a Public Hearing Regarding Closure of Unnamed Right of Ways off of Woodcrest Drive in the Larkhaven Development in Gastonia Township**

**2021-081 Commissioner Philbeck - County Manager - To Accept Departmental Budget Change Requests as Information as follows:**

ENTRY DATE	DEPT NAME	ACCOUNT	DR/CR	AMOUNT
02/01/2021	Manager's Office	010-01-4120-0000-560000-GCSAC	C	\$ 3,527.00
2/01/2021		010-01-4120-0000-520005-	D	\$ 3,527.00
02/01/2021		010-01-4120-0000-520010-	C	\$ 1,700.00
02/01/2021		010-01-4120-0000-510105-	D	\$ 1,700.00
02/01/2021	Hope United	010-05-4121-0000-540001-	C	\$ 20,000.00
02/01/2021		010-05-5810-4121-530010-21574	D	\$ 20,000.00
02/02/2021	Parks & Rec	010-04-6120-0000-540001-	C	\$ 28,835.00
02/02/2021		010-04-6120-0000-560000-20000	C	\$ 10,000.00
02/02/2021		010-04-6120-0000-530023-	D	\$ 38,835.00
02/03/2021	Attorney	010-01-4150-0000-520001-	C	\$ 100.00
02/03/2021		010-01-4150-0000-540001-	D	\$ 100.00
02/03/2021	Finance	010-02-4330-0000-540002-	C	\$ 1,400.00
02/03/2021		010-02-4330-0000-520006-	D	\$ 1,400.00
02/04/2021	GEMS	010-02-4370-0000-540002-	C	\$ 87,557.00
02/04/2021		010-02-4370-0000-540001-	D	\$ 48,000.00
02/04/2021		010-02-4370-0000-530015-	D	\$ 39,557.00
02/05/2021	Landfill	060-08-4720-0000-520007-	C	\$ 20,000.00
02/05/2021		060-08-4720-0000-530015-	D	\$ 20,000.00
02/08/2021	DHHS	020-05-4800-4810-530013-21583	C	\$ 50,000.00
02/08/2021		020-05-4790-0000-510001-	D	\$ 50,000.00
02/08/2021	Hope United	010-05-5810-5582-520001-	C	\$ 200.00
02/08/2021		010-05-5810-5582-520001-BMP	D	\$ 200.00
02/08/2021	Garage	010-01-4265-4250-530002-	C	\$ 1,000.00
02/08/2021		010-01-4265-4250-520006-	D	\$ 1,000.00
02/08/2021	Landfill	060-08-4721-0000-520017-	C	\$ 1,500.00
02/08/2021		060-08-4721-0000-530004-	D	\$ 1,500.00
02/08/2021	Finance	010-02-4330-0000-530023-	D	\$ 2,000.00
02/08/2021		010-02-4330-0000-540002-	C	\$ 2,000.00
02/08/2021	Hope United	010-05-5810-4121-510001-21567	C	\$ 9,696.00
02/08/2021		010-05-5810-4121-530015-21567	D	\$ 9,696.00
02/09/2021	Library	010-04-6110-6112-520001-	C	\$ 1,500.00
02/09/2021		010-04-6110-6112-540001-	D	\$ 1,500.00
02/09/2021	DHHS	020-05-4790-0000-530002-	C	\$ 20,000.00
02/09/2021		020-05-4790-0000-530015-18087	D	\$ 20,000.00
02/09/2021	Manager's Office	010-01-4120-0000-520010-	C	\$ 1,000.00
02/09/2021		010-01-4120-0000-520011-	D	\$ 1,000.00
02/09/2021	Bldg Svces	012-02-4350-4351-530012-	D	\$ 47,000.00
02/09/2021		012-02-4350-4351-510001-	C	\$ 47,000.00
02/10/2021	Library	010-04-6110-6112-520001-	C	\$ 5,200.00
02/10/2021		010-04-6110-6112-540001-	D	\$ 1,600.00
02/10/2021		010-04-6110-6113-540001-	D	\$ 3,600.00
02/10/2021	Hope United	010-05-4121-0000-540001-	C	\$ 8,000.00
02/10/2021		010-05-5810-4121-540002-21574	D	\$ 5,000.00
02/10/2021		010-05-5810-4121-540001-21574	D	\$ 3,000.00
02/14/2021	Sheriff	010-02-4315-4315-520007-	C	\$ 22,810.00
02/14/2021		010-02-4315-4315-520006-	D	\$ 22,810.00
02/14/2021		010-02-4315-4315-520011-	C	\$ 2,800.00
02/14/2021		010-02-4315-4315-540001-	D	\$ 2,800.00

