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Gaston County Board
of Commissioners

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

JULY 22, 2025

The Gaston County Board of Commissioners (BOC) met in Regular Session at 6:11 pm on July 22, 2025, immediately following its Rescheduled Work Session, in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Chairman Chad Brown presided with Commissioners Cathy Cloninger, Vice-Chair; Jim Bailey, Allen R. Fraley, Bob Hovis, Tom Keigher and Scott Shehan in attendance.

Others present included Matthew Rhoten, County Manager; David Goldberg, County Attorney; and Donna S. Buff, Clerk to the Board.

Upon request of Chairman Brown, Commissioner Hovis led those assembled in the Invocation and Commissioner Shehan led in the Pledge of Allegiance during the preceding Work Session.

Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Map Change: Conditional District REZ-23-08-02-00158, Paul Shriver and Thomas Springs (Applicants); Property Parcels: 180092, 181214, 181225, 199264, 202690, 210290, 225889, 312830, Located on Catawba Ave. in Mount Holly, NC, Rezone from the (R-1) and (RS-12) Residential Zoning Districts with the (US) Urban Standards Overlay to the (CD/RS-8) Conditional Zoning District with the (US) Urban Standards Overlay

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

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

Chairman Brown introduced Mrs. Jamie Kanburoglu, Director of Planning and Zoning – Building & Development Services, for comments.

Mrs. Kanburoglu advised that the subject conditional rezoning request (REZ-23-08-02-00158) from (Mr.) Thomas Springs (Applicant) involves eight (8) parcels located in Mount Holly (NC); four (4) are currently zoned (R-1) Single Family Limited; four (4) are zoned (RS-12); all eight (8) lots are located within the (US) Urban Standards Overlay district; combined, the lots total 135+ acres; the Applicant is requesting to conditionally rezone all parcels to the (CD/RS-8) district with the (US) overlay to develop a Planned Residential Development (PRD); the request is accompanied by a site plan and proposed conditions; if approved, the land will be tied to the approved site plan and associated conditions regardless if it is sold in the future.

This case was submitted for staff review in August 2023; staff has worked with the development team through seven (7) site plan revisions; the development team was asked to provide as much information as possible about the proposed utilities prior to presenting the request to the BOC.

She reviewed the *vicinity map* and noted the site is located outside of Mount Holly's city limits; a portion of it was located in its one-mile Extraterritorial Jurisdiction (ETJ) area adopted in 1980 - (ETJ areas are typically extended a few miles outside of municipal boundaries and are subject to the city's zoning regulations); in 2018 Mount Holly relinquished all of its ETJ area (ETJ

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Relinquishment 2018-01) to the County with an effective date of June 1, 2018 (Resolution 2018-112; April 24, 2018).

She reviewed orthophoto, zoning and adjacent property owners' maps and advised the *orthophoto map* depicts the property is currently vacant; entrance to site is on W. Catawba Ave., situated between Howie and Patrick Roads; the small triangle piece circled on the map is part of the site that is still within Mount Holly's city limits; per site plan, no structures will be located in this parcel; if approved, the required traffic circle would be located in the general vicinity per TIA (Traffic Impact Analysis); the site is adjacent to a property participating in the voluntary AG (agricultural) district which means the site is located within a half-mile radius of a parcel owned by a property owner that has committed to preserving the agricultural way of life.

The *zoning map* depicts (R-1) and (RS-12) zoning districts; the (R-1) lots were already County parcels and likely received (R-1) as the default zoning district when the current Unified Development Ordinance (UDO) was adopted; the (RS-12) lots that were accepted from Mount Holly's ETJ release in 2018, were already zoned similarly in Mount Holly's ETJ, so the County matched the previous zoning districts and placed the (RS-12) district on them; the (RS-12) zoning district is for the development of homes with a minimum lot size of 12,000SF; higher densities are allowed with different types of homes that can be accommodated with PRDs, Infill Residential Developments and Traditional Neighborhood Developments (TND); the gray areas are within municipal lines of Mount Holly.

Adjacent property owners map and listing depicts those that received notices about the Public Information Meetings (PIMS) and tonight's Public Hearing; PIMS were held last summer and were well attended; staff estimated around 45 members of community attended the PIMS; Applicant hosted two meetings at the church across street; one participant opposed all development in the area; other attendees asked questions about traffic, school capacities and utilities and seemed content with the proposal.

Staff received a few calls and emails about the request; there has been engagement on the project's **Engage Gaston** platform; main concerns were proposed utilities, school capacity and environmental impacts; three letters were sent to the BOC; one additional letter received this evening needs to be entered into the record.

On motion introduced by Commissioner Hovis and seconded by Commissioner Bailey, the BOC unanimously accepted the letter for the record.

She reviewed the site plan tied to the request and advised the Applicant is proposing to develop 251 lots (84 for single-family attached homes (townhomes) on 52' and 62' wide lots; estimated that three (3) community wells are needed to serve the site; an on-site wastewater treatment plant is shown on northwest portion of site plan.

The flood plain areas are on the north side; Taylors Creek crosses through the site and runs into Dutchmans Creek and empties into Catawba River; the only portion of the development that is in the regulated flood area (or within the 50' stream buffer) is a portion of access road to the wastewater treatment site; the treatment site and well located to the northern portion of site and all other infrastructure are outside of regulated flood areas and stream buffers; development in flood

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area would require additional review and permits, and will all be completed during construction review process if site is approved.

The developer has proposed to include traditional amenities (walking trail, sports field, pool area, cabana and playground); this area will likely house the cluster mailbox area and additional parking for the development.

The site plan depicts a 25' to 50' landscape buffer along the fringes of the entire development. While there is no builder associated with the development, there are architectural standards being proposed and the site plan must be included with any designs submitted by potential builders; the developer has excluded vinyl and aluminum as a siding type; requires a minimum of six different elevations with mixed materials to be proposed for review during the construction review phase. They have offered an architectural standard for garage designs that would provide windows, paneling, carriage style designs and other treatments to complement the homes design.

The developer is offering \$1,000 to Gaston County Schools for every developed lot, water treatment levels monthly reports and data of Taylors Creek collection points.

The site plan proposes a public water and wastewater system that would be privately owned and maintained; these type systems are permitted, regulated and enforced by the NCDEQ (NC Department of Environmental Quality) and NC Utilities Commission.

Staff has recommended a condition of approval that states all required state permits for any systems related to collection, distribution and treatment of water, must be obtained prior to approving construction documents for the site; water and wastewater infrastructure must be installed, tested and approved prior to final plat approval to ensure there is adequate onsite water prior to starting home construction. The utility contractor and operator are present to answer any questions.

NCDOT has reviewed and preliminarily approved the internal roads design; all proposed roads will be built per NCDOT standards with goal of petitioning roads to the state for acceptance and maintenance once the development has built up.

The UDO requires dedicating a minimum of 20% of PRDs to open space; over 60% is dedicated (roughly 85 acres) per site plan; developer provided a landscape plan with buffers and tree safe areas and a tree planting plan (which includes planting 435 new trees throughout construction).

PRDs are allowed an increased density calculation per the conditional rezoning process; per UDO, a typical PRD can have up to eight (8) dwelling units/acre; the site is located in the Catawba protected watershed which allows up to two dwelling units/acre and a max of 24% impervious calculation; the site (plan) is proposing 1.85 dwelling units/acre with an impervious calculation of 22.13%.

A TIA (Traffic Impact Analysis) was completed; two mitigation efforts were noted; TIA originally accounted for a higher lot count; mitigations were based off a 350-lot proposal as opposed to the 251 lots being proposed today; both elements have been included in the site plan; consultants are present to answer questions regarding the TIA.

GEMS staff reviewed and shared they would like to review the road designs and proposed utilities further to determine how they could affect emergency services; if plan is approved, GEMS would

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be given construction documents to perform a more in-depth review of the site. She reviewed the development team's requested reliefs as follows:

Re - (RS-8) Lot Requirements: Reduced lot size from 8,000SF to 6,000SF; reduced front and side setbacks (they are offering an additional 5' on rear setback); 22' road frontage for townhome lots and a minimum of 35' for single-family detached lots to account for the lots accessed off cul-de-sac.

Re - PRD Setback Regulation: The PRD use setback regulation states garages shall be set back 12' from front building line; this regulation encourages longer driveways and reduces garages from being the main focal point of architecture; site plan is requesting to reduce the setback to allow garages to not extend more than 2' in front of front door; staff supports this request as it reduces the impervious calculation for the site overall which is key when developing in an watershed area.

Re - Green Strips: The UDO requires a minimum of 3' green strips in road design; DOT (Department of Transportation) approved the road designs that have green strips less than 3' in width; staff supports this as the County does not regulate roads or have its own road standards and defer to what the state has required or prefers.

Re - Signage: The UDO limits residential signs; Applicant is requesting additional square footage for a monument sign that will have a similar design as shown on slide.

The site is located in *Area 3: Riverfront Gaston/ Northwest Gaston* of the Comprehensive Land Use Plan (CLUP).

The closest future land use designation is *Suburban Development* (these areas envision significant single-family residential areas that exist around commercial pockets representing a standard suburban center. Suburban centers can include multi-family houses and support services).

Staff finds the application as presented is consistent with the vision of the CLUP as it meets the vision of the future land use and would match the overall "feel" of the area.

The TRC (Technical Review Committee) reviewed the plan at staff's initial submittal and recently with the approved site plan for this meeting.

The GCLMPO (Gaston-Cleveland-Lincoln Metropolitan Planning Organization) provided a letter stating there are no funded projects on the STIP (State Transportation Improvement Program); there is a proposed unfunded connection between W. Charlotte Ave. and W. Catawba Ave. as noted on the CTP (Comprehensive Transportation Plan) and MTP (2050 Metropolitan Transportation Plan); there is a proposed unfunded interchange at intersection of W. Central Ave. and Brickyard Ave; there are also proposed bike, pedestrian and multi-use facilities along Catawba.

Gaston County Schools provided a letter stating which schools would serve the site; the schools are currently operating below 75% capacity.

Staff and the development team met last week to review conditions of approval and added an additional condition; the updated list was provided to BOC at their seats and needs to be entered into the record.

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On motion introduced by Commissioner Hovis and seconded by Commissioner Cloninger, the BOC unanimously accepted the updated list as information.

For the record, Mrs. Kanburoglu stated there were 10 conditions; an 11th condition was added that stated Taylors Creek water quality levels, water quality data and wastewater data should be provided to County on a monthly basis once the wastewater treatment plan is in operation.

Planning staff is requesting the BOC to receive the staff report and presentation, Applicant's presentation, and vote to approve it as presented, as modified or to deny the request.

The Planning Board recommended approval via a 5 - 4 vote; main concerns included traffic, environmental concerns, and overall service areas; there were questions as to why the development is not going to Mount Holly for the rezoning request.

Chairman Brown called for comments from the Applicant.

Mr. Paul Shriver stated he represents the land owners; has 25+ years of experience in the industry regarding design, construction and purchase of homesites and relationships with most national builders; the Applicants have attempted to rezone the property in other jurisdictions but were unsuccessful; Mr. and Mrs. Springs are the major landowners; Mr. Springs is in his 80s and has no children to inherit the property, has survived cancer twice and is losing eyesight; this is his last opportunity to see the property developed.

Mr. (Howard F.) Walls has passed since this process started over a decade ago and is survived by children and grandchildren.

The James family have small children; sale of property will help put the children through college debt free.

R. Joe Harris & Associates (engineer) have 20+ years of experience in site planning and civil engineering services; have worked in the County previously and has relationships with multiple national builders.

He advised the requested PRD reliefs involve 1.85 units/acre per lot (which is a low density community); over 85% of open space when only 20% is required (more trees will be saved with the smaller lots and more open space); the architectural design standards will not cause any problems with any builder; two PIMs were held and only one out of 40 to 45 people had an issue with it.

He noted the County has a pricing dilemma; the CLUP is looking for affordable housing when budgets require higher priced homes to meet the needs of the community (without going into debt); our plan provides a compromise with multiple product offerings, reduced lot sizes and a significant number of homes in the \$300K range for townhomes, \$400K for smaller single-family detached lots, and \$500K for 62' wide lots.

It is expensive to develop and build houses in the Charlotte area; currently seeing \$2,600 per linear foot of street which means 52' wide lots are \$135,000 to put on the ground; it is \$110 per square foot for a 2,000SF house, roughly \$220K in materials; adding in the amenities and things we are offering to provide, adds another \$6,000/house which means the cost of the house is \$361,000; for a builder to sell a home, cover their costs and make a profit, a 2,000SF house today is around \$433,000+/-.

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He stated they had spent a lot of time with staff reviewing the 2035 Plan to make sure their proposal would meet those goals and needs; made seven revisions to the (site) plan; are reserving a right-of-way for the future expansion of Rankin Rd. (although an unfunded project), installing walking trails throughout community and reserving an area to expand the Carolina Thread Trail if they decide to come through this area.

Quality of life is a concern for everyone; the added homesites will help grow commercial areas and benefit downtown Mount Holly that is within walking distance of the new neighborhood; Publix is looking for an opportunity in this area but needs more rooftops and higher incomes; this project provides both.

The natural resources' goal will be attained with the reduced lot size and increased open space and "tree save".

He added there was another opportunity to come in from an existing neighborhood that would have required two creek crossings; that was taken into consideration and the crossing and connection point were eliminated.

He pointed out there is a housing shortage in Charlotte; its market is going from Kings Mountain to Mount Pleasant and from Statesville to Chester; currently this market is 18,000+ units short and 4.5M nationwide; with over 100 people moving to Charlotte area daily, we need 25 new houses daily or over 8,000 houses a year in addition to the current 18,000+ unit shortage.

There are 40+ homebuilders in the Charlotte market including 16 of the top 20 builders nationwide; have spoken with most of builders that have expressed initial interest but are waiting to see what happens with the rezoning before determining their final interest in this area; all of these builders need lots; the lack of utilities is causing more concerns throughout Charlotte market; Union County has been having utilities trouble for many years; Cabarrus County is the same way; have found a way to work through these issues by working with the State.

He noted that he tried to annex and rezone the property in Mount Holly in 2015 and was denied by the Council; others also tried and were unsuccessful (Meritage Homes in 2016; Eastwood Homes in 2019; Smith Douglass in 2021; in 2022 the family hired Grimes Yeoman, a Rezoning Specialist Attorney, but was again unsuccessful with Mount Holly); every time these Applicants would work with Planning Staff, they would meet the requirements asked of them and resubmit them and new requirements were added; goal posts were constantly moved and could never get anything solid to in order to move forward.

Mr. Springs believes the denial is personal; he sat on zoning and planning board for the ETJ many years and did not support many things the town proposed; believes this denial is personal with all the qualified builders/developers who have tried to get this through the process; Mr. Jim Hope, former Councilman is here and can speak to this.

Kimley-Horn (and Associates, Inc.), the traffic engineer for Mount Holly and Belmont, will be involved with the design of the off-site improvements; the scope was coordinated with the County and DOT; they followed national, state and County standards; the plan has been approved by County and DOT staff; the TIA is conservative in nature; original study had 372 homes on it; only 251 are being proposed; the single southbound egress/ingress at access #1 with the 100' protective

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storage at Riddle Rd; the roundabout at W. Catawba and Rankin has single southbound ingress/egress lane; maximizes IPS (internal protected stem) along access #2; improves the traffic conditions and safety over signals or stops; at Rankin and W. Catawba, it would be designed to meet NCDOT standards at the appropriate time; traffic study showed minimum traffic impact caused by the project throughout the identified study areas.

