

DEC 29 2020

Gaston County Board  
of Commissioners

904

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

NOVEMBER 10, 2020

The Gaston County Board of Commissioners (BOC) met in Rescheduled Regular Session on November 10, 2020, immediately following its Work Session at 7:07 p.m., in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Chairman Tracy L. Philbeck presided with Commissioners Jack B. Brown, Vice-Chairman; Chad B. Brown, Allen R. Fraley, Bob Hovis, Tom Keigher and Ronnie Worley in attendance.

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

*During the preceding Work Session, Commissioner Hovis led those assembled in the Invocation and Commissioner Jack Brown led in the Pledge of Allegiance.*

Public Hearing - Zoning Map Change: Z20-17 Duncan & Smith LLC (Applicant); Property Parcel: 192557, Located at Union Rd., Gastonia, 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

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

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

With a quorum of the Planning Board in attendance, Chairman Philbeck recognized Mrs. Sarah Penley, Building and Development Services Senior Planner, for comments.

Mrs. Penley advised subject request is to rezone parcel 192557 located at Union Rd., Gastonia, 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; the Applicant/Property Owner is Duncan & Smith LLC; one acre, the total acreage of property, is being considered for rezoning and the current use of property is vacant and undeveloped.

She reviewed maps, including aerial, zoning and adjoining property owners maps and listing of property owners and advised as follows: the property is located on Union Rd. (south of Gastonia City Limits; south, east and west of City of Belmont; north of York County line); the property is vacant and undeveloped; has some surrounding vacant and undeveloped properties and a residential neighborhood to the north and west; current zoning consists of R-1 with C-3 to the north and the corridor is consistent with both zoning districts; adjoining property owners were notified of public hearing per the property owners listing.

The property is located within the Rural Center Area Designation of Planning Area 4: The Garden Gaston/Southeast Gaston; based on the goals, objectives and zoning district pattern in overall vicinity, it is staff's opinion the request is consistent with the Comprehensive Land Use Plan (Comp Plan); the request was advertised and notices were mailed out per County policy; staff did not receive any calls regarding the application.

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Chairman Philbeck called for comments from the Applicant and citizens; hearing none, called for questions from the Planning Board and BOC; none were heard.

Public Hearing - Zoning Text Amendment: ZTA20-04 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 5 (Permit and Modification Procedures): Sections 5.16.2, 5.16.3, 5.16.5, 5.16.6; Chapter 8 (Supplemental Regulations): Section 8.1.17; Chapter 9 (General Provisions): Section 9.26(B)

Chairman Philbeck introduced Mrs. Penley for comments.

Mrs. Penley advised the proposed text amendments reflect language changes for private residential quarters in order to align those with general statutes and modifications to the zoning map amendment process; Planning Board reviewed the amendments at its October meeting and unanimously recommended moving them to a public hearing; both Boards have been provided a copy of the proposed changes in their packets.

Chairman Philbeck called for citizen comment and for questions from the Planning Board and BOC; none were heard.

Chairman Philbeck excused the Planning Board to Courtroom 2D for deliberations.

Commissioner Worley – Building & Development Services – To Approve Road Naming of Sunset Ridge Drive

Chairman Philbeck recognized Mrs. Penley for comments.

Mrs. Penley advised subject request is to name a private drive off Crawford Rd. to Sunset Ridge Dr. via submittal of a property owner's petition bearing four of nine adjoining property owners signatures; five property owners did not respond to multiple requests for notifications; the road is located in the South Point Township; the request fulfills requirements of the Road Naming and Addressing Ordinance; section V. for private drives states if 100% of the property owners signatures cannot be obtained that Planning and Development Services shall review the petition for merit regarding any 911 issues; staff received a letter of recommendation from Emergency Management Services in support of renaming the private drive.

She reviewed aerial and property owners maps and advised the property is located off Crawford Rd. (located off Union Rd. in southeast area of County; north of York County line; south of City of Gastonia municipal limits; west of City of Belmont; north of Carolina Speedway); the properties are currently undeveloped and vacant; original plat references the 30' easement to the property; property owners were notified of public hearing per listing of those owners; the request was advertised and notices were mailed out per County policy; staff did not receive any calls for information.

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Chairman Philbeck called for citizen comment and for questions from the BOC; hearing none, called for a motion to approve.

Commissioner Worley introduced the motion to approve and Commissioner Chad Brown provided the second.

Chairman Philbeck called for discussion.

Commissioner Hovis proposed that BOC obtain a statement of disclaimer from the property owners stating that they are aware that the road does not meet state standards and the County or state will never maintain the private drive.

Mrs. Penley advised the current *Subdivision Ordinance* contains text that addresses those types of issues; the plat for this roadway was recorded some time ago and the 30' easement was already designated; believe staff is working on some amendments to the *Addressing and Street Naming Ordinance* where that can be incorporated.

Chairman Philbeck asked if this issue was addressed in that Ordinance.

Mrs. Penley responded it is addressed in the Subdivision Ordinance as a road maintenance agreement but this private drive is not.

Chairman Philbeck asked the County Attorney if the BOC could do a disclaimer for the private drive; if so, should BOC amend the motion to include that.

The County Attorney responded according to Mrs. Penley it sounds like changing the language is in the works.

Chairman Philbeck clarified the Subdivision Ordinance did not pertain to this private drive; what can BOC do for this private drive.

The County Attorney asked the BOC what it wanted to do.

Commissioner Hovis clarified his suggestion for a disclaimer was made in regards to the conditions of the right-of-way (R-O-W) not meeting state minimum standards or utility expansion standards or emergency vehicular ingress/egress standards and the maintenance of the r-o-w.

Commissioner Hovis introduced an amendment *to obtain a statement of disclaimer from the property owners stating they know the road does not meet state minimum standards or utility expansion standards or emergency vehicular ingress/egress standards and the maintenance of the right-of-way.* Commissioner Keigher provided the second.

Chairman Philbeck called for the vote on the amended motion which carried unanimously.

Chairman Philbeck called for the vote on the Resolution as amended.

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On motion introduced by Commissioner Worley and seconded by Commissioner Chad Brown, the BOC unanimously approved **2020-296**, as amended and as follows:

WHEREAS, the Gaston County Planning Board is authorized to provide recommendations for Street Naming or Street Renaming of roadways in the unincorporated areas of Gaston County; and,

WHEREAS, the Gaston County Planning Board reviewed the street proposed for naming and after consideration is recommending the change below.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners approve the road name as follows:

**Naming of Sunset Ridge Drive**

BE IT FURTHER RESOLVED that the County Manager is authorized to make the necessary notifications to the appropriate State and local officials.

Chairman Philbeck called for a motion to close the Public Hearings.

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Jack Brown, the BOC unanimously closed the Public Hearings.

**Agenda Revision/Approval**

On motion introduced by Commissioner Hovis and seconded by Commissioner Chad Brown, the BOC unanimously approved the Agenda of November 10, 2020.

**Approval of Minutes**

On motion introduced by Commissioner Hovis and seconded by Commissioner Chad Brown, the BOC unanimously approved the Minutes of the Regular Meeting of October 27, 2020.

**Citizen Recognition**

No requests.