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02/15/2021	Library	010-04-6110-6112-520001-	C	\$ 5,000.00
02/15/2021		010-04-6110-6112-540001-	D	\$ 5,000.00
02/15/2021	Landfill	060-08-4720-0000-540002-	C	\$ 150,000.00
02/15/2021		060-08-4720-0000-530023-	D	\$ 150,000.00
02/15/2021	GEMS	010-02-4370-0000-560000-21LPK	D	\$ 16,702.00
02/15/2021		010-02-4370-0000-560000-21RTU	D	\$ 8,200.00
02/15/2021		010-02-4370-0000-560000-21TOG	D	\$15,826.00
02/15/2021		010-02-4370-0000-560000-21UTV	D	\$ 27,000.00
02/15/2021		010-02-4370-0000-510001-	C	\$ 67,728.00
02/17/2021	EDC	010-07-4920-4920-520013-	C	\$ 1,500.00
02/17/2021		010-07-4920-4920-540001-	D	\$ 1,500.00
02/18/2021	Natural Resources	010-07-4960-0000-520011-	C	\$ 4,400.00
02/18/2021		010-07-4960-0000-540001-	D	\$ 4,400.00
02/18/2021	Public Works	010-01-4265-4230-540002-	C	\$ 1,432.00
02/18/2021		010-01-4265-4230-540001-	D	\$ 1,432.00
02/19/2021	Bldg Svces	012-02-4350-4351-520001-	C	\$ 1,500.00
02/19/2021		012-02-4350-4911-520001-	C	\$ 1,375.00
02/19/2021		012-02-4350-4351-520002-	D	\$ 2,875.00
02/22/2021	Hope United	010-05-5810-4121-540002-21574	C	\$ 5,000.00
02/22/2021		010-05-5810-4121-540001-21574	D	\$ 5,000.00
02/22/2021		010-05-5810-5582-510001-21581	C	\$ 74,064.00
02/22/2021		010-05-5810-5582-530013-21581	D	\$ 74,064.00
02/22/2021	Grants	010-01-4131-0000-560000-19560	C	\$ 7,282.00
02/22/2021		010-01-4131-0000-560000-12276	D	\$ 7,282.00
02/23/2021	HR	010-01-4122-0000-530010-	C	\$ 350.00
02/23/2021		010-01-4122-0000-520012-	D	\$ 350.00
02/23/2021	GEMS	010-02-4370-0000-510003-	C	\$ 20,806.00
02/23/2021		010-02-4370-0000-540001-	D	\$ 3,806.00
02/23/2021		010-02-4370-0000-560000-21ATV	D	\$ 17,000.00
02/24/2021	Bldg Svces	012-02-4350-4911-530010-BrdWD	C	\$ 5,000.00
02/24/2021		012-02-4350-4911-530010-Other	D	\$ 5,000.00
02/24/2021	HR	010-01-4122-0000-530010-	C	\$ 600.00
02/24/2021		010-01-4122-0000-520012-	D	\$ 600.00
02/25/2021	Trav & Tourism	022-07-4921-0000-520015-	C	\$10,000.00
02/25/2021		022-07-4921-0000-530010-	D	\$10,000.00
02/26/2021	Health Dept	011-05-5112-5115-520011-	C	\$ 7,000.00
02/26/2021		011-05-5110-0000-520011-	C	\$ 6,000.00
02/26/2021		011-05-5114-5125-520011-	C	\$ 3,000.00
02/26/2021		011-05-5115-0000-520011-	C	\$ 4,000.00
02/26/2021		011-05-5110-0000-520014-	C	\$ 10,000.00
02/26/2021		011-05-5116-5133-520003-	C	\$ 30,000.00
02/26/2021		011-05-5110-0000-530030-21023	D	\$ 60,000.00
02/26/2021	HR	010-01-4122-0000-530010-	C	\$ 2,142.00
02/26/2021		010-01-4122-0000-560000-20033	D	\$ 2,142.00
02/26/2021	JCPC	010-05-5830-0000-510005-JCPC	D	\$ 9,800.00
02/26/2021		010-05-5830-0000-510001-JCPC	C	\$ 9,225.00
02/26/2021		010-05-5830-0000-510100-JCPC	D	\$ 44.00
02/26/2021		010-05-5830-0000-560010-21502	C	\$ 619.00

**2021-082 Commissioner Brown - DHHS (Health Division) - To Accept and Appropriate Additional State Grant Funds Received from the NC Division of Public Health for the COVID-19 Vaccination Program (\$549,910) per Budget Change Request:**