Waste Management Pros of the Southeast is an independent company; the owner (Eric) is stuck on I-85 due to traffic problems; Waste Management Pros (WMP) do not work for a builder or developer; a continuation plan is also in place; he has 30+ years of experience; is registered in NC/SC; has worked on over 100 projects in NC/SC; this is a public utility and permit is issued by the state; he's regulated by the NC Utilities Commission who monitors his books to insure funds are in the bank to own, operate, maintain and replace the system if anything happened; rates are set by NC Utilities Commission; homeowners will receive a monthly bill from WMP; this is a smaller system which is the newest and best technology; effluents treated by WMP is better than what's treated at big utility companies; after discharge it is potable water; there is very little smell from the facility, even in the summer.

There were concerns about discharging into Taylors Creek; map depicts all existing major/minor discharge and non-discharge permits within a five-mile radius and this should not be a concern; have set 3 preliminary well locations but DEQ will determine final locations and if more or less is needed; will have all permits prior to construction; will monitor facility 500' up/down stream quarterly, 250' monthly up/down stream, and weekly at discharge point.

The on-site treatment facility can be expanded for future growth; Taylors Creek can take one million gallons/day based on preliminary studies; will use roughly 75,000 gallons/day.

Aqua Point builds the equipment that WMP uses and it doesn't take up much space (will use less than three-quarters of an acre to treat 75,000 gallons/day); multiple bays containing white pellets absorb the nutrients and particles from the effluents; the bays can go above or below ground; current plan is to put them underground so the only thing that would be seen behind the fence and shrubbery is the building containing the generators (for backup power) which kicks on within six seconds if anything happened; they are monitored 24 hours/day and any issues can be resolved quickly.

There are multiple options that can be done through "by right" zoning; proposed site plan depicts 194 units via the "by right" process versus 251 homesites (through zoning); the County would lose control over architectural guidelines; walking trail and amenity centers would be removed; would have less tree save area, less common open space and the schools donation goes away; may end up with lower home prices built with the onsite treatment facilities and wells; County would lose roughly \$440K/year in property taxes.

Through the *proposed rezoning process* (84 townhomes at \$330K; 105 52' lots at \$460K; 62' lots at \$560K) average home price would generate \$1M+/year to the County; the "by right" option, assuming an average sale price of \$350K, would generate \$706K in taxes, equating to the approximate \$440K difference; this comparison is provided to illustrate the two options, because Mr. Springs and the families have no other options for rezoning; if the BOC decides this is not the right plan for County, a plan "by right" will be implemented.

Chairman Brown called for citizen comment.

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Comments received are summarized as follows:

Mr. Joshua Brown, 1149 Knowles Dr., Mount Holly, NC:

- The proposed neighborhood would lack fire hydrants and rely solely on tanker shuttle operations, creating significant fire protection challenges.
- Narrow streets and potential double parking could limit fire truck access.
- The site's distance from fire stations and limited staffing/resources in surrounding departments would delay water supply operations.
- Lack of a permanent hydrant system increases the risk of rapid fire spread, especially in townhomes or closely built houses.
- Current largest available tankers hold only 3,000 gallons, which may be insufficient for major fires given refill times.
- Residents could be left without adequate fire protection during emergencies.

Mr. David Huffstetler, Catawba St., Mount Holly and real estate broker:

- HOA fees will be too high, attracting investors who may flip houses.
- Parks and roads will become overcrowded, requiring more traffic control measures.
- Local schools already lack capacity for current enrollment.
- Increased population could lead to higher crime, requiring more law enforcement presence.

Mr. Troy Campbell, 106 Howie (Mount Holly, NC):

- Concerned about potential negative impact on nearby residents' quality of life and property values.
- Skepticism about claims of "very little smell" from the proposed project, citing personal experience with similar facilities.
- Noted a disconnect between the City of Mount Holly and the developer, urging the board to require better cooperation to avoid harm to residents.

Mr. Josh Allen, 116 Fites Creek Rd., Mount Holly, NC:

- Concerned that the development's community well could overdraw the local aquifer, lowering the water table and harming nearby private wells.
- Risk of groundwater contamination from a privately managed wastewater treatment system if not properly maintained.
- Existing two-lane roads near two schools are already congested; added traffic would worsen safety, delay, and emergency access issues.
- Recommends a hydrological study, public utility connections, and planning that protects water resources, traffic safety, and residents' quality of life.

Mayor David Moore on behalf of Mount Holly City Council:

- Mount Holly has an active annexation petition for the property and can provide water and sewer service without a private treatment plant or water system.
- The City opposes private utility operations near its limits due to environmental concerns and its ability to serve the area.
- Concerned about the quality and quantity of homes proposed. The project falls under City review and served by City emergency services.
- Requests the County deny the rezoning so the project proceeds through the City's annexation and review process.

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Mr. Jonathon Blanton, City Manager, 400 E. Central Ave., Mount Holly, NC:

- Mount Holly City Council unanimously opposes the project; formal denial occurred only once (2017) due to required improvements.
- Questions why the developer has not pursued the project "by right" since the 2017 denial.
- Concerned that the rezoning request contradicts the spirit of Mount Holly's 2018 ETJ relinquishment, which was based on alignment with County regulations.
- City can provide water, sewer, and emergency services without a private utility system, including expanded wastewater capacity via a new agreement with Charlotte.
- City believes it is better positioned to maintain streets and provide fire, police, and EMS for the site.

Chairman Brown called for questions from the BOC.

Commissioner Hovis clarified Mrs. Kanburoglu's slide titled "Overview" should reference *Area 3: Riverfront Gaston/ **Northeast** Gaston* and not Northwest.

Chairman Brown asked Mrs. Kanburoglu to explain "by right".

Mrs. Kanburoglu explained that a "by right" development is one permitted under the Ordinance without the need for additional approvals from the Planning and Zoning Board or the Board of Commissioners, proceeding instead through administrative processes only. She noted the property consists of multiple existing parcels already zoned RS-12 and R-1, which allows certain "by right" development possibilities. The proposed utilities also qualify as "by right" infrastructure. If the applicant chose to proceed with such a project and a utility contractor developed a water intake and wastewater treatment center, those systems would be allowed as "by right" developments under Essential Class Services 2. In that case, the applicant would submit all required state permits to staff, obtain a "by right" zoning permit, and proceed directly to the building permit stage.

Chairman Brown stated one of his issues is the lot size went from 12,000SF minimum to 6,000SF and vehicles restricting fire protection.

Mrs. Kanburoglu stated that she had asked the utility contractor whether the system could support fire protection services as required under the Fire Code, noting that fire hydrants would be required for the development. She added that staff has proposed a condition of approval limiting parking to one side of the road, as the proposed roads are only 40 to 50 feet wide.

Chairman Brown stated other issues raised included schools.

Mrs. Kanburoglu responded that staff received a letter from the Schools; none of them are operating at capacity currently (schools identified are at less than 75% capacity).

Chairman Brown questioned the long-term viability of the wells and the potential for homes to be rented.

Mrs. Kanburoglu explained that if the applicant pursues a "by right" development, the State will review the well and wastewater treatment plant plans for compliance with regulations and issue the majority of the required permits. The County would be involved in permitting the wells but has limited authority in the process. She further noted that state statute does not allow the County to regulate whether homes can be rented.

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Chairman Brown asked if there was an active annexation permit currently in Mount Holly.

Mr. Blanton responded "correct".

Commissioner Shehan asked whether any information had been provided regarding a succession plan for the wastewater treatment facility, whether any hydrogeological studies had been conducted on the property, and what impact the development might have on the water table for neighboring property owners with private wells.

Mr. Shriver stated that copies of documents registered with NC/SC could be provided to the Board of Commissioners. He explained that the engineers and other company owners would manage the project until a viable purchaser could take full ownership. He noted that no hydrogeological studies have been conducted, as they are not required by the state, and such a study would cost the Applicant over \$200,000. The company has already spent over \$300,000 to reach this point. Mr. Shriver also referenced an open case in Mount Holly, noting that they received an email from Attorney Greg Beal stating that if the request was not resubmitted by a certain date with all requirements met, it would be the final review of the plan; therefore, they considered the matter closed since the requested requirements could not be met.

Chairman Brown asked whether the Board would be interested in continuing the Public Hearing for two months to allow Mr. Shriver and Mount Holly officials additional time to address the issues. He requested that Mrs. Kanburoglu and her staff compile the comments received tonight, including those from the Board, and forward them to County staff, noting that there are numerous questions that need to be addressed.

Chairman Brown added that continuing the Public Hearing would allow the applicant and the City of Mount Holly to have further discussions. He noted that the "by right" issue will need to be considered. He also clarified that the water and sewer permits are issued by the state, not the County.

Mr. Shriver voiced his preference for an October continuance.

Chairman Brown called for a motion to continue the public hearing for three months for the October 28th BOC meeting.

On motion introduced by Commissioner Fraley and seconded by Commissioner Hovis, the BOC unanimously continued the public hearing until October 28th.

Public Hearing - RE: Commissioner Cloninger - Building & Development Services - Zoning Map Change: REZ-25-03-20-00221, Ricky Allen Jr. (Applicant); Property Parcel: 310221, Located at 306 Colt Thornburg Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District

Chairman Brown introduced Mrs. Jamie Kanburoglu, Director of Planning and Zoning - Building & Development Services for comments.

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Mrs. Kanburoglu advised subject rezoning request (REZ-25-03-20-00221) from (Mr.) Ricky Allen Jr., Applicant, involves parcel 310221; Mr. Allen is requesting to rezone 24.22 acres from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District; the parcel is located north of Dallas (NC) on Colt Thornburg Rd.

She reviewed orthophoto, zoning and adjacent property owners' maps and advised the *orthophoto map* depicts the site is currently vacant; there is a mix of housing types in the area (site built, modular, manufactured and multi-family homes).

The Planning Board questioned how the subdivision regulations would apply to the lot; staff explained up to five lots could be created under the family exemption regulations; any plan depicting more than five lots would trigger a major one subdivision review which includes NCDOT roads, additional open space and sidewalk standards.

The *zoning map* depicts that a majority of the area is zoned (R-1); there are (R-2) and (R-3) neighborhoods northeast of the site; *adjacent property owners' map*/listing depict those notified of the public hearing.

Signs and notices were mailed out per NCGS and local ordinances; staff have not received any calls or inquiries about the request.

If developed, the site may have to have a private well/septic system; Colt Thornburg (Rd.) is a NC-DOT owned and maintained road.

Staff did not receive a letter from the GCLMPO (Gaston-Cleveland-Lincoln Metropolitan Planning Organization) regarding projects in the vicinity but looked at project maps and noticed a bike route going from Cloninger Rd. to Colt Thornburg Rd. to Bob Friday Rd. that needs improvement.

The site is located in Area 2: North 321 Gaston (of the Comprehensive Land Use Plan); the future land use designation is rural (default designation of County) and envisions homes on large lots that are setback from the road they front upon.

Staff sent the request to the TRC (Technical Review Committee) and comments noted were:

- GEMS' request for clear, visible addressing from right-of-way for any new homes
- Natural Resources advisement that a small portion of the lot is in the special flood hazard area.

Staff finds the request is consistent with the goals and vision of the CLUP as it will keep the parcel residential in nature.

Staff is requesting BOC to receive its report and to approve, approve as modified or deny the rezoning request.

The Planning Board unanimously recommended approval of the request; this concludes the presentation.

Chairman Brown called for comment from the Applicant.

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Mr. Ricky (Rick) Allen, Jr. (Applicant), 306 Thornburg Rd., (Dallas, NC), advised he wants to put a trailer there for his parents to live in and to take care of them; will demolish it and build own home when parents are no longer here.

On motion introduced by Commissioner Hovis and seconded by Commissioner Shehan, the BOC unanimously accepted Mr. Allen's picture of the mobile home as information.

Ms. Jill Stillwell advised she has the note on the property and supports the rezoning.

Chairman Brown called for questions from the BOC.

Chairman Brown asked for the size of the lot.

Mrs. Kanburoglu responded 24.22 acres.

Chairman Brown called for additional questions; hearing none, recapped the Planning Board unanimously recommended approval.

Hearing no objection, the public hearing was closed and Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Hovis and seconded by Commissioner Cloninger, the BOC unanimously approved **2025-235**, 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 as it will keep the parcel residential in nature as envisioned by the rural future land use designation. Rural areas have larger lots with homes that sit back from the roads they front upon.

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: 310221, is hereby approved, effective with the passage of this Ordinance to be rezoned to (R-2) Single Family Moderate Zoning District.

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

Chairman Brown directed the County Attorney to provide the Consistency Statement to the Clerk for the record.

Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Text Amendment: Gaston County (Applicant); To Consider Proposed Text Amendments to the Code of Ordinances and the Unified Development Ordinance (UDO) Authorized in Resolution 2025-233, which the Board of Commissioners Approved on June 24, 2025

Chairman Brown introduced Mrs. Jamie Kanburoglu, Director of Planning and Zoning – Building & Development Services, for comment.

Mrs. Kanburoglu advised the proposed text amendments include changes authorized per Resolution 2025-233 to the Unified Development Ordinance (UDO) and Code of Ordinances which

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dissolved the County's Planning Board and Board of Adjustments (BOA) to create the new Planning and Zoning Board; new text clarifies references to the Planning Board and BOA should be interpreted as the Planning and Zoning Board; repeals any sections of the Ordinances that conflict with language in Resolution.

The Planning Board reviewed the text amendments at its June 30th meeting and unanimously recommended approval; the new Board will hold a training session on August 4th; staff is excited to work with them and thanked BOC for its support; this concludes the presentation.

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

Chairman Brown recapped the Planning Board unanimously recommended approval of the text amendments.

Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Hovis and seconded by Commissioner Fraley, the BOC unanimously approved **2025-236**, upon consideration of the proposed text amendments to the Code of Ordinances, and the Unified Development Ordinance as set forth in Exhibit A, attached hereto and incorporated herein by reference, public hearing comment and Planning Board and Planning staff recommendation, the County Commission hereby approves, effective with the passage of the Ordinance the amendments to the Code of Ordinances and the Unified Development Ordinance as required by the Resolution 2025-233.

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

Exhibit A

Section 1. Section 4-104 of the Code of Ordinances, Gaston County, North Carolina is hereby amended to read as follows:

Sec. 4-104. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Housing board shall mean the Gaston County Housing Board as appointed by the Gaston County Board of Commissioners. Members of the housing board shall be composed of members of the Gaston County Planning and Zoning Board of Adjustment.

Section 2. Section 4-123 of the Code of Ordinances, Gaston County, North Carolina is hereby amended to read as follows:

Sec. 4-123. Definitions and terms of construction.

The following definitions shall apply in the interpretation and enforcement of this article:

...

Housing board shall mean the Gaston County Housing Board as appointed by the Gaston County Board of Commissioners. Members of the housing board shall be composed of members of the Gaston County Planning and Zoning Board of Adjustment.

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Section 3. Section 4-136 of the Code of Ordinances, Gaston County, North Carolina is hereby amended to read as follows:

Sec. 4-136. Administration; housing appeal board.

The housing board shall review all appeals from property owners relating to orders given by the housing inspector. At the appeals hearings the owners may present evidence to the board to show proof that the violations noted in the inspections report do not violate the minimum housing standards of Gaston County established by this article. The housing board shall consist of five (5) members to serve for three-year staggered terms who shall be appointed by the board of commissioners. The composition of this housing board shall consist of five (5) members from the Gaston County Planning and Zoning Board of Adjustment. The board shall have the power to elect its own offices, to fix the date and place of its meetings, to adopt the necessary rules of procedure, and to adopt other rules and regulations for the proper discharge of its duties. The board shall perform the duties prescribed by section 4-139 as well as the North Carolina General Statutes and shall keep an accurate record of all of its proceedings.

