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**Gaston County Board
of Commissioners**

GASTON COUNTY

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NORTH CAROLINA

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The Gaston County Board of Commissioners (BOC) met in Rescheduled Regular Session on July 27, 2023, at 7:14 pm, immediately following its Rescheduled Work Session, in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

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

Others present included Dr. Kim Eagle, County Manager; William T. Stetzer, County Attorney; and Donna S. Buff, Deputy Clerk to the Board.

Upon request of Chairman Brown, Reverend Dickey Spargo, City Church (Gastonia, NC), led those assembled in the Invocation and Commissioner Fraley led in the Pledge of Allegiance during the preceding Work Session.

Public Hearing - RE: Commissioner Fraley - Building & Development Services - Zoning Map Change: REZ-23-06-05-00151, Jane E. Bost (Applicant); Property Parcel: Portion of 202760, Located off Will Kiser Road, Crouse, NC. Rezone from the (R-1) Single-Family Limited Zoning District to the (R-3) Single-Family General Zoning District

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

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

Chairman Brown introduced Ms. Peyton Ratchford, Planner II – Building and Development Services, for comments.

Ms. Ratchford advised Ms. Jane E. Bost (Applicant) is requesting to rezone a portion of parcel 202760; since the Planning Board's meeting, the Tax Mapping Department has mapped and assigned a new parcel ID for subject property (310149); the request is to rezone 1.002 of 2.14 acres from the (R-1) Single-Family Limited Zoning District to the (R-3) Single-Family General Zoning District; the property is located off of Will Kiser Rd., Crouse (NC); just south of the Gaston County/Lincoln County line, east of Cherryville, west of High Shoals and north of Gastonia).

The lot went through the subdivision process earlier this year; the plat was approved in June; the new lot (lot 2 in northern portion of original parent tract) will be accessed via a private 20' easement off of Will Kiser Rd. (a NCDOT maintained road); if approved, the R-2 will only apply to lot 2 (310149).

She reviewed aerial, zoning and adjacent property owners maps depicting lot 2 and residential storage buildings; advised the property is surrounded by mostly residential properties; is in a heavy residential area of County; surrounding properties are predominately zoned R-1 with some R-2 and R-3 throughout area; if approved, any uses in the R-3 would be permitted per standards and regulations adopted in Unified Development Ordinance (UDO); the site will have well and septic systems and will utilize the private drive off Will Kiser Rd. for access; property owners were

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notified about public hearing via notices mailed on July 6th; a sign was placed on the property on July 11th per NCGS; staff did not receive any inquiries about the request.

The parcel is located in Area 1: Rural Gaston/Northwest Gaston of the Comprehensive Land Use Plan (CLUP); key issues for citizens in area include preservation of open space, road improvements and better connectivity to other areas of County, preservation of agriculture and maintaining rural feel of community, repurpose vacant buildings and facilities for new economic opportunities and steer development towards existing infrastructure.

The future land use designation is Rural (characterized as having plenty of open space along with farmstead style housing and agribusiness; residential homes are located on large lots and are set back from roads they front upon).

The Technical Review Committee (TRC) reviewed this project and had no comments; the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) advised that according to the 2020-2029 State Transportation Improvement Plan (STIP) there are no funded transportation improvement projects in immediate vicinity of the property; there is a proposed unfunded minor road improvement to Will Kiser Rd. included in the MPO's CTP (Comprehensive Transportation Plan) to widen travel lanes to 12 feet and to provide wide shoulders; the CTP also shows proposed bicycle facility improvements along Will Kiser Rd. which are unfunded currently.

The Planning Board heard the request on July 10th and recommended approval by a unanimous vote; this concludes the presentation.

Chairman Brown called for comments from the Applicant, for citizen comment and for questions from the BOC; none was heard.

Chairman Brown declared the Public Hearing closed and recapped that the Planning Board unanimously recommended approval.

Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Hovis and seconded by Commissioner Fraley, the BOC unanimously approved Resolution **2023-215**, upon consideration of the map change application, public hearing comment and recommendation 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 use is consistent with the goals of the Comprehensive Land Use Plan (CLUP) as it will keep the parcel residential in nature and maintain the rural "feel" of the area, which is consistent with the rural future land use designation and vision of the parcel.

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: portion of 310149, 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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With no objection from the Board, Chairman Brown instructed the County Attorney to submit the Consistency Statement in writing to the Clerk to the Board for inclusion in the record.

Public Hearing - RE: Commissioner Fraley - Building & Development Services - Zoning Map Change: REZ-23-06-05-00152, Gregory Farris (Applicant); Property Parcels: 303952, 303953, 301430, Located at 1929, 1941, 1947 Bess Town Rd. in Bessemer City, NC, Rezone from (R-1) Single Family Limited Zoning District & (R-3) Single Family General Zoning District to the (C-1) Light Commercial Zoning District

Chairman Brown introduced Ms. Peyton Ratchford, Planner II – Building and Development Services, for comments.

Ms. Ratchford advised subject rezoning request from Mr. Gregory Farris (Applicant) involves parcels 303952, 303953 and 301430; total acreage of parcels is 11.05 acres made up of 4.33, 2.44 and 4.28 acre parcels; the properties are located in the northwest area of County (just off Dallas-Cherryville Hwy.; west of Pasour Mountain).

She reviewed aerial, zoning and adjacent property owners maps and advised one parcel has a residence with a garage building; one parcel has a machine shop; one parcel is vacant; this request will keep the residence in compliance, bring the machine shop more into compliance and will allow for construction of other commercial structures for expansion of the machine shop one day if so desired; the surrounding properties are zoned R-1, R-2, R-3 and C-1; if approved, any uses in the C-1 will be permitted per standards and regulations adopted via UDO; property owners were notified about public hearing via notices mailed out on July 7th; a sign was posted on the site on July 10th per NCGS; staff did not receive any calls or inquiries about the request.

The site has a private well and septic system; is located on Bess Town Rd. (a NCDOT maintained road).

The Technical Review Committee (TRC) reviewed the project and had no comments; the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) advised according to the 2020-2029 State Transportation Improvement Plan (STIP) and the 2050 Metropolitan Transportation Plan (MTP) there are no planned transportation improvement projects in the immediate vicinity of the site.

The parcels are located in Area 1: Rural Gaston/Northwest Gaston of the Comprehensive Land Use Plan (CLUP); this portion of County has extensive open spaces with rolling hills and high knolls leading up to the mountains west of the County; this area has some existing services and businesses that can be expanded as a rural development pocket in the County and could continue to grow and provide a sub-regional center; key points from citizens include preservation of open space and increased job opportunities.

The future land use designation is Rural (characterized by green rolling hills and plenty of open space along with farmstead style housing).

Staff feels the application as presented is consistent with the CLUP as it appears to meet Goal 8 (to increase economic development through the County by improving viable job opportunities; the

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County has seen some changes in its employment base; however, while some industries have come and gone, a lot of industries that stayed have updated their quality of work, employment and skills. This update in industry offers future generations a great opportunity while allowing the County to market itself to new industry as being a place for longevity; it can also assist in meeting the strategy of changing the perception of manufacturing jobs to the highly skilled, high-salary potential positions in existing County industries).

The Planning Board heard the request at its July 10th meeting and recommended approval by a unanimous vote; this concludes the presentation.

Chairman Brown called for comments from the Applicant.

Mr. Greg (Gregory) Farris, 905 Toncin Ave., Bessemer City, NC, advised he is present to answer any questions.

Chairman Brown called for citizen comment.

Ms. Barbara Sellers, 105 Roberta Rd. SW, Concord, NC, and property owner of 1940 Bess Town and six acres besides it, asked how the rezoning would affect adjacent property owners taxes.

Chairman Brown asked Ms. Sellers to leave her phone number with the Clerk and advised that someone would call her tomorrow.

Chairman Brown called for questions from the BOC; none was heard.

Chairman Brown declared the Public Hearing closed and recapped that the Planning Board unanimously recommended approval of the rezoning request.

Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Hovis and seconded by Commissioner Keigher, the BOC unanimously approved Resolution **2023-216**, upon consideration of the map change application, public hearing comment and recommendation 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 zoning district is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as this land is highlighted as Rural. This portion of the County has extensive open spaces with rolling hills and high knolls that lead up to the mountains west of Gaston County. This area has some existing services and businesses and can be expanded as a rural development pocket in Gaston County and could continue to grow and provide a sub-regional center. Key points from the citizens: Preservation of open space, and Increased job opportunities. This meets Goal 8 to increase economic development through the county by improving viable job opportunities. Gaston County has seen some changes in its employment base. However, while some industries have come and gone, a lot of the industries that have stayed in Gaston County have updated their quality of work, their quality of employment, and their skills. This update in industry offers future generations great opportunity, while allowing Gaston County to market itself to new industry as being a place for longevity.

It also can assist in meeting the strategy of changing the perception of manufacturing jobs to the highly skilled, high-salary potential positions in existing Gaston County industries.

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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: 303952, 303953, 301430, 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.

Hearing no objection from the Board, Chairman Brown instructed the County Attorney to submit the Consistency Statement in writing to the Clerk to the Board for inclusion in the record.

Public Hearing - RE: Commissioner Fraley - Building & Development Services - Zoning Map Change: REZ-23-02-16-00140, Gaston County Planning Board (Applicant); Property Parcels: 158034, 158038, 158072, 158037, and 307416 Located Near the Intersection of Hephzibah Church Rd. and Anthony Grove Rd. The Request is to Accept the Parcels from Cherryville's Extraterritorial Jurisdiction (ETJ) Area and to Place the (R-1) Single Family Limited Zoning District on the Parcels

Chairman Brown introduced Mrs. Jamie Kanburoglu, Director of Planning and Zoning, for comments.

Mrs. Kanburoglu advised subject request is to place the R-1 zoning district on five (5) parcels that were recently released from Cherryville's ETJ area; the Applicant is the Gaston County Planning Board and involve parcels 158034, 158038, 158072, 158037, and 307416 now owned by Gaston Land Company, LLC or PLNC Land, LLC; the property owners noted on staff's report were the owners when the request was presented to Planning Board in March.

She reviewed aerial and zoning maps and advised Cherryville released five parcels from their ETJ area totaling 137.15 acres; zoning on property was general manufacturing and commercial and R-40; currently the parcels do not have assigned zoning districts; if approved, will assign the R-1 zoning district on the parcels which is similar to the R-40 district that Cherryville had on the parcels; R-1 is most in line with the surrounding parcels in the Comprehensive Future Land Use Map.

The request was presented to staff the end of last year; staff could not do anything about it until the parcels were released from Cherryville; Cherryville's Planning Board recommended releasing the parcels in January 2023; staff presented request to Planning Board on March 6th and noted it would not go before the BOC until the parcels were released from Cherryville's City Council; Cherryville City Council continued their case at its March meeting and unanimously released the ETJ parcels on May 8th; staff was unable to present the case to BOC in May/June due to other cases and time conflicts.

NCGS 160D-202 outlines the process for relinquishing ETJ areas to the County; once area is released, the City's zoning remains into effect for 60 days or until the County places a zoning district on the parcels, whichever is sooner; tonight's request is to formally place the R-1 zoning district on these parcels.

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She reviewed aerial, zoning and adjacent property owners maps depicting the parcels located at the intersection of Hephzibah Church Rd. and Anthony Grove Rd. (Cherryville, NC); the parcels are part of the boundary for Piedmont Lithium's mining permit application.

Under Cherryville's zoning jurisdiction, one lot was zoned general manufacturing and commercial; four lots were zoned rural residential; the surrounding lots are within the County's zoning jurisdiction; the area is heavily residential and zoned R-1 with pockets of R-2 and R-3.

The future Comprehensive Land Use Plan (CLUP) identifies this area as Rural; the neighboring lots are zoned R-1 and staff is recommending the R-1 zoning district for each lot; adjacent property owners were notified about the Public Hearing; staff received several calls for general information and confirmation that this request is just replacing the R-1 zoning on the released parcels.

The County must accept any parcels released by a municipality into its zoning jurisdiction, the Planning Board unanimously recommended approval of the request via a 6-0 vote in March; found the proposed zoning districts for the parcels is consistent with the area and the vision of the CLUP; this concludes the presentation.

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

Chairman Brown reiterated the ETJ was relinquished from Cherryville; the County has a certain time limit to accept it and will zone it the same way, R-1.

Chairman Brown declared the Public Hearing closed and recapped the Planning Board voted unanimously to recommend approval.

Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Hovis and seconded by Commissioner Fraley, the BOC unanimously approved Resolution **2023-217**, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan; is in accordance with NCGS 160D-202, which regulates extraterritorial jurisdiction; and is in line with the future land use and goals and vision for the area as outlined in the County's Comprehensive Land Use Plan, as it will keep the parcels residential in nature as envisioned by the rural future land use designation. Rural areas are characterized as having plenty of open space, farmstead housing, and agribusiness.

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: 158034,158037,158038,158072, and 307416 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 Brown asked the County Attorney to provide the Consistency Statement.

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The County Attorney provided the following Consistency Statement: *This is a reasonable request in the public interest; it is consistent with the goals and vision of the Comprehensive Land Use Plan as it will keep the parcels residential in nature as envisioned by the rural future land use designation. Rural areas are characterized as having plenty of open space, farmstead housing and agribusiness.*

Note: the County Attorney submitted the Consistency Statements for REZ151 & 152 in writing to the Clerk to the Board for inclusion in the record.

Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Text Amendment: TEXT-23-04-25-00009 - Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses), and Section 5.8.4 (Specific Regulations for Certain Temporary Uses)

Chairman Brown introduced Mrs. Jamie Kanburoglu, Director of Planning and Zoning, for comments.

Mrs. Kanburoglu advised subject request is to amend Chapter 5 (*Permit and Modification Procedures*) of the Unified Development Ordinance (UDO), Table 5.8-1 (*Allowed Temporary Uses*) and Section 5.8.4 (*Specific Regulations for Certain Temporary Uses*) to add temporary health care structures as an allowed temporary use per NCGS 160D(-915).

Staff was informed the UDO was not in compliance with state statute when addressing a code complaint violation; staff reviewed the State's regulations and realized they were more restrictive than what's written in the UDO; purpose of the text amendments is to align the UDO with State statutes and to provide clarity on what requirements need to be met to establish this type use on a lot.

She reviewed slides depicting the use (temporary healthcare structures) that staff is proposing to add to the table of allowed temporary uses; advised that currently the UDO identifies this use as Temporary RVs and Manufactured Homes for family medical needs; staff propose to align the terminology with State regulations and create this as a stand-alone use not tied to RVs and manufactured homes.

Proposed changes to section 5.8.4 (that regulates all temporary uses) outlines/mimics what State allows for temporary healthcare structures; structures need to be less than 300SF and built to State building codes; this would exclude manufactured homes from being temporary health care structures; to capture everything outlined per NCGS, staff made sure to state all temporary healthcare structures shall be permitted in accordance with State statute; then copied the State statutes verbatim for the other sections.

Only one temporary family health care structure can be placed on each lot; the mentally or physically impaired person being cared for must live in that structure; the structure does not have to have a permanent foundation but it must meet all setback requirements for the lot; permits for this use must be renewed annually and inspected for zoning compliance; she displayed slides depicting the state's definitions that will apply to this use.

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The Planning Board reviewed the amendments at its July 10th meeting and unanimously recommended approval of the request; this concludes the presentation.

Chairman Brown called for citizen comment and for questions from the BOC; hearing none, declared the Public Hearing closed.

Chairman Brown recapped that the Planning Board unanimously recommended approval and called for a motion to approve.

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously approved Resolution **2023-218**, upon consideration of the proposed amendments, public hearing comment and Planning Board and Planning staff recommendation, the County Commission considers this action to be reasonable and in the public interest and finds the proposed amendments to be consistent with the County's Comprehensive Land Use Plan. The amendments will bring Chapter 5 of the UDO in compliance with NCGS 160D-915; the request is consistent with the goals and vision of the Comprehensive Land Use Plan as the Comprehensive Land Use Plan requires conformity with NCGS 160D and the proposed text will be consistent with the structure of NCGS 160D-915.

The County Commission hereby approves, effective with the passage of the Resolution the amendments to UDO Chapter 5 (Permit and Modification Procedures); Table 5.8-1 (Allowed Temporary Uses), and Section 5.8.4 (Specific Regulations for Certain Temporary Uses).

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

Sec. 5.8.2 Table of allowed temporary uses.

- A. All temporary uses will be subject to the requirements contained in Section 5.8.3. Table 5.8-1 shows a list of allowed temporary uses and is shown below. Additional supplemental requirements for individual temporary uses are also indicated and are found in Section 5.8.4.
- B. Otherwise, if a temporary use is not listed in Table 5.8-1 the use may only be granted a zoning permit after: (i) a public hearing has been conducted by the Board of Adjustment, and (ii) the Board of Adjustment has made the following determinations:
 - 1. The proposed use will not materially endanger the public health, welfare and safety; and
 - 2. The proposed use will not have a substantial negative effect on adjoining properties.

In approving such permit, the Board of Adjustment may authorize conditions regarding the duration of the use, hours of operation, signage, lighting, and any other factors deemed necessary by the Administrator. Such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance.

TABLE 5.8-1 ALLOWED TEMPORARY USES		
TEMPORARY USE	PERMIT NEEDED?	OTHER REGULATIONS
Real Estate Sales Office/Model Sales Home	Yes	5.8.4 (A)
Sale of Goods Other Than Agricultural Products	Yes	5.8.4 (B)

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Sale of Agricultural Products	No/Yes	5.8.4 (C)
Garage/Yard Sales	No	5.8.4 (E)
Special Outdoor Event	Yes	5.8.4 (F)
Construction Trailers	Yes	5.8.4 (G)
Temporary RV's and Manufactured Homes	Yes	5.8.4 (H)
Temporary RVs for Workers for Construction Projects	Yes	5.8.4 (I)
Temporary Health Care Structure	Yes	5.8.4 (J)

Sec. 5.8.4 Specific regulations for certain temporary uses.

H. *Temporary RV's and manufactured homes.*

1. Disasters.

- a. In the event of a disaster, which results in the destruction of an owner-occupied single-family dwelling (i.e., receives damage greater than 50 percent of its assessed tax value as indicated on the most current tax listings) a RV/Class C manufactured home may be placed on the lot containing the dwelling unit that was destroyed/damaged. However, an RV may be placed on an adjacent lot with property owner's written approval, when it is not feasible or practical to be on the lot of the damaged/destroyed dwelling, as determined by the Administrator. The purpose of allowing such RV/manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is repaired. The RV must be of adequate size and designed in such a manner that it will function as a dwelling unit for a temporary period of time, to be determined by the Administrator.
- b. Such RV/manufactured home may be placed only in the side or rear yard (in relation to the structure to be replaced or repaired) and shall be located no closer than 20 feet to another principal residential structure on another lot and no closer than ten feet to any side or rear lot line on the lot in question. An RV allowed on an adjacent lot shall meet these same requirements. When an RV is permitted on an adjacent lot which does not have a principal structure, then the RV shall meet the principal structure setbacks.
- c. The Administrator shall be given the authority to issue a temporary use permit for up to six months for the temporary RV/manufactured home. Such permit may be renewed on a one-time only basis [for a period of no greater than nine months] by the Administrator if he determines that construction of a new dwelling unit is proceeding in a diligent manner.
- d. Notwithstanding the above if, at any time a temporary or permanent certificate of occupancy is issued for the repaired or reconstructed dwelling, the RV/manufactured home shall be removed from the site within 30 days of such issuance.