Account Description	Account Number	Amount
Hlth Grt: COVID 19 Vaccination	011-05-5116-5132-425059-21592	(\$549,910)
Hlth Grt: COVID 19 Vaccination	011-05-5116-5132-560000-21592	\$549,910

**2021-083 Commissioner Brown - DHHS (Social Services Division) - To Accept and Appropriate NC CARES Act Funds for Supplemental Payments to Foster Care Placements in the Amount of \$91,600 per Budget Change Request:**

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Account Description	Account Number	Amount
CARES: Foster Care	020-05-5867-0000-420000-20579	(91,600)
CARES: Foster Care	020-05-5867-0000-560000-20579	91,600

- 2021-084 Commissioner Brown - DHHS (Social Services Division) - Request for Approval of Community Child Protection Team (CCPT) and Child Fatality Prevention Team (CFPT) Annual Report** as filed with the Clerk to the Board
- 2021-085 Commissioner Brown - DHHS (Social Services Division) - Proclamation - To Proclaim the Month of March 2021 as National Social Work Month**
- 2021-086 Commissioner Brown - Family Justice Center - To Approve Fernico as a Sole Source Provider for the Purchase of Cortexflo Medical Camera (\$21,654)**
- 2021-087 Commissioner Philbeck - Finance - To Provide the Finance Officer the Authority to Implement GASB 84 within the FY20/21 Budget, Including the Authority to make all Necessary Budgetary Appropriations**
- 2021-088 Commissioner Worley - Finance - To Accept as Information the Attached Property Tax Refunds Less than \$100. These Tax Refunds Should Be Recorded in the Board's Minutes (Total NCVTS Refunds - \$4,699.03) as follows:**

Gaston County, North Carolina – Listing of Property Tax Refunds Less Than \$100 for Vehicles  
To be Reported at the March 23, 2021 Board Meeting

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
ANDERSON, ALLEN KEITH	48.73	LOMICK, TARSHA ANN	98.03
BAITY, BRIANNE TIFFANY	37.92	LOVE, REGINALD LAVAR	22.67
BAKER, ROGER RICKEY	33.62	MANSON, RUSSELL ARTHUR	25.83
BAKER, WILLIAM WOOD	15.79	MANSON, SAMANTHA GAIL DAWN	25.74
BEAM, BLAIR ALAN	92.13	MILLER, JASON LEE	59.12
BRADLEY, ANN STEWART	8.21	NIXON, JOYCE LEE	14.12
BRADLEY, JENNIFER DAWN	58.78	NOBLES, HOWARD LENUE	47.31
CARPENTER, JOHN BURKE JR	16.39	NOBLES, HOWARD LENUE	15.47
CARVER, CINDY RONELLE	10.52	OBERMAN, TRACI CARROLL	44.30
CEBALLOS, BETTIE VILLAMOR	8.12	PALMER, ADAM DRAKE	73.62
DAVIA, BRADY EDISON	62.94	PATTERSON, TOBY LASHAWN	69.66
DIXON, WALTER KEVIN	22.46	PETERSON, STEVEN WILLIAM	67.54
DUCKWORTH, ARTHUR GARRICK	47.90	PHILMON, SHARON THOMAS	15.74
DUCKWORTH, ARTHUR GARRICK	36.82	POE, REBECCA KIRBY	24.38
DUNCAN, JUDITH POWERS	48.26	POWELL, NATHAN SHAWN	54.45
EMMONS, BONNIE JEAN	64.99	QUEEN, ALFRED JAMES	62.99
EVANS, DEMONTRAI KEWAAN	26.97	QUINN SALES INC	11.92
FEWELL, JANICE ELAINE	38.95	ROGEL ACOSTA, GONZALO	94.83
GATES, JOSEPH ANDREW	37.45	ROSEBORO, DERITA DARLENE	5.07
GUFFEY, LISA MILLSAPS	62.11	STINES, FRANCES RAYFIELD	41.20
HALL, STACIE HAUBER	78.89	STOWE, DAWN RICHELLE	3.99
HARRIS, MICKEY BRYAN	9.23	STOWE, DAWN RICHELLE	94.12