**Consent Agenda**

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

**2020-297 Commissioner Chad Brown - BOC - Proclamation - To Proclaim Veterans Day, November 11, 2020 in Gaston County**

**2020-298 Commissioner Worley - Budget & Management Services - To Accept and Appropriate Additional Grant Funds from the Governor's Crime Commission to**

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**Fund an Outreach Advocate to Inform the Community of All Available Victim Services (\$82,197) per Budget Change Request:**

Account Description	Account Number	Amount
GCC 2020 Community Outreach	010-05-5810-4121-420000-21567	(\$82,197)
Salary: 2020 Community Outreach	010-05-5810-4121-510001-21567	\$54,996
FICA: 2020 Community Outreach	010-05-5810-4121-510100-21567	\$4,206
Retirement: 2020 Community Outreach	010-05-5810-4121-510101-21567	\$4,950
Hlth Ins: 2020 Community Outreach	010-05-5810-4121-510103-21567	\$11,495
Prog Sup:20 Community Outreach	010-05-5810-4121-520002-21567	\$3,000
Travel:2020 Community Outreach	010-05-5810-4121-520011-21567	\$2,100
F/E<5K: 2020 Community Outreach	010-05-5810-4121-540001-21567	\$1,450

**2020-299 Commissioner Worley - Budget & Management Services - To Accept and Appropriate Additional State Grant Funds from the Child Advocacy Centers of NC (CACNC) for the Lighthouse (\$122,576) per Budget Change Request:**

Account Description	Account Number	Amount
CARES: CAC	010-05-5810-5585-420000-21571	(122,576)
Salaries: CARES	010-05-5810-5585-510001-21571	81,627
FICA: CARES	010-05-5810-5585-510100-21571	6,243
Retirement: CARES	010-05-5810-5585-510101-21571	7,347
Health Insurance: CARES	010-05-5810-5585-510103-21571	18,059
Dental Insurance: CARES	010-05-5810-5585-510108-21571	201
Life Insurance: CARES	010-05-5810-5585-510109-21571	54
Other Communications: CARES	010-05-5810-5585-530003-21571	820
Furn/Equip<\$5,000: CARES	010-05-5810-5585-540001-21571	8,225

**2020-300 Commissioner Worley - Budget & Management Services - To Accept and Appropriate Additional Grant Funds from the NC Governor's Crime Commission to Fund the Domestic Violence Unit Deputies (2) in the Sheriff's Office (\$140,000) per Budget Change Request:**

Account Description	Account Number	Amount
2020 GCC DV LE Unit Grant	010-02-4315-4315-425022-21572	(\$140,000)
Salaries: 2020 GCC DV LE Unit	010-02-4315-4315-510001-21572	\$99,198
FICA: 2020 GCC DV LE Unit	010-02-4315-4315-510100-21572	\$7,077
Retirement:2020 GCC DV LE Unit	010-02-4315-4315-510101-21572	\$5,091
401K LEO: 2020 GCC DV LE Unit	010-02-4315-4315-510102-21572	\$268
Health Ins:2020 GCC DV LE Unit	010-02-4315-4315-510103-21572	\$28,366

**2020-301 Commissioner Worley - Budget & Management Services - To Accept and Appropriate Additional Grant Funds from the NC Governor's Crime Commission for the Sheriff's Office - Safe Exchange Program (\$45,296) per Budget Change Request:**

Account Description	Account Number	Amount
2020 GCC Safe Exchange Grant	010-02-4315-4315-420000-21573	(\$45,296)
Part-time:< 1K: 2020 Safe Exch	010-02-4315-4315-510005-21573	\$38,701
FICA: 2020 GCC Safe Exchange	010-02-4315-4315-510100-21573	\$2,545
Prog Supplies: 2020 Safe Exch	010-02-4315-4315-520002-21573	\$1,200
Advertising:2020 GCC Safe Exch	010-02-4315-4315-520015-21573	\$2,850

**2020-302 Commissioner Philbeck - Budget & Management Services - To Transfer FY21 Budgeted Vehicle Debt Service Payments from the Building Services Fund to the Debt Service Fund (\$70,969) per Budget Change Request:**

Account Description	Account Number	Amount
Vehicle Lease Principal	012-09-4350-0000-550001-	(\$13,313)

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Vehicle Lease Interest	012-09-4350-0000-550002-	(\$118)
Vehicle Princ: 19 LP Financing	012-09-4350-4351-550001-19070	(\$18,530)
Vehicle Int: 19 LP Financing	012-09-4350-4351-550002-19070	(\$678)
Vehicle Princ: 20 LP Financing	012-09-4350-4351-550001-20007	(\$26,760)
Vehicle Int: 20 LP Financing	012-09-4350-4351-550002-20007	(\$1,155)
Principal: FY21 Vehicle LP	012-09-4350-4351-550001-21008	(\$9,558)
Interest: FY21 Vehicle LP	012-09-4350-4351-550002-21008	(\$857)
Transfer to CIF Fund	012-98-9800-0000-580041-	\$70,969
<b>Total Fund 12</b>		<b>\$ -</b>
Principal: FY18 Vehicle LP	030-09-9110-0000-550001-18150	\$13,313
Interest: FY18 Vehicle LP	030-09-9110-0000-550002-18150	\$118
Principal: FY19 Vehicle LP	030-09-9110-0000-550001-19070	\$18,530
Interest: FY19 Vehicle LP	030-09-9110-0000-550002-19070	\$678
Principal: FY20 Vehicle LP	030-09-9110-0000-550001-20007	\$26,760
Interest: FY20 Vehicle LP	030-09-9110-0000-550002-20007	\$1,155
Principal: FY21 Vehicle LP	030-09-9110-0000-550001-21008	\$9,558
Interest: FY21 Vehicle LP	030-09-9110-0000-550002-21008	\$857
Transfer from CIF	030-98-9800-0000-480041-	\$(70,969)
<b>Total Fund 30</b>		<b>\$ -</b>
Transfer to Debt Service Fund	041-98-9800-0000-580030-	\$70,969
Transfer from Building Svcs	041-98-9800-0000-480012-	\$(70,969)
<b>Total Fund 41</b>		<b>\$ -</b>

**2020-303 Commissioner Hovis - County Attorney - Approve an Amendment to Interlocal Agreement 2018-347 - Construction of Water Infrastructure to Connect Bessemer City with the Two Rivers Utility System (No Change in the Gaston County Local Match)**

**2020-304 Commissioner Hovis - County Attorney - To Amend the Gaston County Code of Ordinances, Chapter 3 - Animals, Article I, Section 3-8 - Responsibility to Control Animal - to Create Subsection (C) - Guidelines for Animal Tethering (Second Reading)** as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances as follows:

WHEREAS, Chapter 3 of the Gaston County Code of Ordinances concerns Animals; and,

WHEREAS, there is currently no provision in the Code of Ordinances that deals directly with the tethering of animals; and,

WHEREAS, Gaston County wishes to modify this subsection to provide guidance for animal owners and County law enforcement as to what constitutes the humane tethering of animals and how animal owners who choose to tether their animals should do so.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby modifies Chapter 3, Article I., Section 3-8 of the Gaston County Code of Ordinances and creates Subsection (c) as follows:

- (c) Tethering an animal is discouraged. If a pet owner chooses to tether an animal, he or she should be aware of the following list of non-exhaustive examples, all of which constitute ways to humanely tether an animal. Complying with these provisions does not in itself absolve an animal owner from being charged with or convicted of some other provision of state law or local ordinance, including but not limited to those relating to animal cruelty or nuisance animals.