2. During construction of a single family residence.

- a. A manufactured home or RV is allowed under this subsection.
- b. The manufactured home must meet the requirements of either a Class A, Class B or Class C Manufactured Home.
- c. The RV must be of adequate size and designed in such a manner that it will function as a dwelling unit for a temporary period of time, to be determined by the Administrator.
- d. The manufactured home/RV must be used as the principal residence of the owner of the lot on which it is being placed.
- e. The temporary permit for the manufactured home/RV shall not be issued until the owner of the lot has first secured a building permit for a single family dwelling. The applicant for the temporary use permit must state to the County that the intended use of the dwelling to be constructed on the lot is for his principal place of residence. If the permit for construction of the dwelling becomes invalid, then the temporary permit for the manufactured home/RV shall, at the same time, become invalid and the manufactured home/RV shall be removed.
- f. The temporary permit for the manufactured home/RV shall initially be granted by the Administrator for a period of six months. The temporary manufactured home/RV permit shall be extended for a

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nine-month period provided the dwelling being constructed has passed the footing inspection by the end of the first six-month period. The temporary manufactured home/RV permit shall be extended for another nine-month period provided the dwelling being constructed has passed all framing and "rough-in" inspections within 15 months of the initial granting of said permit. The temporary manufactured home/RV permit shall be extended for a final four-month period provided a Certificate of Occupancy has been issued for the dwelling being constructed within two years of the initial granting of the said permit. No further extensions of the temporary permit shall be granted and the manufactured home/RV must be removed before the expiration of the final extension.

I. *Temporary RVs for workers for construction projects lasting greater than Six months.*

1. The RV owner must also be the occupant.
2. The RV must be of adequate size and designed in such a manner that it will function as a dwelling unit for a temporary period of time, to be determined by the Administrator.
3. The project must maintain a valid Building Permit.
4. The Zoning Permit must be renewed every six months.
5. The RV must be removed within 30 days after the completion of the project or the Building Permit is no longer valid.
6. Only allowed in an approved space within an existing Manufactured Home Park or in a Camping/RV Park.

J. *Temporary Health Care Structures*

1. Temporary health care structures shall be permitted in accordance with N.C.G.S. 160D-915 (Temporary health care structures). The definitions in G.S. 160D-914 (a) shall apply to this section.
2. Only one temporary family health care structure shall be allowed on a lot or parcel of land.
 - a. Structure shall be limited to one occupant who shall be the mentally or physically impaired person.
 - b. Structure shall be less than 300 square feet and comply with applicable provisions of the State Building Code and G.S. 143-139.1 (b)
 - c. Structure shall not be placed on a permanent foundation.
3. Temporary health care structures shall meet all setback requirements that apply to the primary residential structure on the lot.
4. Permits for temporary health care structures shall be renewed annually and subject to an annual inspection to confirm compliance with this ordinance.
5. Temporary health care structures shall be required to connect to water, sewer, and electric utilities and shall comply with all applicable state, local, and other requirements.
6. No signage advertising or otherwise promoting the existence of the structure shall be permitted on the lot.
7. Any temporary health care structure shall be removed from the lot within 60 days from which the impaired person is no longer receiving or in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.

Hearing no objection from the Board, Chairman Brown instructed the County Attorney to submit the Consistency Statement in writing to the Clerk to the Board for inclusion in the record.

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Public Hearing - RE: Commissioner Keigher - EDC - To Approve a Gaston County Level Two Incentive Grant Pursuant to N.C.Gen.Stat.158-7.1 and To Authorize Gaston County to Enter into an Economic Development Agreement (EDA) with Project Program

Chairman Brown introduced Ms. Parrish Dunn, EDC Research Coordinator, for comments.

Ms. Dunn advised Project Program proposes to begin an manufacturing operation at an estimated investment of \$7.2M over the next five years; to add 200 jobs with an average salary of \$71,000/year; the proposed investment will qualify for a Level Two Incentive Grant; Project Program plans to begin the process at the end of 2023 and complete by 2027; EDC is requesting BOC's approval of the Level Two Incentive Grant which would include \$450,000 over the next ten (10) years; Project Program is scheduled to go before the Bessemer City Council on August 14th.

Chairman Brown called for citizen comment and for questions from the BOC; hearing none, declared the Public Hearing closed.

On motion introduced by Commissioner Hovis and seconded by Commissioner Fraley, the BOC unanimously approved Resolution **2023-219** as follows:

WHEREAS, Project Program is considering a total investment of \$17,200,000 to establish a facility in Gaston County, to include the purchase and installation of machinery & equipment; and,

WHEREAS, the firm intends to create at least 222 new jobs within five years of establishing operations, expecting to pay an average wage of \$78,153; 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 an economic grant policy to provide global advanced manufacturing companies and distribution facilities with incentives to develop high quality industries within the County; 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 will qualify for a Level Two Incentive Grant; and,

WHEREAS, the County will prepare a detailed Economic Development Agreement (EDA), between Project Program, the County and the City of Bessemer City, 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 approves a Level Two Incentive Grant, as determined by County policy, and authorizes the Chairman, Vice-Chairman or the County Manager to execute any documents necessary to complete an Economic Development Agreement for Project Program.

Public Hearing - RE: Commissioner Keigher - EDC - To Authorize the Sale of Real Property for Economic Development and To Approve a Gaston County Level Two Incentive Grant Pursuant to N.C.Gen.Stat. 158-7.1 and Authorize Gaston County to Enter into an Economic Development Agreement (EDA) with Project Hemmingway

Chairman Brown introduced Ms. Parrish Dunn, EDC Research Coordinator, for comments.

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Ms. Dunn advised EDC is requesting the BOC's approval to sell property and to approve a Level Two Incentive Grant for Property (Project) Hemingway; this is an existing company in the Apple Creek Business Park that plans to construct a 65,000SF manufacturing facility on lot 4 consisting of 9 acres (9.32 *total acres*); as a result of the County's private negotiations, Project Hemingway has agreed to the terms and is considering an \$28.5M investment and creating 60 new jobs at an average annual salary of \$53,000/year.

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

Commissioner Hovis asked if this was the first lot entering the Park from the Bessemer City-Dallas Hwy.

Ms. Dunn responded "correct".

Hearing no additional comments, Chairman Brown closed the Public Hearing.

Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously approved Resolution **2023-220** as follows:

- WHEREAS, North Carolina General Statute 158-7.1 authorizes a county to undertake an economic development project by conveying property to a company in order to induce the company to locate or expand its operations within the county; and,
- WHEREAS, Gaston County is the owner and developer of the Apple Creek Business Park, of which Lot 4 is a 9.32 acre tract; and,
- WHEREAS, Gaston County and Project Hemingway have engaged in private negotiations for the conveyance of Lot 4, to the end that Project Hemingway may construct a manufacturing facility on the tract, and have reached tentative agreement on the terms for conveyance of the property and for a Level Two Economic Incentive Grant; and,
- WHEREAS, the Board of Commissioners of Gaston County has held a public hearing to consider whether to approve conveyance of the tract and the Level Two Grant to Project Hemingway; and,
- WHEREAS, Project Hemingway is considering a total investment of \$28,500,000 to design and build one building 100,000 square feet at Apple Creek Lot 4 which anticipates creating 60 additional job opportunities with an average annual salary of \$53,000; 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 an economic grant policy to provide global advanced manufacturing companies and distribution facilities with incentives to develop high quality industries within the County; 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 will qualify for a Level Two Incentive Grant; and,
- WHEREAS, the County will prepare a detailed Economic Development Agreement (EDA), between Project Hemingway and the County, to provide a Level Two Incentive Grant, 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.

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


1. Authorizes the Chairman and Vice-Chairman of the Gaston County Board of Commissioners to execute the necessary documents to convey to Project Hemmingway the real property more particularly described below:

See Attached Map

2. The conveyance of the property to Project Hemmingway will stimulate the local economy, promote business, and result in the creation of a substantial number of jobs in Gaston County. The probable average annual wage at the facility to be constructed by Project Hemmingway is \$53,000. The determination of the probable average annual wage at the facility is based upon materials provided to the County by Project Hemmingway.
3. The fair market value of the property, subject to the covenants and conditions associated with the Apple Creek Corporate Park, is \$75,000.00 per acre. This determination of fair market value is based upon the sales prices of comparable tracts of land, as reported to the Board of Commissioners.
4. As consideration for the conveyance of the property, Project Hemmingway will pay \$75,000.00 per acre, subject to survey, at closing. This facility will generate property tax revenues over the next ten years in an amount at least to sufficient return to the County the total fair market value of the property.
5. As further consideration for the conveyance of the property, Project Hemmingway has agreed to construct on the property an advanced manufacturing facility at a cost of at least \$28,500,000.
6. The Level Two Incentive Grant to Project Hemmingway is approved and the Chairman, Vice-Chairman or the County Manager is authorized to execute any documents necessary to complete an Economic Development Agreement for Project Hemmingway.

Apple Creek Corporate Center

Lot 4: 9.32 Acres



Apple Creek Parkway, Dallas, NC 28034



\$ 75,000/ acre

PROPERTY FEATURES	TRANSPORTATION
Total Acreage: 9.32 Acres	Interstate 85: 4.4 miles
Buildable Area: 7.58 Acres	Highway 321: <2 miles
Zoning: Industrial 2 (I-2)	Interstate 485: 17 miles
Owner: Gaston County	Charlotte Douglas Intl. Airport: 20 miles
Environmental reports and Covenants & Restrictions available	±22 minutes
	Gastonia Municipal Airport: 11 miles
	±22 minutes
	Charleston Port 227 miles
	±3.5 hours

UTILITIES

Water & Sewer: Two Rivers Utilities (City of Gastonia)

Electric: Rutherford Electric

Natural Gas: Dominion Energy

Communications: AT&T—Fiber



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COMMISSIONER'S COURT

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Public Hearing - RE: Commissioner Keigher - EDC - To Approve a Gaston County Level Two Incentive Grant Pursuant to N.C.Gen.Stat.158-7.1 and To Authorize Gaston County to Enter into an Economic Development Agreement (EDA) with Project Lucas

Chairman Brown introduced Ms. Parrish Dunn, EDC Research Coordinator, for comments.

Ms. Dunn advised Project Lucas is an existing company proposing to expand its production and operations in the County via a \$16M capital investment and to add 13 new jobs with an average salary of \$67,000/year; Gaston County is competing with two other sites in the state; the EDC is requesting the BOC to approve a Level Two Incentive Grant for Project Lucas; Project Lucas will appear before the Gastonia City Council on August 1st.

Chairman Brown called for citizen comment; hearing none, declared the Public Hearing closed.

Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Hovis and seconded by Commissioner Keigher, the BOC unanimously approved Resolution **2023-221** as follows:

WHEREAS, Project Lucas is considering a total investment of \$16,000,000 to expand their existing operations in Gaston County, to include the purchase and installation of machinery & equipment; and,

WHEREAS, the firm intends to create at least 13 new jobs within one year of completing their investment, expecting to pay an average wage of \$67,300; 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 an economic grant policy to provide global advanced manufacturing companies and distribution facilities with incentives to develop high quality industries within the County; 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 will qualify for a Level Two Incentive Grant; and,

WHEREAS, the County will prepare a detailed Economic Development Agreement (EDA), between Project Lucas, 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 approves a Level Two Incentive Grant, as determined by County policy, and authorizes the Chairman, Vice-Chairman or the County Manager to execute any documents necessary to complete an Economic Development Agreement for Project Lucas.

Chairman Brown announced that the Public Hearings had concluded.

Agenda Revision/Approval

On motion introduced by Commissioner Worley and seconded by Commissioner Johnson, the BOC unanimously approved the Agenda of July 27, 2023.

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Approval of Minutes

On motion introduced by Commissioner Hovis and seconded by Commissioner Brown, the BOC unanimously approved the Minutes of the Regular Meeting of May 25, 2023, Rescheduled Meeting of June 13, 2023 and Closed Session of June 13, 2023.

Citizen Recognition

No requests.

Consent Agenda

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

2023-222 Commissioner Brown - BOC - Commendation - To Recognize the 90th Anniversary of South Gastonia Church of God

2023-223 Commissioner Fraley - BOC - Commendation - To Commend Mr. Jason Day for his Acts of Bravery During the Violent Storm in Cherryville on May 16, 2023

2023-224 Commissioner Brown - BOC - To Set Forth the Names of the 2023 Students of the Senator James S. Forrester Commissioners' School of Excellence in the Board of Commissioners' Minutes as follows:

Zoey Adams	Shakayla Collins	Kylie Hubers	Cooper Payne	Kendall Southern
Truman Adcock	Branson Cragolin	Samaryiah Jackson	Viktoria Pena Adamovicova	Davis Spargo
Aubrey Albright	Taylor Culbertson	Eva Kline	Amor Polanco	Reilly Spencer
Emily Allen	George Current	Alexander Kontos	Aylin Prado	Samantha Syboutlan
Luke Andrews	Madison Darnell	Bridget Lancaster	Ashlyn Price	Phoebe Thomas
Audrey Anthony	Alyssa Decker	Nikolas Liles	Madison Pruden	Addison Townsend
Briana Armstrong	Kyara De La Rosa	Hope Marley	Mattie Queen	Makayla Turner
Isaac Aycock	Kaylee Dircio Silva	Samantha Martin	Joshua Ramsey	Aiden VanderMeer
Kaitlyn Baker	Jesmarie Gonzalez	Riley Mason	Alexis Reyes	Michelle Vicencio
Cameryn Bell	Aydin Gunter	Jaelyn Morgan	Jaymison Robinson	Chloe Villarreal
Taylor Boone	Tupelo Guzauskas	Lillian Morin	Hannah Rodden	Lilian Walker
William Brand	Faith Hairston	Margaux Nelli	James Rosemond	Madison Watson
Leah Brooks	Claire Hauck	Cornelia Okonkwo	Chloe Ryan	Robert Weaver
Anna Broome	Jaylen Hill	Bailey Owens	Hayden Savino	Madison Wooten
Danielle Cogdell	Yoon Hlaing	Cheyenne Painter	Karena Singh	
Lilly Coletta	Bayleigh Hoell	Yug Patel	Shloke Soni	

2023-225 Commissioner Worley - Budget & Strategy (Hope United Survivor Network) - To Accept and Appropriate Additional Federal Grant Funds Designated for Domestic Violence Programs from the NC Human Trafficking Commission for The Cathy Mabry Cloninger Center; This Grant Includes a New Position with 100% of Salary/Benefits Divided Between Two Human Trafficking Grants (\$86,540) per Budget Change Request:

Account Description	Account Number	Amount
FedGrtRev: HT DV funds	1000-CSS-291-29102-000000-0000000-0000-05-410000-AG020	(\$86,540)
Salaries: HT DV Funds	1000-CSS-291-29102-000000-0000000-0000-05-510001-AG020	\$38,505
FICA: HT DV Funds	1000-CSS-291-29102-000000-0000000-0000-05-510100-AG020	\$2,946
Retirement: HT DV Funds	1000-CSS-291-29102-000000-0000000-0000-05-510101-AG020	\$4,878
401K Cont: HT DV Funds	1000-CSS-291-29102-000000-0000000-0000-05-510102-AG020	\$1,925
Health Ins. HT DV Funds	1000-CSS-291-29102-000000-0000000-0000-05-510103-AG020	\$4,587

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Dental Ins. HT DV Funds	1000-CSS-291-29102-000000-0000000-0000-05-510104-AG020	\$121
Life Ins: HT DV Funds	1000-CSS-291-29102-000000-0000000-0000-05-510105-AG020	\$38
Software Rental/Imp.: HT DV Funds	1000-CSS-291-29102-000000-0000000-0000-05-530029-AG020	\$28,040
ProfSvcs: HT DV Funds	1000-CSS-291-29102-000000-0000000-0000-05-530010-AG020	\$5,500

2023-226 Commissioner Worley - Budget & Strategy (Hope United Survivor Network) - To Accept and Appropriate Additional Federal Grant Funds from the Human Trafficking Commission for Economic Assistance to HUSN for Sexual Assault Services (\$71,930); This Funding Includes a New Position Funded at 50% with the Sexual Assault Human Trafficking Grant and 50% with the Domestic Violence Human Trafficking Grant per Budget Change Request:

Account Description	Account Number	Amount
FedGrtRev: HT SA funds	1000-CSS-291-29101-000000-0000000-0000-05-410000-AG021	(\$71,930)
Salaries: HT SA Funds	1000-CSS-291-29101-000000-0000000-0000-05-510001-AG021	\$35,275
FICA: HT SA Funds	1000-CSS-291-29101-000000-0000000-0000-05-510100-AG021	\$2,669
Retirement: SA DV Funds	1000-CSS-291-29101-000000-0000000-0000-05-510101-AG021	\$4,586
401K Cont: SA Funds	1000-CSS-291-29101-000000-0000000-0000-05-510102-AG021	\$1,764
Health Ins. HT SA Funds	1000-CSS-291-29101-000000-0000000-0000-05-510103-AG021	\$4,587
Dental Ins. HT SA Funds	1000-CSS-291-29101-000000-0000000-0000-05-510104-AG021	\$121
Life Ins: HT SA Funds	1000-CSS-291-29101-000000-0000000-0000-05-510105-AG021	\$38
F/E <\$5,000.: HT SA Funds	1000-CSS-291-29101-000000-0000000-0000-05-520020-AG021	\$15,117
Program Supplies: HT SA Funds	1000-CSS-291-29101-000000-0000000-0000-05-520002-AG021	\$7,773

2023-227 Commissioner Brown - Building & Development Services - To Amend the By-Laws of the Planning Board to Better Represent Current Processes and Procedures for the Board

2023-228 Commissioner Brown - County Attorney/Tax Assessor - To Subordinate to the City of Gastonia the County's Tax Lien Related to Parcel No. 217580 and the Storm Water Easement the City of Gastonia is Entering into with Winston Development Corporation

2023-229 Commissioner Hovis - County Manager - To Accept Departmental Budget Change Requests as Information as follows:

ENTRY DATE	DEPT NAME	ACCOUNT	DR/CR	AMOUNT
06/01/2023	Finance	1000-FIN-000-00000-0000000-0000000-0000-01-520011-	D	5,000
06/01/2023		1000-FIN-000-00000-0000000-0000000-0000-01-530012-	C	5,000
06/01/2023	Parks & Rec	1000-PRK-360-00000-0000000-0000000-0000-01-530023-	C	179
06/01/2023		1000-PRK-360-00000-0000000-0000000-0000-01-520020-	D	179
06/01/2023	Em Mgmt	1000-EMG-000-00000-0000000-0000000-0000-02-520001-	C	1,435
06/01/2023		1000-EMG-000-00000-0000000-0000000-0000-02-520012-	C	1,397
06/01/2023		1000-EMG-000-00000-0000000-0000000-0000-02-520007-	C	1,126
06/01/2023		1000-EMG-000-00000-0000000-0000000-0000-02-530010-	C	2
06/01/2023		1000-EMG-000-00000-0000000-0000000-0000-02-520002-	C	272
06/01/2023		1000-EMG-000-00000-0000000-0000000-0000-02-530015-	C	349
06/01/2023		1000-EMG-000-00000-0000000-0000000-0000-02-530052-	D	1,000
06/01/2023		1000-EMG-000-00000-0000000-0000000-0000-02-520020-	D	3,582
06/01/2023	Public Works	4005-PWK-192-00000-0000000-0000000-0000-01-540005-P2306	C	185,000
06/01/2023		4005-PWK-192-00000-0000000-0000000-0000-01-540016-P2306	D	185,000
06/02/2023	Bd of Elections	1000-BOE-000-00000-0000000-0000000-0000-01-530013-	C	1,500
06/02/2023		1000-BOE-000-00000-0000000-0000000-0000-01-520011-	D	1,500
06/02/2023	PIO	1000-MGR-100-00000-0000000-0000000-0000-01-530023-	C	4,500
06/02/2023		1000-MGR-100-00000-0000000-0000000-0000-01-520007-	D	4,500
06/02/2023	Health	1000-HLT-253-00000-0000000-0000000-0000-05-520007-	C	1,030