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HERNDON, CELIA	71.14	TAYLOR, TERRY GREGORY	81.26
HINSON, JUDY LYNN	6.25	USERY, JOHN KEVIN	39.84
HIOTT, BRIAN ADRIAN	65.98	WARREN, DANNY DEAN	8.85
KING, VICTORIA GRAY	35.87	WARREN, WALTER DAWSON JR	10.58
LITTLEJOHN, GWENDOLYN SHIRLENI	23.80	WILLIS, DAVID ALLEN	93.40
LITTLEJOHN, GWENDOLYN SHIRLENI	47.26	<b>TOTAL NCVTS REFUNDS (DEC. 2020)</b>	<b><u>\$ 2,323.51</u></b>
ABERNATHY, ROGER BURKE	40.98	MARTIN, DANA HELMS	32.84
ARNETT, CATHERINE OWEN HIGHFILL	72.83	MARZAN, REBECA ANGELICA	10.35
AUTEN, EVELYN HAGANS	92.16	MCABEE, JONATHAN LEIGH	44.08
BEHELER, TINA LOUISE	35.38	MICHEL, MARY LOUISE	22.54
BICKI, JAMES ANTHONY	75.24	NIEMINEN, JOHN ROLF KLAUDIUS	29.55
BOWMAN, DENNIS KEITH	39.18	NILES, HELEN NEWBY	49.67
BROOKS, LESLIE BARNES	2.75	PALARINO, HEATHER MARIE	53.11
BROOKS, MATTHEW LEIGHTON	25.19	PARKER, ADAM LEWIS	65.28
BROWN, GEWNDOLYN YOLANDA	67.27	PATE, LOTTIE NICHOLE	34.91
CABE, TOMMY KEITH	10.53	PHILLIPS, RICHARD CALVIN JR	71.29
CHOATE, JOHN KYLE III	31.81	RANKIN, TED WESSON	58.14
CLONINGER, HOWARD LEE JR	40.14	REED, JIMMY GLENN	61.48
COSTNER, CALEB DALTON	97.40	SHANEY, THOMAS RICHARD	15.19
DAUGHTERS OF THE VIRGIN MOTHER	47.96	SIMMONS, BRIAN DAVID	34.06
DENTON, DONNA FERGUSON	26.18	SIMTHONG, SOMPHANE	55.18
DESROSIERS, PAUL ROBERT	39.88	SMIRZ, REINE MARIE	68.00
DEWALD, LISA ANN	44.38	SMITH, SHERRILL LOVANCY	70.92
GERHART, JAY ALAN	11.40	SOLOMON, SHANE ALLEN	34.72
GIBSON, RONALD JAMES	15.51	SURBER, JAMES DARRELL	14.67
HABTE, TIMNIT FINAS	47.68	THOMAS, MARIALYNE REDFERN	5.13
HAGER, ANTHONY WAYNE	34.94	ULIBARRI, RACHEL	29.56
HAGGARD, HANNAH JEANNETTE	11.96	WHISENNANT, LINDA FRANKUM	93.03
HENRY, CHAD ROBERT	53.97	WOOD, CASEY GLENN	25.84
HUDSON, SAMUEL MONROE	59.52	WOOD, LARRY VAUGHT	53.66
HUFFMAN, MICHAEL THOMAS	46.09	WOOD, RODNEY GLENN	40.10
KELLER, GEORGE HENRY JR	21.40	YEARGAN, BENNY REX	99.29
LINDSAY, CHARLES EDWARD	79.02	<b>TOTAL NCVTS REFUNDS (JAN. 2021)</b>	<b><u>\$ 2,375.52</u></b>
MAGLICH, PHYLLIS ELAINE	32.18	<b>TOTAL NCVTS REFUNDS</b>	<b><u>\$ 4,699.03</u></b>

**2021-089 Commissioner Brown - Police Department - Retirement Commendation - To Award Assistant Chief of Police Curtis J. Rosselle, Retired, with his Service Side Arm and Badge**

**2021-090 Commissioner Johnson - Public Works - To Declare the Attached Vehicles Surplus and Approve the Sale of Said Vehicles to the Highest Bidder on GovDeals.com and Authorize Staff to Prepare the Necessary Documents in Accordance with North Carolina General Statute 160A-266 as follows:**

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## SURPLUS VEHICLE LIST

Veh #	Year	Model	Department	Current Mileage	Comments
113	2008	Ford F-250	ACE	149,649	Age, Mileage, FY21 Surplus
218	2007	Ford E-350 Van	Access	155,132	Age, Mileage
219	2008	Ford E-350 Van	Access	176,491	Age, Mileage
237	2009	Ford E-350 Van	Access	184,514	Age, Mileage
377	2012	Dodge Avenger	DSS	175,115	Age, Mileage, FY21 Surplus
379	2012	Dodge Avenger	DSS	166,231	Age, Mileage, FY21 Surplus
420	2013	Dodge Charger	County Police	118,972	Wrecked Vehicle
472	2003	Ford Mustang	County Police	159,429	Age, Mileage, Repair cost
616	2007	Ford E-350 Van	Facilities	193,760	Age, Mileage
831	2000	Ford Explorer	GEMS	157,500	Repair cost, FY21 surplus
917	2016	Chevy Silverado 1500	Environmental Health	50,493	Wrecked Vehicle