Guidelines for Animal Tethering:

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1. No animal under six (6) months of age should be tethered
2. The tether should not weigh more than ten percent (10%) of the weight of the animal.  
For example, a fifty (50) pound dog should not be tethered to a chain in excess of five (5) pounds, zero ounces
3. The tether should be at least ten (10) feet in length
4. The tether should not be affixed to a single, stationary point
5. The tether should connect by way of a double swivel at the animal's collar and also connect by way of a double swivel to the pulley system
6. The pulley system should be at least seven (7) feet in height
7. The area the tethered animal is located on should not be close to neighboring properties as to constitute a nuisance
8. The animal owner should periodically examine the collar and harness to ensure the collar has an appropriate fit and will not cause injury to the animal
9. The use of a chain, choke, or pinch collar, as a primary collar, is discouraged
10. The tethered animal should be able to freely enter a sheltered area, such as a dog house
11. The tethered animal should have access to sufficient food, water, and shade
12. There should not be excessive mud, dirt, debris or trash in the area the tethered animal has access to
13. The area the tethered animal has access to should be free from obstructions that could result in entanglement
14. Female animals in heat should be isolated in a manner where other animals do not have unrestricted breeding access

**2020-305 Commissioner Philbeck - County Attorney - To Approve One-time Standardized Contracts for all Three Board Appointed Positions (County Manager, County Attorney, and Clerk to the Board)**

**2020-306 Commissioner Philbeck - County Manager - To Approve a Resolution Supporting the Creation of the Gaston Business Association through Merger of the Gaston Regional Chamber of Commerce and the Greater Gaston Development Corporation as follows:**

WHEREAS, the Gaston County Government, the Gaston Regional Chamber of Commerce (Chamber), and the Greater Gaston Development Corporation (GGDC), have historically partnered to grow the Gaston County economy and support Gaston's businesses and industries; and,

WHEREAS, in 2019, discussions among these groups led to a consultant-created report titled Gaston County Economic Development Competitive Positioning & Organizational Delivery Assessment; and,

WHEREAS, the report included specific recommendations that centered on several themes:

- To strengthen the County's public and non-profit economic development organizations using a "high-performance organization" checklist.
- To increase collaboration and partnership among the economic development organizations and to enhance communication and knowledge-sharing among the County's economic development professionals.
- To establish performance metrics and employ data-driven analysis to track progress toward economic development goals and to understand the impact of industries moving their offices and operations to the area.
- To assess and continually refine Gaston County's reputation, on-line and otherwise, as a locale that energetically and successfully facilitates economic investment.
- To create a 20-year Community Vision which describes the community's aspirations for the County's economy and other elements of quality of life; and,

WHEREAS, in December 2019, the County Manager presented a workplan based on the report's recommendations to guide the efforts of County staff, and restructured and redefined staff assignments to supplement the County's ability to fully collaborate with community partners and pursue mutually beneficial goals; and,

WHEREAS, the Chamber and the GGDC have negotiated a merger which will result in the creation of the Gaston Business Association (GBA) and a merged staff and Board of Directors in or around January 2021,

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and they have already committed to using the new organization to leverage a collaborative, data-driven approach in lockstep with municipal partners and the County.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners supports and enthusiastically endorses the creation of the Gaston Business Association through merger of the Chamber and the GGDC as a significant constructive step toward improving and aligning economic development and business support activities in the County, County Government will purposefully and collaboratively utilize the appropriate resources, including in-kind staff expertise, policy-making decisions, and community leadership presence, to meet economic development goals, and that communication and collaboration regarding those goals should include County staff, the Economic Development Commission, and the Travel & Tourism Advisory Board, with regular updates to the Board of Commissioners as determined by the County Manager.

**2020-307 Commissioner Chad Brown - DHHS (Social Services Division) - Proclamation – To Proclaim the Month of November 2020 as Adoption Awareness Month**

**2020-308 Commissioner Chad Brown - Elections - To Accept and Appropriate a Supplemental Reimbursement Base Grant of Federal and State CARES Act Funds for Elections Preparations for the 2020 Election Cycle (\$80,000) per Budget Change Request:**

Account Description	Account Number	Amount
2020 CARES Supplemental Funds	010-01-4170-0000-420000-21576	\$80,000.00
Elections:CARES Supplemental	010-01-4170-0000-530041-21576	(\$80,000.00)

**2020-309 Commissioner Philbeck - Finance - To Approve Budget Change Request Recognizing \$60,516,875 in General Obligation Refunding Bonds, Series 2020 Bond Proceeds and Bond Premium per Budget Change Request:**

Account Description	Account Number	Amount
Ref Bond Proceeds: Series 2020	031-03-5911-0000-416005-21015	(\$50,145,000.00)
Bond Prem: Series 2020 Refund	031-03-5911-0000-416003-21015	(\$10,371,875.10)
Prof Svcs: Series 20 Refunding	031-03-5911-0000-530010-21015	\$875,210.44
2017 GO School Bonds (Prin)	031-09-5911-0000-550007-18137	\$4,200,000.00
2017 GO School Bonds (Int)	031-09-5911-0000-550020-18137	\$21,345.55
12/15/17 Refund Sch Bond (P)	031-09-5911-0000-550007-18140	\$55,083,000.00
12/15/17 Refund Sch Bond (I)	031-09-5911-0000-550020-18140	\$337,319.11

**2020-310 Commissioner Keigher - Finance - Administrative Change to Correct the Budget Change Request for Board Action 2020-198 Adopted at 7/28/2020 BOC Meeting (Administrative Correction) per Budget Change Request:**

Account Description	Account Number	Amount
Federal Grant Revenue	010-01-4199-0000-420000-20578	\$228,785
Other Governmental Aid	010-01-4199-0000-570002-20578	(\$228,785)

**2020-311 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. (VTS Total Refunds - \$5,294.78) as follows:**

**Gaston County, North Carolina - Listing of Property Tax Refunds Less Than \$100.00 for Vehicles  
To be Reported at the November 10, 2020 Board Meeting**

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
<b>NCVTS Refunds</b>			
Albright, Benjamin Phillips III	41.65	Lucas, Ronald Clinton Jr.	87.70
Allen, Christopher Eugene	95.20	Maceda, Vanessa Escalona	27.54