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06/02/2023		1000-HLT-253-00000-000000-000000-0000-05-520001-	D	1,030
06/02/2023		1000-HLT-250-00000-000000-000000-0000-05-520007-	C	618
06/02/2023		1000-HLT-250-00000-000000-000000-0000-05-520001-	D	618
06/02/2023	Co Police	1000-GPD-000-00000-000000-000000-0000-02-530015-	C	8,000
06/02/2023		1000-GPD-000-00000-000000-000000-0000-02-530002-	C	6,000
06/02/2023		1000-GPD-201-00000-000000-000000-0000-02-530029-	C	8,000
06/02/2023		1000-GPD-000-00000-000000-000000-0000-02-520007-	D	6,000
06/02/2023		1000-GPD-000-00000-000000-000000-0000-02-520006-	D	6,000
06/02/2023		1000-GPD-200-00000-000000-000000-0000-02-520004-	D	10,000
06/05/2023	Health	1000-HLT-250-00000-TeenPg-000000-0000-05-520017-16241	C	5,000
06/05/2023		1000-HLT-250-00000-TeenPg-000000-0000-05-520005-16241	D	5,000
06/05/2023	Finance	1000-FIN-140-00000-000000-000000-0000-01-570006-22513	C	4,590
06/05/2023		1000-FIN-140-00000-000000-000000-0000-01-510001-22513	D	4,590
06/05/2023	GEMS	1000-EMS-000-00000-ComOut-000000-0000-02-560000-	C	646
06/05/2023		1000-EMS-000-00000-KSFair-000000-0000-02-560000-	C	1,200
06/05/2023		1000-EMS-000-00000-CiAcad-000000-0000-02-560000-	C	1,200
06/05/2023		1000-EMS-000-00000-KidAcad-000000-0000-02-560000-	D	3,046
06/05/2023	Health	1000-HLT-250-00000-000000-000000-0000-05-520007-	C	1,200
06/05/2023		1000-HLT-250-00000-000000-000000-0000-05-520013-	D	1,200
06/06/2023	Finance	8000-000-000-00000-Phmrcy-ActEmpl-0000-01-510201-	D	486,800
06/06/2023		8000-000-000-00000-Dental-Cbrlns-0000-01-510201-	C	3,500
06/06/2023		8000-000-000-00000-Health-Cbrlns-0000-01-510201-	C	31,000
06/06/2023		8000-000-000-00000-Phmrcy-Cbrlns-0000-01-510201-	C	29,575
06/06/2023		8000-000-000-00000-Dental-Retiree-0000-01-510201-	C	6,200
06/06/2023	Finance	8000-000-000-00000-Health-Retiree-0000-01-510201-	C	253,750
06/06/2023		8000-000-000-00000-Phmrcy-Retiree-0000-01-510201-	D	337,000
06/06/2023		8000-000-000-00000-Health-ActEmpl-0000-01-510202-	C	375,000
06/06/2023		8000-000-000-00000-Health-Cbrlns-0000-01-510202-	C	6,850
06/06/2023		8000-000-000-00000-Dental-Retiree-0000-01-510202-	C	975
06/06/2023		8000-000-000-00000-Health-Retiree-0000-01-510202-	C	115,000
06/06/2023		8000-000-000-00000-Lfelns-ActEmpl-0000-01-510203-	D	10,000
06/06/2023		8000-000-000-00000-Lfelns-Retiree-0000-01-510203-	D	5,000
06/06/2023		8000-000-000-00000-Health-ActEmpl-0000-01-510204-	C	102,500
06/06/2023		8000-000-000-00000-Health-Retiree-0000-01-510204-	D	85,550
06/06/2023	Library	1000-LIB-000-00000-000000-000000-0000-04-520020-21577	C	6,795
06/06/2023		1000-LIB-000-00000-000000-000000-0000-04-530029-21577	C	2,913
06/06/2023		1000-LIB-000-00000-000000-000000-0000-04-520007-21577	D	9,708
06/06/2023	Social Services	1000-CSS-292-00000-SrGame-000000-0000-04-560000-	C	11,452
06/06/2023		1000-CSS-292-00000-SrGame-000000-0000-04-520005-	C	155
06/06/2023		1000-CSS-292-00000-SrGame-000000-0000-04-520002-	D	11,607
06/07/2023	DSS	1000-DSS-270-00000-Mdcaid-PAPayts-0000-05-560008-	C	12,000
06/07/2023		1000-DSS-270-00000-000000-Interpr-0000-05-530015-	D	12,000
06/08/2023	Social Services	1000-CSS-292-00000-HltPro-000000-0000-04-520007-G0041	C	160
06/08/2023		1000-CSS-292-00000-HltPro-000000-0000-04-530015-G0041	D	160
06/08/2023	HR	1000-HRM-000-00000-EmpRec-000000-0000-01-560000-	C	2,000
06/08/2023		1000-HRM-000-00000-EmpRec-000000-0000-01-530027-	D	2,000
06/08/2023	Co Police	4005-GPD-201-00000-Annual-PayAsGo-0000-02-540002-	C	25,000
06/08/2023		4005-GPD-000-00000-000000-000000-0000-02-540002-G0066	D	25,000
06/08/2023	Museum	1000-MUS-000-00000-000000-000000-0000-04-520012-	C	1,500
06/08/2023		1000-MUS-000-00000-000000-000000-0000-04-520015-	D	1,500
06/09/2023	Public Works	4095-PWK-192-00000-000000-000000-0000-01-540005-ADACM	C	3,731
06/09/2023		4095-PWK-192-00000-000000-000000-0000-01-540005-21030	D	3,731
06/09/2023	Social Services	1000-CSS-291-29101-000000-000000-0000-05-520020-G0046	C	1,200
06/09/2023		1000-CSS-291-29101-000000-000000-0000-05-530029-G0046	D	1,200
06/09/2023	Sheriff	1000-SHF-210-00000-000000-000000-0000-02-510001-	C	2,192,580

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06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-510001-	D	1,220,000
06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-510002-	D	87,550
06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-510005-	D	64,000
06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-510007-	D	28,830
06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-510008-	D	3,200
06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-510100-	D	138,400
06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-510101-	D	148,000
06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-510102-	D	26,200
06/09/2023		1000-SHF-210-00000-000000-0000000-0000-02-510005-	D	36,800
06/09/2023		1000-SHF-210-00000-000000-0000000-0000-02-510007-	D	44,100
06/09/2023		1000-SHF-210-00000-000000-0000000-0000-02-510008-	D	1,500
06/09/2023		1000-SHF-210-00000-000000-0000000-0000-02-510100-	D	99,000
06/09/2023	Sheriff	1000-SHF-210-00000-000000-0000000-0000-02-510101-	D	295,000
06/09/2023		1000-SHF-210-00000-000000-0000000-0000-02-530015-	C	16,000
06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-520001-	D	15,000
06/09/2023		1000-SHF-000-00000-000000-0000000-0000-02-520014-	D	1,000
06/10/2023	Finance	4000-NDP-000-00000-TrfxFr-0000000-0000-98-480020-	D	300,000
06/10/2023		4000-NDP-000-00000-TrfxFr-0000000-0000-98-481000-	C	300,000
06/12/2023	Parks & Rec	1000-PRK-360-00000-000000-0000000-0000-01-530030-	C	176
06/12/2023		1000-PRK-360-00000-000000-0000000-0000-01-530052-	D	176
06/12/2023	Register of Deeds	1000-ROD-000-00000-000000-0000000-0000-01-530030-	C	1,500
06/12/2023		1000-ROD-000-00000-000000-0000000-0000-01-530015-	D	1,500
06/13/2023	DSS	1000-DSS-270-00000-SA2Adt-PAPayts-0000-05-560008-	C	20,731
06/13/2023		1000-DSS-271-00000-FostCr-ESSATrp-0000-05-560001-	D	20,731
06/13/2023	Tax	1000-TAX-000-00000-000000-0000000-0000-01-530015-	C	10
06/13/2023		1000-TAX-000-00000-000000-0000000-0000-01-530021-	D	10
06/13/2023	Co Police	1000-GPD-000-00000-000000-0000000-0000-02-530010-	C	43,000
06/13/2023		1000-GPD-000-00000-000000-0000000-0000-02-520020-	D	21,000
06/13/2023		1000-GPD-000-00000-000000-0000000-0000-02-540002-	D	10,000
06/13/2023		1000-GPD-000-00000-000000-0000000-0000-02-520006-	D	12,000
06/13/2023	Tax	1000-TAX-000-00000-000000-0000000-0000-01-520001-	C	270
06/13/2023		1000-TAX-000-00000-000000-0000000-0000-01-520012-	D	270
06/13/2023	PIO	1000-MGR-100-00000-000000-0000000-0000-01-530015-	C	2,750
06/13/2023		1000-MGR-100-00000-000000-0000000-0000-01-520007-	D	2,750
06/13/2023		1000-MGR-100-00000-000000-0000000-0000-01-530010-	C	1,500
06/13/2023		1000-MGR-100-00000-000000-0000000-0000-01-520013-	D	1,500
06/13/2023		1000-MGR-100-00000-000000-0000000-0000-01-530010-	C	1,600
06/13/2023		1000-MGR-100-00000-000000-0000000-0000-01-520020-	D	1,600
06/13/2023		1000-MGR-100-00000-000000-0000000-0000-01-530023-	C	1,250
06/13/2023		1000-MGR-100-00000-000000-0000000-0000-01-520007-	D	1,250
06/13/2023	Parks & Rec	1000-PRK-000-00000-000000-0000000-0000-04-530023-	C	347
06/13/2023		1000-PRK-000-00000-000000-0000000-0000-04-520020-	D	347
06/13/2023	IT	1000-ITS-000-00000-000000-0000000-0000-01-530029-ITInf	C	7,000
06/13/2023		1000-ITS-000-00000-000000-0000000-0000-01-530003-	D	7,000
06/14/2023	Parks & Rec	1000-PRK-360-00000-000000-0000000-0000-01-530030-	C	1
06/14/2023		1000-PRK-360-00000-000000-0000000-0000-01-530052-	D	1
06/14/2023		1000-PRK-000-00000-RecPrg-0000000-0000-04-560000-	C	8,000
06/14/2023		1000-PRK-000-00000-RecPrg-0000000-0000-04-520002-	D	5,000
06/14/2023		1000-PRK-000-00000-000000-0000000-0000-04-520005-	D	3,000
06/14/2023	Co Police	1000-GPD-000-00000-000000-0000000-0000-02-530023-	C	8,000
06/14/2023		1000-GPD-000-00000-000000-0000000-0000-02-520007-	D	8,000
06/14/2023	Social Services	1000-CSS-292-00000-SrPrgm-0000000-0000-04-560000-	C	186
06/14/2023		1000-CSS-292-00000-000000-0000000-0000-04-520020-	D	186
06/14/2023	GEMS	1000-EMS-000-00000-000000-0000000-0000-02-530015-	C	750
06/14/2023		1000-EMS-000-00000-000000-0000000-0000-02-530010-	D	750

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06/15/2023	Social Services	1000-CSS-291-29102-000000-0000000-0000-05-510001-G0053	C	3,695
06/15/2023		1000-CSS-291-29102-000000-0000000-0000-05-530053-G0053	D	3,695
06/15/2023	GEMS	1000-EMS-000-00000-0000000-0000000-0000-02-520001-	C	4,661
06/15/2023		1000-EMS-000-00000-0000000-0000000-0000-02-520011-	D	4,661
06/16/2023	Social Services	1000-CSS-291-29101-000000-0000000-0000-05-520002-22542	C	273
06/16/2023		1000-CSS-291-29101-000000-0000000-0000-05-520011-22542	C	1,045
06/16/2023		1000-CSS-291-29101-000000-0000000-0000-05-520020-22542	C	262
06/16/2023		1000-CSS-291-29101-000000-0000000-0000-05-530053-22542	D	1,580
06/16/2023	Em Mgmt	1000-EMG-000-00000-0000000-0000000-0000-02-520006-	D	5,304
06/16/2023		1000-EMG-000-00000-0000000-0000000-0000-02-520020-	C	1,015
06/16/2023		1000-EMG-000-00000-0000000-0000000-0000-02-530029-	C	2,090
06/16/2023		1000-EMG-000-00000-0000000-0000000-0000-02-520005-	C	350
06/16/2023		1000-EMG-000-00000-0000000-0000000-0000-02-530023-	C	1,000
06/16/2023		1000-EMG-000-00000-0000000-0000000-0000-02-560000-EMPGO	C	850
06/16/2023	Health	1000-HLT-250-00000-0000000-0000000-0000-05-560000-225JC	D	362
06/16/2023		1000-HLT-250-00000-0000000-0000000-0000-05-530010-225JC	C	362
06/19/2023	Parks & Rec	1000-PRK-360-00000-0000000-0000000-0000-01-520010-	C	100
06/19/2023		1000-PRK-360-00000-0000000-0000000-0000-01-520005-	D	100
06/19/2023	Co Police	1000-GPD-000-00000-0000000-0000000-0000-02-530010-	C	12,000
06/19/2023		1000-GPD-000-00000-0000000-0000000-0000-02-520006-	D	12,000
06/19/2023		4005-GPD-000-00000-Annual-PayAsGo-0000-02-540002-	D	10,000
06/19/2023		4005-GPD-201-00000-Annual-PayAsGo-0000-02-540002-	C	10,000
06/20/2023	Social Services	1000-CSS-292-00000-0000000-0000000-0000-04-520017-	C	856
06/20/2023		1000-CSS-292-00000-0000000-0000000-0000-04-520001-	D	856
06/20/2023		1000-PRK-000-00000-0000000-0000000-0000-04-520011-	C	219
06/20/2023		1000-PRK-000-00000-0000000-0000000-0000-04-520020-	D	219
06/20/2023		1000-PRK-360-00000-0000000-0000000-0000-01-520011-	C	239
06/20/2023		1000-PRK-360-00000-0000000-0000000-0000-01-520020-	D	239
06/20/2023	Co Police	1000-GPD-000-00000-0000000-0000000-0000-02-530010-	C	9,000
06/20/2023		1000-GPD-000-00000-0000000-0000000-0000-02-520006-	D	9,000
06/21/2023	Tourism	2005-TRM-000-00000-0000000-0000000-0000-07-520013-	C	20
06/21/2023		2005-TRM-000-00000-0000000-0000000-0000-07-520005-	D	20
06/21/2023		2005-TRM-000-00000-0000000-0000000-0000-07-520013-	C	20
06/21/2023		2005-TRM-000-00000-0000000-0000000-0000-07-520005-	D	20
06/21/2023	Tax	1000-TAX-000-00000-0000000-0000000-0000-01-530015-	C	500
06/21/2023		1000-TAX-000-00000-0000000-0000000-0000-01-520012-	D	500
06/21/2023	Landfill	6000-SWS-381-00000-0000000-0000000-0000-08-530020-	C	40,000
06/21/2023		6000-SWS-380-00000-0000000-0000000-0000-08-530020-	D	40,000
06/22/2023	Finance	1000-FIN-000-00000-0000000-0000000-0000-01-520020-	D	400
06/22/2023		1000-FIN-000-00000-0000000-0000000-0000-01-520001-	C	400
06/22/2023	Parks & Rec	1000-PWK-192-00000-0000000-0000000-0000-01-530023-18084	C	600
06/22/2023		1000-PWK-192-00000-0000000-0000000-0000-01-520011-	D	600
06/22/2023	Social Services	1000-CSS-272-00000-AdItDC-0000000-0000-05-530015-	C	1,600
06/22/2023		1000-CSS-272-00000-AdItDC-0000000-0000-05-520005-	D	1,600
06/22/2023	GEMS	1000-EMS-000-00000-0000000-0000000-0000-02-530002-	C	9,750
06/22/2023		1000-EMS-000-00000-0000000-0000000-0000-02-520020-	D	9,750
06/23/2023	Tourism	2005-TRM-000-00000-0000000-0000000-0000-07-520014-	C	20
06/23/2023		2005-TRM-000-00000-0000000-0000000-0000-07-530002-	D	20
06/23/2023	Coop Ext	1000-CES-000-00000-0000000-0000000-0000-07-530013-	C	1,800
06/23/2023		1000-CES-000-00000-0000000-0000000-0000-07-530015-	D	1,800
06/26/2023	Em Mgmt	1000-EMG-000-00000-0000000-0000000-0000-02-520006-	D	200
06/26/2023		1000-EMG-000-00000-0000000-0000000-0000-02-530029-	C	200
06/26/2023	Tourism	2005-TRM-000-00000-0000000-0000000-0000-07-520011-	C	1,022
06/26/2023		2005-TRM-000-00000-0000000-0000000-0000-07-520015-	C	2,487
06/26/2023		2005-TRM-000-00000-0000000-0000000-0000-07-520013-	C	338

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06/26/2023		2005-TRM-000-00000-000000-000000-0000-07-520014-	C	462
06/26/2023		2005-TRM-000-00000-000000-000000-0000-07-530010-	D	4,309
06/26/2023	PIO	1000-MGR-100-10001-000000-000000-0000-01-520011-	C	350
06/26/2023		1000-MGR-100-00000-000000-000000-0000-01-530015-	D	350
06/26/2023		1000-MGR-100-00000-000000-000000-0000-01-530023-	C	66
06/26/2023		1000-MGR-100-00000-000000-000000-0000-01-520001-	D	66
06/26/2023		1000-MGR-100-00000-000000-000000-0000-01-520007-	C	700
06/26/2023		1000-MGR-100-00000-000000-000000-0000-01-530015-	D	700
06/27/2023	GEMS	1000-EMS-000-00000-000000-000000-0000-02-520006-	D	1,800
06/27/2023		1000-EMS-000-00000-000000-000000-0000-02-520001-	C	1,800
06/28/2023	Health	1000-HLT-250-00000-000000-000000-0000-05-520010-	C	2,500
06/28/2023		1000-HLT-250-00000-000000-000000-0000-05-520011-	D	2,500
06/28/2023	Co. Police	1000-GPD-200-00000-000000-000000-0000-02-520001-	C	1,500
06/28/2023		1000-GPD-200-00000-000000-000000-0000-02-520006-	D	1,500
06/28/2023		1000-GPD-200-00000-000000-000000-0000-02-520011-	C	3,000
06/28/2023		1000-GPD-200-00000-000000-000000-0000-02-520007-	D	3,000
06/28/2023	Tax	1000-TAX-000-00000-000000-000000-0000-01-530010-	C	4,195
06/28/2023		1000-TAX-000-00000-000000-000000-0000-01-520012-	D	4,195

2023-230 Commissioner Brown - DHHS - Community Support Services - To Amend the Resolution Directing the Expenditure of Opioid Settlement Funds (Res# 2023-160, Adopted May 25, 2023) to Reflect Strategy 3 - Community Paramedicine Program as follows:

WHEREAS, Gaston County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals; and,

WHEREAS, the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA"); and,

WHEREAS, Gaston County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA; and,

WHEREAS, section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

- a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
- b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE, BE IT RESOLVED in alignment with the NC MOA, Gaston County authorizes the expenditure of opioid settlement funds as follows:

- Strategy authorized:
 - a. Name: Recovery Support Services
 - b. Exhibit: Exhibit A / Strategy 3

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- c. Amount: \$644,928
- d. Period of Performance: July 1, 2023 through June 30, 2025
- e. Program/Activity Description: Community Paramedicine
 - 24/7 Opioid overdose response. Respond to provide options for harm reduction or treatment alternatives.
 - 24/7 MAT program. Bridge the gap from overdose to treatment. Provide additional dosing through the night, if needed.
 - Outreach
 - Better address emerging hazards
 - Continue and expand Naloxone Kit Distribution
- f. Provider: Gaston County Emergency Medical Services

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$644,928.

and per Budget Change Request:

Account Description	Account Number	Amount
Opioid Settlement	2055-000-000-00000-000000-000000-0000-05-410211-	(644,928.00)
Salaries	2055-EMS-000-00000-CParmd-Stratg3-0000-02-510001-	450,264.00
FICA	2055-EMS-000-00000-CParmd-Stratg3-0000-02-510100-	34,446.00
Retirement	2055-EMS-000-00000-CParmd-Stratg3-0000-02-510101-	58,203.00
401K	2055-EMS-000-00000-CParmd-Stratg3-0000-02-510102-	22,515.00
Health Insurance	2055-EMS-000-00000-CParmd-Stratg3-0000-02-510103-	69,000.00
Dental Insurance	2055-EMS-000-00000-CParmd-Stratg3-0000-02-510104-	1,800.00
Life Insurance	2055-EMS-000-00000-CParmd-Stratg3-0000-02-510105-	1,200.00
Furn/Equipment<\$5,000	2055-EMS-000-00000-CParmd-Stratg3-0000-02-520020-	4,800.00
Training	2055-EMS-000-00000-CParmd-Stratg3-0000-02-520011-	1,200.00
Uniforms	2055-EMS-000-00000-CParmd-Stratg3-0000-02-520006-	1,500.00

2023-231 Commissioner Brown - DHHS - Community Support Services - To Approve a Resolution to Direct the Expenditure of Opioid Settlement Funds and Appropriate \$267,363.60 for the Collaborative Strategic Planning Program as follows:

WHEREAS, Gaston County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals; and,

WHEREAS, the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA"); and,

WHEREAS, Gaston County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA; and,

WHEREAS, section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

- a. Budget item or Resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
- b. Budget item or Resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using

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the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE, BE IT RESOLVED in alignment with the NC MOA, Gaston County authorizes the expenditure of Opioid Settlement Funds as follows:

1. First strategy authorized
 - a. Name of strategy: Collaborative Strategic Planning
 - b. Strategy is included in Exhibit A
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: Exhibit A, Strategy 1
 - d. Amounted authorized for this strategy: \$267,363.60
 - e. Period of time during which expenditure may take place:
Start date August 1, 2023 through End date June 30, 2025
 - f. Description of the program, project, or activity: Gaston County Opioid Outreach and Response Coordinator
 - Coordinator position whose duties will include collaborative strategic planning as defined in the MOA.
 - Program will monitor outcomes and impact of funded and recommended programs and ongoing assessment of data and current and emerging community needs.
 - Monitoring, surveillance, data collection, and evaluation of programs and strategies described in this opioid abatement strategy list.
 - Develop and maintain a dashboard to ensure accountability and transparency with use of the Opioid Settlement Funds
 - Support oversight and management of funded programs.
 - g. Provider: Gaston County Community Support Services

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$267,363.60

and per Budget Change Request:

Account Description	Account Number	Amount
Opioid Settlement	2055-000-000-00000-000000-000000-0000-05-410211-	(267,363.60)
Salaries	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-510001-	160,370.00
FICA	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-510100-	12,269.00
Retirement	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-510101-	20,729.60
401K	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-510102-	8,019.00
Health Insurance	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-510103-	23,000.00
Dental Insurance	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-510104-	600.00
Life Insurance	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-510105-	400.00
Program Supplies	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520002-	1,000.00
Food and Provisions	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520005-	4,000.00
Travel and Training	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520011-	6,000.00
Postage	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520014-	400.00
Advertising	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520015-	3,000.00
Miscellaneous	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520017-	1,000.00
Books, AVs, and DVDs	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520018-	600.00
Computers	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520020-	5,100.00
Furniture and equipment	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520020-	10,000.00
Phone Service (x2)	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-530002-	2,500.00
Printing	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-520013-	500.00
Software Rental	2055-CSS-000-00000-CSPIng-Stratg1-0000-05-530029-	7,876.00

2023-232 Commissioner Brown - DHHS - Community Support Services - To Approve a Resolution to Direct the Expenditure of Opioid Settlement Funds and Appropriate \$866,139.80 for the Recovery Transportation Program as follows:

WHEREAS, County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals; and,

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WHEREAS, the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA"); and,

WHEREAS, County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA; and,

WHEREAS, section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

- a. Budget item or Resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
- b. Budget item or Resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE, BE IT RESOLVED in alignment with the NC MOA, Gaston County authorizes the expenditure of Opioid Settlement Funds as follows:

- 1. First strategy authorized
 - a. Name of strategy: Recovery Support Services
 - b. Strategy is included in Exhibit A
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: Exhibit A, Strategy 3
 - d. Amounted authorized for this strategy: \$866,139.80
 - e. Period of time during which expenditure may take place:
Start date August 1, 2023 through End date June 30, 2025
 - f. Description of the program, project, or activity: Gaston County Recovery Transportation
 - Transportation will be provided for those without transportation to addiction treatment, harm reduction services, other recovery support services, primary healthcare, and other services needed to support their recovery, health, and well-being using a low-barrier model.
 - All drivers and supervisor are certified peer support specialists or recovery coaches.
 - Peer support specialists and recovery coach staff will help participants navigate and reduce barriers to access consistent treatment and care.
 - Staff will partner with community paramedics, local hospital systems, and other MAT providers to ensure MAT participants have access to ongoing care without interruption.
 - g. Provider: Gaston County Emergency Medical Services

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$866,139.80.

and per Budget Change Request:

Account Description	Account Number	Amount
Opioid Settlement	2055-000-000-00000-000000-0000000-0000-05-410211-	(866,139.80)
Salaries	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-510001-	453,391.00
FICA	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-510100	34,684.00
Retirement	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-510101-	58,605.80
401K	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-510102-	22,671.00
Health Insurance	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-510103-	92,000.00
Dental Insurance	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-510104-	2,400.00
Life Insurance	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-510105-	1,600.00
Office Supplies	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-520001-	2,000.00
Program Supplies	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-520002-	2,000.00
Uniforms	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-520006-	2,000.00

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Employee Training	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-520011-	12,000.00
Advertising	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-520015-	6,000.00
Miscellaneous Expense	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-520017-	1,000.00
Furniture / Equipment <\$5k	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-520020-	5,500.00
Phone Service	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-530002-	5,088.00
MotorFuels/Lubricants	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-530021-	40,000.00
Repairs and Maintenance	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-530023-	2,000.00
Software Rental	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-530029-	11,800.00
Vehicle Prep	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-530052-	2,440.00
Motor Vehicles	2055-EMS-000-00000-RcvTrp-Stratg3-0000-05-540003-	108,960.00

2023-233 Commissioner Worley - DHHS - Community Support Services - To Authorize Bid Award for the Gaston County ARPA Grant Project for Homeless Outreach - Mobile Shower and Laundry Trailers to Montondo Trailers, LLC (\$223,100)

2023-234 Commissioner Brown - DHHS - Community Support Services (Hope United Survivor Network) - Transfer Funds from General Fund to General Government Capital Fund to Purchase an I-Record Digital Video and Audio Recording System for the Family Justice Center (\$7,939) per Budget Change Request:

Account Description	Account Number	Amount
Software Rental	1000-CSS-291-00000-000000-000000-0000-05-530029-	(7,939.00)
Transfer to CIF	1000-NDP-000-00000-TrfxTo-0000000-0000-98-584000-	7,939.00
Transfer from General Fund	4000-NDP-000-00000-TrfxFr-0000000-0000-98-481000-	(7,939.00)
Transfer to Gen Govt Capital	4000-NDP-000-00000-TrfxTo-0000000-0000-98-584005-	7,939.00
Transfer from CIF	4005-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(7,939.00)
Furn/Equip>\$5,000	4005-CSS-291-29101-Annual-PayGo23-0000-05-540002-	7,939.00

2023-235 Commissioner Brown - DHHS - Community Support Services (Hope United Survivor Network) - To Accept and Appropriate Additional State Grant Funds from the NC Council for Women & Youth Involvement for The Cathy Mabry Cloninger Center for FY2023 (\$1,673.75) per Budget Change Request:

Account Description	Account Number	Amount
StGrtRev: 2022 CFW MLF	1000-CSS-291-29102-000000-000000-0000-05-410001-G0050	(\$1,673.75)
Salaries: 2022 CFW MLF	1000-CSS-291-29102-000000-000000-0000-05-510006-G0050	\$1,673.75

2023-236 Commissioner Brown - DHHS - Community Support Services (Hope United Survivor Network) - To Accept and Appropriate Donations Received from April 1, 2023 to June 30, 2023 in the Amount of \$30,104.75 per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(30,104.75)
Donations: Shelter	1000-CSS-291-29102-Donatn-0000000-0000-05-520019-	13,845.84
Donations: CAC	1000-CSS-291-29103-Donatn-0000000-0000-05-520019-	7,531.50
Donations: Kara's Closet	1000-CSS-291-29103-KaraCl-0000000-0000-05-520007-	2,109.00
Donations: HUSN	1000-CSS-291-00000-Donatn-0000000-0000-05-520019-	1,618.41
Donations: Threads of Hope	1000-CSS-291-00000-ThrdHp-0000000-0000-05-520019-	5,000.00

2023-237 Commissioner Brown - DHHS - Health Division - To Approve the Gaston County Public Health Department Patient Fee Schedule incorporated herein by reference as filed with the Clerk to the Board

2023-238 Commissioner Brown - DHHS - Health Division - To Accept and Appropriate Miscellaneous Funds Received During Fiscal Year 2023 from the Upstream

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Organization for the Public Health Family Planning Clinic (\$5,000) per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(5,000)
Employee Training: Upstream FP	1000-HLT-253-00000-FamPln-0000000-0000-05-520011-21025	5,000

2023-239 Commissioner Brown - DHHS - Health Division - To Accept and Appropriate Additional Federal Grant Funds received from Health and Human Services - Health Resources and Services Administration and Passed Through the NC Division of Public Health - Women, Infant, and Community Wellness Section (\$12,000) per Budget Change Request:

Account Description	Account Number	Amount
FedGrtRev: Mgmt of Chronic Illness	1000-HLT-253-00000-Matern-0000000-0000-05-410000-G0076	(\$12,000.00)
ProgSupp: Mgmt of Chronic Illness	1000-HLT-253-00000-Matern-0000000-0000-05-520002-G0076	\$12,000.00

2023-240 Commissioner Brown - DHHS - Social Services Division - To Approve the FY2023-2024 Home and Community Care Block Grant (HCCBG) Funding Plan

2023-241 Commissioner Brown - DHHS - Social Services Division - To Accept and Appropriate Adoption Promotion Program Funds to Enhance the Adoption Program in the Amount of \$289,652 per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(289,652)
Special Adoption Prog: Food & Prov	1000-DSS-271-00000-Adoptn-0000000-0000-05-520005-00324-	\$15,000
Special Adoption Prog: Travel/Train	1000-DSS-271-00000-Adoptn-0000000-0000-05-520011-00324-	\$30,000
Special Adoption Prog: Printing	1000-DSS-271-00000-Adoptn-0000000-0000-05-520013-00324-	\$12,652
Special Adoption Prog: Postage	1000-DSS-271-00000-Adoptn-0000000-0000-05-520014-00324-	\$12,000
Special Adoption Prog: Advertising	1000-DSS-271-00000-Adoptn-0000000-0000-05-520015-00324-	\$20,000
Special Adoption Prog: Misc Exp	1000-DSS-271-00000-Adoptn-0000000-0000-05-520017-00324-	\$15,000
Special Adoption Prog:Furniture/Equi	1000-DSS-271-00000-Adoptn-0000000-0000-05-520020-00324-	\$15,000
Special Adoption Prog:Profess Svc	1000-DSS-271-00000-Adoptn-0000000-0000-05-530010-00324-	\$50,000
Special Adoption Pro: Temp Svc	1000-DSS-271-00000-Adoptn-0000000-0000-05-530013-00324-	\$70,000
Special Adoption Prog: Other Svc	1000-DSS-271-00000-Adoptn-0000000-0000-05-530015-00324-	\$50,000

2023-242 Commissioner Brown - DHHS - Social Services Division - To Authorize Bid Award to Two Hawk Workforce Services for Services to be Provided for the Adult and Dislocated Workers Program through the Workforce Innovations and Opportunities Act (WIOA) (\$485,427)

2023-243 Commissioner Brown - DHHS - Social Services Division - To Authorize Bid Award to Gaston College for Services to be Provided for the Youth Program through the Workforce Innovations and Opportunities Act (WIOA) (\$306,856)

2023-244 Commissioner Brown - DHHS - Social Services Division - To Accept and Appropriate Donated Funds Received During the Fourth Quarter of FY23 for Various Social Services Programs in the Amount of \$845 per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(\$845)
Adult Nutrition donations	1000-CSS-272-00000-AdtNut-0000000-0000-05-520019-15259	\$770
Adult Daycare donations	1000-CSS-272-00000-ADLTDC-0000000-0000-05-520019-	\$75

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2023-245 Commissioner Brown - DHHS - Social Services Division - To Authorize Bid Award to Allies4Outcomes for Training Services to be Provided for the Child Welfare Program to Include Evaluation, Technical Assistance and Consultation (\$97,300)

2023-246 Commissioner Brown - DHHS - Social Services Division - To Authorize Bid Award to Two Hawk Workforce Services for One Stop Operator Services to be Provided for the Workforce Innovations and Opportunities Act (WIOA) Program (\$90,762.53)

2023-247 Commissioner Worley - Finance - To Amend Gaston County ARPA Grant Project Ordinance 2021-264 to Approve and Appropriate Additional Project Funding for two Projects: the Homeless Outreach - Mobile Shower and Laundry Trailers (\$900); Broadband Great Grant Project (\$65,500) as follows:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF). Gaston County has received the full \$43,612,126 allocation of CSLRF funds. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The following amounts are appropriated for the project and authorized for expenditure:

CSLRF Project \$43,612,126*

Project Allocations

- FJC Program Project \$ 300,000 - Amended 06/28/2022
- Grants Manager Position \$ 676,887 – Amended 04/26/2022
- Short-term Emergency Housing Assistance \$ 250,000 - Approved 01/11/2022
- Cherryville Park Design \$ 200,000 - Approved 03/22/2022
- North Belmont Park Waterline Extension \$ 300,000 – Approved 04/26/2022
- Lowell Elementary School Waterline Extension \$ 22,940 - Amended 09/27/22
- Chapel Grove Elementary Waterline Extension \$ 472,000 – Approved 04/26/2022
- Tryon Elementary Waterline Extension \$ 500,000 – Approved 04/26/2022
- Courthouse Video Arraignment System \$ 136,313 – Approved 07/26/2022
- ARPA Project Coordinator (2 positions) \$ 1,155,967 – Approved 07/26/2022
- Revenue Replacement (Standard Allowance) \$10,000,000 – Approved 11/10/2022
- Mobile Shower/Laundry Unit \$222,200 – Approved 01/24/2023
- **Mobile Shower/Laundry Unit (Budget Increase) \$900**
- **GREAT Grant \$65,500**

Remaining Available CSLRF Project \$29,309,419

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[*Once it is determined how we will spend all or a portion of the ARP funds, the governing board will amend this section to authorize appropriations for specific programs, services, projects, and activities. The Board may also appropriate some or all of these funds to an enterprise fund in an annual budget ordinance for a water, wastewater, or stormwater infrastructure project.]

Section 3: The following revenues are anticipated to be available to complete the project:

CSLRF Funds	\$43,612,126
<ul style="list-style-type: none"> • ARPA: Family Justice Center • Grants Manager Position • Short-term Emergency Housing Assistance • Cherryville Park Design • North Belmont Park Waterline Extension • Lowell Elementary School Waterline Extension • Chapel Grove Elementary Waterline Extension • Tryon Elementary Waterline Extension • Courthouse Video Arraignment System • ARPA Project Coordinator (2 positions) • Revenue Replacement (Standard Allowance) • Mobile Shower/Laundry Unit • Mobile Shower/Laundry Unit • GREAT Grant 	<ul style="list-style-type: none"> \$ 300,000 – Amended 06/28/2022 \$ 676,887 – Amended 04/26/22 \$ 250,000 – Approved 01/11/2022 \$ 200,000 – Approved 03/22/2022 \$ 300,000 – Approved 04/26/2022 \$ 22,940 – Amended 09/27/22 \$ 472,000 – Approved 04/26/2022 \$ 500,000 – Approved 04/26/2022 \$ 136,313 – Approved 07/26/2022 \$ 1,155,967 – Approved 07/26/2022 \$10,000,000 – Approved 11/10/2022 \$ 222,200 – Approved 01/24/2023 \$900 \$65,500
Remaining Available CSLRF Project	\$29,309,419

Section 4: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 5: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to County Commissioners.