Account Description	Account Number	Amount
Surplus Property Sales	010-01-8300-0000-411014	(42,000)
Motor Vehicles	010-01-4199-0000-540003	42,000

**2021-091 Commissioner Johnson - Public Works - To Declare Unused Equipment as Surplus and Authorize a Surplus Auction as follows:**

## 2021 County Surplus Property Listing

Equipment	Count	Equipment	Count
Printers	4	Exam bed	1
Microfiche readers	3	Rolling cart	2
Computers	7	Stainless Steel serving line	1
Flat panel monitors	8	Upright weight equipment	1
CRT TV	1	Weight curl bench	1
Various office chairs	49	Upright piano and bench	1
Various cubicle parts (pallets)	4	File cabinets	12
Washing machine	1	Partition dividers	30
Round table	3	HP Plotter	1
Rectangular table	5	Treadmill	1
Desks	17	Various Police radio equipment (pallets)	15
L Desks	6	Various Police radio equipment (racks)	18
Side Chairs	28	Various Police radio equipment (cabinets)	22
Stack chairs	36	Various Police radio equipment (boxes)	50
Herman Miller stack chairs	40	Bookcase	4
Router table	1	Conference table	1
Belt sander table	1		

**2021-092 Commissioner Worley - Sheriff's Office - To Authorize Motorola Solutions as a Sole Source Provider for the Purchase of 800 MHz Radios (\$22,567)**

**2021-093 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the Listed Tax Refunds be Made. (Releases and Refunds - \$190.98; Overpayments - \$13,559.97; VTS Refunds - \$6,523.39; Grand Total - \$20,274.34) as follows:**

TAXPAYER NAME	AMOUNT
<b>FEBRUARY 2021 RELEASES AND REFUNDS</b>	
Benson, Marjorie S	\$190.98
<b>TOTAL</b>	<b>\$190.98</b>
<b>FEBRUARY 2021 OVERPAYMENTS</b>	
Baier, Lucy	\$130.00
Blanton, Lewis Scott	\$612.48
Conner, Anne	\$2,512.05



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Gaston County Tax Dept	\$123.83
Greene, Bryon K	\$1,167.59
Greene, Bryon K	\$172.46
Gwinn, Odell T	\$284.10
Gwinn, Odell T	\$152.14
Hopper, Annie	\$100.00
Huitt, Santell	\$141.25
Hunter & Chandler Law Group	\$378.00
Hunter & Chandler Law Group	\$378.00
Jack E Reynolds Machine Inc	\$270.00
Jones, Melissa A	\$348.73
Kiser's Dairy	\$378.74
Lanier, Jo Ann	\$106.09
Ledford, Joseph Dale	\$113.77
Lovin, Bryann Scott	\$122.90
Lovin, Bryann Scott	\$163.90
Moxley, Barry	\$236.25
Parton, Devon	\$200.00
Putnam, Pegga B	\$643.91
Queen, Shawn M	\$121.63
Queen, Shawn M	\$121.77
Queen, Shawn M	\$121.54
Queen, Shawn M	\$122.36
Queen, Shawn M	\$121.68
Sanders, Elizabeth G	\$215.72
Servicelink	\$189.82
Smith, Danny E	\$409.51
Teague, Harold A	\$192.48
Teague, Harold A	\$192.48
Torrence, William E	\$163.49
Walters, Ronald	\$951.95
Willard, Tammy S	\$950.00
Woods, Deborah S	\$166.75
Youngblood, Robert Steven	\$387.00
Youngblood, Robert Steven	\$395.60
<b>TOTAL</b>	<b>\$13,559.97</b>
<b>FEBRUARY 2021 VTS REFUNDS</b>	
Barnes, Ronald Lynn	\$325.32
Baxa, Deborah Jean	\$152.81
Cannon, Jermiah Brookes	\$103.71
Cleveland County Tax Dept	\$316.33
Conyers, Ayisha Symone	\$134.44
Daneff, Phillip Michael II	\$263.90
Gastonia Chrysler Dodge Jeep Ram	\$193.05
Griffith, Rhonda	\$112.51
Hale, Ricky Lee	\$102.20
Hall, James Nolen	\$117.35
Hinds, Deborah Lane	\$104.05
Huskins, Robin Leigh	\$151.80
Jenkins, Steven Patrick JR	\$198.84
Jones, Brian Pressley	\$142.42
Kirkland, Lisa Carson	\$175.44
Lincoln County Tax Dept	\$344.69
Long, Philip Elliott	\$269.30
Lott, Kelly Painter	\$162.57
Magyar, Jerry Jr	\$439.48
Mauney, Joseph Alexander Jr	\$187.51
Morales, Nicholas Arthur	\$121.38
Murphy, Tyler Hillman	\$100.04
Owens, Beth Greene	\$211.43
Pillai, Visallam Ashokkumar	\$164.25
Porter, Robert Keith	\$145.97
Ramey, Tammy Williams	\$128.77