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Bell, Jacob Holden	11.17	McIntyre, Laura Houser	89.97
Bell, Jacob Holden	65.36	McLean, Carmen Bonita	16.23
Birt, Brenda Whitworth	50.32	McMehan, Richard Wilson	94.47
Bowen, Stephanie Brown	43.89	Page, Cornelius Daniel III	82.46
Byrne, Keith Stryker	21.97	Philmon, Michael McCamey	41.04
Bryson, Carla Jeter	52.00	Plott, William Lee	50.75
Buchanan, Hannah Marie	12.13	Pruett, Brian Lee	59.29
Burger, Gail Youlanda	75.48	Ratchford, Nathaniel	11.30
Burke, Julie Cherry	62.94	Ratchford, Nathaniel	12.87
Cook, Tetrice Duan Dean	61.45	Rivas, Eric Giovanni	74.32
Dreibelbis, John Stuart	67.08	Robbins, Marcella Ann	40.43
Edison, Thomas Graham	75.37	Robinette, Timothy Alan	68.44
Ewart, Richard Monroe	39.26	Robinson, Stacy Nicole	18.13
Griffin, Bobby Lee	17.11	Rudisill, Benjamin Joshua	95.15
Hammerle, Barbara Ann	11.69	Schuster, Stephanie Gail	67.37
Hanks, Alice Frederick	6.89	Schuster, Stephanie Gail	39.07
Haynes, Rex Timothy	16.39	Sloop, Albert Curtis	15.67
Henderson, Judy Carpenter	97.01	Smith, Carver Kimberly	98.00
Isaac-Dockery, Ashley Michelle	74.62	Smith, Nathan Scott	3.66
Justice, Frank Herman	25.70	Steelman, Jerry Wayne	44.60
Keistler, Diane Thompson	37.26	Stewart, Mark Carroll	13.87
Lay, Patricy Ryan	36.79	Stilwalt, John Charlie Jr.	13.85
Lee Desiree Nicole	50.97	Tate, Vanessa Dale	29.01
Leeper, Ronald Eugene	77.29	Thompson, Lisa Robinson	8.68
Leeper, Ronald Eugene	13.46	Timmons, Benson Ellison Lane IV	23.24
Lewis, Bradley Scott	5.84	Yoon, Sook	41.88
Lewis, Sarah Danielle Owen	48.78	Zapata, Natalia	85.76

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**Total NCVTS Refunds for (July 2020) \$ 2,649.82**

Abernathy, Donald Wilson	28.36	Jenkins, Erin Lucinda	20.64
Abernathy, Donald Wilson	22.10	Jones, Jack Hardy II	79.64
Abernathy, Donald Wilson	21.07	Jones, Jack Hardy II	17.48
Adamski, Paul Francis	56.26	Klohr, Sarah Linder	33.37
Armstrong, Robert Clark	47.80	Lincoln County Tax Dept	55.92
Beheler, Timothy Duane	16.99	Marino, Leann Brendan	3.65
Bost, KimberlyChastain	12.91	McClure, Nancy Frye	21.71
Bray, Joseph Adam	35.63	McIntyre, Gary Scott	65.28
Brown, Rico Remos	15.02	McLaughlin, Sara Elizabeth	58.78
Bryson, Lewandoski Juan	46.30	Messer, Thomas Arthur	44.86
Cannon, Robert Christopher	29.70	Miller, Kasey Farris	43.21
Carter, Braxton Eugene	72.81	Moore, Richard Samuel	33.46
Cloninger, Robert Michael	6.13	Morgan Michael Jacob	60.39
Cross, Barbara Jo	54.26	Murphy, Kenneth Eugene	18.51
Cross, Barbara Jo	35.18	Murphy, Kenneth Eugene	6.51
Day, Michael Lee	80.59	Murphy, Kenneth Eugene	20.94
Dellinger, Victor Lee	17.05	Nativi, Wilber Joel	22.81
Denton, Danny Lynn	73.50	Neamtzu, Velda Jeanne	55.16
Dixon, Sarah Ford	2.02	Norris, Bryan Russell	19.35
Edgar, Billy Jo Jr.	41.46	Perdue Ward Lee	90.77
Edwards, Tony Wayne	26.75	Rauch, Marc Fredric	57.72
Forness, Caleb Roy	55.41	Robertson, Jennifer Close	48.69
Fritz, Annemarie Sweeney	28.97	Sawyer, William Bradford	37.16
Gates, Kevin Scott	35.56	Shull, John Richard	14.28
Gates, Louann Perry	57.52	Shull, John Richard	18.37
Goodwin, Rodney Shane	27.06	Smith, Ramada Sherice	97.03
Goes, Courtney Brooke	83.87	Stikeleather, Robin Spencer	51.37
Grant, Joyce Baker	45.75	Thomas, Jerry Claude	54.67
Green, Cynthia Johnson	15.36	Timpson Varda Kirkland	18.11
Gunter, Erik Lynn	37.02	Van Lue, Christine Lee	15.25
Hamilton, Palmer Jay	5.25	Warren, Deborah Lynn	59.26
Hawley, Christina Jaqueline	14.00	Welch, John Kelly	33.64
Haylock, Carmen Adriana	24.25	Welch, John Kelly	45.92

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Holland, Samuel Wayne	37.90	Willis, David Allen	35.15
Huggins, Larry Barnwell	4.99	Wilson, Aaron Alan	61.80
Ingle, Beverly Sue	9.30	<b>Total NCVTS Refunds (August 2020)</b>	<b>\$ 2,644.96</b>

Total NC VTS Refunds \$ 5,294.78

**2020-312 Commissioner Fraley - GEMS - To Accept and Appropriate Additional Grant Funds Received from the North Carolina Emergency Management (NCEM) for the Homeland Security Grant Program (HSGP) (\$25,000) per Budget Change Request:**

Account Description	Account Number	Amount
FY20 Homeland Security Grant	010-02-4370-0000-420000-21569	(\$25,000)
F/E<5K: FY20 Homeland Security	010-02-4370-0000-540001-21569	\$2,500
Vehicles: FY20 Homeland Security	010-02-4370-0000-540003-21569	\$22,500

**2020-313 Commissioner Worley - Library - Retirement Commendation - Laurel Roe Morris for Her 30+ Years of Service to the Gaston County Community**

*(\*With the Planning Board still in deliberations, Chairman Philbeck moved to the next item of business – “Non-Consent”. The Zoning Matters were taken up after “Presentation of Commendation & Award to Commissioner Jack B. Brown”.)*

**Non-Consent Agenda Items**

**2020-314 Commissioner Philbeck - County Attorney - To Amend the Gaston County Code of Ordinances, Chapter 5 - Emergency Management, Section 5-4 - Emergency Powers and Duties - to Require Board Ratification of a State of Emergency Declared by the Chairman of the Board of Commissioners**

Chairman Philbeck advised that revisions to the Code of Ordinances must pass unanimously by all Commissioners on the first reading or be placed on the December 8 Agenda for a second reading for a vote by a simple majority of members present.

Commissioner Philbeck introduced the motion to approve and Commissioner Chad Brown provided the second.

Chairman Philbeck called for discussion.

Chairman Philbeck explained during the Covid-19 pandemic a lot of decisions had to be made by the Chairman; this new ordinance will allow each Commissioner an opportunity to have a voice and will compel the BOC to be active on major issues; decisions are made better collectively; feel this is good for the BOC and the public.

Hearing no further discussion, Chairman Philbeck called for the vote and the BOC unanimously approved **2020-314**, an Amendment of the Gaston County Code of Ordinances to Require Board Ratification of a State of Emergency Declared by the

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Chairman of the Board of Commissioners, as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances as follows:

- WHEREAS, Chapter 5 of the Gaston County Code of Ordinances concerns emergency management; and,
- WHEREAS, there is currently no provision in the Code of Ordinances that deals directly with the ratification of a state of emergency declared by the Chairman of the Board of Commissioners; and,
- WHEREAS, Gaston County wishes to modify this section to require the Board of Commissioners to vote to ratify a state of emergency declared by the Chairman of the Board.
- NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby modifies Chapter 5, Section 5-4 of the Gaston County Code of Ordinances and adds language at the end of the Section as follows:

While the chairman has authority to declare a state of emergency in accordance with G.S.166A-19.31, the Board of Commissioners, at the next regularly scheduled public meeting, shall vote to ratify the chairman's actions. Should the vote to ratify the chairman's declaration fail, the state of emergency shall expire effective immediately.