Section 7: This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the County, whichever occurs sooner.

and per Budget Change Request:

Account Description	Account Number	Amount
FEDGRTREV:ARPA	4000-HLT-000-00000-Hmless-0000000-0000-05-410000-AR014	(900)
transfer to gen govt capital	4000-NDP-000-00000-TRFXTO-0000000-0000-98-584005-	900
transfer from CIF	4005-NDP-000-00000-TRFXFR-0000000-0000-98-484000-	(900)
EQUIPMENT>5,000	4005-HLT-000-00000-Hmless-0000000-0000-05-540002-AR014	900
FedGrtRev: ARPA GREAT Grant	1000-000-000-00000-000000-0000000-0000-01-410000-AR016	(65,500.00)
OTHER CONTRACTS & SUBSIDIES	1000-FIN-140-00000-00000-0000000-0000-01-570006-AR016	65,500.00

2023-248 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 - \$2,262.54) as follows:

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
APRIL 2023 REFUNDS			
ARMPFIELD, HENRY MILLIS JR	\$ 33.34	MCMASTER, DOUGLAS WILLIAM	\$ 84.11
ATKINS, DON STEPHEN JR	\$ 18.87	MCMASTER, DOUGLAS WILLIAM	\$ 17.42
BERRYMAN, TAYLOR LYNN	\$ 70.36	MCMASTER, DOUGLAS WILLIAM	\$ 27.51
BLADE, ANNA MARGARET	\$ 40.51	MIRANDA, ANTHONY THOMAS SILVESTRE	\$ 92.45
BORDER REBAR LLC	\$ 95.33	MIRANDA, ASHLEY LOUISE TURNMIRE	\$ 36.99
BYRD, DEBORAH MECHELLE	\$ 7.28	MULL, ROBERTA ANN	\$ 31.87
CITY FIRE AND SAFETY INC	\$ 42.26	PERRY, MARSHA TANYALAYA	\$ 80.10

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COSS, WAYNE	\$ 83.69	POLSON, GARRY EUGENE	\$ 17.54
CRAMERTON FREE WILL BAPTIST CHURCH	\$ 63.19	POLSON, JESSIE LEE JR	\$ 12.83
CRAMERTON FREE WILL BAPTIST CHURCH	\$ 89.79	QUEEN CITY EXTERIORS LLC	\$ 52.55
DAVIS, JOHN HARRY JR	\$ 3.58	RENNA, ALFRED CHARLES	\$ 94.51
DAVIS, JOHN HARRY JR	\$ 85.12	RIVERA, STACY ALEXANDRA	\$ 44.95
DAVIS, ROBIN LANCASTER	\$ 69.60	RUMFELT, JEAN BROWN	\$ 54.19
DEVINNEY, MARTY WILSON	\$ 43.92	SCOTT, SHIRLEY WALLACE	\$ 38.20
GIBSON, DONALD BRUCE	\$ 59.85	SHARAR, DEANNA MOFFAT	\$ 70.16
HAAS, ELIZABETH BUCHANAN	\$ 2.85	SMITH, TOMMY EARL	\$ 29.65
HAAS, JOHN MICHAEL	\$ 16.84	THISTLEWAITE, MARK EDWARD	\$ 19.43
HAAS, JOHN MICHAEL	\$ 5.52	THISTLEWAITE, MARK EDWARD	\$ 18.45
HAAS, JOHN MICHAEL	\$ 91.22	TORO, INEZ	\$ 48.54
HOWATT, BENJAMIN FRANKLIN IV	\$ 19.76	VAN PELT, ANDREA DEVIN	\$ 76.53
HOWATT, BENJAMIN FRANKLIN IV	\$ 7.23	VANCE, JOHN ELBERT	\$ 26.09
HURLEY, THOMAS WADE JR	\$ 53.40	VAZ DE LIMA PASCHOAL, JOSI	\$ 31.08
JOYNER, DEBORAH ESTEP	\$ 14.01	WATKINS, CHARLES RAY	\$ 52.52
LUTZ, CHRISTINE INGOLIA	\$ 36.07	WEISS, RICHARD BARNETT	\$ 38.44
MCCARTHY, MICHAEL HANLON	\$ 38.50	WILSON, SCOTT MATTHEW	\$ 40.25
MCKENZIE, ARTHUR GENE	\$ 34.59		

Total NCVTS Refunds (Apr. 2023) \$ 2,262.54

2023-249 Commissioner Hovis - Finance - To Appropriate \$80,000,000 in Proceeds and \$1,144,800 in Bond Premium for the General Obligation Bond Anticipation Notes for the Schools (\$81,144,800) per Budget Change Request:

Account Description	Account Number	Amount
Debt Financing Proceeds	4000-000-000-00000-GOBANs-Sch2023-0000-03-470001-P2409	(80,000,000.00)
Bond Premium	4000-000-000-00000-GOBANs-Sch2023-0000-03-470002-P2409	(1,144,800.00)
Interest Earnings	4000-000-000-00000-GOBANs-Sch2023-0000-03-444001-P2409	(4,681.64)
Transfer to Debt Svc Educ	4000-NDP-000-00000-TrfxTo-0000000-0000-98-583005-	350,000.00
Transfer from CIF	3005-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(350,000.00)
Prof Svcs: Issuance Costs	3005-000-000-00000-GOBANs-Sch2023-0000-03-530010-P2409	350,000.00
Transfer to Educ Capital	4000-NDP-000-00000-TrfxTo-0000000-0000-98-584010-	80,799,481.64
Transfer from CIF	4010-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(80,799,481.64)
Buildings & Improvements	4010-000-000-00000-GOBANs-Sch2023-0000-03-540005-P2409	80,004,681.64
Administrative Costs	4010-000-000-00000-GOBANs-Sch2023-0000-03-540017-P2409	44,000.00
Contingency	4010-000-000-00000-GOBANs-Sch2023-0000-03-549999-P2409	750,800.00
School Bond Advance	4010-000-000-00000-School-0000000-0000-03-540005-P2207	(20,789,687.00)
Transfer to CIF Fund	4010-NDP-000-00000-TrfxTo-0000000-0000-98-584000-	20,789,687.00
Transfer from Debt Svc Educ	4000-NDP-000-00000-TrfxFr-0000000-0000-98-484010-	(20,789,687.00)
Fund Balance Appropriated	4000-NDP-000-00000-FBApro-0000000-0000-99-490000-	20,789,687.00

2023-250 Commissioner Hovis - Finance (County Manager) - To Approve the Use of Accrued Interest from the 2018 GO School Bonds (\$520,124.71) as follows:

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\$250,000,000 School Bonds
 General Obligation School Bonds, Series 2018: \$80,000,000
 Issue Date: 11/15/2018
 Summary by Project

Project #	Project Title	Proceeds	Interest	Total
-	Belmont Middle School	\$ -	\$ -	\$ -
522	General Renovations	-	-	-
523	HVAC	-	-	-
527	Paving	-	\$404,062.20	404,062.20
528	Roofing	-	-	-
529	Life Safety	-	-	-
532	Site Improvements	-	-	-
-	Unallocated Interest	-	\$116,062.51	116,062.51
Balance per Spreadsheets		\$ -	\$ 520,124.71	\$ 520,124.71

Belmont Middle School:			
Encumbrances	-	-	-
Available to Spend / Encumber	-	-	-
Sub-total: Belmont MS	-	-	-
Other Bond Projects	-	\$404,062.20	404,062.20
Uncommitted / Unallocated	\$0.00	\$116,062.51	116,062.51
Balance per G/L	\$ -	\$ 520,124.71	\$ 520,124.71

Balance per G/L @ 06/20/2023	\$ 520,124.96
Balance per Spreadsheets	520,124.71
Difference	\$ 0.25
Components of Difference:	
To be posted:	
Drawdown #00: Wired 00/00/23 (Proceeds)	\$ -
Drawdown #00: Wired 00/00/23 (Interest)	-
Rounding	0.25
Total	\$ 0.25

Balance per G/L @ 06/20/2023	\$ 520,124.96
To be posted:	
Drawdown #00: Wired 00/00/23 (Proceeds)	-
Drawdown #00: Wired 00/00/23 (Interest)	-
Interest not appropriated: (May 2023)	\$8,531.73
Rounding	(0.32)
Total Adjustments	\$8,531.41
Adjusted G/L Balance	\$ 528,656.37
Trust Balance @ 6/20/23	528,656.37
Difference	\$ -

2023-251 Commissioner Worley - Library - To Accept and Appropriate Additional Federal LSTA Grant Funds (\$8,000) per Budget Change Request:

Account Description	Account Number	Amount
FederalGrantRev-UpfitOutrchVan	1000-LIB-000-00000-000000-000000-0000-04-410000-G0075	(8,000)
Furn/Equip<\$5K-UpfitOutrchVan	1000-LIB-000-00000-000000-000000-0000-04-520020-G0075	8,000

2023-252 Commissioner Hovis - Natural Resources - To Approve a Revised Interlocal Agreement for Enforcement Services of the Gaston County Soil Erosion and Sedimentation Ordinance

2023-253 Commissioner Hovis - Natural Resources - To Approve a Revised Interlocal Agreement for Enforcement Services of the Gaston County Stormwater Ordinance

2023-254 Commissioners Brown & Worley - Parks and Recreation - 1) To Approve and Authorize Execution of a Lease Agreement with Duke Energy for Operation of the Southpoint Access Facility; 2) To Authorize a Cost Share Agreement for Construction of a Canoe/Kayak Launch with Associated Parking and Storage and Appropriate the Required Funds (\$303,639 - Fund Balance); 3) To Approve Staffing and Fee Schedules to Offset Costs for Operational Purposes of the

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Facility and Appropriate the Anticipated Revenue and Expense (\$195,988) per Budget Change Request:

Account Description	Account Number	Amount
Southpoint Access Fac Revenue	1000-PRK-000-00000-000000-000000-0000-04-430061-	(195,988.00)
FT Salaries	1000-PRK-000-00000-000000-000000-0000-04-510001-	46,800.00
PT Salaries	1000-PRK-000-00000-000000-000000-0000-04-510006-	22,620.00
FICA	1000-PRK-000-00000-000000-000000-0000-04-510100-	1,730.00
Retirement	1000-PRK-000-00000-000000-000000-0000-04-510101-	2,907.00
401K Contribution	1000-PRK-000-00000-000000-000000-0000-04-510102-	1,131.00
Health Insurance	1000-PRK-000-00000-000000-000000-0000-04-510103	17,250.00
Dental Insurance	1000-PRK-000-00000-000000-000000-0000-04-510104	450.00
Life Insurance	1000-PRK-000-00000-000000-000000-0000-04-510105-	300.00
Utilities	1000-PRK-000-00000-000000-000000-0000-04-530002-	18,000.00
Professional Services	1000-PRK-000-00000-000000-000000-0000-04-530010-	82,000.00
Vehicle Prep	1000-PRK-000-00000-000000-000000-0000-04-530052-	2,800.00
Fund Balance Appropriated	4000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(303,629.00)
Transfer to Capital Fund	4000-NDP-000-00000-TrfxTo-0000000-0000-98-584005-	303,629.00
Transfer from CIF	4005-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(303,629.00)
Other Contracts & Subsidies	4005-PWK-192-00000-000000-0000000-0000-01-570006-	225,000.00
Motor Vehicles	4005-PRK-000-00000-Annual-PayAsGo-0000-04-540003-	78,629.00

2023-255 Commissioner Brown - Police Department - To Request Approval to Transfer Federal Governor's Crime Commission Law Enforcement Block Grant from General Fund to Capital (\$24,500) per Budget Change Request:

Account Description	Account Number	Amount
F/E <\$5K: FY23GCCJAG Block Grt	1000-GPD-000-00000-000000-000000-0000-02-520020-G0066	(24,500.00)
F/E <\$5K: FY23GCCJAG Block Grt	4005-GPD-000-00000-000000-000000-0000-02-540002-G0066	24,500.00
Transfer to CIF Fund	1000-NDP-000-00000-TrfxTo-0000000-0000-98-584000-	24,500.00
Transfers from General Fund	4000-NDP-000-00000-TrfxFr-0000000-0000-98-481000-	(24,500.00)
Transfer to Gen Govt Capital	4000-NDP-000-00000-TrfxTo-0000000-0000-98-584005-	24,500.00
Transfer from CIF	4005-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(24,500.00)

2023-256 Commissioner Cloninger - Police Department - Retirement Commendation - To Award the Service Side Arm and Badge to Retired Master Police Officer Paul Edward Burgess

2023-257 Commissioner Keigher - Public Works - To Declare the Vehicles on the Attached List as 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:

Gaston County Vehicle Surplus List

Vehicle #	Department	Year	Make & Model	Mileage	Est Resale Value
815	Public Works/ Fleet	2005	Ford F-150	180,225	\$4,000.00
402	County Police	2007	Chevy Impala	141,674	\$3,500.00
404	County Police	2013	Chevy Tahoe	160,574	\$5,000.00
412	County Police	2013	Dodge Charger	162,804	\$3,500.00
419	County Police	2013	Dodge Charger	141,645	\$3,500.00
432	County Police	2013	Dodge Charger	153,577	\$3,500.00
476	County Police	2010	Dodge Charger	146,606	\$3,500.00
489	County Police	2010	Dodge Charger	144,982	\$3,500.00
499	County Police	2004	Ford Excursion	136,705	\$6,000.00
514	County Police	2012	Dodge Charger	147,116	\$3,500.00
525	County Police	2015	Dodge Charger	158,590	\$3,500.00
551	County Police	2008	Ford Crown Victoria	156,527	\$3,000.00
562	County Police	2012	Dodge Charger	152,892	\$3,500.00
568	County Police	2014	Dodge Charger	156,050	\$3,500.00
575	County Police	2012	Dodge Charger	165,666	\$3,500.00

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577	County Police	2010	Dodge Charger	145,404	\$3,500.00
593	County Police	2010	Dodge Charger	135,393	\$3,500.00
597	County Police	2010	Dodge Charger	129,842	\$3,500.00
604	Sheriff's Office	2014	Ford Interceptor SUV	155,362	\$5,000.00
606	Sheriff's Office	2009	Ford Crown Victoria	132,828	\$3,000.00
610	Sheriff's Office	2012	Ford E-350	170,969	\$5,000.00
625	Sheriff's Office	2013	Dodge Charger	159,899	\$3,500.00
637	Sheriff's Office	2011	Ford Escape	147,055	\$2,500.00
638	Sheriff's Office	2011	Ford Escape	140,729	\$2,500.00
642	Sheriff's Office	2015	Dodge Charger	180,715	\$3,500.00
686	Sheriff's Office	2009	Ford Crown Victoria	150,970	\$3,000.00
689	Sheriff's Office	2010	Dodge Charger	152,431	\$3,500.00
692	Sheriff's Office	2013	Dodge Charger	159,306	\$3,500.00
694	Sheriff's Office	2013	Dodge Charger	144,247	\$3,500.00
695	Sheriff's Office	2013	Dodge Charger	180,825	\$3,500.00
697	Sheriff's Office	2013	Ford Interceptor SUV	135,649	\$5,000.00
867	GEMS	2018	Freightliner Ambulance	247,652	\$7,500.00
884	GEMS	2018	Freightliner Ambulance	318,840	\$7,500.00
888	GEMS	2017	Freightliner Ambulance	245,162	\$7,500.00
936	GEMS-Rescue Squad	2017	Ford Transit Ambulance	168,385	\$6,500.00
939	GEMS-Rescue Squad	2017	Ford Transit Ambulance	175,145	\$6,500.00
940	GEMS-Rescue Squad	2017	Ford Transit Ambulance	162,689	\$6,500.00
128	Animal Control (ACE)	2014	Ford F-250	155,785	\$4,500.00
131	Animal Control (ACE)	2015	Ford F-250	152,537	\$4,500.00
175	Planning	2001	Ford Taurus	103,186	\$2,000.00
176	Natural Resources	2003	Ford Explorer	105,947	\$1,000.00
910	Administration (Environmental Health)	2013	Ford F-150	176,888	\$5,000.00
921	Administration (Environmental Health)	2006	Honda Civic Hybrid	148,303	\$3,000.00
301	Administration (DSS)	2014	Toyota Prius	148,904	\$3,500.00
309	Administration (DSS)	2014	Toyota Prius	153,717	\$3,500.00
310	Administration (DSS)	2014	Toyota Prius	149,511	\$3,500.00
314	Administration (DSS)	2014	Toyota Prius	154,717	\$3,500.00
383	Administration (DSS)	2012	Dodge Grand Caravan	161,853	\$4,500.00
384	Administration (DSS)	2012	Dodge Grand Caravan	154,229	\$4,500.00
390	Administration (DSS)	2013	Dodge Avenger	161,900	\$2,500.00
82	Library	1991	Ford Aerostar	104,228	\$1,500.00
79	Parks and Recreation	2001	Ford Taurus Wagon	100,547	\$2,000.00
				Total Quantity of Vehicles	52
				<i>Estimated Value</i>	\$205,000.00

and per Budget Change Request:

Account Description	Account Number	Amount
Surplus Property Sales & Equipment	1000-NDP-00000-000000-000000-0000-01-443001	(205,000)
Motor Vehicles	1000-PWK-191-00000-000000-000000-0000-01-540003	205,000

2023-258 Commissioner Keigher - Public Works - To Declare the List of Attached Equipment as Surplus and Approve the Sale of Said Equipment to the Highest Bidder on GovDeals.com and Authorize Staff to Prepare the Necessary Documents in Accordance with North Carolina General Statutes 160A-266 as follows:

The Surplus List/ Non-Inventory / Mounted Tire-Wheel			May 25, 2023
Performed By	Steve Ertzberger		Parts Manager
Part Number	Item Number	Item Description	Quantity
706482163	22565R16	Goodyear Eagle LS2 Tire	1
744725502	23585R16	Goodyear Wrangler HT Tire	2
744821900	21585R16	Goodyear Wrangler HT Tire	4
744830900	22575R16	Goodyear Wrangler HT Tire	4
19565R14	Non-Inventory	Pace mark Tire	1
20575R14	Non-Inventory	Goodyear Marathon Trailer Tire	1
20565R15	Non-Inventory	Goodyear Assurance Tire	2
20570R15	Non-Inventory	Goodyear Assurance Tire	1
24575R16	Non-Inventory	Goodyear Wrangler Silent Armor Tire	2
22560R16	Mounted Tire/Wheel	Firestone Winter Force Studded Tire (Crown Victoria)	5
22555R17	Mounted Tire/Wheel	Firestone Winter Force Studded Tire (Crown Victoria)	5
23555R17	Mounted Tire/Wheel	Firestone Winter Force Studded Tire (Crown Victoria)	2

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23575R17	Mounted Tire/Wheel	Hankook Dynapro AT on F-150 Steel Wheel	3
24575R16	Mounted Tire/Wheel	Hankook Dynapro AS on F-150 Steel Wheel	1
24575R17	Mounted Tire/Wheel	General Grabber on Ford F-150 Steel Wheel	2
24570R19.5	Mounted Tire/Wheel	Dunlop Drive on Freightliner M2 Steel Wheel	1
2013-2016	Mounted Tire/Wheel	Ford E450-16" Steel Wheels w/ worn out tires	6
			Total Quantity 43
			Estimated Value \$1500.00

Above inventory are tires that have expired Department of Transportation (DOT) date codes and or are obsolete for the current fleet. Tires have been removed from the Fleet Maintenance inventory.

Tire Chains & Cables Surplus List			May 25, 2023
Performed By	Steve Ertzberger		Parts Manager
Part Number	Item Number	Item Description	Quantity
TC2512MM	Security Chain Company	Tire Chains & Cables	1
ZT735	Security Chain Company	Tire Chains & Cables	6
ZT729	Security Chain Company	Tire Chains & Cables	1
SZ339	Security Chain Company	Tire Chains & Cables	4
SC1040	Security Chain Company	Tire Chains & Cables	4
QG1138	Security Chain Company	Tire Chains & Cables	2
Z563	Security Chain Company	Tire Chains & Cables	4
SZ429	Security Chain Company	Tire Chains & Cables	20
QG2228	Security Chain Company	Tire Chains & Cables	7
QG2221	Security Chain Company	Tire Chains & Cables	1
QG2828	Security Chain Company	Tire Chains & Cables	1
1555	Laclede Chain Company	Tire Chains & Cables	5
1138	Laclede Chain Company	Tire Chains & Cables	7
			Total Quantity 63
			Estimated Value \$1500.00

Above inventory are tires chains and cables that are obsolete for the current fleet. Tire chains and cables have been removed from the Fleet Maintenance inventory.

Filters and Belt Surplus List			May 25, 2023
Performed By	Steve Ertzberger		Parts Manager
Carquest Number	NAPA Number	O'Reilly Number	Quantity
R85036MP	1036	51036	5
R85040MP	1040	51040	11
R85516MP	1516	51516	10
R84356MP	7356	57356	4
R85334MP	1334	51334	20
R87412	7712	57712	12
R84145	7145	57145	1
R85042MP	1042	51042	4
R85522MP	1522	51522	9
R84327	7327	57327	4
R94010	100010	WL10010	6
R84060MP	7060	57060	10
R85085MP	1085	51085	8
R84064	7064	57064	12
R84061	7061	57061	2
R84173	7173	57173	6
R84078	7078	57078	1
R84802MP	7082	57082	10
90916	A2021	Toyota Belt	1
			Total Quantity 136
			Estimated Value \$225.00

Above inventory are filters and a belt that are obsolete for the current fleet. Filters and belt have been removed from the Fleet Maintenance inventory.