Section 4. Sections 5.5-35(6) and (7) of the Code of Ordinances, Gaston County, North Carolina are hereby amended to read as follows:

(6) Any development in which the owner has accrued a vested right. A vested right is recognized if either a preliminary plan has been approved by the Planning and Zoning Board that meets the required specifications and standards of Gaston County ordinances, or a Land Disturbing Permit has been issued pursuant to Gaston County Soil Erosion and Sedimentation Control ordinance in effect on or before the effective date of this ordinance, and that such plan or permit remains unexpired.

(7) A party in interest to a particular plan found to have no vested right to construct or develop on or before the effective date of this ordinance may appeal to the Gaston County Planning and Zoning Board of Adjustment for a hearing de novo. Such hearing shall be expedited and shall be limited to the issue of whether the landowner has a vested right to construct or develop his site under plans submitted prior to the effective date of this chapter.

Section 5. Section 5.5-37(q) of the Code of Ordinances, Gaston County, North Carolina is hereby amended to read as follows:

q. Residential high density development plans located in unincorporated parts of the county shall not be approved until a variance is received from the county planning Planning and Zoning board.

Section 6. Sections 13-2, 13-3, and 13-4 of the Code of Ordinances, Gaston County, North Carolina are hereby amended to read as follows:

Sec. 13-2. Planning board—Creation; membership; organization. Reserved

~~A county planning board to be appointed by the board of commissioners is hereby created consisting of seven (7) members, one (1) member to be appointed from each township, except Gastonia Township which shall have two (2) members. Initially, the members from Cherryville, Crowders Mountain Township shall serve for a term of one (1) year; the member from Dallas Township and one (1) member from the Gastonia Township shall serve a term of two (2) years; Riverbend, Southpoint and the other Gastonia Township member shall serve a term of three (3) years. Thereafter each member shall serve for a term of three (3) years. No member shall serve more than two (2) complete terms. There shall be a chairman of the planning board who shall be appointed from the seven (7) members by the board of commissioners annually, to serve at the will of the board of commissioners.~~

Sec. 13-3. ~~Same—Powers and duties generally.~~ Reserved

~~The planning board shall:~~

- ~~(1) Make studies of the county and surrounding areas;~~
- ~~(2) Determine objectives to be sought in the development of the study areas;~~
- ~~(3) Prepare and adopt plans for achieving these objectives;~~
- ~~(4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;~~
- ~~(5) Advise the board of commissioners concerning the use and amendment of means for carrying out plans;~~

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(6) —Exercise many functions in the administration and enforcement of various means for carrying out plans that the board of commissioners may direct;

(7) —Perform any other related duties that the board of commissioners may direct.

Sec. 13-4. Same—Supplemental powers. Reserved

(a) —The planning board may accept, receive and disburse in furtherance of its functions funds, grants and services made available by the federal government, or its agencies, any local government, or its agencies and private or civic sources as provided in G.S. 153A-322.

(b) —With the concurrence and approval of the board of commissioners, enter into and carry out contracts with the state or federal government or other agencies, under which financial or other planning assistance is made available to the county and may agree to and comply with any reasonable conditions that are imposed upon the assistance.

(c) —With the concurrence and approval of the board of commissioners, enter into and carry out contracts with any other county, city, regional council or planning agency under which it agrees to furnish technical planning assistance to the other local government or planning agency and to enter into and carry out contracts with any other county, city, regional council or planning agency under which it agrees to pay the other local government or planning agency for technical planning assistance.

(d) —Make recommendations pertaining to any grant assistance program, to facilitate the preparation of the capital improvement budget, and provide support for needed continuous technical assistance, including preparation of various grant applications.

(e) —Make recommendations for coordination of the various existing county programs.

Section 7. Section 13-26 of the Code of Ordinances, Gaston County, North Carolina is hereby amended to read as follows:

Sec. 13-26. Appeals.

(a) Any party aggrieved by the decision of the historic preservation commission to grant or deny a certificate of appropriateness may appeal to the Gaston County Planning and Zoning Board of Adjustment.

(b) The appeal shall be made in writing within ten (10) days of the decision of the historic preservation commission. The appeal must state the reason(s) the decision should be overturned.

(c) An appeal from the Planning and Zoning Board's board of adjustment's decision shall be heard by the Superior Court of Gaston County.

Section 8. Section 14-24 of the Code of Ordinances, Gaston County, North Carolina is hereby amended to read as follows:

Sec. 14-24. Definition of terms.

For the purposes of this chapter, certain terms and words used herein shall be defined as follows:

...

Planning and development services: Provides direction to citizens of Gaston County and to those whose actions may directly impact citizens, in maintaining orderly and responsible growth by developing and enforcing ordinances, policies and procedures relating to the use of land. The department provides direction, administration, and support services in special projects and programs undertaken by Gaston County. It also provides direction and recommendations to the Gaston County Board of Commissioners and Gaston County Planning and Zoning Board.

Section 9. Section 14-185b of the Code of Ordinances, Gaston County, North Carolina is hereby amended to read as follows:

(b) The board of commissioners hereby authorizes the Planning and Zoning Board planning board and planning and development services to develop procedures for the numbering of structures in unincorporated areas of Gaston County.

Section 10. Section 2.2 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

If it is alleged by any party that an error exists on the zoning maps with respect to any zoning district designation, zoning district boundary, special use permit or conditional district boundary, the lines showing the effective dates of zoning enactment or any other matter with respect to the provisions of this ordinance relating to zoning information,

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the party may request a review of the alleged error by the Planning and Zoning Board of Adjustment, per Section 4.5.1(A)(i).

Section 11. Section 2.6 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 2.6 Interpretations of terms and words.

The following rules shall be followed in interpreting words and terms used in this Ordinance:

...

11. The term "Planning Board" shall mean the "Planning and Zoning Board of Gaston County, North Carolina". The Planning and Zoning Board shall also act as the Watershed Review Board.

12. The term "Board of Adjustment" shall mean the "Planning and Zoning Board of Adjustment of Gaston County, North Carolina."

...

15. The Planning and Zoning Board of Adjustment shall also act as the Flood Control Appeal (or Control) Board.

...

19. The following acronyms may be used throughout this ordinance:

...

xvi. ~~BOA – Board of Adjustment~~

Section 12. Section 3.5 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 3.5 Nonconforming situations.

The purpose of this section is to regulate the continued existence of uses and structures established prior to the effective date of these regulations or any subsequent amendment that does not conform to these regulations. Given the fact that the implementation of this UDO and previous zoning ordinances has in the past and will in the future result in the creation of a number of nonconformities, some of which are viable uses that do not produce substantial negative impacts, this Ordinance allows the Administrator and the Planning and Zoning Board of Adjustment to issue permits for the expansion and or replacement of nonconforming uses and structures in certain situations.

Section 13. Section 3.5.9B of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

B. A Certificate of Occupancy may be issued when there has been a change in a principal use and the number of off-street parking spaces required for the new use (per Chapter 10 of this Ordinance) is within ten percent or ten spaces, whichever is less, of the number of off-street parking spaces actually provided. For a greater reduction of off-street parking space requirements, but not to exceed 15 percent of the required number of parking spaces, the expansion may only occur through the issuance of a variance by the Planning and Zoning Board of Adjustment in accordance with all applicable provisions of Section 5.14 of this Ordinance.

Section 14. Section 3.5.10B of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming, except with the issuance of a Minor Modification by the Zoning ~~Administrator~~ Administrator in accordance with all applicable provisions of Section 5.15 of this Ordinance. One such provision is that a Variance may be issued by the Planning and Zoning Board of Adjustment. This provision shall not apply when the nonconformity is the result of the acquisition of a right-of-way by a public entity. The administrator of such jurisdiction in such instances may authorize the continuation or replacement of a sign in the right-of-way with prior approval of the NCDOT.

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Section 15. Section 4.1.1 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 4.1.1 Ordinance administration and review bodies.

The following persons and entities shall have roles in administering the provisions of this Ordinance:

- A. County Board of Commissioners.
- B. Administrator and any designees (Public Officers).
- C. Planning and Zoning Board.
- ~~D. Board of Adjustment.~~
- E-D. Technical Review Committee.

Section 16. Section 4.2.1 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 4.2.1 Powers and duties.

The governing board shall have the following powers and duties:

- A. To appoint members to the Planning and Zoning Board ~~and the Board of Adjustment~~ per NCGS 160D.
- B. To initiate, adopt, and amend a Comprehensive Plan.
- C. To initiate amendments to the text of this Ordinance.
- D. To review recommendations of the Planning and Zoning Board and make final decisions on applications for amendments to the text of this Ordinance pursuant to NCGS 160D-604.
- E. To adopt and amend a schedule of fees for a variety of procedures addressed in this Ordinance.
- F. To hear, review, and approve, conditionally approve, or deny amendments to the Official Zoning Map after a recommendation of the Planning and Zoning Board has been submitted pursuant to NCGS 160D-604.
- H. To hear appeals of decisions made by the Planning and Zoning Board regarding subdivision plats as provided for in Section 13.6.

Section 17. Section 4.3.2 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 4.3.2 Appeals from the decisions of the Administrator.

Appeals of decisions made by the Administrator shall be made to the Planning and Zoning Board. ~~of Adjustment in accordance with Section 5.13 of this Ordinance.~~

Section 18. Section 4.4 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 4.4 Planning and Zoning Board.

Pursuant to NCGS 160D-604 ~~301 and 302~~, there is hereby established a unified planning ~~agency~~ board known as the Gaston County Planning and Zoning Board, designated to perform any of the duties of a board of adjustment in addition to its other duties.

Section 19. Section 4.4.1 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 4.4.1 Powers and duties.

The Planning and Zoning Board shall have the following powers and duties:

- ~~A. To prepare or hear, review, and make recommendations on the content of a comprehensive plan, land use plan, and other plans that address land use and planning related issues and to submit such plan to the Board of Commissioners.~~
- ~~B. To initiate or hear, review, and make recommendations to the Board of Commissioners for amendments to the text of this Ordinance or to the Official Zoning Map.~~
- ~~C. To adopt rules of procedure for the conduct of its meetings and for any other purposes deemed necessary and consistent with this Ordinance and all other applicable local and State regulations.~~

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~~D. To grant exceptions to the Subdivision Chapter and Water Supply Chapter.~~

A. Interpret the official Zoning Map and Unified Development Ordinance

B. Propose and review changes to the Comprehensive Land Use Plan and other plans as deemed appropriate

C. Facilitate and coordinate citizen engagement and participation in planning processes

D. Develop and recommend policies, ordinances, development regulations, and other means for carrying out plans in a coordinated and efficient manner

E. Advise the Board of Commissioners in the implementation and amendments of plans, including but not limited to, the Comprehensive Land Use Plan, the Unified Development Ordinance, and amendments to the official Zoning Map

F. Hear and decide appeals and other quasi-judicial matters, including, but not limited to, appeals from the decisions of staff and of the Zoning Administrator, special use permits, and variances

G. Exercise any powers granted to planning boards and boards of adjustment through state statutes regulating land use in North Carolina

H. Exercise any powers granted to the Housing Board and the Watershed Board as outlined in the County Code of Ordinances and the Unified Development Ordinance.

Section 20. Section 4.4.2 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 4.4.2 Membership Composition.

~~A. The Board of Commissioners shall appoint ten regular members to the Planning Board as provided in this Ordinance. Except in the case of filling a vacancy, each appointment shall be for a term of three years.~~

~~B. The members of the Planning Board shall elect one of their members as Chair and one as Vice-Chair. In the absence of the Chair, the Vice-Chair shall act as Chair and shall have all powers of the Chair. In the absence of both, the Board shall elect a temporary chair to conduct the meeting. The Chair, or in the Chair's absence the Vice-Chair, shall be in charge of all proceedings before the Board, and take actions necessary to preserve the order and integrity of all proceedings before the Board.~~

A. Members shall be appointed by the Gaston County Board of Commissioners.

B. Appointments shall be for three-year terms. In appointing the original members, or in filling vacancies caused by the expiration or resignation of the terms of existing members, the Board of Commissioners may appoint certain members for less than three years so that the terms of all members shall not expire at the same time.

C. No member may serve more than two complete terms at a time. At the end of serving two complete terms, a member will be eligible to reapply after three years from the end date of their last term.

D. The unified Planning and Zoning Board shall be comprised of nine members and two alternate members.

E. Alternate members shall be appointed in the same manner as regular members and serve in place of any absent regular member and have all the powers and duties of a regular member. Alternate members do not have to represent a specific category below but should still have a strong background in development fields.

F. Compensation shall be provided in the form of \$25.00 per meeting attended. At no point shall there be more than nine members seated at each meeting. Regular members will be notified first, and if they are unable to attend, alternate members will be contacted.

G. Membership on the Board shall have one representative from the following:

- i. Cherryville Township
- ii. Crowders Mountain Township
- iii. Dallas Township
- iv. Gastonia Township
- v. Riverbend Township
- vi. Southpoint Township
- vii. Board of Education/Designee

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- viii. Home Builders Association - President/Designee
- ix. Soil & Water Conservation Board/Designee
- x. Board of Education
- xi. Home Builders Association President / Designee
- xii. Soil/Water Conservation Board Designee

Section 21. Section 4.4.3 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 4.4.3 Secretary-Appointment Process.

A secretary shall be appointed to serve the Planning Board. The Secretary shall keep Planning Board minutes showing the vote of each member on all voting matters. In addition, the Secretary shall maintain all records of Planning Board meetings, hearings, and proceedings, as well as the correspondence of the Planning Board. All minutes, records, and files shall be housed in the office of the Building and Development Services Department as a public record.

A. Initial appointments shall be made to staggered terms. Any staggered or partial term of less than three years shall not count as a full term. Members appointed to a staggered or partial term, including those filling a vacancy, may be reappointed for up to two additional full terms thereafter.

B. Staggered terms shall not apply to the representatives of the Home Builders Association, the Soil & Water Conservation Board, or the Board of Education. These representatives must be active members of the boards/organizations they represent, and the terms shall be coterminous with the respective boards/organizations. These boards/organizations must recommend potential members to the Board of Commissioners, and the Board of Commissioners shall make the appointments as outlined herein in Exhibit A.

Section 22. Section 4.4.4 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 4.4.4 Staff-Quorum.

The Director (or their designee) shall serve as the professional staff to the Planning Board. No meeting of the unified Planning and Zoning Board shall be called to order without a simple majority of members present.

Section 23. The Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended by adding a section, to be numbered 4.4.5, which section reads as follows:

Sec. 4.4.5 Voting.

A. A simple majority vote shall be required to pass or recommend approval on text amendments, rezonings, appeals, and special use permits.

B. A four-fifths super majority vote of the unified Planning and Zoning Board shall be required for variances. Vacancies or members who are disqualified from voting on quasi-judicial matters under NCGS 160D-109(d) shall not be considered members of the board for the calculation of the required majority if there are no qualified alternatives to take the place of regular members.

Section 24. The Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended by adding a section, to be numbered 4.4.6, which section reads as follows:

Sec. 4.4.6 Decisions and Recommendations.

A. The unified Planning and Zoning Board shall provide a formal recommendation on amendments to the Unified Development Ordinance and Zoning Map to the Board of Commissioners, who will make the final determination on the request.

B. The unified Planning and Zoning Board shall be the deciding board on special use permits, appeals on decisions of the Zoning Administrator, and variances unless otherwise specified for specific uses in the Unified Development Ordinance.

C. Rehearing for Quasi-Judicial Cases – An application for rehearing shall be made in the same manner as provided for in the original hearing within a period of fifteen (15) days after the unified Planning and Zoning Board has rendered a decision. The unified Planning and Zoning Board shall deny a rehearing if, in its judgment, a major

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change in facts, evidence, or conditions has not been presented in their hearing application. If the Planning and Zoning Board finds that a new hearing is warranted, it shall proceed as it did in the original hearing.