**Appointments**

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Jack Brown, the BOC unanimously reappointed Dr. Edward Smith to the ***Council on Aging/Home and Community Block Grant Advisory Board*** to a term ending November 30, 2023.

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Jack Brown, the BOC unanimously reappointed Mr. Roger Hurst to the ***Environment Review Advisory Board*** to a term ending November 30, 2023.

On motions introduced and seconded, the following individuals were unanimously reappointed to the ***Library Board of Trustees***:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Chad Brown	Commissioner Jack Brown	Mr. Brett Keeter	November 30, 2026
Commissioner Jack Brown	Commissioner Hovis	Mr. Ralph Robinson, Jr.	November 30, 2026

On motions introduced and seconded, the following individuals were unanimously appointed/reappointed to the ***Fire Advisory Board***:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Hovis	Commissioner Philbeck	Mr. Scott Moore	November 30, 2023
Commissioner Jack Brown	Commissioner Hovis	Mr. Brian Weyeneth	November 30, 2023
Commissioner Jack Brown	Commissioner Hovis	Mr. Jonathan Sink	November 30, 2021
Commissioner Philbeck	Commissioner Jack Brown	Mr. Kevin Gordon	November 30, 2021
Commissioner Philbeck	Commissioner Fraley	Commissioner Chad Brown	November 30, 2021

On motion introduced by Commissioner Jack Brown and seconded by Commissioner Hovis, the BOC unanimously appointed Ms. Claire Green Fallon to the ***Planning Board*** to an unexpired term ending January 31, 2022.

On motion introduced by Commissioner Keigher and seconded by Commissioner Chad Brown, the BOC unanimously appointed Mr. Miles Hamrick to the ***Gaston County Board of Adjustments*** to an unexpired term ending July 31, 2023.

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On motions introduced by Commissioner Philbeck and seconded by Commissioner Chad Brown, the following individuals were unanimously appointed/reappointed to the ***Fireman's Relief Fund Trustees*** to terms ending November 30, 2022:

Ms. Barbara Cash	Mr. Steve Dalton	Ms. Dora Groves	Mr. Wesley Gosnell
Mr. Richard Harris	Mr. Michael Hoover	Mr. Bobby Lutz	Mr. David Lynn
Mr. Douglas Mabry	Mr. Jim Pasour	Mr. David Allen Robinson	Mr. Joshua Brown
Mr. Ricky Worley			

On a motion introduced by Commissioner Philbeck and seconded by Commissioner Chad Brown, the BOC unanimously appointed Ms. Amber Beatty to the ***Fireman's Relief Fund Trustees*** to an unexpired term ending November 30, 2021.

On a motion introduced by Commissioner Philbeck and seconded by Commissioner Fraley, the BOC unanimously appointed Ms. Michelle Ellis to the ***Quality of Natural Resources Committee*** to an unexpired term ending October 31, 2023.

On a motion introduced by Commissioner Philbeck and seconded by Commissioner Fraley, the BOC unanimously appointed Commissioner Tracy Philbeck to the ***Charlotte Douglas International Airport Commission*** to an unexpired term ending October 31, 2023.

**Commissioners Committee Reports**

No reports.

**County Manager's Report**

The County Manager presented:

- ***Re: Emergency Management*** - referenced report (handout) provided to the BOC and presented as follows: It has been over a year since the Manager and BOC discussed Emergency Management and timeline of key items to address; a couple of those items have been delayed due to Covid-19 but many of the goals have been met, which is a huge statement and credit to the Emergency Management group led by Mr. Kevin Gordon; some key accomplishments over the last year include transitioning to new leadership with Mr. Gordon in that role – returning in many ways to the original organizational structure to maximize our efficiency and effectiveness – with Mr. Gordon serving also as the Fire Marshal; have implemented a new mass communications system to alert BOC, employees and citizens about emergencies and non-emergencies when people opt-in for the service; updated the Cleveland-Lincoln-Gaston Hazard Mitigation Plan which the BOC adopted in April; and, completed a fixed nuclear facility drill which focus on the Catawba Nuclear Station. Those are just a few highlights in addition to serving the municipalities and County organization with PPE and coordinating with the state due to Covid-19

***What's in Progress Already and What's Next:*** The most significant item delayed by Covid-19 is updating the Emergency Operations Plan (foundational plan that lays out responsibilities, capabilities and procedures for emergencies and disasters). Current plan

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is out-of-date and staff has started working on a new plan but have not finished it; currently it does not reflect best practice or some federal guidance that govern those plans; Emergency Management is working with a consultant to do that update which will be the driving force behind how the program evolves; staff is also in the process of reviewing the ordinance that governs Emergency Management and would like to incorporate some comprehensive training and have a training plan that addresses all internal/external hazards in terms of the County's partner relationships. In addition to doing some rescheduling for trainings and drills due to Covid-19, Emergency Management has continued to evaluate staffing and facility needs; the County is continuing to look at those staffing levels and what a new EOC facility would look like in the future; Management is taking recommendations from Mr. Gordon and his group into account as it reviews the County's debt capacity, which will be addressed in December, as well as some operational lessons learned from the pandemic. It is a great opportunity to do a hot wash of what went well, what was a challenge, what was learned, and evaluate staffing approaches, structure and a facility moving forward.

She urged the BOC to review the full report which includes the three sections BOC/staff discussed last October regarding planning and operations and a timeline for the things on the horizon. Will provide updates to the BOC as these major items are ready for review.

Commissioner Chad Brown requested an update on the Emergency Management shelters in case of a nuclear situation.

The County Manager responded staff is taking the opportunity, as part of the Ordinance review and operations plan, to do an inventory and have some conversations around technical response, assets and how staff can evaluate what it has and what it needs; staff was going to tackle the shelters when Mr. Gordon came but that was paused due to Covid-19.

Commissioner Hovis proposed that the BOC visit a recently updated Operations Center with current state-of-the-art requirements, spacing, etc., that is comparable to what the County handles.

The Manager responded staff will look into that; Charlotte just recently opened their Operations Center, which is much larger in size.

#### **County Attorney's Report**

No report.

#### **Other Matters**

Chairman Philbeck announced the Induction Ceremony and Organizational Meeting will be held on Monday, December 7, 2020 at 9 am in The Harley B. Gaston, Jr. Public Forum, Courthouse and due to Covid-19 the Induction Ceremony will be limited to inductees and their guests; preparations are underway and a notice will be mailed out this week.

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He thanked the BOC for the opportunity to serve as Chairman the past two years. He noted it has been an honor to serve although he never expected to serve as Chairman in a pandemic. The BOC did a lot of things right and there are a lot of things it can do better. He added that he does not plan on being the Chairman next year. He expressed his appreciation to County staff (Clerk to Board, County Manager, County Attorney) and noted it has been an honor to serve with Commissioner Jack Brown as Vice-Chair.

Commissioner Fraley thanked Chairman Philbeck for his leadership and stated he is looking forward to a new year and good things for the County.