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and per Budget Change Request:

Account Description	Account Number	Amount
Surplus Property Sales & Equipment	1000-NDP-00000-000000-0000000-0000-01-443001	(6,310.76)
Motor Vehicles	1000-PWK-191-00000-000000-0000000-0000-01-540003	6,310.76

2023-259 Commissioner Brown - Public Works - To Approve the Sale of Surplus County Vehicle # 94 to the East Gaston Volunteer Fire Department, Inc.

2023-260 Commissioner Cloninger - Public Works - To Award a Construction Contract to Shamrock Environmental Corporation and Authorize the County Manager, or Her Designee, To Execute the Necessary Contract Documents for Unit III Cell Construction at the Gaston County Landfill (\$5,880,920.00 - Bid Amount) and To Approve and Appropriate the Additional Funds Needed to Execute the Contract (\$3,343,920) per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	6000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(\$3,343,920.00)
Landfill Unit Permit/Construction	6000-SWS-380-00000-000000-0000000-0000-08-540006-20019	\$2,855,920.00
ProfScvs: LF Unit III	6000-SWS-380-00000-000000-0000000-0000-08-540016-20019	\$488,000.00

2023-261 Commissioner Fraley - Public Works - To Approve and Appropriate Up to \$1,500,000 for the City of Cherryville to Construct a Community Gymnasium, Direct the County Attorney to Draft an Interlocal Agreement Outlining the Terms and Conditions for Funding the Project, and Authorize the County Manager or Her Designee to Execute Said Agreement per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	\$1,500,000.00
Transfer to CIF	1000-NDP-000-00000-TrfxTo-0000000-0000-98-584000-	\$1,500,000.00
Transfer from General Fund	4000-NDP-000-00000-TrfxFr-0000000-0000-98-481000-	\$(1,500,000.00)
Transfer to General Govt Capital	4000-NDP-000-00000-TrfxTo-0000000-0000-98-584005-	\$1,500,000.00
Transfer from CIF	4005-NDP-000-00000-TrfxFr-0000000-0000-98-584000-	\$(1,500,000.00)
Other Contracts & Subsidies	4005-PWK-192-00000-000000-0000000-0000-01-570006-	\$1,500,000.00

2023-262 Commissioner Brown - Tax Collections - To Accept the Annual Tax Settlement Report of Taxes Billed and Collected Over the Previous Fiscal Year Ending June 30, 2023, per N.C.G.S. 105-373

2023-263 Commissioner Fraley - Authorization for Tax Collection - To Adopt and Enter into the Minutes an Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts, and a Copy of the Order to be Delivered to the Tax Collector, Pursuant to N.C.G.S.105-321(b) as follows:

WHEREAS, under N.C.G.S. 105-321 (b), the North Carolina Machinery Act, it is required that the Board of County Commissioners authorize the Tax Collector to collect the taxes charged in the tax records and receipts.

NOW, THEREFORE, BE IT RESOLVED that the following order be entered into the minutes of the Board of County Commissioners and a copy be delivered to Chelsea Tarbush, Tax Collector of Gaston County.

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed with the Office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Gaston, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for an on account thereof, in accordance with law.

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2023-264 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the Listed Tax Refunds be Made. (Overpayments - \$21,934.51; VTS Refunds - \$5,439.76; Grand Total - \$27,374.27) as follows:

TAXPAYER NAME	AMOUNT
MAY 2023 RELEASES AND REFUNDS	
TOTAL	\$0.00
 MAY 2023 OVERPAYMENTS	
Allison, Tamatha T	\$298.62
Bethea, Jocquill	\$104.02
Black, William Douglas	\$924.99
Boahen, Lydia	\$226.30
Bolder, Nettie	\$271.33
Bolt, Summer	\$399.00
Brown-Marc, Leslie	\$276.86
Campion, Jody W	\$181.22
Cline, Jeffrey	\$150.11
Cline, Jeffrey	\$103.32
Cline, Jeffrey	\$147.83
Creedmore, Matthew	\$300.00
David B Miller Rentals LLC	\$436.41
Dixon, Leslie Michelle	\$221.42
Fortner, Kimberly Bradley	\$124.93
Fortner, Kimberly Bradley	\$124.93
Garduno, Hugo	\$261.48
Gaston County Tax	\$133.82
Gautsch, Thomas	\$2,518.18
Gist, Sheila Marie Pride	\$299.00
Gist, Sheila Marie Pride	\$123.63
Gist, Sheila Marie Pride	\$141.61
Green, Kathleen	\$166.00
Harris, Bernice	\$140.00
Hegler, Kammi	\$116.01
Ideal Title LLC	\$301.06
Industrial Commercial Installation	\$316.38
Jenny P. Holman	\$811.88
Jordan, Michael Aron	\$114.72
Kelly, Susan Montgomery	\$181.99
Kelly, Susan Montgomery	\$188.35
Lereta LLC	\$287.07
Lindsay, Allen G	\$238.63
Lindsay, Allen G	\$267.38
Lindsay, Allen G	\$192.63
Lingerfelt, Daniel C	\$166.91
Love, Odessa	\$150.00
Macnorton, Richard	\$195.96
McCorkle, Hollandia	\$250.09
McCormick, Wanda R	\$282.53
McCormick, Wanda R	\$279.15
McDowell, Lisa	\$102.54
Moss, Teresa Rhyne	\$111.30
Moss, Teresa Rhyne	\$159.30
Moss, Teresa Rhyne	\$127.50
Nussbaum Automotive Solutions	\$5,720.00
Perez, John Renner	\$620.06
Register, Diana	\$105.40

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Reid, Jason W	\$246.31
Robinson, Brenna Howington	\$179.07
Ross, Michael	\$126.20
Smith, Jennie McDuffie	\$441.94
Stroup, John	\$319.77
Sutton, Sandra Wilson	\$278.58
Sutton, Sandra Wilson	\$247.85
White, Sylvia Louise	\$102.97
White, Sylvia Louise	\$109.97
Wilson, Darrel	\$520.00
TOTAL	\$21,934.51

MAY 2023 VTS REFUNDS

Andrewson, Charles Joseph	\$156.54
Becton, Frank Pierce	\$117.82
Becton, Frank Pierce	\$193.15
Boyd, Faith Renee	\$213.34
Cano-Delaluz, Jason	\$343.55
Dixon, Maurice Dewayne	\$105.17
Falls, Boyce Palmer	\$366.85
Farmer, Kevin Lavon	\$263.71
Gutierrez Pax, Rosalba	\$116.55
Haskins, Wayne Leon	\$200.29
Hastings, Crystal Nicole	\$143.92
Haynes, Dennis Paul Jr	\$168.12
Hicklin, Jeremy Scott	\$122.62
Hogan, Fred Lee	\$124.09
Kimel, Larry Leslie	\$123.22
Macrae, James Leland	\$183.04
Malone, Stephen Robert	\$102.81
Maslo, Dorthea Susan	\$136.66
McTaggart, Gregory Scott	\$123.35
Nelson, Sherri Lynn	\$704.96
Reese, Sherri McDaniel	\$166.25
Revely, Alseter Gillispie	\$201.48
Rhyne, Emily Hayes	\$503.47
Roche, Gerard John	\$124.33
Stacy, Jimmy Warren	\$180.98
Wise, Michael Richard	\$112.67
Wise, Michael Richard	\$140.82
TOTAL	\$5,439.76

GRAND TOTAL	\$27,374.27
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2023-265 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the Listed Tax Refunds be Made. (Releases and Refunds - \$3,211.79; Overpayments - \$17,973.12; VTS Refunds - \$16,785.60; Grand Total - \$37,970.51) as follows:

TAXPAYER NAME	AMOUNT
JUNE 2023 RELEASES AND REFUNDS	
TRC Automotive Repair Inc	\$477.20
Whitworth, Hoke	\$2,734.59
TOTAL	\$3,211.79

JUNE 2023 OVERPAYMENTS

Allison, Tamatha T	\$227.36
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Austin, Tammy Calvert	\$140.89
Barber, Keyotta Lamont	\$447.10
Benson, Ashley	\$340.00
Bishop, Edward Kent	\$318.45
Bishop, Edward Kent	\$269.20
Braswell, Roger Dale	\$115.83
Braswell, Roger Dale Jr	\$120.67
Brittain, Shane	\$110.11
Brown, Cathy	\$157.46
Burch, Melanie D	\$326.92
Carpenter, Tony	\$450.86
Carver, Daniel	\$114.90
Carver, Daniel Jonathan	\$114.68
Cates, John	\$913.97
Champion, Alison	\$181.22
Champion, Alison	\$181.22
Cline, Jeffrey	\$100.25
Closetline Settlements	\$113.78
Connette, Allen	\$327.53
Edwards, Michael David Wayne	\$328.30
Ford, Deron Tremayne	\$150.81
Garneau, Deborah	\$109.26
Gates, Scottie Dale	\$171.97
Ghorley, Crystal	\$415.00
Gist, Sheila Marie Pride	\$104.94
Gist, Sheila Marie Pride	\$123.63
Gist, Sheila Marie Pride	\$122.71
Gordon, Ella B	\$126.40
Gordon, Ella B	\$200.00
Green, Rebecca	\$323.65
HUD	\$302.18
Jenny P. Holman	\$217.53
Johnson, Phillip	\$195.18
Jordan, Michael Aron	\$149.54
Jordan, Michael Aron	\$146.93
Keim, Paul	\$264.88
Lail, Brett	\$126.65
Lail, Brett	\$124.32
Lail, Brett W	\$127.37
Lancaster, Trotter & Poe PLLC	\$1,433.04
Lepley-Starr, Devon Mikael	\$290.13
Lindsay, Allen G	\$253.00
Lindsay, Allen G	\$221.38
Lindsay, Allen G	\$201.25
Lindsay, Allen G	\$221.38
Little, James Michael II	\$133.76
Little, James Michael II	\$159.48
Littlejohn, Jennifer Michelle	\$200.00
Locklear, Samathia	\$231.10
Lynch, Bradley	\$129.29
Matheson, Wendy Lee	\$138.80
McCormick, Wanda R	\$281.04
McCormick, Wanda R	\$280.11
McCurry, J D	\$136.00
Merritt Law PLLC	\$601.60
Morgan, William	\$350.00
Poteat, Ella G	\$108.92
Ramey, Derrick Clayton	\$147.50

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Ramey, Derrick Clayton	\$155.51
Ramey, Derrick Clayton	\$157.97
Revels Contracting Services, Inc.	\$135.82
Robinson, Brenna Howington	\$170.49
Select Portfolio Servicing, Inc.	\$162.23
Select Portfolio Servicing, Inc.	\$425.00
Select Portfolio Servicing, Inc.	\$208.48
Sutton, Sandra Wilson	\$219.96
Thom, Derek James	\$167.94
Turner, Jessie Don	\$130.58
White, Sylvia	\$134.59
White, Sylvia	\$103.67
White, Sylvia Louise	\$148.99
Wren, Ansley	\$1,230.46
TOTAL	\$17,973.12

JUNE 2023 VTS REFUNDS

Alfaro, Roberto	\$327.18
Anderson, Scott Kevin	\$222.44
Beatty, John Henderson	\$153.45
Boggess, Beth Anne	\$315.46
Bradley, Sandra Mathis	\$118.26
Braga Da Silva, Leandro	\$203.44
Brown, Hannah Ruth	\$228.61
Capossela, Mary Ellen	\$174.65
Chambers, Steve Eugene	\$348.89
Cramerton Free Will Baptist Church	\$143.50
D&D Creamery LLC	\$855.36
Fang, Wei Zu	\$508.33
Fang, Wei Zu	\$650.24
Fang, Wei Zu	\$770.86
Fang, Wei Zu	\$913.97
Fang, Wei Zu	\$1,073.67
Fang, Wei Zu	\$1,218.40
Farley, Douglas Michael	\$151.27
Goodrich, Kery Knight	\$592.46
Gordon, Ralph Gregory	\$198.43
Green, Susan Jayne	\$378.01
Hellams, Robert Newton Jr	\$632.03
Herring, Joseph Connor	\$323.80
Hilliard, Justin Scott	\$287.43
Hiott, Brian Adrian	\$232.56
Hofler, Jonathan Edward	\$1,070.37
Hogue, Ricky Lee	\$116.19
Ibsen, Erik Bendix	\$267.42
Ladha, Shelina Fazal Ali	\$128.47
Ledford, Jack David Jr	\$176.56
McCoig, John Auburn Jr	\$176.45
Melendez Sanjurjo, Yuliana Liz	\$128.90
Miller, Thomas James	\$271.49
Moreno, Michael Thomas	\$146.58
Moss, Betty Walton	\$340.28
Muldrow, Rasheem Rahman	\$107.06
Ortiz, Hector Javier	\$113.79
Pasquotank County Tax	\$351.61
Peeler, Ann Renee	\$101.20
Perdu, Ward Lee	\$213.20

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Poole, Joshua James	\$162.79
Poteat, David Joe	\$143.28
Quill, Autumn Brooke	\$163.88
Sacedo, Winston Fernando	\$446.15
Shultz, Katie Lynn	\$243.58
Stamey, Wendy Danyelle	\$225.79
Thomas, Hunter David	\$225.08
Wallace-Prather, Sabrina Diane	\$186.87
Watts, Alfred Wayne	\$146.30
Wilson, Reginald Garrick	\$109.61
TOTAL	\$16,785.60
 GRAND TOTAL	 \$37,970.51

Non-Consent

2023-266 Commissioner Brown - County Attorney - To Provide an Advisory Opinion to the North Carolina Department of Transportation (NCDOT) Recommending Abandonment of a Portion of a Publicly Dedicated Right-of-Way Known as State Road 2004, aka Mountain View Street

Chairman Brown asked the County Attorney to provide a brief overview.

The County Attorney advised this is a partial road on a single tract of land; the landowner is requesting that the road be undedicated by the North Carolina Department of Transportation (NCDOT); NCDOT requires that the BOC provide a recommendation to do it or not do it; Planning/Zoning reviewed the road and mapped it; it does not affect any other landowners.

Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously approved **2023-266** as follows:

WHEREAS, the Gaston County Attorney's office received a request to close a portion of a platted right-of-way at the end of Mountain View Street (SR 2004). The portion requested to be closed is contained within tax property parcel number 181446; and,

WHEREAS, the property owner, Poteat Donald Coleman, wishes to ultimately close a portion of what the NCDOT describes as being a road 0.88 miles in total length and approximately 0.12 miles of the publicly dedicated right-of-way known as State Road 2004, aka Mountain View Street, which enters the abovementioned parcel on the Southern boundary, but does not continue through and provides no benefit to any adjacent parcels or the general public after it enters Tax Parcel 181446 (see attached petition); and,

WHEREAS, the front portion of SR 2004 would remain in the NCDOT system from the intersection of Hickory Grove Road 0.76 miles in length and twenty feet (20') in width, as shown on the attached map depicting the area for the request; and,

WHEREAS, the NCDOT makes the ultimate decision as to whether such petition will be granted; and,

WHEREAS, prior to the NCDOT deciding whether to abandon said road, the County the road is located in needs to provide the NCDOT with a resolution of approval; and,

WHEREAS, this Resolution is intended to provide the NCDOT with such approval.

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NOW, THEREFORE, BE IT RESOLVED, that the Gaston County Board of Commissioners has no objections to the NCDOT abandoning said road, and recommends to the NCDOT that the subject property, being approximately 0.12 miles of the publicly dedicated right-of-way known as State Road 2004, aka Mountain View Street, where it enters Parcel 181446 to the point where the right-of-way terminates, as shown on said map, be released and abandoned.

BE IT FURTHER RESOLVED that the County Manager is authorized to make necessary notifications in the matter.

2023-267 Commissioner Hovis - Natural Resources - To Amend Chapter 4 - Buildings, Construction and Related Activities Article III, Soil Erosion and Sedimentation Control, of the Gaston County Code of Ordinances Concerning Soil Erosion and Sedimentation Control

Chairman Brown advised if the item does not pass unanimously on the first reading, it will be placed on the August 22nd Agenda for a second reading where it may be passed by a simple majority of the voting members.

Chairman Brown introduced Mr. Brian Sciba, Planned Growth and Development Manager, to provide a brief overview.

Mr. Sciba advised that the County adopts the State's model ordinance for its erosion and sedimentation control and that this involves catching up with the State's ordinance.

On motion introduced by Commissioner Hovis and seconded by Commissioner Johnson, the BOC unanimously approved **2023-267** as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances as follows:

WHEREAS, the NC Sedimentation Control Commission may delegate authority to implement the Sedimentation Pollution Control Act (SPCA) to counties that adopt a local qualifying erosion and sediment control ordinance in compliance with North Carolina state requirements; and,

WHEREAS, Gaston County Board of Commissioners adopted a local Soil Erosion and Sedimentation Control Ordinance in March 2003 for the purpose of regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and,

WHEREAS, upon amendments made by the NC Sedimentation Control Commission to the Sedimentation Pollution Control Act (SPCA), the *Model Local Ordinance* has been updated; and,

WHEREAS, Gaston County Staff is requesting the Board of Commissioners to incorporate said amendments as presented by the NC Sedimentation Control Commission in the Gaston County Code of Ordinances, Chapter 4 - Buildings, Construction and Related Activities, Article III, Soil Erosion And Sedimentation Control; and,

WHEREAS, staff also identified other administrative modifications as part of its review of the Ordinance and has incorporated those amendments accordingly.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby amends Chapter 4, Article III of the Gaston County Code of Ordinances as submitted in Exhibit A (Attached).

This Ordinance amendment shall be effective immediately upon its adoption.

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ARTICLE III. SOIL EROSION AND SEDIMENTATION CONTROL 1

Sec. 4-51. Title.

This article may be cited as the Gaston County Soil Erosion and Sedimentation Control Ordinance.

(Res. No. 2007-251, § 1, 6-28-2007; Res. No. 2010-270, § 1, 9-23-2010)

Sec. 4-52. Purpose.

This article is adopted for the purposes of:

- (1) Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
- (2) Establishing procedures through which these purposes can be fulfilled.

(Res. No. 2007-251, § 2, 6-28-2007; Res. No. 2010-270, § 2, 9-23-2010)

Sec. 4-53. Jurisdiction.

The Gaston County Board of Commissioners hereby adopts this article. The ordinance applies to all portions of Gaston County, except for that property within the city limits of the incorporated municipalities of Gaston County. However, this article may later be adopted to also apply within other regions upon proper resolution duly adopted by the governing bodies of the respective regions and the commissioners. Wherever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

(Res. No. 2007-251, § 3, 6-28-2007; Res. No. 2010-270, § 3, 9-23-2010)

Sec. 4-54. Definitions.

As used in this article, unless the context clearly indicates otherwise, the following definitions apply:

Accelerated erosion means any increase over the rate of natural erosion as a result of land-disturbing activity.