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Redmond, Ronnie Wilson	\$139.82
Reed, Leo Francis	\$190.78
RR Powder Coating Inc	\$297.97
Scholz, Keri Leah	\$124.36
Thomas, Florence Fields	\$166.03
Walker, Robert Harvey	\$137.00
Wallace, Bobby Gene Jr	\$164.36
Westrick, Keith Martin	\$216.76
Yeager, Patrick Ryan	\$216.75
<b>TOTAL</b>	<b>\$6,523.39</b>
<b>GRAND TOTAL</b>	<b>\$20,274.34</b>

**Non-Consent Agenda**

**2021-094 Commissioner Johnson – County Attorney – To Amend the Gaston County Code of Ordinances, Chapter 8 – Health and Sanitation, Article IV – Public Assembly and Parade Notification – To Create Article Outlining County Notification Process for Public Assemblies Held on County Property (Second Reading)**

Commissioner Johnson introduced the motion to approve and Commissioner Brown provided the second.

Chairman Keigher called for any discussion.

Commissioner Fraley advised he agreed with the changes to the Resolution; it was always about public safety and is still about public safety; he plans to support it.

Commissioner Worley advised he spoke with the news media and stated that it was not the BOC's intention to inhibit or restrict the First Amendment Rights of citizens; it is about public safety and safety of law enforcement. He said he was also asked about the time stipulated and he compared it to times when parks are open and closed - there are times it will be allowed and times it will not; it allows citizens to assemble to protest freely in other places at any time and it doesn't inhibit freedom of speech in any way; he will support the Resolution.

Chairman Keigher recalled the item was on last month's Agenda and some Commissioners were absent and the Resolution needed a unanimous vote of all members to pass; tonight it may pass by a simple majority.

Chairman Keigher called for the vote, and the BOC unanimously approved **2021-094** as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances as follows:

**Purpose.**

**The purpose of this Ordinance is to protect the public's right to free speech and expression thereof, while also providing law enforcement with sufficient notice to prepare and provide for the safety of the public.**

WHEREAS, Chapter 8 of the Gaston County Code of Ordinances concerns the health and safety of the citizens of Gaston County; and,

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WHEREAS, there is currently no provision in the Code of Ordinances that deals directly with the notification process for public assemblies held on County property; and,

WHEREAS, Gaston County wishes to add an article to this chapter to outline the process for obtaining Receipt of Notification for a public assembly on County property.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby modifies Chapter 8 of the Gaston County Code of Ordinances and creates Article IV as follows:

**ARTICLE IV. – PUBLIC ASSEMBLY AND PARADE NOTIFICATION****Purpose.**

**The purpose of this Ordinance is to protect the public's right to free speech and expression thereof, while also providing law enforcement with sufficient notice to prepare and provide for the safety of the public.**

**Definitions.**

As used in this article, the following definitions shall apply:

- (1) *Appeals official* means the county manager, or his or her designee who shall be an assistant county manager. If the county manager acts as the notification official, the appeals official shall be the Chairman of the Board of County Commissioners.
- (2) *Demonstration* means a public display of sentiment for or against a person or cause, including protesting.
- (3) *Festival* means an outdoor concert, fair, community event, or similar event that is primarily commercial and/or recreational in nature.
- (4) *Parade* means an athletic event, march, procession, or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street or sidewalk. A funeral procession is not a parade.
- (5) *Approving official* means the Sheriff or sheriff's deputy designated by the Sheriff, the county manager, an assistant or deputy county manager, or the county attorney as being responsible for issuing and revoking approval of a public assembly on County property under this article. The county manager may designate different persons as the approving official for different categories of events and for different facilities or locations.
- (6) *Public assembly* means:  
A gathering of 25 or more people reasonably anticipated to obstruct the normal flow of traffic on county property; and gathering of 25 or more people in or on Gaston County Courthouse property, the Sheriff's Office Headquarters, the Gaston County Jail, the Gaston County Administrative Building, or any other County-owned property.