**Presentation of Commendation & Award to Commissioner Jack B. Brown**

Commissioner Fraley called Commissioner Jack Brown to the podium; thanked him for his service to the country and the county and for always having the taxpayers' best interest at heart. He presented as follows:

- WHEREAS, the Gaston County Board of Commissioners accepted the Gaston County Republican Party's nomination on September 25, 2018 and Commissioner Jack B. Brown received the Oath of Office on October 9, 2018; and,
- WHEREAS, Commissioner Brown was elected as Vice-Chairman of the Board in December 2019 and will complete his term on December 7, 2020; and,
- WHEREAS, in addition to his first term as a Commissioner from 2004 to 2008, Commissioner Brown has been involved with the Republican Party in Gaston County for many years. He served on the Republican 10th District Executive Committee, and presently serves on the Republican Executive Committee for Gaston County; and,
- WHEREAS, he has been involved with various civic groups since the 1980s including service on the Gaston County Economic Development Commission and Travel and Tourism Advisory Board. He has also served on the Gaston Family Health Services Board of Directors, the Gaston County Parks and Recreation Board, the Transportation Advisory Board, the Juvenile Crime Prevention Council (JCPC), the Schools Facility Committee, and as the Vice-Chairman of the State Parks Commission; and,
- WHEREAS, during his current term of office, Commissioner Brown served as the County Commission's representative to the Gaston County Economic Development Commission, the Family Advisory Board and the Home and Community Care Block Grant Advisory Committee; and,
- WHEREAS, Commissioner Brown has always sought fiscal and budgetary accountability with a strong focus on reducing the tax rate for Gaston County citizens; and,
- WHEREAS, he has also supported initiatives that have had a significant impact on the County and the Region's growth, especially in the areas of economic development and land use; and,
- WHEREAS, a lifelong citizen of Gaston County, Commissioner Brown has been a voice for the citizens, as an individual and through his service on the Board of Commissioners. He advocated for a smart growth approach in Gaston County and the Region, and he encouraged community and stakeholder collaboration in economic development and land use decisions; and,
- WHEREAS, at the onset of the COVID-19 pandemic in 2020, Commissioner Brown advocated for an expansion of the Family Advisory Board annual grant funding through the County's CARE Plan to provide immediate assistance to at-risk populations impacted during the crisis.

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NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners, on behalf of the citizens of Gaston County, commends and extends grateful appreciation to

**Jack B. Brown**

for his steadfast service as a Gaston County Commissioner, and thanks him for his strategic vision and dedication to making our communities economically stronger.

BE IT FURTHER RESOLVED that this Commendation, as adopted this 10<sup>th</sup> day of November 2020, be set forth in the Minutes of this Commission.

By acclamation, the BOC unanimously approved **2020-315** as set forth herewith.

Commissioner Brown accepted the Commendation and stated it had been a pleasure serving, although it had been a tough year for the BOC due to the pandemic and other issues that came forward. He noted some of the County's accomplishments over the last two years including the hiring of County Manager Dr. Kim S. Eagle in 2019. He thanked the BOC and staff for its support and noted that everyone had been good to him and he is going to miss everyone. He concluded that he and his wife (Alice) still do a lot of traveling, and when the pandemic is over, people will see less of him around the County.

Commissioner Fraley presented Commissioner Jack Brown with a silver tray with the following inscription:

THE CITIZENS OF GASTON COUNTY  
EXPRESS SINCERE GRATITUDE AND APPRECIATION  
FOR THE DEDICATED SERVICE OF

JACK B. BROWN

GASTON COUNTY COMMISSIONER – GASTONIA TOWNSHIP  
2018 – 2020

Fellow Board members shared personal stories and sentiments, and expressed their gratitude to Commissioner Brown for his many contributions to the Board and to the citizens of Gaston County, and wished him success in future endeavors.

The Chairman paused the meeting briefly to allow for a group picture.

**Zoning Matters (Non-Consent)**

**2020-316 Commissioner Worley - Building & Development Services - Zoning Map Change: Z20-17 Duncan & Smith LLC (Applicant); Property Parcel: 192557, Located at Union Rd., Gastonia, 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**

The County Attorney advised the Planning Board recommended approval by a unanimous vote (6-0); the reason/justification is *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,*

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*allowing for residential homes and businesses 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 with the Rural Center designation and is in harmony with other commercial districts within the immediate vicinity.*

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Philbeck, the BOC unanimously approved **2020-316** after consideration of the map change application, public hearing comment and Planning Board recommendation:

- 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 businesses 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 with the Rural Center designation and is in harmony with other commercial districts 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. Property parcel: 192557, 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.

**2020-317 Commissioner Philbeck - Building & Development Services - Zoning Text Amendments: ZTA20-04 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 5 (Permit and Modification Procedures): Sections 5.16.2, 5.16.3, 5.16.5, 5.16.6; Chapter 8 (Supplemental Regulations): Section 8.1.17; Chapter 9 (General Provisions): Section 9.26(B)**

The County Attorney advised the Planning Board recommended approval by a unanimous vote (6-0); the reason/justification is *the text amendments align for Private Residential Quarters with general statutes, and make modifications to the Zoning Map Amendment Process, to the Unified Development Ordinance (UDO). These changes will help enable Gaston County to grow in an orderly manner and improve the quality of life for the residents of Gaston County, all of which are goals of the Gaston County Comprehensive Land Use Plan.*

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously approved **2020-317** after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the Commission considers this action to be reasonable and in the public interest and finds the proposed amendments to be consistent with the Comprehensive Land Use Plan. The text amendments align language for Private Residential Quarters with general statutes, and make modifications to the Zoning Map Amendment Process, to the Unified Development Ordinance (UDO). These



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changes will help enable Gaston County to grow in an orderly manner and improve the quality of life for the residents of Gaston County, all of which are goals of the Gaston County Comprehensive Land Use Plan.

The Commission hereby approves the amendments to UDO Chapter 2 (Definitions): Table 2. 7-1; Chapter 5 (Permit and Modification Procedures): Sections 5.16.2, 5.16.3, 5.16.5, 5.16.6; Chapter 8 (Supplemental Regulations): Section 8.1.17; Chapter 9 (General Provisions): Section 9. 26(B), as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances and as follows:

TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition
Private Residential Quarters	Residential	An accessory <del>subordinate</del> dwelling <del>that is</del> either attached <del>to or</del> part of the principal residential use or separate from the principal <del>residential structure</del> use in the form of a guest house or garage apartment provided that such dwelling is not rented or occupied for gain and provided that no accessory building containing such use is constructed on a lot until the construction of the principal dwelling has commenced. The principal dwelling on the lot containing the private residential quarters shall be owner-occupied. <del>A private residential quarters structure shall not be constructed on a lot until construction of the principal dwelling structure has commenced.</del>

**SECTION 5.16****CHANGES TO THE OFFICIAL ZONING MAP****5.16.2****INITIATION OF A ZONING MAP AMENDMENT**

A. Any person, board, department or commission may apply for a change in zoning district boundaries (rezoning), with the following limitations:

1. Applications for ~~parallel conditional use and~~ conditional rezoning as set forth in subsections ~~5.16.4~~ and 5.16.5 of this ordinance may be initiated only by the property owner or his authorized agent (refer to section 5.1);

**5.16.3****ZONING MAP AMENDMENT PROCESS – GENERAL DISTRICT REZONING**

When considering a petition for the reclassification of property to a general zoning district (i.e. other than a ~~parallel conditional use district or a~~ conditional district), neither the Planning Board nor the Board of Commissioners shall evaluate the petition base on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic

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materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