D. Appeals of quasi-judicial decisions – an appeal in the nature of certiorari shall be initiated by filing a petition for writ of certiorari with the Superior Court.

E. Appeals of Special Use Permit decisions shall be made to the Board of Commissioners.

Section 25. The Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended by adding a section, to be numbered 4.4.7, which section reads as follows:

Sec. 4.4.7 Staffing and Meeting Schedule.

A. The Planning and Zoning Department staff shall act as the staff liaisons to the unified Planning and Zoning board. Staff shall appoint a secretary to maintain all records of meetings, appointments, hearings, and correspondence between appointed board members.

B. Regular meeting calendars shall be adopted no later than October 1st of the previous calendar year.

C. The unified Planning and Zoning Board shall hear no more than six cases per regular meeting.

D. The Chairperson may call special meetings with at least 48 hours' notice to all members.

Section 26. The Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended by adding a section, to be numbered 4.4.8, which section reads as follows:

Sec. 4.4.8 Application Procedure.

A. All applications for cases to be heard by the unified Planning and Zoning Board shall be submitted online along with any applicable fees in accordance with the adopted fee schedule.

B. Cases will be reviewed and presented in the order they were received. Completeness and readiness of an application and case overall will be taken into consideration when assigning hearing dates.

C. The filing of any application stays all proceedings unless the Zoning Administrator certifies that a stay in his/her opinion will cause imminent peril to life or property, or that because the violation charged would seriously interfere with the enforcement of the ordinance. In that event, proceedings shall not be stayed except by an order granted by the Board of Commissioners.

Section 27. The Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended by adding a section, to be numbered 4.4.9, which section reads as follows:

Sec. 4.4.9 Public Hearing Notification.

A. Rezoning – the owners of the subject property and the owners of all parcels of land abutting the subject parcel that is the subject of the hearing shall receive a mailed notice of the hearing date with the Board of Commissioners. The notice must be deposited in the mail at least ten (10) days, but no more than 25 days, before the date of the hearing with the Board of Commissioners. Within the same period, the County shall also prominently post a notice of hearing sign on the site or on an adjacent street right-of-way. A notice of the hearing with the Board of Commissioners shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time, not less than ten days and no more than 25 days before the date scheduled for the hearing with the decision-making body, the Board of Commissioners.

i. If the zoning map amendment is in conjunction with the acceptance of extraterritorial jurisdiction, a single hearing on the map amendment may be held. The initial notice of the amendment may be combined with the boundary hearing notice, and the combined hearing notice shall be mailed at least 30 days prior to the hearing.

ii. Public information meetings shall no longer be required for Conditional Rezoning cases. They will be highly encouraged; however, applicants will be solely responsible for coordinating public information meetings and sharing all information with Planning and Zoning staff. Should the applicant request staff to coordinate public information meetings, the fees in the adopted fee schedule shall be implemented.

B. Quasi-judicial hearings – the owners of the subject property and the owners of all parcels of land abutting the subject parcel that is the subject of the hearing shall receive a mailed notice of the hearing. The notice must be deposited in the mail at least ten (10) days, but no more than 25 days, prior to the date of the hearing. Within the same time period, the local government shall also prominently post a notice of hearing sign on the site or on an adjacent street right-of-way. A legal notice shall not be required as it is not required by general statutes.

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C. Adopting, amending, or repealing development regulations – A notice of the hearing with the Board of Commissioners shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days and no more than 25 days before the date scheduled for the hearing with the decision-making body, the Board of Commissioners.

D. All cases shall be noticed online in a manner that allows the public to comment and provide feedback on proposed changes. Planning and Zoning Staff shall be responsible for making this available once a complete application and all applicable fees have been submitted and received.

Section 28. Section 4.5 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 4.5 Board of Adjustment. Reserved.

Sec. 4.5.1 Establishment and duties.

Pursuant to NCGS 160D-302, a Board of Adjustment is hereby established. The duties of the Board of Adjustment shall be as follows:

- A. ~~To hear and decide appeals from the decisions of the Administrator in which it is alleged there is an error in an order, requirement, decision, or determination made by the Administrator in the enforcement of this Ordinance pursuant to Section 5.13.~~
- B. ~~To hear and decide on applications for variances from the terms of this ordinance pursuant to Section 5.14.~~
- C. ~~To interpret the Official Zoning Map and shall make final decisions on disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of this Ordinance.~~
- D. ~~To adopt rules of procedures for the conduct of its meetings, so long as such policies and procedures are consistent with this Ordinance and all other applicable local and state regulations.~~
- E. ~~To hear and decide applications for Special Use Permits per Section 5.11.~~

~~F. The Board of Adjustment shall exercise any other powers as granted by this Ordinance. In carrying out its duties, the Board of Adjustment may subpoena witnesses and compel the production of evidence.~~

~~The Board of Adjustment shall not have power, jurisdiction, or authority to amend any ordinance or grant use variances.~~

Sec. 4.5.2 Quasi-judicial procedures.

~~The consideration and final decision on any application for an appeal, variance, special use, permit or interpretation, as provided above, shall be made by the Board of Adjustment only after a quasi-judicial evidentiary hearing has been properly advertised and convened. The Board shall follow quasi-judicial procedures as specified in G.S. 160D-406 when making quasi-judicial decisions.~~

Sec. 4.5.3 Membership.

~~The Board of Adjustment shall consist of seven regular and two alternate members, each appointed by the Board of Commissioners. Membership shall be for three year terms. When appointing the original members or filling vacancies caused by the expiration of the terms of existing members, the Board of Commissioners may appoint certain members for less than three year terms so that all members' terms shall not expire at the same time. All of the members of the Board of Adjustment shall be residents of Gaston County who reside in the area in which the UDO has jurisdiction as indicated on the Official Zoning Map. Alternate members who attend any regular or special meeting of the Board and who serve in the absence of any regular member at any such meeting shall have and exercise all the powers and duties of such regular member so absent.~~

Sec. 4.5.4 Secretary.

~~A secretary shall be appointed to serve the Board of Adjustment. The Secretary shall keep Board of Adjustment minutes showing the vote of each member on all voting matters. In addition, the Secretary shall maintain all records of Board of Adjustment meetings, hearings and proceedings, as well as the correspondence of the Board of Adjustment. All minutes, records, and files shall be housed in the office of the Building and Development Services Department as a public record.~~

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Sec. 4.5.5 Staff.

One or more persons shall be appointed to serve as the staff to the Board of Adjustment. **Sec. 4.5.6 Quorum.**

No meeting of the Board of Adjustment may be called to order, nor may the Board of Adjustment transact any business not requiring a public hearing without a quorum consisting of a majority of the appointed regular membership of the Board of Adjustment.

Sec. 4.5.7 Application procedure.

The following regulations apply to all applications submitted to the Board of Adjustment:

A. Before a petition for an administrative appeal, Special Use Permit, interpretation of the zoning ordinance maps, or variance is heard and an evidentiary hearing conducted by the Board of Adjustment, an application (on a form provided by the Administrator) shall be submitted to the Administrator along with a fee in accordance with the fee schedule established by the Board of Commissioners. Said fee shall be waived for any petition or request made by Gaston County or the State of North Carolina.

B. The filing of any application stays all proceedings unless the Administrator certifies that a stay in their opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, Board of Commissioners, or by the superior court of Gaston County.

C. Within five working days after having received an application for an appeal, interpretation, variance, or Special Use Permit, the Administrator shall determine whether the application is complete. If the Administrator determines that the application is not complete, they shall provide a written notice to the applicant specifying the application's deficiencies. The Administrator shall take no further action on the application until the deficiencies are remedied. If the Administrator fails to notify the applicant within said five-working-day period, the application shall be deemed complete.

Sec. 4.5.8 Public hearing notification.

The County shall give notice of all Board of Adjustment evidentiary hearings. Per NCGS 160D-406, notice of evidentiary hearings shall be mailed to the person/entity whose appeal, application, or request is the subject of the hearing; the owners of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is subject of the hearing; and any other persons or entities to receive notice as provided by this Ordinance. Notices must be deposited in the mail at least ten days, but no more than 25 days, prior to the date of the hearing. Within that same time period, staff shall post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. Note: The Administrator may waive the sign-posting requirement or relocate the placement of the sign(s) where the literal application of this provision would serve no meaningful purpose.

Sec. 4.5.9 Board of Adjustment decision.

A. The Board of Adjustment shall hold a quasi-judicial evidentiary hearing on an application no later than 30 working days after a complete application has been filed with the Administrator. The Board of Adjustment shall decide on the matter within a reasonable amount of time.

B. The concurrent vote of four-fifths of the voting members of the Board of Adjustment shall be necessary to grant a variance. A majority vote of the members shall be required to decide on any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant members of the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the required majority if there are no qualified alternatives available to take the place of such members. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application.

C. All decisions of the Board of Adjustment shall be in writing and filed with the Administrator. A copy of the decision shall be sent to the applicant (and, in the case of map interpretations, to all owners of property that gave rise to the interpretation request) within ten working days of the date of decision of the Board of Adjustment.

Sec. 4.5.10 Appeals from the Board of Adjustment/rehearing.

A. An application for a rehearing shall be made in the same manner as provided for in the original hearing within a period of 15 days after the decision of the Board of Adjustment is filed in the office of the Administrator. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. The Board of

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~~Adjustment shall deny a rehearing, if, in its judgment, such change in facts, evidence or conditions has not been proven. A public hearing shall not be required to be held by the Board of Adjustment to consider holding such a rehearing. Approval of said consideration, however, shall require an affirmative vote of at least four-fifth of the Board of Adjustment's voting membership. In the event that the Board of Adjustment finds that a rehearing is warranted, it shall thereupon proceed as in the original hearing.~~

~~B. Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application affecting all or any portion of the same property(ies) may not be filed for a period of one year after the date of denial of the original application.~~

~~C. Every decision of the Board of Adjustment shall be subject to review by the Superior Court of Gaston County by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the clerk of Superior Court within 30 days after the decision of the Board of Adjustment is filed in the office of the Administrator, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Administrator or the chairman of the Board of Adjustment at the time of the Board's hearing of the case, whichever is later.~~

Section 29. Section 5.8.2B of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

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 Planning and Zoning Board of Adjustment, and (ii) the Planning and Zoning 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 Planning and Zoning 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.

Section 30. Section 5.11.2C of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

C. In the course of evaluating the proposed special use, the Planning and Zoning Board of Adjustment may request additional information from the applicant in order to assist in the review process. A request for such additional information shall stay any further consideration of the application by such agency. Such additional requested information may include (but shall not be limited to) the following:

Section 31. Section 5.11.3A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

A. For a Special Use Permit to be considered for approval, a public hearing must be held by the Planning and Zoning Board of Adjustment. Any complete application shall be submitted to the Administrator at least 30 working days prior to the public hearing. This shall be sufficient time period for the staff to review the application and produce a staff report and to ensure that all applicable notification requirements can be met. Notification of the public hearing shall be as follows:

Section 32. Section 5.11.5A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 5.11.5 Final decision.

A. Conduct of public hearing.

1. The Planning and Zoning Board of Adjustment public hearing shall be held in a quasi-judicial manner. In approving an application for a Special Use Permit, the Planning and Zoning Board of Adjustment may attach fair and reasonable conditions to the approval. Such conditions shall be limited to those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Planning and

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Zoning Board of Adjustment. In no instance shall any of these conditions be less restrictive than any requirements that would pertain to that particular development found in the zoning district in which the property is located except for minor modifications as indicated in Table 5.15-1 and except where otherwise specifically allowed in this Ordinance. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development. The Planning and Zoning Board of Adjustment may not impose conditions on Special Use Permits that the local government does not otherwise have statutory authority to impose. Such conditions shall be mutually agreeable by the County and the petitioner.

Section 33. Section 5.11.5B(2) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

2. The Planning and Zoning Board of Adjustment may only issue a Special Use Permit if it has evaluated an application and found each of the following findings in the affirmative:

Section 34. Sections 5.11.5E(1) and E(2) of the Unified Development Ordinance of the County of Gaston, North Carolina are hereby amended to read as follows:

E. Binding effect.

1. Any Special Use Permit herein authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Planning and Zoning Board of Adjustment. All conditions contained in the Special Use Permit shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns, unless subsequently changed or amended as provided for herein. However, the Administrator may approve minor changes in the detail of the approved application. A "minor change" to the approved Special Use Permit shall be deemed to be a change which:

...

2. Further changes to the development may be made only by the Planning and Zoning Board of Adjustment in accordance with Section 5.11.2 through 5.11.5 of this Ordinance.

Section 35. Section 5.11.5F of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

F. Period of Validity of Special Use Permit. Unless the Planning and Zoning Board of Adjustment issues a Special Use Permit, which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit (or certificate of compliance) within 24 months from date of issuance of the Special Use Permit. If a building permit or certificate of compliance is not issued at the end of said time period, the Special Use Permit shall automatically expire and shall be deemed rescinded. Such rescission shall not occur if the applicant has secured the vesting of a site development plan (in accordance with Section 5.10) for a period of greater than 24 months. The County shall file and record a copy of the SUP in the office of the Register of Deeds for Gaston County.

Section 36. Section 5.11.7B of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

- B. If said petition is withdrawn at least two working days prior to the Planning and Zoning Board of Adjustment public hearing, a similar petition submitted by that property owner (or his agent) shall not be accepted by the Administrator within 180 days of the date of withdrawal.

Section 37. Section 5.11.9 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 5.11.9 Appeals.

- A. An appeal to the decision of the Planning and Zoning Board of Adjustment shall be filed with the Clerk of Superior Court in the nature of certiorari no later than 30 days after said decision has been filed in the Administrator's office and as otherwise provided for in NCGS 160D-406. Staff will presume that notice of determination sent by mail is received on the third business day after determination was sent.

Section 38. Sections 5.13 and 5.13.1-5.13.4 of the Unified Development Ordinance of the County of Gaston, North Carolina are hereby amended to read as follows:

Sec. 5.13 Administrative appeals/interpretations.

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Except as provided herein, the Planning and Zoning Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Administrator and apply such interpretation to particular fact situations. In addition, the Administrator may ask the Planning and Zoning Board of Adjustment to interpret the Official Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of this Ordinance.

Any decision made by the Administrator relative to Chapter 13 shall first be appealed to the Planning and Zoning Board ~~per Section 13.6~~. Any such decision made by the Planning and Zoning Board may be appealed to the governing board ~~in accordance with Section 13.6~~.

The Administrator, or zoning official, who made the administrative decision must appear as a witness in the appeal process.

Sec. 5.13.1 Filing of appeal; effect of filing.

A. An appeal to the Planning and Zoning Board of Adjustment may be brought by any person, firm, corporation, office, department, board aggrieved by the order, requirement, or decision made by the Administrator. A complete application including a fee, in accordance with a fee schedule approved by the governing board, shall be filed with the Administrator within 15 days from the date the decision being appealed was made. The Administrator may ask for an interpretation of the Zoning Map at any time.

B. The filing of an appeal shall stay all proceedings in furtherance of the contested action, unless the Administrator certifies to the Planning and Zoning Board of Adjustment that, in his/her opinion by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order granted by the Planning and Zoning Board of Adjustment or the Gaston County Superior Court on notice to the Administrator, with due cause shown.

Sec. 5.13.2 Action by the Planning and Zoning Board of Adjustment.