¹Editor's note(s)—Res. No. 2007-251, §§ 1—24, adopted June 28, 2007 did not specifically amend the Code and at the discretion of the editor said provisions have been codified as superseding the provisions of former Art. III, §§ 4-51—4-74, which pertained to soil erosion and sedimentation control and derived from Res. No. 2003-082, §§ 1—24, adopted Mar. 13, 2003 and ordinances adopted May 8, 1986; May 11, 1989 (Res. 89-117); Sept. 10, 1992; Res. No. 2002-343, §§ 1—24, adopted Nov. 14, 2002.

Cross reference(s)—Flood damage prevention, § 4-11 et seq.; Environment, Ch. 5.1.

Act means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

Adequate erosion control measure, structure, or device means one which controls the soil material within the land area under responsible control of the Person conducting the land-disturbing activity.

Affiliate means a Person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another Person.

Approving authority means the Division or other State or a local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provisions of the act.

Being conducted means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

Borrow means fill material, which is required for on-site construction and is obtained from other locations.

Buffer zone means the strip of land adjacent to a lake or natural watercourse.

Final certificate of occupancy means the document required by the North Carolina State Building Code certifying that a new building shall not be occupied or a change made in occupancy, nature or use of a building until

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after all required building and services systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Gaston County Code Enforcement Department.

Commission means the North Carolina Sedimentation Control Commission.

Completion of construction or development means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Department means the North Carolina Department of Environment and Natural Resources.

Director means the Director of the Division of Land Resources of the North Carolina Department of Environment and Natural Resources.

Discharge point means that point at which run-off leaves a tract of land.

District means the Gaston Soil and Water Conservation District created pursuant to G.S. Ch. 139.

Energy dissipater means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

Erosion means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

Gaston County Environmental Review Board means the Gaston County Environmental Review Board.

Ground cover means any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

High quality waters means those classified as such in 15A NCAC 2B.0101(e)(5) - General Procedures, which is incorporated herein by reference to include further amendments.

High quality water (HQW) zones means areas in the coastal counties that are within five hundred seventy-five (575) feet of high quality waters and for the remainder of the state areas that are within one (1) mile and drain to HQW's.

Lake or natural watercourse means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

Land-disturbing activity means any use of the land by any Person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Local government means any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.

May means contingent upon the discretion of the Gaston Natural Resources Department Director.

Natural erosion means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

Parent means an affiliate that directly, or indirectly through one (1) or more intermediaries, controls another Person.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Person conducting land-disturbing activity means any Person who may be held responsible for a violation unless expressly provided otherwise by this article, the Act, or any other order adopted pursuant to this article or the Act.

Person responsible for the violation means as used in this article, and G.S. 113A-64, means:

(1) The developer or other Person who has or holds himself out as having financial or operational control over the land-disturbing activity; or

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(1); (2) The landowner or Person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefited from it or he has failed to comply with any provision of this article, the Act, or any order adopted pursuant to this article or the Act as imposes a duty upon that Person.

Phase of grading means one (1) or two (2) types of grading, rough or fine.

Plan means an erosion and sedimentation control plan.

Recurring violation means a violation that has not been corrected within the time specified by the Gaston Natural Resources Department, or, a reoccurrence of a violation from which a previous notice has been issued, notwithstanding natural occurrences exceeding design requirements.

Sediment means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sedimentation means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

Shall means a requirement.

Storm drainage facilities means the system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.

Storm water run-off means the surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

Subsidiary means an affiliate that is directly, or indirectly, through one or more intermediaries, controlled by another Person.

Ten-year storm means the surface run-off resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of run-off, from the watershed of interest under average antecedent wetness conditions.

Tract means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Twenty-five year storm means the surface run-off resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of run-off, from the watershed of interest under average antecedent wetness conditions.

Uncovered means the removal of ground cover from, on, or above the soil surface.

Undertaken means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

Velocity means the average speed of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-section of the main channel shall be that area defined by the geometry of the channel plus the area of the flow below the flood height defined by vertical lines at the main channel banks.

Overload flows are not to be included for the purpose of computing velocity of flow.

Waste means surplus materials resulting from on-site land-disturbing activities and being disposed of at other locations.

Working days means days, exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

(Res. No. 2007-251, § 4, 6-28-2007; Res. No. 2010-270, § 4, 9-23-2010)

Sec. 4-55. Scope and exclusions.

This article shall not apply to the following land-disturbing activities:

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- (1) Activities, including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
 - a. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.
 - b. Dairy animals and dairy products.
 - c. Poultry and poultry products.
 - d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
 - e. Bees and apiary products.
 - f. Fur producing animals.
 - g. mulch, ornamentals plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.
- (2) Activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with "Forest Practice Guidelines Related to Water Quality," the provisions of this article shall apply to such activity and any related land-disturbing activity on the tract; and
- (3) Activities for which a permit is required under the Mining Act of 1971, G.S. Ch. 74, Art. 7.
- (4) Land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a). The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:
 - a. Conducted by the State;
 - b. Conducted by the United States;
 - c. Conducted by Persons having the power of eminent domain;
 - d. Conducted by local governments; or
 - e. Funded in whole or in part by the State or the United States.
- (5) For the duration of an emergency, activities essential to protect human life.
- (6) Activities undertaken pursuant to Natural Resources Conservation Services standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2

(Res. No. 2007-251, § 5, 6-28-2007; Res. No. 2010-270, § 5, 9-23-2010)

Sec. 4-56. General requirements and objectives.

- (a) Plan required. No Person shall initiate any land-disturbing activity which uncovers one (1) acre or more, without having an erosion and sedimentation control plan approved by the Gaston County Natural Resources Department, and in borrow and waste areas covered by section 4-61 with a disturbed area one (1) acre or greater. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.
 1. For land-disturbing activities that uncover one (1) acre or more refer to Section 4-68 of this article.
 2. Projects disturbing less than one acre that are part of a larger common plan of development or sale shall submit an "Erosion and Sedimentation Control Plan For Single Lot Disturbing Less Than One Acre Application" to the Gaston County Natural Resources Department.
- (b) Compliance. Person who submits a Plan to the Gaston County Natural Resources Department shall comply with the provisions of section 4-68 of this article.
- (c) Protection of property. Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from sedimentation siltation caused by such activity.
- (d) More restrictive rules shall apply. Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

(Res. No. 2007-251, § 6, 6-28-2007; Res. No. 2010-270, § 6, 9-23-2010)

Sec. 4-57. Basic control objectives.

A plan may be disapproved pursuant to section 4-68 of this article if the plan fails to address the following control objectives:

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- (1) Identify critical areas. On-site areas, which are subject to severe erosion, and off-site areas, which are especially vulnerable to severe erosion and/or sedimentation are to be identified.
- (2) Limit time of exposure. All land-disturbing activity is to be planned and conducted to limit exposure to the shortest time specified in G.S. 113A-57, the rules of this Chapter, or as directed by the Approving Authority.
- (3) Limit exposed areas. All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- (4) Control surface water. Surface water run-off originating upgrade of exposed areas shall be controlled to reduce erosion and sediment loss during the period of exposure.
- (5) Control sedimentation. All land-disturbing activity is to be planned and conducted so as to prevent offsite sedimentation damage to the extent required by the Act.
- (6) Manage stormwater run-off. Plans shall be designed so that any increase in the velocity of storm water runoff resulting from a land-disturbing activity will not result in accelerated erosion of the receiving stormwater conveyance or at the point of discharge. Plans shall include measures to prevent accelerated erosion within the project boundary and at the point of discharge.

(Res. No. 2007-251, § 7, 6-28-2007; Res. No. 2010-270, § 7, 9-23-2010)

Sec. 4-58. Mandatory standards for land-disturbing activity.

No land-disturbing activity subject to the control of this article shall be undertaken except in accordance with the following mandatory standards:

- (1) Buffer zone.
 - a. No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity. Refer to the latest revised edition of the North Carolina Erosion and Sediment Control Planning and Design Manual for guidance on determining the appropriate vegetated undisturbed buffer zone widths. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
 - b. Unless otherwise provided, the width of a Buffer Zone begins and is measured from the edge of the top of the bank of the watercourse to the nearest edge of the disturbed area with the twenty-five percent (25%) of the strip nearer the land-disturbing activity containing natural and or artificial means of confining visible siltation. Natural or artificial means of confining visible siltation must be placed, constructed or installed outside the undisturbed buffer zone.
- (2) Graded slopes and fills. The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within twenty-one (21) calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills must be demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.
- (3) Fill material. Materials being used as fill shall be consistent with those described in 15A NCAC 13B .0562 unless the site is permitted by the Department's Division of Waste Management to operate a landfill. Not all materials described in Section .0562 may be suitable to meet geotechnical considerations of the fill activity and should be evaluated accordingly.
- (4) Ground cover. Whenever land-disturbing activity that is within the scope of this article is undertaken on a tract the Person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction

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upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in section 4-69(b)(5) of this article, provisions for a permanent ground cover sufficient to restrain erosion must be accomplished within ninety (90) calendar days following completion of construction or development.

- (5) Prior plan approval. No Person shall initiate any land-disturbing activity that will disturb one (1) or more acres on a tract unless, thirty (30) or more days prior to initiating the activity, a Plan for the activity is filed with the Gaston County Natural Resources Department. Should the plan be filed, approved and a certificate of approved plan issued in less than thirty (30) days from the filing of the plan, the land-disturbing activity may commence.
- (6) Plan compliance. The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.
- (7) Self-inspections The Person(s) conducting land-disturbing activity shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover. Such inspection reports shall be maintained and made available on-site. Any deviation from the plan shall be documented. Records shall be maintained until permanent groundcover has been established. In addition, weekly and rain-event self-inspections are required by federal regulations, that are implemented through the NPDES Construction General Permit No. NCG 010000. Except as may be required under federal law, rule on regulation, no periodic self-inspections or rain gauge installation is required on individual residential lots where less than one acre is being disturbed on each lot.
- (8) The Person(s) (developer or other Person who has or holds himself out as having financial or operational control over the land-disturbing activity) conducting land-disturbing activity or an agent of that party shall contact the Gaston County Natural Resources Department at least forty-eight (48) hours before commencement of the land-disturbing activity.
- (9) The Gaston County Natural Resources Department may require an onsite meeting with the Person(s) conducting land-disturbing activity, or an agent of that party, to review and discuss the approved Plan before commencement of the land-disturbing activity.
- (10) All proposed erosion and sedimentation control measures shall be designed using the practice standards and specifications in the latest revised edition of the North Carolina Erosion and Sediment Control Planning and Design Manual.

(Res. No. 2007-251, § 8, 6-28-2007; Res. No. 2010-270, § 8, 9-23-2010)

Sec. 4-59. Design and performance standards.

- (a) Except as provided in subsection 4-59(b)(2), of this article, erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of run-off from the ten-year storm. Run-off rates can be calculated using the procedures in the latest edition of the United States Department of Agriculture (USDA), Natural Resources Conservation Service's "National Engineering Field Handbook", or other acceptable calculation procedures.
- (b) In high quality water zones (HQW) the following design standards shall apply:
 - (1) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of twenty (20) acres. Only this section shall govern the portion of the land-disturbing activity within a HQW zone. Larger areas may be uncovered with the written approval of the Director upon providing engineering justification with a construction sequence that considers phasing, limiting exposure, weekly submitted self-inspection reports, and a more conservative design than the Twenty-five Year Storm.
 - (2) Erosion and sedimentation control measures, structures, and devices within HQW zones shall be so planned, designed and constructed to provide protection from the run-off of the twenty-five (25) year storm which produces the maximum peak rate of run-off as calculated according to procedures in the latest edition of the United States Department of Agriculture (USDA), Natural Resource

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Conservation Service's "National Engineering Field Handbook," or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

- (3) Sediment basins within HQW zones shall be designed and constructed according to the following criteria:
- a. use a surface withdrawal mechanism, except when the basin drainage area is less than 1.0 acre;
 - b. have a minimum of 1800 cubic feet of storage area per acre of disturbed area;
 - c. have a minimum surface area of 325 square feet per cfs of the Twenty-five Year Storm (Q25) peak flow;
 - d. have a minimum dewatering time of 48 hours;
 - e. incorporate 3 baffles, unless the basin is less than 20 feet in length, in which case 2 baffles shall be sufficient.

Upon written request of the applicant, the Director may allow alternative design and control measures in lieu of meeting the conditions required in subparagraphs (3)(b) through (3)(e) of this subsection if the applicant demonstrates that meeting all of those conditions will result in design or operational hardships and that the alternative measures will provide an equal or more effective level of erosion and sediment control on the site. Alternative measure may include quicker applications of ground cover, use of sediment flocculants, and use of enhanced ground cover practices.

- (4) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two (2) horizontal to one (1) vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other forms of ditch liners proven as being effective in restraining accelerated erosion. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.
- (5) Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within sixty (60) calendar days following completion of any phase of construction or development.

(Res. No. 2007-251, § 9, 6-28-2007; Res. No. 2010-270, § 9, 9-23-2010)

Sec. 4-60. Storm water outlet protection.

- (a) Persons shall prepare a plan that designs the post construction velocity of the ten (10) year storm run-off in the receiving watercourse to the discharge point that does not exceed the greater of:

- (1) The velocity established by the table in subsection (d) of this section; or,
- (2) The velocity of the ten (10) year storm run-off in the receiving watercourse prior to development.

If conditions one (1) or two (2) of this paragraph cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by ten (10%) percent.

- (b) Acceptable management measures. Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. Gaston County recognizes that the management of stormwater run-off to minimize or control downstream channel and bank accelerated erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:
- (1) Avoid increases in surface run-off volume and velocity by including measures to promote infiltration to compensate for increased run-off from areas rendered impervious,
 - (2) Avoid increases in storm water discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections,
 - (3) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple rip-rapped sections to complex structures,

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- (4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.
- (5) Upgrade or replace the receiving device, structure or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.
- (c) Exceptions. This rule shall not apply where it can be demonstrated that storm water discharge velocities will not create an erosion problem in the receiving watercourse.
- (d) The following is a table for maximum permissible velocity for storm water discharges: Units are in feet per second (FPS) and meters per second (MPS).

<i>Material</i>	Maximum Permissible Velocities	
	<i>F.P.S.</i>	<i>M.P.S.</i>
Fine sand (non-colloidal)	2.5	0.8
Sandy loam (non-colloidal)	2.5	0.8
Silt loam (non-colloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (non-colloidal)	5.0	1.5
Graded, silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (non-colloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse Gravel (non-colloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source—Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

(Res. No. 2007-251, § 10, 6-28-2007; Res. No. 2010-270, § 10, 9-23-2010)

Sec. 4-61. Borrow and waste areas.

If the same person conducts the land-disturbing activity and any related borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the Mining Act of 1971, G.S. 74, Article 7, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same Person, they shall be considered by the Approving Authority as separate land-disturbing activities.

(Res. No. 2007-251, § 11, 6-28-2007; Res. No. 2010-270, § 11, 9-23-2010)

Sec. 4-62. Access and haul roads.

Temporary access and haul roads, other than public or private roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

(Res. No. 2007-251, § 12, 6-28-2007; Res. No. 2010-270, § 12, 9-23-2010)

Sec. 4-63. Operations in lakes or natural watercourses.

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel. Where relocation of

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a stream forms an essential part of the proposed activity, the relocation shall minimize changes in the stream flow characteristics.

(Res. No. 2007-251, § 13, 6-28-2007; Res. No. 2010-270, § 13, 9-23-2010)

Sec. 4-64. Responsibility for maintenance.

During the development of the site, the Person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this article, the Act, or any order adopted pursuant to this article or the Act. After site development, the landowner or Person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sedimentation control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

(Res. No. 2007-251, § 14, 6-28-2007; Res. No. 2010-270, § 14, 9-23-2010)

Sec. 4-65. Additional measures.

Whenever the Gaston County Natural Resources Department determines that accelerated erosion and sedimentation continues despite installation of protective practices, they shall direct the Person conducting the land-disturbing activity to take additional protective action necessary to achieve compliance with the conditions specified in the Act or its rules.

(Res. No. 2007-251, § 15, 6-28-2007; Res. No. 2010-270, § 15, 9-23-2010)

Sec. 4-66. Existing uncovered areas.

- (a) All uncovered areas existing on the effective date of this article which resulted from land-disturbing activity, exceed one (1) acre, are subject to continued accelerated erosion, and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
- (b) Gaston County Natural Resources Department reserves the right to require preparation and approval of an Erosion and Sedimentation Control Plan in any instance where extensive control measures are required.

(Res. No. 2007-251, § 16, 6-28-2007; Res. No. 2010-270, § 16, 9-23-2010)

Sec. 4-67. Certificate of approved plan.

No Person shall undertake any land-disturbing activity subject to this article without first obtaining a Certificate of Approved Plan from Gaston County, through its Natural Resources Department, except that no Certificate of Approved Plan shall be required for any land-disturbing activity:

- (1) For the duration of an emergency, activities essential to protect human life; or
- (2) This exclusion from Certificate of Approved Plan should allow land-disturbing activities for construction of a single-family residence on a single lot, but may not exceed one (1) acre. Despite not being required to obtain a Certificate of Approved Plan, parties engaged in land-disturbing activities of less than one acre are subject to all portions of this article. If the erosion and sediment control measures for the development site are designed for all lot disturbances and being maintained, individual lots within the development site may be excluded.
- (3) If a party has been determined to have been in recurring violation of this article within the past two (2) years on the same property or if a land-disturbing activity requiring a plan is begun without a Certificate of Approved Plan, the Certificate of Approved Plan fee may be doubled for that party.

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- (4) No Certificate of Approved Plan will be issued to any party having an outstanding recurring violation on the same property subject to this article.
- (5) This decision may be appealed to the Environmental Review Advisory Board.

(Res. No. 2007-251, § 17, 6-28-2007; Res. No. 2010-270, § 17, 9-23-2010)

Sec. 4-68. Erosion and sedimentation control plans.