## C. Submittal and Review Procedures

1. In order for an amendment to the official zoning map to be made by the Board of Commissioners, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after a **joint public hearing meeting** is held by the Planning Board ~~and the Board of Commissioners to discuss the proposal. Before making an amendment to the official zoning map, the Board of Commissioners shall hold a legislative hearing to receive public comment.~~ This **public legislative** hearing, once opened, may be continued to a later date. Any complete application shall be submitted to the Administrator at least thirty (30) working days prior to ~~said public the legislative~~ hearing. Notification of the **public legislative** hearing shall be as follows:
  - a. A notice shall be published in a newspaper having general circulation in Gaston County once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the ~~joint public~~ **legislative** hearing.
  - b. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator to the applicant and owners of all adjacent properties as indicated on the most up-to-date records of the Gaston County Tax Department at least ten (10) but not greater than twenty-five (25) days prior to the ~~joint public~~ **legislative** hearing.
  - c. The Administrator shall post at least one (1) notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the ~~joint public~~ **legislative** hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the case number, the **public legislative** hearing date, time at which it is to be held, and contact telephone number. The notice shall be removed only after final action has been taken on the matter.
2. Any **public legislative** hearing notice published or mailed shall state the nature of the **public legislative** hearing, the date, time, and place at which the hearing is to occur, and who to call and/or see for more information.
3. The first class mail notice required per subsection 5.16.3(C)(1)(b) may be waived if the zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners. Under such circumstances, the county may

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elect to mail such first class notices or elect to publish notice of the hearing as provided in G.S. § ~~153A-323~~ **160D-601**. The advertisement shall not be less than one-half of a newspaper page in size. The newspaper advertisement shall be effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper's circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. In addition to the newspaper notice, the county shall post one (1) or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.

## D. Planning Board Action

1. Once the ~~joint Planning Board / Board of Commissioners~~ public ~~hearing~~ **meeting** has been concluded, the Planning Board shall have thirty (30) days to submit a recommendation to the Board of Commissioners regarding the proposed change. Said recommendation shall address whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the Board of Commissioners and any other officially adopted plan that is applicable along with other matters that the Planning Board deems appropriate and a statement as to why **the** Planning Board considers its recommendation to be reasonable and in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board.
2. The Planning Board recommendation shall be as follows:
  - a. Grant the rezoning as requested; ~~or~~
  - b. Grant the rezoning with a reduction of the area requested; ~~or~~
  - c. Grant the rezoning to a more restrictive general zoning district or districts; ~~or~~
  - d. Grant the rezoning with a combination of subsections (b) and (c), above; ~~or~~, **or**
  - e. Deny the rezoning.
3. The list of general zoning districts in descending order of restrictiveness is as follows, with RLD being the most restrictive and I-3 being the least restrictive:
  - a. RLD (~~M~~**m**most restrictive)
  - b. R-1
  - c. R-2
  - d. R-3

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- e. RS-20
- f. RS-12
- g. RS-8
- h. RMF
- i. OM
- j. TMU
- k. OLC
- l. O-1
- m. NBS
- n. C-1
- o. CBD
- p. UMU
- q. C-2
- r. C-3
- s. GPX
- t. I-U
- u. I-1
- v. I-2
- w. I-3 (least restrictive)

#### E. Governing Board Action

Once the ~~joint~~ **legislative** hearing has been conducted and: (i) the Planning Board has submitted its recommendation, or (ii) the thirty (30) day review period has expired, whichever comes first, the Board of Commissioners shall render a decision on the petition. The decision of the Board of Commissioners shall be in the form of any of the various options listed in subsection 5.16.3(D)(2) and (3). Alternately, the Board of Commissioners may send the application back to the Planning Board for further study and consideration. (Note: such resubmittal by the Board of Commissioners to the

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Planning Board may ~~occur~~ not **occur** more than one (1) time for any rezoning request.) If a resubmittal to the Planning Board occurs, the Planning Board shall hear the case and have an additional thirty (30) day period (from the date it re-reviewed the application) to resubmit a recommendation to the Board of County Commissioners. Any final decision made by the Board of Commissioners shall be accompanied by a statement that addresses: (i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable, and (ii) other matters that the board of commissioners deems appropriate, and (iii) why it considers the action taken to be reasonable and in the public interest.

## F. Petition Withdrawal

An applicant who has submitted a complete application for a zoning map amendment may withdraw that application prior to a final decision being rendered by the Board of Commissioners. Such withdrawal may be made under the following guidelines:

1. If said petition is withdrawn at least two (2) working days prior to the ~~Planning Board~~ / Board of Commissioners' **public-legislative** hearing, a similar application shall not be accepted by the Administrator within one hundred-eighty (180) days of the date of withdrawal.
2. Otherwise, if said petition is withdrawn less than two (2) working days prior to a final decision being rendered, a similar application shall not be accepted by the Administrator within one (1) year of the date of withdrawal.
3. Notwithstanding the above, the Administrator may allow a similar application to be submitted prior to the expiration of said time periods having first determined:
  - a. There has been a significant change in the zoning district classification of an adjacent piece of property; ~~or,~~
  - b. The board of commissioners has adopted a plan that changes public policy regarding how the property affected by the proposed change would be developed; ~~or,~~
  - c. Construction or expansion of a road, water line, sewer line, or other such facility has occurred to serve the property and can comfortably accommodate the proposed zoning classification; ~~or,~~
  - d. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies the waiver of said time restrictions. This, however, shall not include a change in property ownership; **or,**
  - e. The proposed zoning map amendment is substantially different from that which was previously proposed and, if such amendment were approved, would effect a change substantially different than that contained in the previous application.

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4. Notwithstanding the above, any amendment petition initiated by the Planning Board of Board of Commissioners shall be exempt from any time restraints on resubmittal.

#### 5.16.5 ZONING MAP AMENDMENTS – CONDITIONAL DISTRICTS (CD)

##### A. Application

2. No application shall be considered complete unless it is accompanied by a fee, in accordance with a fee schedule approved by the governing board for the submittal of an application for rezoning to ta CD district. Said fee shall be waived for any application submitted by any official or agency acting on behalf of ~~the~~ Gaston County of the State of North Carolina.
3. The Administrator may require the petitioner to submit more than one (1) copy of the rezoning application in order to have enough copies available to circulate to other government agencies for review and comment. When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board or Board of Commission~~ers~~ may request additional information as they deem necessary.
4. The deadline for submittal shall be forty five (45) working days prior to the public ~~hearing~~ meeting with the Planning Board ~~and Board of Commissioners~~. Applications with proposed projects comprised of fifty (50) acres or more shall have a deadline submittal of ninety (90) working days prior to the public ~~hearing~~ meeting with the Planning Board ~~and Board of Commissioners~~.

##### B. Public Information Meeting

1. Once the complete application has been submitted to the Administrator and fees paid prior to the public ~~hearing~~ **meeting** on the rezoning request, two (2) Public Information Meetings (PIMs) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the Planning Board and approval by the Board of Commission~~ers~~. The PIM is designed to provide a framework for creating a shared vision with community involvement directed by the applicant in accordance with the following requirements:

c. Notice of the PIM shall, at a minimum, be given as follows:

- iv. A PIM notification sign shall be posted by ~~the~~ county in a conspicuous place at the property not less than ten (10) days prior to the PIM. The sign shall indicate date, time, and location(s) of the PIM. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the PIM.