A. Upon receiving the application materials from the Administrator, the Planning and Zoning Board of Adjustment shall hold a quasi-judicial public hearing on the appeal. ~~Notice of the public hearing shall be per Section 4.5.10 of this Ordinance.~~

B. Upon conclusion of the public hearing, the Planning and Zoning Board of Adjustment shall adopt a resolution that either reverses, affirms, or modifies the contested action. Similarly, the Planning and Zoning Board of Adjustment shall have the ability to make an interpretation of the zoning district boundaries as shown on the Zoning Map. In making such a decision, the Planning and Zoning Board of Adjustment shall have all the powers of the with respect to the action being contested or decision being made.

Sec. 5.13.3 Effect of reversal or modification.

In the event that the Planning and Zoning Board of Adjustment reverses or modifies a contested action, all subsequent actions taken by the Administrator with respect to the subject matter shall be in accordance with the reversal or modification granted by the Planning and Zoning Board of Adjustment.

Sec. 5.13.4 Effect of interpretation.

Upon a ruling regarding an interpretation of the Official Zoning Map, said map shall be altered to accurately depict the Planning and Zoning Board's Board of Adjustment's ruling and all uses of land on the affected properties shall thereafter be in harmony with the rules of regulations of the appropriate zoning district(s) for such properties.

Section 39. Section 5.14.1 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 5.14.1 Purpose.

The variance process is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create practical difficulties or unnecessary hardships. This process is not intended so that variances can be granted so as to merely remove inconveniences or financial burdens that the requirements of this Ordinance may otherwise impose on property owners. Rather, it is intended to provide relief where the requirements of this Ordinance render land unduly difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is being requested. Any state or federal requirements may not be varied through the granting of a variance. Furthermore, use variances (i.e., the allowance for a use to be developed in a zoning district where that use is otherwise not allowed) may not be granted by the Planning and Zoning Board of Adjustment.

Section 40. Section 5.14.4 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

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Sec. 5.14.4 Action by the Planning and Zoning Board of Adjustment.

- A. In considering an application for a variance, the Planning and Zoning Board of Adjustment shall review the application, the approval criteria set forth in Section 5.14.5 and all testimony and evidence received at the public hearing.
- B. After conclusion of the public hearing, the Planning and Zoning Board of Adjustment shall have the following options:
1. Approve the application for a variance as requested; or,
 2. Approve the application for a variance with fair and reasonable conditions attached that the Planning and Zoning Board of Adjustment feels are necessary to satisfy one or more of the findings contained in Section 5.14.5; or,
 3. Deny the variance application.
- C. Unless otherwise authorized by the Planning and Zoning Board of Adjustment and included in its decision to grant a variance, any order of the Planning and Zoning Board of Adjustment in granting a variance shall expire, if a building permit, or certificate of occupancy (for a use for which a building permit is not required), has not been obtained within 24 months from the date of the Planning and Zoning Board's Board of Adjustment's decision.

Section 41. Section 5.14.5 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 5.14.5 Variance approval criteria.

The Planning and Zoning Board of Adjustment may grant a variance only having first held a public hearing on the matter and having found that each of the following findings exist:

Section 42. Section 5.14.6 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 5.14.6 Variance approval.

- A. The concurring vote of four-fifths of the Planning and Zoning Board of Adjustment shall be necessary to grant a variance.
- B. Following approval of a variance, the County shall expeditiously file and record a copy of the variance in the office of the Register of Deeds for Gaston County.
- C. Once the Planning and Zoning Board of Adjustment approves a variance, the applicant shall follow the procedures found elsewhere in this Ordinance for securing the requisite permit to proceed with the development of his property. All orders, decisions, determinations and interpretations made by the Administrator under those procedures shall be consistent with the variance granted by the Planning and Zoning Board of Adjustment.

Section 43. Section 5.15.1C of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

- C. Procedures. The Administrator may approve a minor modification in conjunction with a site plan review, the issuance of a zoning permit, or certificate of compliance. The Administrator may not approve a request for a minor modification in cases where the development application must go to the Board of Commissioners or Planning and Zoning Board of Adjustment for approval or to another approval body even in cases where the requested modification is small enough to be granted by the Administrator. In such cases, the Administrator shall transmit his/her recommendations with respect to the minor modification and the designated approval body shall have the authority to approve such minor modification in conjunction with their approval process.

Section 44. Section 5.16.3 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 5.16.3 Zoning map amendment process—General district rezoning.

When considering a petition for the reclassification of property to a general zoning district, neither the Planning and Zoning Board nor the Board of Commissioners shall evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

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A. *Filing of petitions; determination of completeness.* For a reclassification of property proposed by any person or entity other than the Planning and Zoning Board or Board of Commissioners, such petition shall be on an application form prescribed by the Administrator, signed by the applicant and accompanied by the fee in accordance with a fee schedule adopted by the governing board. Said application form and fee shall be filed with the Administrator. Said fee shall be waived for any petition submitted by any official or agency acting on behalf of the Gaston County or the State of North Carolina. No application shall otherwise be considered complete unless accompanied at the time of submittal by said fee. An application will otherwise be deemed complete if it is:

Section 45. Section 5.16.3C of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

C. *Submittal and review procedures.*

1. In order for an amendment to the Official Zoning Map to be made by the Board of Commissioners, the Planning and Zoning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning and Zoning Board review shall take place after a public meeting held by the Planning and Zoning Board to discuss the proposal. This legislative hearing, once opened, may be continued to a later date. Any complete application shall be submitted to the Administrator at least 30 working days prior to the legislative hearing. Notification of the legislative hearing shall be as follows:

Section 46. Section 5.16.3D of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

D. *Planning Board action.*

1. Once the Planning and Zoning Board public meeting has been concluded, the Planning and Zoning Board shall have 30 days to submit a recommendation to the Board of Commissioners regarding the proposed change. Said recommendation shall address whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the Board of Commissioners and any other officially adopted plan that is applicable along with other matters that the Planning and Zoning Board deems appropriate and a statement as to why the Planning and Zoning Board considers its recommendation to be reasonable and in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning and Zoning Board.

2. The Planning and Zoning Board recommendation shall be as follows:

Section 47. Section 5.16.3E of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

E. *Governing Board action.* Once the legislative hearing has been conducted and: (i) the Planning and Zoning Board has submitted its recommendation or (ii) the 30-day review period has expired, whichever comes first, the Board of Commissioners shall render a decision on the petition. The decision of the Board of Commissioners shall be in the form of any of the various options listed in Section 5.16.3.D.2. and 3. Alternately, the Board of Commissioners may send the application back to the Planning and Zoning Board for further study and consideration. (NOTE: Such resubmittal by the Board of Commissioners to the Planning and Zoning Board may not occur more than one time for any rezoning request.) If a resubmittal to the Planning and Zoning Board occurs, the Planning and Zoning Board shall hear the case and have an additional 30-day period (from the date it re-reviewed the application) to resubmit a recommendation to the Board of. Any final decision made by the Board of Commissioners shall be accompanied by a statement that addresses: (i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable, and (ii) other matters that the Board of Commissioners deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest.

Section 48. Section 5.16.3E(4) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

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

Section 49. Sections 5.16.5A(3) and A(4) of the Unified Development Ordinance of the County of Gaston, North Carolina are hereby amended to read as follows:

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3. The Administrator may require the petitioner to submit more than one copy of the rezoning application in order to have enough copies available to circulate to other government agencies for review and comment. When dealing with the Conditional District zoning process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. The Planning and Zoning Board or Board of Commissioners may request additional information as they deem necessary.

4. The deadline for submittal shall be 45 working days prior to the public meeting with the Planning and Zoning Board. Applications with proposed projects comprised of 50 acres or more shall have a deadline submittal of 90 working days prior to the public meeting with the Planning and Zoning Board.

Section 50. Section 5.16.5B(1) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

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

Section 51. Section 5.16.5C of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

C. *Administrator approval.* The Administrator shall have up to seven days following any revision of the application to make comments. If the Administrator forwards no comments to the applicant by the end of any such seven-day period, the application shall be submitted to the Planning and Zoning Board for their review without any further comment.

Section 52. Section 5.16.5E(1) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

1. Before any property is rezoned to a Conditional District, the Planning and Zoning Board shall have an opportunity to review and make a recommendation on the application. Planning and Zoning Board review shall take place after the PIMs are completed and a public meeting has been held by the Planning and Zoning Board. Notification of the legislative hearing, which is conducted by the Board of Commissioners, shall be as follows:

Section 53. Section 5.16.5E(1)(c) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

c. The Administrator shall post at least one notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten days prior to the Planning and Zoning Board/Board of Commissioners' legislative hearing. Where multiple parcels are included within a proposed Zoning Map amendment, posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the nature of the legislative hearing and its date, time, and location at which it is to be held. The notice shall be removed only after final action has been taken on the matter. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the conditional district zoning requested.

Section 54. Section 5.16.5F of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

F. *Planning Board review.* The Planning and Zoning Board shall have at least 30 days to make a recommendation on the proposed change, said 30 days being measured from the date of the closing of the Planning and Zoning Board public meeting. Any such Planning and Zoning Board recommendation shall be accompanied by statements that address: (i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable, and (ii) other matters that the Planning and Zoning Board deems appropriate and (iii) why it considers the action taken to be reasonable and

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in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation.

Section 55. Section 5.16.5G(4) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

4. Submit the application to the Planning and Zoning Board for further study. The Planning and Zoning Board shall have up to 30 days from the date of such submission to make a report to the Board of Commissioners. If no report is issued, the governing board can take final action on the petition. The governing board reserves the right to schedule and advertise a new legislative hearing based on the Planning and Zoning Board's report.

Section 56. Section 5.16.5H of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

H. *Conditions for approval of petition.* In approving a petition for the reclassification of a property to a Conditional District, the Planning and Zoning Board may recommend, and the Board of Commissioners may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to County ordinances and officially adopted Comprehensive Land Use Plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners. Such conditions may exceed or relax applicable standards and any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development: (i) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commissioners deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the Conditional District zoning request.

Section 57. Section 5.17.2 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 5.17.2 Initiation of a text amendment.

Any proposed amendment to the text of this Ordinance may be initiated by the governing board, Planning and Zoning Board, by any owner of a legal or equitable interest in a piece of property located within the geographical boundaries of this Ordinance, by a local government agency, or by any other person in accordance with the procedures set forth herein.

Section 58. Section 5.17.5 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 5.17.5 Planning and Zoning Board action.

A. Once the Planning and Zoning Board public meeting has been concluded, the Planning and Zoning Board shall have 30 days from the date the public hearing was completed to make a written recommendation to the Board of Commissioners. If a recommendation is not made during said time period, the application shall be forwarded to the governing board without a recommendation from the Planning and Zoning Board. Statements that: (i) analyze whether the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Planning and Zoning Board deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each recommendation relative to the text amendment request.

B. A Planning and Zoning Board recommendation shall be in one of the following manners:

Section 59. Section 5.17.6 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 5.17.6 Governing Board action.

Once the legislative hearing has been conducted and (i) the Planning and Zoning Board has submitted its recommendation or (ii) the 30-day Planning and Zoning Board review period has expired, whichever comes first, the Board of Commissioners shall render a decision on the petition. The decision of the Board of Commissioners shall be in the form of any of the various options listed in Section 5.17.5 above. Statements that: (i) analyze whether

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the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commission deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the text amendment request. Furthermore, the Board of Commissioners shall have the authority to make additional amendments to the text change request, based on the proceedings of the public hearing so long as such changes are in keeping with the spirit and intent of the originally requested amendment. Alternately, the Board of Commissioners may send the application back to the Planning and Zoning Board for further study and consideration. (NOTE: Such resubmittal by the Board of Commissioners to the Planning and Zoning Board may occur not more than one time for any text amendment request.) If a resubmittal to the Planning and Zoning Board occurs, the Planning and Zoning Board shall hear the case and have an additional 30-day period (from the date of re-referral by the Board of Commissioners) to resubmit a recommendation to the Board of Commissioners.

Section 60. Section 7.1A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 7.1 Table of uses/uses not expressly listed or addressed.

A. Table 7.1-1 shows the principal uses that are allowed in each zoning district. Supplemental regulations are discussed in Chapter 8; Parking Requirements are discussed in Chapter 10. Other district regulations may apply which are not expressly listed in this Chapter, such as Flood Plain, Watershed Water Supply, etc.

Certain uses predating the adoption of this Ordinance are allowed to remain as nonconforming uses in accordance with Chapter 3 of this Ordinance. Unless a use is allowed as a "permitted," "conditional," "nonconforming use," "temporary use," "Special Use Permit" per Section 5.12, or otherwise specifically addressed in this Ordinance, then such use shall be expressly prohibited in that zoning district. The Planning and Zoning Board of Adjustment shall have no authority to grant a variance or Special Use Permit to allow for such prohibited use.

Section 61. Section 7.4 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 7.4 Conversion of residential structures to non-residential uses or mixed-use dwelling.

In any non-residential zoning district, a residential structure that existed on or before the date of adoption of this Ordinance, may be converted to a permitted nonresidential use (or a mixed-use dwelling), so long as all applicable off-street parking and landscaping, and screening requirements are met. If such use is a Special Use Permit, the Planning and Zoning Board of Adjustment may attach fair and reasonable conditions which would serve to mitigate any existing nonconforming situations arising from such conversion.

Section 62. Section 7.6.2B(5) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

5. An affected property owner shall have the right to appeal the thoroughfare setback requirements as provided herein to the Planning and Zoning Board of Adjustment for ~~avariance~~ a variance to these regulations. The Planning and Zoning Board of Adjustment may grant the variance in accordance with the procedures contained in Section 5.14.

Section 63. Section 7.6.4C(1)(b) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

b. Where, due to unusual property configuration, a pier cannot be constructed within the above-described area, the property owner may apply for, and the Board of Adjustment may grant a variance from this requirement. The Planning and Zoning Board of Adjustment in granting the request must find that the construction of pier facilities on other property affected by the variance would not be preempted.

Section 64. Section 8.2.1C(10) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

10. The Planning and Zoning Board of Adjustment shall have no authority to modify or grant variances from the separation distance requirements listed herein.

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Section 65. Section 8.2.23C(2) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

2. In the OM district only, each of the additional findings of fact must be found in the affirmative by the Planning and Zoning Board of Adjustment prior to the issuance of a Special Use Permit for a hotel:

Section 66. Section 8.3.21 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

...

Approval:

...

C. *Planning and Zoning Board:* Prior to mining and quarrying Special Use Permit applications being heard by the Board of Commissioners, the application shall be submitted for recommendation to the Gaston County Planning Board. The Planning and Zoning Board shall recommend to the Board of Commissioners that the Special Use Permit be approved, denied, or approved with conditions. If the Planning and Zoning Board fails to provide a recommendation to the Board of Commissioners within 30 days after the public meeting, the application shall be calendared for a public hearing before the Board of Commissioners without a Planning and Zoning Board recommendation.

...

F. *Public Information Meetings:* Applicants requesting a Special Use Permit for a mine shall conduct no less than two Public Information Meetings (PIMS) prior to the public hearing before the Board of Commissioners in accordance with the following requirements:

Once the complete application has been submitted to the Administrator and fees paid prior to the public hearing on the Special Use Permit, two Public Information Meetings (PIMS) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the Planning and Zoning Board and approval by the Board of Commissioners. The PIM is designed to provide a framework for creating a shared vision with the community involvement directed by the applicant in accordance with the following requirements:

...

H. *Administrator Approval:* The Administrator shall have up to seven days following any revision of the application to make comments. If the Administrator forwards no comments to the applicant by the end of any such seven-day period, the application shall be submitted to the Planning and Zoning Board for their review without any further comment.

Section 67. Section 9.19.1 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 9.19.1 Introduction.