- (a) A pre-submittal conference with Gaston County Natural Resources staff can be requested by the Person(s) conducting land-disturbing activity or an agent of that party to take place at least ten (10) days prior to submittal of the Plan for land-disturbing activities.
- (b) At the pre-submittal conference, Gaston County Natural Resources staff shall inform the applicant of the processes involved with Plan review and approval, issuance of a Plan Certificate and Letter of Approval, and the relationship of said Plan and Letter of Approval with zoning, building code, and other land-use regulations in effect in Gaston County. At the time of application submission, Gaston County Natural Resources staff also shall notify the applicant of the appeal process as provided in the Ordinance.
- (c) Persons conducting land-disturbing activity on a tract which covers one (1) or more acres shall file a copy of the erosion and sedimentation control plan with the Gaston County Natural Resources Department at least thirty (30) days prior to beginning such activity. A Plan approval issued under this ordinance shall be prominently displayed until all construction is complete, all temporary measures have been removed, and the site has been stabilized. A copy of the approved plan shall be kept on file at the job site. After approving the Plan, if the Gaston County Natural Resources Department either upon review of such Plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Gaston County Natural Resources Department will require a revised Plan. Pending the preparation of the revised Plan, work shall cease or shall continue under conditions outlined by the appropriate authority. If following commencement of a land-disturbing activity pursuant to an approved Plan, the Gaston County Natural Resources Department determines that the Plan is inadequate to meet the requirements of this article, the Gaston County Natural Resources Department may require any revision of the Plan that is necessary to comply with this article.
- (d) Erosion and Sedimentation Control Plans may be disapproved unless accompanied by an authorized statement of financial responsibility and documentation of property ownership. The Person financially responsible for the land-disturbing activity or his attorney shall sign this statement in fact. The statement shall include the mailing and street addresses of the principal place of business of the Person financially responsible and of the owner of the land or their registered agents. If the Person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the Plan, the Act, this article, or rules or orders adopted or issued pursuant to this article. If the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's consent for the applicant to submit a draft erosion and sedimentation control plan and conduct the anticipated land-disturbing activity. If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.
- (e) The Gaston Soil and Water Conservation District shall review the Plan and submit any comments and recommendations to Gaston County Natural Resources staff within twenty (20) days after the Gaston Soil and Water District received the Erosion and Sedimentation Control Plan, or within any shorter period of time as may be agreed upon by Gaston Soil and Water Conservation District and the Gaston County Natural Resources staff. Failure of the Gaston Soil and Water Conservation District to submit its comments and recommendations within twenty (20) days or within any agreed upon shorter period of time shall not delay final action on the Plan.
- (f) The Gaston County Natural Resources staff will review each complete Plan submitted to them and within thirty (30) days of receipt thereof will notify the Person submitting the Plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a complete Erosion and Sedimentation Control plan within thirty (30) days of receipt

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shall be deemed approval. Disapproval of a Plan must specifically state in writing the reasons for disapproval. The Gaston County Natural Resources Department must approve with modifications, or disapprove a revised Plan within fifteen (15) days of receipt, or it is deemed to be approved. The Gaston County Natural Resources Department shall only approve a Plan upon determining that it complies with all applicable state and local regulations for erosion and sedimentation control. If, following commencement of a land-disturbing activity pursuant to an approved Plan, the natural resources staff determines that the plan is inadequate to meet the requirements of this article, the Gaston County Natural Resources staff may require any revision of the Plan that is necessary to comply with this article. Failure to approve, approve with modifications, or disapprove a revised Erosion and Sedimentation Control Plan within fifteen (15) days of receipt shall be deemed approval. The approved Erosion and Sedimentation Control Plan shall expire one (1) year following the date of approval, if no land-disturbing activity has been undertaken.

- (g) Any Plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environment Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Gaston County Natural Resources Department shall promptly notify the Person submitting the Plan that the thirty (30) day time limit for review of the Plan pursuant to section 4-68(f) of this article shall not begin until a complete environmental document is available to review. The Person submitting a Plan to the Gaston County Natural Resources Department, prior to submission of the Plan, is solely and exclusively responsible for determining whether the proposed land-disturbing activities require any form of state or federal environmental certification or documentation. The Gaston County Natural Resources Department shall condition approval of an Erosion and Sedimentation Control Plan upon the applicant's compliance with federal and state water quality laws, regulations and rules; and shall disapprove an Erosion and Sedimentation Control Plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters.
- (h) Any Plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this article. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for Plan preparation may be obtained from the Gaston County Natural Resources Department on request.
- (i) The Gaston County Natural Resources Department shall disapprove an Erosion and Sedimentation Control Plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters. The Gaston County Natural Resources Department may disapprove an Erosion and Sedimentation Control Plan upon a finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant:
- (1) Is conducting land-disturbing activity without an approved Plan, or has received notice of violation of a Plan previously approved by the Commission or a local government pursuant to the Act and has not complied with the notice within the time specified in the notice;
 - (2) Has failed to pay a civil penalty assessed pursuant to the Act or a local Ordinance adopted pursuant to the Act by the time the payment is due and is not currently being appealed.
 - (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-G4(b) or any criminal provision of a local Ordinance adopted pursuant to the Act or;
 - (4) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to the Act. For purposes of this subsection (i) an applicant's record may be considered for only the two (2) years prior to the application date.
 - (5) Is in violation of Federal, State, or local laws, rules, regulations or ordinances pertaining to a different phase of the same tract and/or development
- (j) Transfer of Plans. The Gaston County Natural Resources Department administering an erosion and sedimentation control program may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection.
- (1) The Gaston County Natural Resources Department may transfer a plan if all of the following conditions are met:

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- a. The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and documentation of property ownership.
- b. The Gaston County Natural Resources Department finds all of the following:
 - 1. The plan holder is one of the following:
 - a. A natural person who is deceased.
 - b. A partnership, limited liability corporation, corporation, or any other business association that has dissolved.
 - c. A Person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
 - d. A Person who has sold the property on which the permitted activity is occurring or will occur.
 - 2. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
 - 3. The successor-owner is the sole claimant of the right to engage in the permitted activity.
 - 4. There will be no substantial change in the permitted activity.
- (2) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.
- (3) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.
- (4) Notwithstanding changes to law made after the original issuance of the plan, the Gaston County Natural Resources Department may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the Gaston County Natural Resources Department from requiring a revised plan pursuant to G.S. 113A-54.1(b).
- (k) Applications for amendment of an Erosion and Sedimentation Control Plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Gaston County Natural Resources Department, the land-disturbing activity shall not proceed except in accordance with the Erosion and Sedimentation Control Plan as originally approved.
- (l) Any Person engaged in land-disturbing activity who fails to file a plan in accordance with this article, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan, shall be deemed in violation of this article.
- (m) Any Person engaged in land-disturbing activity who is required by this article to file an Erosion and Sedimentation Control Plan shall pay a plan review fee to the County in an amount to be determined by the Gaston County Board of Commissioners.

(Res. No. 2007-251, § 18, 6-28-2007; Res. No. 2010-270, § 18, 9-23-2010)

Sec. 4-69. Environmental Review Advisory Board.

- (a) Creation. There is hereby created in Gaston County, the Environmental Review Advisory Board which is charged with the duties as provided for in this article. The Environmental Review Advisory Board shall consist of the following members:
 - (1) One Person appointed by a participating municipality as outlined in the Environmental Review Advisory Board's Policies and Procedures,

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- (2) One (1) member of the Gaston County Home Builders Association, and two other developers nominated by the Gaston County Home Builders Association for a total of three (3) individuals;
 - (3) Chairman of the Gaston County Soil and Water Conservation District or his/her designee;
 - (4) Chairman of the Gaston County Quality of Natural Resources Commission or his/her designee;
 - (5) A member of the Gaston County Chamber of Commerce or his/her designee;
 - (6) One township representative appointed by the Gaston County Board of Commissioners; and
 - (7) A professional engineer registered under the provisions of G.S. Ch. 89C, appointed by the Gaston County Board of Commissioners.
- (b) Appointments. The Environmental Review Advisory Board members appointed by the Gaston County Board of Commissioners shall serve terms of office of three (3) years and until their successors are appointed and duly qualified.
- (c) Fees. The Environmental Review Advisory Board shall make fee recommendations to the Gaston County Board of Commissioners.
- (d) Other duties and responsibilities. The Environmental Review Advisory Board shall hear and decide appeals from any decision or determination made by the Gaston Natural Resources Department in the enforcement of this article and other duties as directed by the Gaston County Board of Commissioners.
- (Res. No. 2007-251, § 19, 6-28-2007; Res. No. 2010-270, § 19, 9-23-2010)

Sec. 4-70. Appeals.

- (a) Except as provided in section 4-68(b) of this article the appeal of a disapproval or approval with modifications of a Plan shall be governed by the following provisions:
- (1) The disapproval or modification of any proposed Erosion and Sedimentation Control Plan by the Gaston County Natural Resources Department shall entitle the Person submitting the Plan to a public hearing if such Person submits written demand for a hearing within fifteen (15) days after receipt of written notice of disapproval or modifications.
 - (2) Hearings held pursuant to this section shall be conducted by the Gaston County Environmental Review Advisory Board, within thirty (30) days after the date of the appeal or request for a hearing.
 - (3) The Environmental Review Advisory Board will render its final decision on any Erosion and Sedimentation Control Plan following completion of the hearings.
 - (4) If the Environmental Review Advisory Board upholds the disapproval or modification of a proposed Soil Erosion and Sedimentation Control Plan following the hearing, the Person submitting the plan shall then be entitled to appeal the local government's decision to the North Carolina Sedimentation Control Commission as provided in G.S. 113A-61(c) and Title 15A NCAC 4B .0018(d).
- (b) In the event that an Erosion and Sedimentation Control Plan is disapproved pursuant to section 4-68(i) of this article, the Gaston County Natural Resources Department shall notify the Director of Land Resources of such disapproval within ten (10) days. The Department shall also advise the applicant and the Director in writing as to the specific reasons the Plan was disapproved. The applicant may appeal the Department's disapproval of the Plan pursuant to section 4-68(i) of this article directly to the North Carolina Sediment Control Commission.

(Res. No. 2007-251, § 20, 6-28-2007; Res. No. 2010-270, § 20, 9-23-2010)

Sec. 4-71. Inspections and investigations.

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- (a) Agents, officials, or other qualified persons authorized by Gaston County will periodically inspect land-disturbing activities to ensure compliance with the Act, this article, or rules or orders adopted or issued pursuant to this article, and to determine whether the measures required in the Plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included in the Certificate of Approval of each Erosion and Sedimentation Control Plan. A list of authorized agents and officials shall be provided or listed at the Gaston County Natural Resources Department.
- (b) No Person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the County while that person is inspecting or attempting to inspect a land-disturbing activity under this section.
- (c) If, it is determined that a Person engaged in land-disturbing activity has failed to comply with the Act, this article, or rules, or orders adopted or issued pursuant to this article, a notice of violation shall immediately be served upon that Person. The notice may be served by any means under G.S. 1A-1, Rule 4. The notice shall specify a date by which the Person must comply with the Act, this article, or rules, or orders adopted pursuant to this article, and inform the Person of the actions that need to be taken to comply with the Act, this article, or rules or orders adopted pursuant to this article. Any Person who fails to comply in the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in this article. If the Person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the Gaston County Natural Resources Department shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program on behalf of the Approving Authority, referral to a cooperative extension program, or by provision of written materials such as Department guidance documents. The notice of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.
- (d) The Gaston County Natural Resources Department shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this article, and who presents appropriate credentials for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity.
- (e) The Gaston County Natural Resources Department shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.

(Res. No. 2007-251, § 21, 6-28-2007; Res. No. 2010-270, § 21, 9-23-2010)

Sec. 4-72. Penalties.

(a) Civil Penalties.

- (1) Any person who violates any of the provisions of the Act, this article, or rules or orders adopted or issued pursuant to this article, or who initiates or continues a land-disturbing activity for which an Erosion and Sedimentation Control Plan is required, except in accordance with the terms, conditions, and provisions of an approved Plan, is subject to a civil penalty. The maximum civil penalty for a violation is five thousand dollars (\$5,000.00). The maximum civil penalty for a violation of a stop-work order is five thousand dollars (\$5,000.00). A civil penalty may be assessed from the date of the violation. Each day of continuing violation shall constitute a separate violation. When the Person has not been assessed any civil penalty under this subsection for any previous violation, and that Person abated continuing environmental damage resulting from the violation within one hundred eighty (180) days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000.00).
- (2) The Gaston County Natural Resources Department shall determine the amount of the civil penalty to be assessed under this subsection as set forth in the Guidelines for Assessing Civil Penalties for Violations of Gaston County's Soil Erosion and Sedimentation Control Ordinance. The Gaston Natural Resources Department shall notify the Person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. In determining the amount of the penalty, the Gaston County Natural Resources Department shall consider the

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degree and extent of harm caused by the damage, the cost of rectifying the damage, the amount of money the violator saved by noncompliance, whether the violation was committed willfully, and the prior record of the violator in complying or failing to comply with this article. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment, contest the assessment within thirty (30) days by written demand for a local hearing, or file a request with the Gaston County Natural Resources Department for remission of the assessment within thirty (30) days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to G.S. Ch. 150B, and a stipulation of the facts on which the assessment was based. A local hearing on a civil penalty/contested assessment shall be conducted by the Gaston County Environmental Review Advisory Board within thirty (30) days after the date of the written demand for the hearing. The Environmental Review Advisory Board shall render its final decision on the civil penalty/contested assessment at the conclusion of the hearing. Appeal from the final decision of the Environmental Review Advisory Board shall be to the Superior Court of Gaston County.

- (3) If payment is not received within thirty (30) days after it is due, the Environmental Review Advisory Board may institute a civil action to recover the amount of the assessment. The civil action may be brought in Gaston County Superior Court of the county where the violation occurred, or the violator's residence or principal place of business is located. Such civil actions must be filed within three (3) years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested or a remission that is requested is due at the conclusion of the administrative and judicial review of the assessment.
 - (4) Civil penalties collected pursuant to this article shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Penalties collected by the county may be diminished only by the actual cost of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by the County for the prior fiscal year. [The collection cost percentage shall not exceed twenty percent (20) of penalties collected.]
- (b) Final certificate of occupancy. With regard to the development of any tract that is subject to this article, the Code Enforcement Department shall not issue a Certificate of Occupancy where any of the following conditions exist:
- (1) There is a violation of this article with respect to the tract.
 - (2) If there remains due and payable to Gaston County civil penalties that have been levied against the person conducting the land-disturbing activity for violation(s) of this article. If a penalty is under appeal, the Environmental Review Advisory Board may require the amount of the fine, and any other amount that the Person would be required to pay under this article if the Person loses the appeal, be placed in a refundable account or surety prior to issuing the Certificate of Occupancy.
 - (3) The requirements of the Plan have not been completed and the building for which a Certificate of Occupancy is requested is the only building then under construction on the tract.
 - (4) On the tract which includes multiple buildings on a single parcel, the requirements of the Plan have not been completed and the building for which a Certificate of Occupancy is requested is the last building then under construction on the tract.
 - (5) On a tract which includes multiple parcels created pursuant to the applicable subdivision regulations, the requirements of the Plan have not been completed with respect to the parcel for which the Certificate of Occupancy is requested.
 - (6) Any Person conducting land-disturbing activities that has been denied a Certificate of Occupancy under the provisions in this article may make a written appeal of the decision to the Environmental Review Advisory Board.
- (c) Criminal penalties. Any Person who knowingly or willfully violates any provision of this article, or rule or order adopted or issued pursuant to this article, or who willfully initiates or continues a land-disturbing activity for which an Erosion and Sedimentation Control Plan is required except in accordance with the

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terms, conditions, and provisions of an approved Plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed five thousand dollars (\$5,000.00).

- (d) Stop work orders. Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered or repaired in violation of this article, the Enforcement Officer may order the work to be immediately stopped. The stop order shall be in writing and directed to the owner, occupant, or Person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S. 160A-421 or 153-361, as applicable, or the NC Building Code.

(Res. No. 2007-251, § 22, 6-28-2007; Res. No. 2010-270, § 22, 9-23-2010; Res. No. 2019-079, 3-26-2019)

Sec. 4-73. Injunctive relief.

- (a) Whenever the Environmental Review Advisory Board has reasonable cause to believe that any Person is violating or threatening to violate this article or any rule or order adopted or issued pursuant to this article, or any term, condition, or provision of an approved Erosion and Sedimentation Control Plan, it may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the name of the County, for injunctive relief to restrain the threatened violation. The action will be brought in the Superior Court of Gaston County.
- (b) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgement that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this article.

(Res. No. 2007-251, § 23, 6-28-2007; Res. No. 2010-270, § 23, 9-23-2010)

Sec. 4-74. Restoration of areas affected by failure to comply.

The Environmental Review Advisory Board may require a Person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113-A-57(3), to restore the waters and the land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this article.

(Res. No. 2007-251, § 24, 6-28-2007; Res. No. 2010-270, § 24, 9-23-2010)

Secs. 4-75—4-80. Reserved.

Appointments

On motion introduced by Commissioner Brown and seconded by Commissioner Johnson, the BOC unanimously appointed Ms. Judy Leahy to the **Juvenile Crime Prevention Council (JCPC)** to a term ending June 30, 2025.

Chairman Brown advised that he and Commissioners Hovis, Johnson and Worley would be attending the 2023 NCACC Annual Conference (Raleigh Convention Center; August 24th - 26th).

On motion introduced by Commissioner Hovis and seconded by Commissioner Brown, the BOC nominated Commissioner Worley as the Voting Delegate and Commissioner Hovis as the Alternate Voting Delegate for the 2023 NCACC Annual Conference.

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Commissioners Committee Reports

Commissioner Hovis reported that **CaroMont Health Board of Directors** opened two new primary and urgent care facilities (in Lake Wylie, SC; off Mt. Holly Rd. in Mecklenburg County); continues to expand and bring in additional physicians to meet primary care needs; has been fortunate to attract some of the best and brightest physicians and to provide healthcare to County residents; recalled opening of the South Tower (critical care tower).

Commissioner Keigher reported attendance to **Gaston College Board of Trustees** meeting; the men's baseball team and women's softball team made it to the national world series in their second year; baseball team finished fifth in the nation; **NCACC Board of Directors** meeting; the General Assembly is looking at designating orphan roads (roads in developments that have no ingress/egress when a bridge washes away) under the counties umbrella; the Board wants the Delegation to know that the counties do not want anything to do with that.

Commissioner Hovis recalled spot zoning developments that occurred prior to adoption of Subdivision Ordinance; advised there is close to \$25M of basic road improvements needed to bring those subdivisions up to minimum State standards and to gravel unpaved roads; the County cannot send ambulances or school buses down some roads; this is a concern, but NC counties do not build roads; will be glad to speak to that at the Association level should it become necessary.

Chairman Brown advised that the County will be having extremely high temperatures the next couple of weeks/months; urged citizens and the employees to take care of themselves.

County Manager's Report

The County Manager introduced Dr. David Williams, Community Affairs and Development Administrator, for a brief update on an **upcoming MWBE (Minority and Women-owned Business Enterprise) event**.

Dr. Williams thanked the BOC and County management for their support of the MWBE program; it is a significant program in terms of construction, repair, renovation, goods and services; the program is making significant gains as County measures what it is trying to do from one year to the next; via an infographic, advised participation had increased from 4% to 10.3% the first year (157% of first year of the program).

The County is doing a lot of outreach; held five formal events with 146 attendees; have seen a spike in certified MWB-HUB (Historically Underutilized Businesses); those that are not certified will not be on the statewide list to bid for formal/informal projects.

Staff has been working with the City of Gastonia on the program to build capacity throughout the County; have partnered with a number of construction companies around the region to help with this effort.

In FY21, the County had about \$2.8M of total contracts and \$85,000 of that went to HUB contractors (about 3.3%); in FY22 the County had about \$6.7M in total contracts and \$313k of

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that went to HUB vendors (about 5.89%); have a 10% verifiable goal per County policy; in FY23 the County is looking at about \$15.2M in contracts with a HUB spend of about \$1.9M (about 13.49%).

The County is headed in the right direction with the vision and direction of the County Manager and has been a priority; held an event last summer with 55-60 attendees; have an event scheduled on August 10th and already have 100 registered participants; staff is looking forward to continuing the program; working with minorities and women owned businesses helps creates additional jobs, opportunities for sub-contractors which helps County with its ad valorem tax rate and increasing businesses in the County.

He thanked the BOC, County Manager, Infrastructure and Asset Manager and Public Works, Finance and Communications staff for their support.

County Attorney's Report

No report.

Other Matters

None.

Adjournment

Chairman Brown called for a motion to adjourn.

On motion introduced by Commissioner Hovis and seconded by Commissioner Worley, the BOC unanimously adjourned the Rescheduled Regular Meeting of July 27, 2023 at 8:01 pm.

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

Chad Brown, Chairman
Gaston County Board of Commissioners

Donna S. Buff
Clerk to the Board

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