**Public assembly and parade notification.**

(a) *Notification required.* No public assembly or parade is permitted unless proper notification of such activity has been provided to one or more Approving Officials, and remains unrevoked, pursuant to this section.

(b) *Notification of Public Assembly form.* Notification of a forthcoming public assembly or parade shall be made in writing on a form prescribed by the County at least two (2) business days (Monday through Friday) before the commencement of the event, with the exception of a protest, which requires at least twenty-four (24) hours' notice. Notwithstanding the preceding sentence, the Approving Official shall consider notification that is filed less than two (2) business days before the commencement of the proposed event where the purpose of such event is a spontaneous response to a current event, or where other good and compelling causes are shown. The Notification of Public Assembly form will be available on the County's website for members of the public to access, and physical copies of the Notification of Public Assembly form will be made available to members of the public at the Gaston County Sheriff's Office and at the Gaston County Administrative Building.

The Notification of Public Assembly form must contain the following:

- (1) The name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is providing notice (collectively "applicant");
- (2) The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event;

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- (3) The date, time, place, and route of the proposed event, including the location and time that the event will begin to assemble and disband, and any requested street closings;
- (4) The anticipated number of persons and vehicles, and the basis on which this estimate is made;
- (5) A list of the number and type of animals that will be at the event and all necessary health certificates for such animals; and
- (6) Such other information, attachments, and submissions that are requested on the Notification of Public Assembly form; and

Nothing in this section shall authorize the Approving Official to deny or revoke approval of an event based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed.

The Approving Official may attach reasonable conditions to any approved event and shall provide a Receipt of Notification form to the notifying member of the public. The individual responsible for organizing the public assembly must keep a copy of the Receipt of Notification on his or her person for the duration of the event. Any conditions issued from the Approving Official shall be documented on the Receipt of Notification.

(c) *Review Timeline.* The Approving Official who receives notice of a prospective public assembly shall provide a clear response to the individual or entity within one (1) business day of receipt.

(d) *Appeals.*

(1) If an event is denied by the Approving Official, the denied individual or entity may appeal within five (5) days after notice of the denial has been received. Within two (2) business days, or such longer period of time agreed to by the applicant, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial or revocation. The applicant shall have the right to present evidence at said hearing. The appeals official shall render a decision on the appeal within two (2) business days after the date of the hearing. In the event that the purpose of the proposed event is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.

(2) The decision of the appeals official is subject to review in the Superior Court of Gaston County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the clerk of superior court within thirty (30) days after the applicant has received notice of the decision. Unless good cause exists to contest a petition for writ of certiorari, the county shall stipulate to certiorari no later than five (5) business days after the petitioner requests such a stipulation. The county shall transmit the record to the court no later than five (5) business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the county shall file its brief within fifteen (15) days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the county shall add three (3) days to this time limit, in accordance with North Carolina Gen. Stat. § 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for the filing of any brief, then the shorter time period shall control. The North Carolina Rules of Appellate Procedure shall govern an appeal by an applicant from the Superior Court of Gaston County.

(e) It shall be unlawful for any person to violate any provision of this section or to violate any term or condition of a permit issued pursuant to this section.

**Public assembly and parade regulations.**

Notwithstanding the 25-person threshold found in the Definitions section of this Article, the following regulations apply to gatherings of any size:

- (a) It shall be unlawful to unreasonably hamper, obstruct, impede, or interfere with a public assembly or parade, or with any person, vehicle, or animal participating or used in the public assembly or parade.
- (b) It shall be unlawful for the operator of a motor vehicle to drive between vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) Spectators of a public assembly or parade and persons attending or participating in a public assembly or parade picketing shall be subject to all applicable local, state, and federal laws including, but not limited to, North Carolina Gen. Stat. § 14-277.2 (weapons).
- (d) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina Gen. Stat. § 14-288.5 in the event of a riot or disorderly conduct by the assembly of three (3) or more persons.
- (e) It shall be unlawful for a public assembly or protest to occur within fifty (50) feet of any County building, including any entrance to a County building for the purpose of ensuring all persons' safe and unimpeded ingress and egress to and from said buildings.