Per G.S. 136-66.10, dedication of right-of-way in conformance with the locally adopted transportation plan shall be required for subdivisions of land which embrace areas where thoroughfare improvements are proposed. Should such a dedication be required in association with a plat approval, density credits may be used, in a manner as provided herein, on the remaining portions of the tract(s) in question. The granting of such density credits shall be made by the Planning and Zoning Board. The application of density credits shall not affect whether a use is allowed or not on that lot. Such use shall remain governed by the list of permitted (and, if applicable, special) uses for that particular zoning district as listed elsewhere in this Ordinance.

Section 68. Section 9.19.3 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 9.19.3 Right-of-way dedication.

Per G.S. 136-66.10, the Planning and Zoning Board may grant density credits whenever right-of-way dedication, in accordance with the thoroughfare plan, is required for a tract of land located within the planning jurisdiction of the County, and such tract is proposed for subdivision or use of land pursuant to a zoning permit.

Right-of-way dedication may be so required by the Planning and Zoning Board where a subdivision, as herein defined, occurs or in situations where land subdivision is not involved, when the Planning and Zoning Board determines that:

Section 69. Section 9.26D of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

- D. *Traffic Impact Analysis (TIA) Appeal.* Final action on a Traffic Impact Analysis (TIA) may be appealed to the Gaston County Planning and Zoning Board. The Gaston County Planning and Zoning Board may approve the

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Traffic Impact Analysis (TIA) if the Board determines that the applicant has satisfactorily mitigated adverse traffic effects; or additional traffic from the project has an insignificant effect on Gaston County roads.

Section 70. Sections 10.1D(4) and (5) of the Unified Development Ordinance of the County of Gaston, North Carolina are hereby amended to read as follows:

4. A reduction by greater than ten percent may only be granted by variance by the Planning and Zoning Board of Adjustment in accordance with Section 5.4.
5. Uses are strongly encouraged to provide off-street parking in keeping with the requirements of Table 10.5-1. The provision of off-street parking spaces greater than what is required shall be allowed. If a use seeks to provide off-street parking in excess of 150 percent of what is required in Table 10.5-1, a variance must be granted by the Planning and Zoning Board of Adjustment in accordance with Section 5.14.

Section 71. Section 10.8A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

- A. Cooperative provisions for off-street parking may be made by contract between two or more adjacent property owners. The end result shall be that the sum of the parking spaces for the uses computed cooperatively shall be the same or more than if the uses were computed separately. Any such cooperative parking mechanism first must be submitted to the Administrator for his review and approval prior to the issuance of a certificate of occupancy. The agreement shall contain a provision that the Administrator will be immediately notified if the agreement is changed or annulled in the future. If the location of the cooperative parking area (which satisfies the needs of the off-street parking requirements shown in Section 10.5) lies greater than 500 feet (measured in walking distance), a variance must be issued by the Planning and Zoning Board of Adjustment in accordance with Section 5.14 of this Ordinance.

Section 72. Section 10.7A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

- A. Off-street parking spaces generally shall be provided on: (i) the same lot as the principal use; (ii) on a lot adjoining the principal use; or (iii) on a lot separated by a street or street intersection from the principal use. In instances where such parking for a principal nonresidential use cannot be reasonably provided on the same lot, it may be provided on a separate lot. At least one-half of the required parking shall be provided on the lot containing the principal use, or an adjoining lot or a lot separated by a street or street intersection from the principal use. The remaining parking may be provided on a satellite lot, provided all parking spaces on such satellite lot lie within a 500-foot pedestrian accessible walking distance of the lot containing the principal use. If a distance of greater than 500 feet is required, a variance must be issued by the Planning and Zoning Board of Adjustment in accordance with Section 5.14. Such satellite parking lots located in a Residential zoning district may only be for uses that are allowed in the underlying Residential zoning district.

Section 73. Section 10.14 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

The Board of Commissioners (as a CD rezoning) or Planning and Zoning Board of Adjustment (as a variance or SUP) may approve valet parking as a means of satisfying otherwise applicable off-street parking requirements where all of the following standards have been met:

Section 74. Section 11.1.2B of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

- B. *Landscape Plans.* Landscape materials shall be planned and installed in conformity with an approved landscape plan. Such landscape plan shall accompany any application for site plan approval (refer to Section 5.2). Approval of a site plan shall indicate that the requirements of this Chapter, as well as other applicable provisions of this Ordinance among others, have been met. If a specific use or development plan requires review and approval by the governing board, Planning and Zoning Board of Adjustment or another approval body, the landscaping plan shall be submitted as part of such plan or application. The landscaping plan shall be drawn at such scale to enable

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the Administrator (or other approval body) to clearly determine whether or not the proposed buffers or landscaped areas shown are in compliance with this Chapter.

Section 75. Section 11.7C(4) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

C. Any open space dedicated in association with a subdivision shall be owned and maintained by one or more of the following entities or organizations:

...

4. Any other organization approved by the Planning and Zoning Board.

Section 76. Section 11.7.2A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 11.7.2 Nature of land to be dedicated.

Except as otherwise required by the Planning and Zoning Board at the time of preliminary plat approval, all dedications of land shall meet the following criteria:

A. *Unity.* The dedicated land shall form a single parcel of land, except where the Planning and Zoning Board determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In such cases, the Planning and Zoning Board, in approving the preliminary or final plat, may require that such parcels be connected by a dedicated strip of land at least 30 feet in width. Where practical, the strip shall be placed in the subdivision to enable persons to walk between the two open space areas.

Section 77. Section 11.7.3A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 11.7.3 Payments of fees in lieu of land dedication.

A. *General.* The payment of fees, in lieu of the dedication of land as required above, may occur at the request of the subdivider or developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, shall be made by the Planning and Zoning Board after having received a recommendation from the TRC and having evaluated the proposed dedication and the relationship such dedication would have with the County's overall recreational needs. Payments of fees in lieu shall not be allowed for traditional neighborhood developments (TNDs), planned residential developments (PRDs) and planned unit developments (PUDs).

Section 78. Section 11.7.4 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 11.7.4 Procedures.

A. At the time of filing a preliminary plat, the subdivider shall designate thereon the area or areas to be dedicated. If the subdivider desires to make a payment in lieu of the dedication of land, a letter to that effect shall be submitted with the preliminary plat. The Planning and Zoning Board reserves the right to refuse to accept dedication of parcels for Public Park, recreation, or open space and to require a fee in lieu thereof.

B. Where a dedication of land is required, such dedication shall be shown on the final plat when submitted. Where a payment in lieu of dedication is approved by the Planning and Zoning Board, such payment will be made before the final plat is signed and recorded.

Section 79. Section 12.5.10C(1) of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

C. *Approval Procedure.*

1. If the use being proposed requires the issuance of a Special Use Permit or is in association with a Conditional District rezoning, the Administrator may recommend to the ~~Board of Adjustment~~, Planning and Zoning Board, or Board of Commissioners that the sign flexibility option be applied as proposed by the applicant or as otherwise recommended by the Administrator.

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Section 80. Section 13.1C of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

- C. In cases where 51 percent or greater of a proposed subdivision lies within a municipal jurisdiction; where the municipal subdivision standards meet or exceed the standards set forth in this ordinance; and at the request of the developer, the Planning and Zoning Board may relinquish the jurisdiction control of the ordinance to the municipal government for the review and approval of the development under the standards of the municipal ordinance.

Section 81. Section 13.6 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 13.6 Appeals.

The applicant may appeal any decision of the Planning and Zoning Board made in regard to this Chapter in accordance with NCGS 160(D)-1403.

Any decision of this chapter by the Administrator may be appealed to the Planning and Zoning Board in accordance with Section 5.13 procedures of this Ordinance.

Section 82. Section 13.9.2 of the Unified Development Ordinance of the County of Gaston, North Carolina are hereby amended to read as follows:

Sec. 13.9.2 Approval process for Major subdivisions.

- A. Submit application for (CD) zoning review and public hearing (with the Board of Commissioners) minimum 90 working days prior to the public meeting with the Planning and Zoning Board to which the subdivision plans are to be considered. CD zoning procedures are found in Section 5.16.5.

- B. If approved, submit complete subdivision plans and application for subdivision review and Planning and Zoning Board review.

Section 83. Section 13.9.3 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 13.9.3 Approval of preliminary plat for major subdivision.

- A. The owner or subdivider seeking preliminary plat approval shall submit the application and all required paper copies of the plat to the Administrator at least 40 working days prior to the next regularly scheduled Planning and Zoning Board meeting. The plat shall contain all information listed in Section 13.11.

...

- C. Upon recommendation from the TRC, the Planning and Zoning Board shall consider the subdivision plat so long as the TRC decision is rendered no less than ten days prior to the Planning and Zoning Board meeting at which the plat is to be considered. The Planning and Zoning Board shall have the authority to: (i) approve the preliminary plat, or (ii) conditionally approve the preliminary plat with needed changes to bring the preliminary plat into compliance with this Ordinance, or (iii) disapprove the preliminary plat.

Section 84. Section 14.6 of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 14.6 Standards.

This section sets forth the standards required for all Manufactured Home Parks. Where the intent of the standards herein contained can be met by other means not specifically listed, the Planning and Zoning Board may approve other methods and designs to solve unique problems on an individual basis.

Section 85. Section 14.7A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

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A. Land Use Services or the Planning and Zoning Board may request Building Inspections to revoke any and all building permits issued for a Manufactured Home Park should the owner not comply with the Manufactured Home Park standards set forth in this ordinance. Upon written request from the Planning Board or Land Use Services, under authority given in NC General Statute 153A-362, Building Inspections may revoke building permits in the Manufactured Home Park until such time when the owner has brought the park into compliance with this ordinance.

Section 86. Section 15.8.1A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 15.8.1 Establishment of Watershed Review Board.

A. The Gaston County Planning and Zoning Board is hereby appointed as the Watershed Review Board.

Section 87. Section 16.4.5A of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

Sec. 16.4.5 Variance procedures.

A. The Flood Control Board, as established by Gaston County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance. Unless designated otherwise by the Board of County Commissioners, the Gaston County Planning and Zoning Board of ~~Adjustments~~ shall serve as the Flood Control Appeal Board.

Section 88. Section 18.5B of the Unified Development Ordinance of the County of Gaston, North Carolina is hereby amended to read as follows:

B. The notice of violation shall describe the violation, shall identify the provision(s) of this Ordinance that are alleged as having been violated, shall specify what actions must be taken to correct the violation, shall direct the person to correct the violation within a specified period of time, and shall warn that more severe measures may be brought against the person if he/she fails to take appropriate and timely actions to cure or correct the violation. The notice shall also state that the alleged violator or property owner shall have a period of up to 15 days from the date the notice was received to either correct the situation or appeal the Administrator's decision to the Planning and Zoning Board of ~~Adjustment~~ in accordance with Section 5.13 of this Ordinance. Depending on the nature of the violation, the Administrator may grant one or more extension of time to cure or correct said violation. Such extension of time shall not be granted unless the alleged violator or property owner can demonstrate to the Administrator that the violation ~~can not~~ cannot be cured or corrected within the time period specified in the notice of violation due to extraordinary circumstances or to circumstances beyond the control of the alleged violator or property owner.

Chairman Brown directed the County Attorney to provide the Consistency Statement to the Clerk for the record.

Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Map Change: REZ-25-03-17-00220, Karina Guerrero (Applicant); Property Parcel: 179668, Located on Charles Raper Jonas Hwy., Mount Holly, NC, Rezone from the (RS-20) Single Family 20,000 Square Feet Zoning District with (US) Urban Standards and (CH) Corridor Highway Overlays to the (C-1) Light Commercial Zoning District with (US) Urban Standards and (CH) Corridor Highway Overlays

Chairman Brown introduced Ms. Jaime Lisi, Planner I – Building & Development Services, for comments.

Ms. Lisi advised subject rezoning request (REZ-25-03-17-00220) is for parcel 179668 located at the 1200-1300 block of Charles Raper Jonas Hwy., Mount Holly, NC; the Applicant, Ms. Karina Guerrero, is requesting to rezone the 2.48 acre parcel from the (RS-20) Single Family 20,000

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Square Feet Zoning District with (US) Urban Standards and (CH) Corridor Highway Overlays to the (C-1) Light Commercial Zoning District with (US) Urban Standards and (CH) Corridor Highway Overlays; the property is located west of Mount Holly.

She reviewed aerial, zoning and adjacent property owners maps and advised the *aerial map* depicts the lot is currently vacant; *zoning map* depicts the property is surrounded by commercial, industrial and residential zoning districts; if approved, any uses allowed in the (C-1) district would be permitted per standards and regulations adopted in the Unified Development Ordinance (UDO); *adjacent property owners' map* and listing depicts those notified about tonight's Public Hearing per NCGS.

The parcel will be serviced via a private well and septic system and accessed via a NCDOT maintained road.

The TRC (Technical Review Committee) reviewed the project and advised the County Police raised concerns about noise complaints from neighboring properties and potential traffic issues with vehicles entering and exiting onto NC-27, dependent on type and size of events permitted under the requested zoning.

The Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) provided a letter stating that according to NCDOT's 2024-2033 STIP (State Transportation Improvement Program) there are no funded transportation improvement projects in immediate vicinity; the Belmont-Mount Holly Loop is an unfunded project.

The CTP (Comprehensive Transportation Plan) recommended bike and sidewalk improvements on Charles Raper Jonas Dr. which are unfunded.

The (GCL)MPO recommended widening Charles Raper Jonas Dr. to a four-lane divided highway; this project did not receive funding in current STIP.

Staff did not receive any calls about this request.

The parcel is located in *Area 3: Northeast Riverfront Gaston* of the Comprehensive Land Use Plan (CLUP); the property was released from Mount Holly's ETJ in 2018 and does not have a future land use designation; properties within immediate vicinity are designated Suburban development and staff is comfortable with this designation (*Suburban Development consists of significant single-family residential areas that exists around commercial pockets representing a standard suburban center*).

Staff finds the application, as presented, is consistent with the goals and uses of the small area plan district designation.

The Planning Board recommended approval by a 7-0 vote; found the request is reasonable and in the public interest.

Chairman Brown called for comment from the Applicant; hearing none; called for citizen comment.

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Mr. Joshua Brown, 1149 Knowles Dr., Mount Holly, NC, advised his property abuts the property in question; Chairman Brown should have received an email from the Sigmon's (1159 Knowles Dr.), Thomas, Misty, Cydni and Phillip Loftin (1226 Charles Raper Jonas Hwy.) and others; voiced concerns about the high traffic area, multiple wrecks, property values, increased foot traffic due to drug activity on Morgan Rd. and the CSX right-of-way.

Chairman Brown called for questions from the BOC.

Chairman Brown asked if this was the same area the County Police had a wreck.

Mr. Brown responded "correct".

Chairman Brown asked Applicant what kind of traffic was expected in/out of his property.

Mr. Harold Bass, 1334 Phifer Rd., Kings Mountain, NC, advised they would like to put in a special event venue for weddings/receptions; property would be no more than 4,000SF due to parking capacity.

Chairman Brown called for additional questions from the BOC; hearing none and no additional comments, declared the Public Hearing closed.

Chairman Brown recapped the Planning Board unanimously recommended approval via a 7-0 vote.

Chairman Brown called for a motion to approve.

Commissioner Keigher introduced the motion to approve. No second was heard and the motion died for the lack of a second.

Chairman Brown moved to the next item of business.

Public Hearing - RE: Commissioner Shehan - Building & Development Services - Zoning Map Change: REZ-25-03-28-00224, Matthew Price (Applicant); Property Parcel: 222714, Located at 109 Crowders Creek Rd., Gastonia, NC, Rezone from the (I-2) General Industrial Zoning District with (US) Urban Standards and (CH) Corridor Highway Overlays to the (C-3) General Commercial Zoning District with (US) Urban Standards and (CH) Corridor Highway Overlays

Chairman Brown introduced Mrs. Peyton Wiggins, Planner II – Building & Development Services, for comments.