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## D. Plans and Other Information to Accompany Petition

2. Other information **as may be** required by the Administrator relative to the rezoning request.

E. **Public Legislative** Hearing Notification Requirements

1. Before any property is rezoned to a CD district, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after the PIMs are completed and a ~~joint Public Hearing~~ **public meeting** has been held by the Planning Board ~~and the Board of Commissioners.~~ **The Board of Commissioners shall hold a legislative hearing and receive public comment prior to rezoning a CD district.** Notification of the ~~Public Hearing~~ **legislative hearing** shall be as follows:
  - a. A notice shall be published in a newspaper having general circulation in Gaston County once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the ~~joint public~~ **legislative** hearing.
  - b. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator at least ten (10) days prior to the ~~public~~ **legislative** hearing to the applicant and owners of all adjacent properties as indicated on the most up-to-date records of the Gaston County Tax Department.
  - c. The Administrator shall post at least one (1) notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the ~~Planning Board / Board of Commissioners~~ **public legislative** hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide ~~public~~ **legislative** hearing and its date, time, and location at which it is to be held. The notice shall be removed only after final action has been taken on the matter. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the conditional ~~use permit~~ **district zoning** requested.
2. Any ~~public~~ **legislative** hearing notice published or mailed shall state the nature of the public legislative hearing, the date, time, and place at which the hearing is to occur, and who to call and/or visit for more information.

## F. Planning Board Review

The Planning Board shall have at least thirty (30) days to make a recommendation on the proposed change, said thirty (30) days being measured from the date of the closing of the



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~~joint Planning Board / Board of Commissioners public hearing~~ **meeting**. Any such Planning Board recommendation shall be accompanied by statement that address: (i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable; ~~and~~ (ii) other matters that the Planning Board deems appropriate; and, (iii) why it considers the action taken to be reasonable and in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation.

## G. Action by County Board of Commissioners

A decision pertaining to conditional zoning districts is a legislative process subject to judicial review using the same procedures and standard of review as applied to general use district zoning decisions. Once the **public legislative** hearing has been held, the Board of Commissioners shall take action on the petition. The **public legislative** hearing, once opened, can be continued to a later date and action taken **n** at that time. The Board of Commissioners shall have the authority to:

3. Approve the application with modifications that are mutually agreed to by the applicant and the Board of Commissioners. Such conditions shall be in compliance with subsection F herein.
  4. Submit the application to the Planning Board for further study. The Planning Board shall have up to thirty (30) days from the date of such submission to make a report to the Board of Commissioners. If no report is issued, the governing board can take final action on the petition. The governing board reserves the right to schedule and advertise a new **public legislative** hearing based on the Planning Board's report.
- H. In approving a petition for the reclassification of a property to a CD district, the Planning Board may recommend, and the Board of Commissioners may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to county ordinances and officially adopted comprehensive land use plan or other plan, and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners. **~~In no instance shall any of these conditions be less restrictive than any requirements that would otherwise pertain to that particular development if it were located in a general zoning district unless otherwise approved by the Board of Commissioners in a CD rezoning application request.~~** Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this ordinance that pertain to that development: (i) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan; (ii) other matters that the board of commission deem appropriate; and (iii) why it considers the action taken to be



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reasonable and in the public interest shall be prepared and accompany each final decision relative to the CD rezoning request

## 5.16.6 PROCEDURES

B. The application shall be accompanied by a plan, drawn to scale, that includes or is accompanied by the following:

11. A list, if any, of all additional development conditions or standards that differ<sup>s</sup> from those that would normally apply to that use.
12. The Administrator reserves the right to waive the depiction of some or all of the information contained in subsections 5 through 10 above, when, in his opinion, such information would serve no meaningful purpose for the particular CD zoning district requested. Notwithstanding, if the ~~Planning Board~~ **Administrator** determines that additional information as set forth in subsections 5 through 10 above ~~of this subsection~~ is needed to render a recommendation or decision on the application, ~~they~~ **s/he** may require the applicant to submit such additional information.

## 8.1.17 PRIVATE RESIDENTIAL QUARTERS

Private residential quarters shall be permitted as an accessory use to any single-family detached dwelling unit (excluding manufactured homes) in accordance with the following requirements:

- ~~A. The same person shall own the private residential quarters and principal dwelling units. The owner of the principal dwelling unit shall live on-site.~~
- ~~B. A disabled person, family member, an occasional guest or live-in servant shall occupy the private residential quarters.~~
- ~~C. The private residential quarters shall not serve as a rental unit for gain (except in a Traditional Neighborhood Development).~~
- D.A.** The private residential quarters may be attached to or separate from the principal dwelling unit. Except in a TND, the private residential quarters may be located in a separate accessory structure if the area of the lot is at least one-hundred fifty (150) percent that of the smallest approved lot size for the TND.

Example: The smallest lot is five thousand (5,000) square feet. The minimum lot size for the lot containing the PRQ to be in an accessory structure shall be a minimum of seven thousand five hundred (7,500) square feet.

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- ~~E.~~**B.** ~~If the private residential quarter is in a detached structure, it~~ **Detached private residential quarters** shall be served by the same driveway accessing the principal structure.
- ~~F.~~**C.** The ground floor area of the private residential quarters shall be no greater than fifty (50) percent of the ground floor area of the principal dwelling unit. ~~or seven hundred fifty (750) square feet, whichever is less.~~ **or 1000 sq ft whichever is less.**



- ~~G.~~**D.** ~~If the~~ **Detached** private residential quarters ~~s is located in an accessory structure, said structure shall be located in the rear or side yard.~~ **The structure must meet a fifteen (15) feet rear and side setback requirement (except in a TND) and shall not exceed the height of the principal dwelling unit.** ~~No such structure shall be located closer than fifteen (15) feet from any side or rear lot line (except in a TND). The accessory structure housing the private residential quarters shall not exceed the height of the principal dwelling.~~ **Attached units shall observe the setback requirements of the principal structure.**



- ~~H.~~**E.** No more than one (1) private residential quarter ~~per lot~~ shall be allowed **per lot**.

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~~I.F.~~ A private residential quarter shall have at least ~~two (2)~~ **one (1)** off-street parking spaces.

~~J.G.~~ A manufactured home ~~is~~ shall not ~~allowed to~~ be used as a private residential quarters.

## **SECTION 9.26 TRAFFIC IMPACT ANALYSIS (TIA) REQUIREMENTS**

### **B. Traffic Impact Analysis (TIA) Process**

The first step in the TIA process is the preparation of a scoping report. The report will include a site plan, quantitative description of the proposed development and land use along with a vicinity map. The scoping report will be used to determine if a TIA is needed and if there are any safety issues associated with the development. The County, a Transportation Consultant for the County, the Applicant, the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO), and NCDOT staff may participate in this initial step.

Traffic Impact Analysis (TIA) is required when a proposed development or redevelopment will generate one hundred (100) or more new peak hour trips or the total added volume is equal to one thousand (1,000) vehicles per day, based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, and that generally would have a significant impact on existing Level of Service (LOS) **or anytime, regardless of estimate trip county, at the request of the Subdivision Administrator.**

### **Adjournment**

Chairman Philbeck called for a motion to adjourn the meeting.

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Jack Brown, the BOC unanimously adjourned the Rescheduled Meeting of November 10, 2020 at 7:57 pm.

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

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Tracy L. Philbeck, Chairman  
Gaston County Board of Commissioners

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Donna S. Buff  
Clerk to the Board

SEAL