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- (f) It shall be unlawful for any participant of a public assembly or parade to harass or intimidate any bystanders; it shall also be unlawful for any participant to interfere with the movement of non-participants, including ingress or egress at any County building.
- (g) The Sheriff and/or the Chief Deputy Sheriff may revoke a permit at any time in the interest of public safety.
- (h) Any and all persons using handheld amplified devices shall keep a distance of at least five (5) feet from another individual while using said device.
- (i) It shall be unlawful to place any structure, enclosure, or tent on any County property, except as specifically authorized by the permit.
- (j) All public assemblies and parades shall occur between the hours of 6:00 AM and 11:00 PM.
- (k) Gaston County law enforcement, in addition to the Approving Official, shall have the authority to designate an area for a public assembly or parade, including but not limited to protest zones. Because conditions on the ground can rapidly change in a way that presents a potential harm or threat to the public's safety, any such designated area is subject to modification by the officials mentioned in this subsection.
- (l) Anyone violating this Ordinance, after being told to leave County property, may be charged with trespass.

**Applicability.**

This Ordinance only applies to public assemblies on County property. It does not apply to events held at County parks, nor does it apply to events held on public school property, as these respective facilities have rules and regulations separate and apart from this Ordinance that govern the use of such facilities.

No provision of this Ordinance is intended to infringe upon any rights, authority, powers, or duties provided for or otherwise protected by state or federal law.

This Ordinance amendment shall be effective immediately upon its adoption.

Adopted the 23rd day of February, 2021.

**Appointments**

On motion introduced by Commissioner Fraley and seconded by Commissioner Brown, the BOC unanimously appointed Mr. Johnny Denton to the ***Environmental Review Advisory Board*** to an unexpired term ending January 31, 2024.

On motion introduced by Commissioner Brown and seconded by Commissioner Hovis, the BOC unanimously appointed Mr. James Burke to the ***Quality of Natural Resources Committee (QNRC)*** to an unexpired term ending October 31, 2023.

On motion introduced by Commissioner Brown on behalf of Commissioner Philbeck and seconded by Commissioner Keigher, the BOC unanimously appointed Mr. Jack Brown to the ***Economic Development Commission*** to an unexpired term ending December 31, 2023.

On motion introduced by Commissioner Brown on behalf of Commissioner Philbeck and seconded by Commissioner Keigher, the BOC unanimously reappointed Mr. Mark Stephens to the ***Travel & Tourism Advisory Board*** to a term ending March 31, 2024.

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**Commissioners Committee Reports**

Commissioner Keigher reported meeting with the Manager, Schools Superintendent and Board of Education (BOE) Chairman and Vice-Chairman to discuss the FY21-22 Budget; asked if the School's request for extra funding this year would be discussed at the Planning Retreat or in another venue.

The County Manager responded that BOC and staff will discuss that prior to the Planning Retreat; staff will distribute the written budget updates in the next two or three weeks; BOC and staff will have a dedicated session to discuss capital and school funding.

Commissioner Keigher reported attendance to ***Gaston College Board of Trustees*** meeting yesterday; advised the College voted to approve its budget request for the County, State and Lincoln County; the County Manager met briefly with College President today and will be following up on that shortly; the College deems increases for employees and additional expenses for the Vet Tech Building utilities as extremely important; the College completed its financial audit and everything was great and its IT Department was recognized by State for their Clear Touch Technology.

**County Manager's Report**

The County Manager presented:

- ***Re: American Rescue Funds:*** The County will receive \$43.5M in American Rescue Funds from the federal government; there are some additional capital funds and the County must apply for those funds; staff is expecting some detailed guidance in May on the \$43.5M and is being cautious on how it brings that information to the BOC in context of budget deliberations; payment of those funds will be made in two equal installments (1/2 in May 2021; 1/2 in May 2022) and must be spent on costs incurred on or before 12/31/2024; as staff learns more, it will provide the BOC a written report; all of the guidance is subject to change; the money must be geared towards assistance to COVID relief related to households, small businesses, non-profits, assistance to hard hit industries (i.e., tourism, travel, hospitality and infrastructure investment); because of the claw-back nature of this and importance of utilizing these funds strategically, staff is trying to access every piece of information about this to help provide guidance to the BOC.

**County Attorney's Report**

No report.

**Other Matters**

None.

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**Adjournment**

By unanimous consent, the BOC unanimously adjourned the Regular Meeting of March 23, 2021 at 6:54 pm.

(All aforementioned documents are on file with the Clerk to the Board.)

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Tom Keigher, Chairman  
Gaston County Board of Commissioners

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Donna S. Buff  
Clerk to the Board

SEAL