Mrs. Wiggins advised subject rezoning request (REZ-25-03-28-00224) is for PID 222714 or 109 Crowders Creek Rd., Gastonia (NC); the property owner is 109 Crowders Creek LLC; the Applicant, Matthew Price, is requesting to rezone a 1.74 acre parcel from (I-2) General Industrial Zoning District with (US) Urban Standards and (CH) Corridor Highway Overlays to the (C-3) General Commercial Zoning District with (US) Urban Standards and (CH) Corridor Highway Overlays.

She reviewed vicinity and orthophoto maps and advised the *vicinity map* depicts the parcel is along Hwy. 321 between the Gastonia city limits and SC state line; *orthophoto map* depicts an existing building on the site constructed in 1972 that is classified as a legal non-conforming structure;

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surrounding properties are industrial, commercial and businesses such as a transmission shop; currently the site operates under an improved auto sales use selling golf carts and trailers.

The property owner submitted a request in October 2024 for a Special Use Permit (SUP) to allow automobile sales with the warehouse use on the property which the Board of Adjustments (BOA) approved and the business has operated under those terms since; a code enforcement case was opened in March 2025 for violation of the SUP; upon investigation, a Code Enforcement Officer determined the business was engaged in selling building or prefabricated structures which is not a permitted use in the (I-2) zoning district; the Applicant met with staff to address the violation and determined that rezoning the property to (C-3) would allow the auto sales, retail sale of buildings and prefab structures and bring the operation into compliance with zoning regulations.

She reviewed zoning and adjacent property owners' maps and advised the *zoning map* depicts (I-2), (I-3), (RMF) and (R-1) zoning districts; *adjacent property owners' map* and listing depicts those notified about tonight's Public Hearing.

Notices were mailed out and a sign was posted on the site on July 7th; staff has not received any calls about the request.

The site sits on corner of Hwy. 321 and Crowders Creek Rd.; both are NCDOT roads; is served via a private well and septic system for utilities.

The TRC (Technical Review Committee) reviewed the request on June 16th and the Building Plan Review and Zoning Inspector had no comments at this time.

The GCLMPO (Gaston-Cleveland-Lincoln Metropolitan Planning Organization) provided a letter that was included in BOC's staff packet stating the widening of York Hwy. (US 321) is included in the MPO's CTP (Comprehensive Transportation Plan); however, the typical cross section for a four-lane highway involves a minimum of 100' right-of-way (r-o-w) and the existing r-o-w along York Hwy. is 200'.

This property falls within *Area 5: Scenic Gaston/Southwest Gaston* of the Comprehensive Land Use Plan (CLUP); the future land use designation is industrial (this is primarily for industrial and manufacturing-based uses currently and projected in the future).

Staff finds the application, as presented, is consistent with goals of future land use designation.

The Planning Board heard the request at its June 30th meeting and recommended approval via a 7-0 vote; this concludes the presentation.

Chairman Brown called for comments from the Applicant.

Mr. Matthew Price (Applicant), 1440 Lynch Rd., China Grove, NC thanked BOC for considering the rezoning request; advised it dominoed from golf cart sales to trailers to get it home to storage buildings to store it.

Chairman Brown called for citizen comment, for questions from the BOC; hearing none and no additional comment, declared the Public Hearing closed.

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Chairman Brown recapped the Planning Board unanimously recommended approval.

Chairman Brown called for a motion to approve.

On motion introduced by Commissioner Keigher and seconded by Commissioner Hovis, the BOC unanimously approved **2025-237**, 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 as it will increase commercial opportunities along existing major thoroughfares envisioned by the Area 5 – Scenic Gaston small area plan.

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: 222714, is hereby approved, effective with the passage of this Ordinance to be rezoned to the (C-3) General Commercial with (US) Urban Standards and (CH) Corridor Highway Overlays.

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

Chairman Brown directed the County Attorney to provide the Consistency Statement to the Clerk for the record.

Chairman Brown announced that the Public Hearings had concluded.

Agenda Revision/Approval

- Revised/ Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Text Amendment: Gaston County (Applicant); To Consider Proposed Text Amendments to the Code of Ordinances and the Unified Development Ordinance (UDO) Authorized in Resolution 2025-233, which the Board of Commissioners Approved on June 24, 2025
- Pulled/ Commissioner Brown – Financial and Management Services – Budget – To Approve One New Full Time Position (100% Funded by Fire Tax, No Additional County Funds) – V.

On motion introduced by Commissioner Fraley and seconded by Commissioner Keigher, the BOC unanimously approved the Agenda of July 22, 2025 with changes as noted above.

Approval of Minutes

On motion introduced by Commissioner Hovis and seconded by Commissioner Fraley, the BOC unanimously approved the Minutes of the Regular Meeting of May 27, 2025, Regular Meeting of June 24, 2025 and Closed Session of June 24, 2025 - NCGS 143-318.11(a)(1) and (a)(3).

Citizen Recognition

This segment was deferred until later in the meeting.

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Consent Agenda

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

2025-238 Commissioner Brown - BOC - To Set Forth the Names of the 2025 Students of the Senator James S. Forrester Commissioners' School of Excellence in the Board of Commissioners' Minutes as follows:

Jax Allen	Edward Griffin	Madison Potter
Bailey Aycok	Piper Hampton	Mason Powers
Mackenzie Blackledge	Mason Hayes	David Pugh
Henry Bogle	Krysten Herbert	Luna Quiterio-Arcila
Ella Bowen	Abigail Hernandez	Savannah Rhyne
Ellis Boyd	A'nyiah Heslip	Isabelle Robinson
Aurelia Brimer	Makenzie Hollingsworth	Anna Robinson
Luke Brown	Emma Horneman	Lucy Rodenberger
Andrew Bryson	Brady Hubers	Shin Roh
Amelia Burr	Destiny Hudgins	Peyton Safrir
Savannah Butler	Braelynn Hudson	J'Nasia Sampson
Reagan Bynum	Emma Huskins	Natalie Sanchez
Penelope Capps	Paige Jones	Ashlynn Shuford
Joshua Carter	William Jordan	Emilia Slaughter
Kyndall Chambers	Alexandria Kiser	Alexis Stiles
Zion Clark	Grace Kucera	Bailey Tackett
Maddox Collins	Hannah Lineberger	Brianne Tolbert
Winsley Crotts	Dagny Lodge	Natalie Towery
James Cummings	Micah Lynn	Jordyn Williams
Nathaniel Cummings	Ashley Marley	Aleyna Wilson
Titus Davis	Caleb McLain	Marin Wise
Jake Denton	De'Veon Mends	Addison Zeigler
Corbin Fortenberry	Khushi Patel	Yuyue Zhu
Elijah Glisan	Eason Posey	

2025-239 Commissioner Brown - Building & Development Services - To Amend the Current Gaston County Fee Schedule to Adjust Building and Development Services Fees as follows:

Zoning Permits

50% of total permit fee will be due prior to review of the application and plans. Remaining 50% will be due prior to issuance of zoning permit.

Single Family Residence		\$ 300.00	\$ 331.00	\$ 31.00
Zoning Permit - Conditional District	Base fee x 2 + pre-construction and zoning final inspection	\$ 800.00	\$ 882.00	\$ 82.00
Change In Use		\$ 150.00	\$ 210.00	\$ 60.00
Residential Accessory Structures/Decks/Docks/Porches	Accessory Structures, uncovered deck, dock, pool	\$ 150.00	\$ 186.00	\$ 36.00
Sign(s)		\$ 175.00	\$ 210.00	\$ 35.00
Manufactured Home Park Space	New Setup and/or replacement	\$ 300.00	\$ 331.00	\$ 31.00
Residential Subdivision - Full Review (Construction Doc. Review)	Full Construction Document Review	\$ 1,000.00	\$ 1,371.00	\$ 371.00
Temporary Use Permits	for any use listed in table 5.8-1 of the UDO "Allowed Temporary Uses"	\$ 150.00	\$ 305.00	\$ 155.00
All Zoning permits for parcels inside conditional districts		Base Fee x2	Base Fee x2	
Commercial - New Structure		\$ 300.00	\$ 315.00	\$ 15.00

2025-240 Commissioner Brown - County Attorney - Opioid Settlement - To Approve a Resolution that Accepts, Approves, and Authorizes the Execution of the Purdue Pharma L.P. & Sackler Family Opioid Settlement and the North Carolina Third Supplement Agreement for Additional Funds (SAAF-3)

WHEREAS, the opioid overdose epidemic has taken the lives of more than 37,000 North Carolinians since 2000; and,

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WHEREAS, the COVID-19 pandemic compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and,

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and,

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and,

WHEREAS, a settlement has been reached in litigation against Purdue Pharma L.P. and the Sackler family, their subsidiaries, affiliates, officers, and directors named in the Purdue Pharma L.P. & Sackler family settlement; and,

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Third Supplemental Agreement for Additional Funds (SAAF-3) to provide for the equitable distribution of the proceeds of these settlements; and,

WHEREAS, by joining the settlements and approving the SAAF-3, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities as quickly, effectively, and directly as possible; and,

WHEREAS, it is advantageous to all North Carolinians for local governments, including Gaston County and its residents, to sign onto the settlements and SAAF-3 and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the state and this County to help abate the harm; and,

WHEREAS, the SAAF-3 directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Gaston, North Carolina hereby authorizes the County Manager and County Attorney to execute all documents necessary to enter into opioid settlement agreements with Purdue Pharma L.P. and the Sackler family, to execute the SAAF-3, and to provide such documents to Rubris, the Implementation Administrator.

ADOPTED AND APPROVED this 22nd day of July, 2025.

I, Donna S. Buff, Clerk to the Board of Commissioners for the County of Gaston, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners of the County at a regular meeting duly called and held on July 22, 2025.

WITNESS my hand and the official seal of the County this 22nd day of July, 2025.

2025-241 Commissioner Hovis - County Manager - To Accept Departmental Budget Change Requests as Information as follows:

ENTRY DATE	DEPT NAME	ACCOUNT	DR/CR	AMOUNT
06/02/2025	Public Works	4005-PWK-000-00000-000000-000000-01-540019-AR005	C	5,094
06/02/2025	Public Works	4005-PWK-000-00000-000000-000000-01-540016-AR005	D	5,094
06/03/2025	Public Works	1000-PWK-190-00000-000000-000000-01-530034-	C	24,000
06/03/2025	Public Works	1000-PWK-190-00000-000000-000000-01-530032-	D	24,000
06/03/2025	Public Works	1000-PWK-000-00000-000000-000000-01-520012-	C	20
06/03/2025	Public Works	1000-PWK-000-00000-000000-000000-01-520014-	D	20
06/03/2025	Health	1000-HLT-250-00000-JCPCSF-000000-0000-05-560001-	C	530
06/03/2025	Health	1000-HLT-250-00000-JCPCSF-000000-0000-05-520005-	D	380
06/03/2025	Health	1000-HLT-250-00000-JCPCSF-000000-0000-05-520002-	D	150
06/04/2025	Community Support Services	1000-CSS-272-00000-AdItDC-000000-0000-05-530013-	C	5,000
06/04/2025	Community Support Services	1000-CSS-272-00000-AdItDC-000000-0000-05-520020-	C	9,000
06/04/2025	Community Support Services	1000-CSS-272-00000-AdItDC-000000-0000-05-560001-	D	14,000

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06/04/2025	Public Works	4005-PWK-000-00000-000000-000000-0000-01-540019-AR005	C	500
06/04/2025	Public Works	4005-PWK-000-00000-000000-000000-0000-01-540016-AR005	D	500
06/04/2025	Undefined Department	8000-000-000-00000-Health-ActEmpl-0000-01-510201-	C	115,000
06/04/2025	Elections	1000-BOC-000-00000-SBALnP-000000-0000-01-530010-	C	17,000
06/04/2025	Undefined Department	8000-000-000-00000-Health-ActEmpl-0000-01-530010-	D	115,000
06/04/2025	Non-Departmental	1000-NDP-000-00000-SpcPrg-000000-0000-01-530010-	D	17,000
06/04/2025	Community Support Services	4005-CSS-291-29101-000000-000000-0000-05-540002-G0145	C	11,485
06/04/2025	Community Support Services	4005-CSS-291-29101-000000-000000-0000-05-540016-G0145	D	895
06/04/2025	Community Support Services	4005-CSS-291-29101-000000-000000-0000-05-540016-G0124	D	1,100
06/04/2025	Community Support Services	4005-CSS-291-29101-000000-000000-0000-05-540002-G0124	D	9,490
06/05/2025	Health	1000-HLT-000-00000-000000-000000-0000-05-530015-	C	12,000
06/05/2025	Health	1000-HLT-000-00000-000000-000000-0000-05-530000-	D	12,000
06/05/2025	County Police	1000-GPD-000-00000-000000-000000-0000-02-530053-G0045	C	16,480
06/05/2025	County Police	1000-GPD-000-00000-000000-000000-0000-02-530030-G0045	D	4,200
06/05/2025	County Police	1000-GPD-000-00000-000000-000000-0000-02-520020-G0045	D	1,200
06/05/2025	County Police	1000-GPD-000-00000-000000-000000-0000-02-520015-G0045	D	1,500
06/05/2025	County Police	1000-GPD-000-00000-000000-000000-0000-02-520002-G0045	D	4,800
06/05/2025	County Police	1000-GPD-000-00000-000000-000000-0000-02-520001-G0045	D	4,300
06/05/2025	County Police	1000-GPD-000-00000-000000-000000-0000-02-520014-G0045	D	480
06/05/2025	Human Resources	1000-HRM-000-00000-EmpRec-000000-0000-01-560000-	C	14,800
06/05/2025	Human Resources	1000-HRM-000-00000-000000-000000-0000-01-520015-	D	14,800
06/09/2025	Solid Waste Services	6000-SWS-380-00000-000000-000000-0000-08-540006-20019	C	25,000
06/09/2025	Solid Waste Services	6000-SWS-380-00000-000000-000000-0000-08-540016-20019	D	25,000
06/09/2025	Elections	1000-BOE-000-00000-000000-000000-0000-01-520007-	C	10,000
06/09/2025	Elections	1000-BOE-000-00000-000000-000000-0000-01-530002-	C	8,000
06/09/2025	Elections	1000-BOE-000-00000-000000-000000-0000-01-530010-	C	4,000
06/09/2025	Elections	1000-BOE-000-00000-000000-000000-0000-01-520001-	D	12,000
06/09/2025	Elections	1000-BOE-000-00000-000000-000000-0000-01-520014-	D	10,000
06/11/2025	Community Support Services	1000-CSS-272-00000-AdtNut-000000-0000-05-530029-	C	15
06/11/2025	Community Support Services	1000-CSS-272-00000-AdtNut-000000-0000-05-520012-	D	15
06/12/2025	Social Services	1000-DSS-271-00000-000000-DNATest-0000-05-530010-	C	3,000
06/12/2025	Social Services	1000-DSS-271-00000-000000-Witness-0000-05-530011-	D	3,000
06/12/2025	Solid Waste Services	6000-SWS-380-00000-000000-000000-0000-08-540006-BfPrp	C	355,000
06/12/2025	Solid Waste Services	6000-SWS-380-00000-000000-000000-0000-08-540004-BfPrp	D	25,525
06/12/2025	Solid Waste Services	6000-SWS-380-00000-000000-000000-0000-08-540005-BfPrp	D	329,476
06/12/2025	Health	1000-HLT-250-00000-000000-000000-0000-05-520002-GHCOM	C	7,632
06/12/2025	Health	1000-HLT-250-00000-000000-000000-0000-05-510001-GHCOM	D	7,101
06/12/2025	Health	1000-HLT-250-00000-000000-000000-0000-05-510100-GHCOM	D	531
06/13/2025	Public Works	4005-PWK-192-00000-000000-000000-0000-02-540006-P2309	C	10,000
06/13/2025	Public Works	4005-PWK-192-00000-000000-000000-0000-01-540016-P2408	D	10,000
06/16/2025	Public Works	1000-PWK-192-00000-000000-000000-0000-01-530023-18084	C	200
06/16/2025	Public Works	1000-PWK-192-00000-000000-000000-0000-01-538001-	D	200
06/16/2025	Health	1000-HLT-255-00000-000000-000000-0000-05-520011-G0077	C	10,000
06/16/2025	Health	1000-HLT-253-00000-ComDis-000000-0000-05-510001-AG013	C	1,000
06/16/2025	Health	1000-HLT-255-00000-000000-000000-0000-05-520012-G0077	D	10,000
06/16/2025	Health	1000-HLT-253-00000-ComDis-000000-0000-05-530053-AG013	D	1,000
06/18/2025	County Manager	1000-MGR-103-00000-000000-000000-0000-01-520005-	C	37
06/18/2025	County Manager	1000-MGR-103-00000-EmpRec-000000-0000-01-530017-	D	37
06/18/2025	Community Support Services	1000-CSS-291-29101-000000-000000-0000-05-520020-G0124	C	111
06/18/2025	Community Support Services	1000-CSS-291-29101-000000-000000-0000-05-520013-G0124	D	111
06/19/2025	Public Works	4005-PWK-192-00000-000000-000000-0000-01-540016-P2408	C	10,000
06/19/2025	Public Works	4005-PWK-192-00000-000000-000000-0000-01-540006-	C	10,000
06/19/2025	Public Works	4005-PWK-192-00000-000000-000000-0000-02-540006-P2309	D	10,000
06/19/2025	Public Works	4005-PWK-192-00000-000000-000000-0000-01-540016-P2408	D	10,000
06/19/2025	GEMS	2055-EMS-000-00000-RcvTrp-Stratg3-0000-02-520015-	C	2,600
06/19/2025	GEMS	2055-EMS-000-00000-RcvTrp-Stratg3-0000-02-520007-	C	380
06/19/2025	GEMS	2055-EMS-000-00000-RcvTrp-Stratg3-0000-02-530023-	C	1,900
06/19/2025	GEMS	2055-EMS-000-00000-RcvTrp-Stratg3-0000-02-520013-	D	2,600
06/19/2025	GEMS	2055-EMS-000-00000-RcvTrp-Stratg3-0000-02-520004-	D	2,280
06/20/2025	Health	1000-HLT-250-00000-000000-Year002-0000-05-520011-G0109	C	250
06/20/2025	Health	1000-HLT-250-00000-000000-Year002-0000-05-520012-G0109	D	250
06/23/2025	Information Technology	1000-ITS-000-00000-000000-000000-0000-01-530029-ITApI	C	455
06/23/2025	Information Technology	1000-ITS-000-00000-000000-000000-0000-01-530002-	D	455
06/24/2025	Social Services	1000-DSS-271-00000-FostCr-FCActiv-0000-05-560008-	C	200
06/24/2025	Social Services	1000-DSS-271-00000-FostCr-Medical-0000-05-560008-	D	200

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06/25/2025	Community Support Services	1000-CSS-291-29102-000000-0000000-0000-05-530013-	C	5,500
06/25/2025	Community Support Services	1000-CSS-291-29102-000000-0000000-0000-05-520020-	D	5,500
06/26/2025	Tax	1000-TAX-000-00000-000000-0000000-0000-01-520006-	C	836
06/26/2025	Tax	1000-TAX-000-00000-000000-0000000-0000-01-530020-	D	836

2025-242 Commissioner Keigher - DHHS - Health Division - To Amend Resolution 2025-151 to Correct the Strategy Name and Number in the Expenditure of Opioid Settlement Funds Authorization, Adopted 5/27/25 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:

- 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 of dedicated to each strategy for a stated period of time; and,

WHEREAS, the Board of Commissioners passed Resolution 2025-151 on May 27, 2025, authorizing the expenditure of Opioid Settlement Funds; however, Resolution 2025-151 contained errors regarding the name and accompanying exhibit of the strategy being authorized.

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
- c. Amount: \$1,282,129.00
- d. Period of Performance: July 1, 2025 through June 30, 2027
- e. Program/Activity Description: GEMS 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. Program/Activity Provider: Gaston Emergency Medical Services

The total dollar amount of Opioid Settlement Funds appropriated for the above named and authorized strategies is \$1,282,129.00. This Resolution replaces Resolution 2025-151 passed on May 27, 2025 in its entirety.

Adopted this the 22nd day of July, 2025.

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2025-243 Commissioner Keigher - DHHS - Social Services Division - To Accept and Appropriate Donations Received in June 2025 for the Cathy Mabry Cloninger Center, the Adult Day Care Program and the Adult Nutrition Program in the Amount of \$1,388.93 and Approve the Carry Forward of Hope for the Holidays Donations Account per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(1,388.93)
Donations: Adult DayCare	1000-CSS-272-00000-ADLTDC-0000000-0000-05-520019-	500.00
Donations: Shelter	1000-CSS-291-29102-Donatr-0000000-0000-05-520019-	768.93
Donations: Nutrition Program	1000-CSS-272-00000-AdtNut-0000000-0000-05-520019-15259	120.00

2025-244 Commissioner Keigher - DHHS - Social Services Division - To Approve the FY2025-2026 Home and Community Care Block Grant (HCCBG) Funding Plan (No Funding Appropriated Herein)

2025-245 Commissioner Fraley - Emergency Management and Fire Services - To Accept and Appropriate a NC Tier II Noncompetitive Grant for LEPC Support in the Amount of \$5,000 per Budget Change Request:

Account Description	Account Number	Amount
State Grant Rev-NC Tier II Compet	1000-EMG-000-00000-000000-0000000-0000-02-410001-G0111	(\$5,000)
Food&Prov-NC Tier II Compet	1000-EMG-000-00000-000000-0000000-0000-02-520005-G0111	\$5,000

2025-246 Commissioner Brown - Financial and Management Services - Budget - To Appropriate Fund Balance to Purchase FY26 Vehicles and Equipment and Approve the Reimbursement Declaration (Maximum of \$7,789,738 to be Financed) per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	4000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(7,250,690.14)
Transfer to Gen Govt Capital	4000-NDP-000-00000-TrfxTo-0000000-0000-98-584005-	7,250,690.14
Transfer from CIF	4005-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(7,250,690.14)
Motor Vehicles	4005-DSS-000-00000-InstFn-VLP2026-0000-05-540003-P2601	257,000.00
Motor Vehicles	4005-EMS-000-00000-InstFn-VLP2026-0000-02-540003-P2601	2,986,137.00
Motor Vehicles	4005-GPD-000-00000-InstFn-VLP2026-0000-02-540003-P2601	1,371,000.00
Motor Vehicles	4005-GPD-200-00000-InstFn-VLP2026-0000-02-540003-P2601	60,000.00
Motor Vehicles	4005-HLT-252-00000-InstFn-VLP2026-0000-05-540003-P2601	145,000.00
Motor Vehicles	4005-NAT-000-00000-InstFn-VLP2026-0000-07-540003-P2601	50,000.00
Motor Vehicles	4005-PWK-000-00000-InstFn-VLP2026-0000-01-540003-P2601	110,000.00
Motor Vehicles	4005-PWK-190-00000-InstFn-VLP2026-0000-01-540003-P2601	65,000.00
Motor Vehicles	4005-PWK-192-00000-InstFn-VLP2026-0000-01-540003-P2601	90,000.00
Motor Vehicles	4005-SHF-000-00000-InstFn-VLP2026-0000-02-540003-P2601	175,000.00
Professional Services	4005-SHF-210-00000-InstFn-ELP2026-0000-02-540016-P2601	26,004.44
Furn/Equip>\$5,000	4005-SHF-210-00000-InstFn-ELP2026-0000-02-540002-P2601	1,384,634.70
Motor Vehicles	4005-NDP-000-00000-InstFn-VLP2026-0000-01-540003-P2601	530,914.00
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(539,047.65)
Repairs and Maint.	1000-SHF-210-00000-InstFn-ELP2026-0000-02-530023-P2601	468,625.41
Software Rental	1000-SHF-210-00000-InstFn-ELP2026-0000-02-530029-P2601	56,240.04
Professional Services	1000-SHF-210-00000-InstFn-ELP2026-0000-02-530010-P2601	14,182.20
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(165,000.00)
Transfer to CIF	1000-NDP-000-00000-TrfxTo-0000000-0000-98-584000-	165,000.00
Transfers from General Fund	4000-NDP-000-00000-TrfxFr-0000000-0000-98-481000-	(165,000.00)
Transfer to Gen Govt Capital	4000-NDP-000-00000-TrfxTo-0000000-0000-98-584005-	165,000.00
Transfer from CIF	4005-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(165,000.00)
Motor Vehicles	4005-BDS-230-00000-Annual-PayAsGo-0000-0 -540003-	165,000.00
Fund Balance Appropriated	6000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(379,500.00)
Motor Vehicles	6000-SWS-381-00000-000000-0000000-0000-08-540003-	324,500.00

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Motor Vehicles

6000-SWS-380-00000-000000-000000-0000-08-540003-

55,000.00

DECLARATION OF OFFICIAL INTENT
TO REIMBURSE CERTAIN EXPENDITURES

I, Kyle Sutherland, Finance Director of the County of Gaston, North Carolina (the "County"), having been designated by the Board of Commissioners for the County pursuant to a resolution passed by said Board on April 13, 2006 as a person authorized to declare official intent on behalf of the County to reimburse certain expenditures with the proceeds of debt to be issued or incurred by the County, DO HEREBY DECLARE, on behalf of the County, as follows:

1. This declaration of official intent is made pursuant to Treasury Regulation Section 1.150-2, promulgated by the United States Department of Treasury, to declare expressly the intention of the County to reimburse itself with the proceeds of debt to be hereafter issued or incurred by the County for certain expenditures paid by the County within sixty days after payment of the original expenditure.
2. The expenditures for which the County reasonably expects to reimburse itself with the proceeds of debt to be hereafter issued or incurred by the County include costs of acquiring vehicles, ambulances, and equipment for the County Departments.
3. Up to \$7,789,738 is the maximum principal amount of debt reasonably expected to be hereafter issued or incurred for the purpose of paying the costs of vehicles, ambulances, and equipment for the County Departments.

WITNESS my hand this _____ day of _____, 20_____.

Kyle Sutherland
Finance Director

Dpt/Div	Type	If replacement vehicle, vehicle # being replaced	Description / Type	Est. Amount to be Financed
Social Services (DSS-000)	Replacement Vehicle	303	4 door sedan	\$ 32,000
Social Services (DSS-000)	Replacement Vehicle	305	4 door sedan	\$ 32,000
Social Services (DSS-000)	Replacement Vehicle	312	4 door sedan	\$ 32,000
Social Services (DSS-000)	Replacement Vehicle	315	4 door sedan	\$ 32,000
Social Services (DSS-000)	Replacement Vehicle	323	Minivan	\$ 43,000
Social Services (DSS-000)	Replacement Vehicle	381	Minivan	\$ 43,000
Social Services (DSS-000)	Replacement Vehicle	385	Minivan	\$ 43,000
GEMS (EMS-000)	Replacement Vehicle	866	ALS truck	\$ 612,355
GEMS (EMS-000)	Replacement Vehicle	869	ALS truck	\$ 612,355
GEMS (EMS-000)	Replacement Vehicle	870	ALS truck	\$ 612,355
GEMS (EMS-000)	Replacement Vehicle	932	BLS truck	\$ 287,268
GEMS (EMS-000)	Replacement Vehicle	934	BLS truck	\$ 287,268
GEMS (EMS-000)	Replacement Vehicle	941	BLS truck	\$ 287,268
GEMS (EMS-000)	Replacement Vehicle	943	BLS truck	\$ 287,268
County Police (GPD-000)	Replacement Vehicle	417	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	426	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	435	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	455	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	456	Tahoe w/ K9	\$ 59,000
County Police (GPD-000)	Replacement Vehicle	458	Tahoe w/ K9	\$ 59,000
County Police (GPD-000)	Replacement Vehicle	467	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	473	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	475	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	480	Transit Van 3500	\$ 105,000
County Police (GPD-000)	Replacement Vehicle	491	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	502	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	513	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	531	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	543	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	555	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	561	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	580	250/2500 4WD w/bed cover	\$ 70,000
County Police (GPD-000)	Replacement Vehicle	585	Interceptor SUV	\$ 56,000
County Police (GPD-000)	Replacement Vehicle	588	250/2500 4WD w/bed cover	\$ 70,000
County Police (GPD-000)	Replacement Vehicle	589	Interceptor SUV	\$ 56,000
County Police (GPD-000)	New Vehicle (Res # 2025-109)	n/a	Interceptor SUV	\$ 56,000
County Police (GPD-000)	New Vehicle (Res # 2025-109)	n/a	Interceptor SUV	\$ 56,000

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Animal Care & Enforcement (GPD-200)	Replacement Vehicle	134	250/2500 cab w/ SWAB body	\$ 60,000
Environmental Health (HLT-252)	Replacement Vehicle	908	hybrid sedan	\$ 45,000
Environmental Health (HLT-252)	Replacement Vehicle	922	hybrid sedan	\$ 45,000
Environmental Health (HLT-252)	Replacement Vehicle	923	150/1500 extd cab 4WD	\$ 55,000
Natural Resources (NAT-000)	Replacement Vehicle	299	150/1500 extd cab 4WD	\$ 50,000
Public Works (PWK-000)	Replacement Vehicle	807	150/1500 extd cab 4WD	\$ 55,000
Public Works (PWK-000)	Replacement Vehicle	919	150/1500 extd cab 4WD	\$ 55,000
Print Shop (PWK-190)	Replacement Vehicle	60	4WD/AWD SUV	\$ 65,000
Facilities Management (PWK-192)	Replacement Vehicle	44	450/550 4WD rack body dump w/ liftgate	\$ 90,000
Sheriff's Office (SHF-000)	Replacement Vehicle	603	Tahoe	\$ 59,000
Sheriff's Office (SHF-000)	Replacement Vehicle	607	Interceptor SUV	\$ 56,000
Sheriff's Office (SHF-000)	Replacement Vehicle	623	Transit Van 350 low roof w/ transport cell	\$ 60,000
10% Contingency - Potential Cost Escalation due to Market/Tariffs				\$ 530,914
Jail (SHF-210)	New Equipment	n/a	Jail Video Storage Project	\$ 1,949,687
				\$ 7,789,738
<i>To be funded by Building Inspections Fund Balance (not financed):</i>				
Building Inspections (BDS-230)	Replacement Vehicle	703	150/1500 extd cab 4WD	\$ 50,000
Building Inspections (BDS-230)	Replacement Vehicle	723	150/1500 extd cab 4WD	\$ 50,000
Building Inspections (BDS-230)	Replacement Vehicle	724	150/1500 extd cab 4WD	\$ 50,000
10% Contingency - Potential Cost Escalation due to Market/Tariffs				\$ 15,000
				\$ 165,000
<i>To be funded by Solid Waste Fund Balance (not financed):</i>				
Landfill (SWS-380)	Replacement Vehicle	18	F450	\$ 75,000
Landfill (SWS-380)	Replacement Vehicle	21	150/1500 extd cab 4WD	\$ 50,000
Landfill (SWS-380)	Replacement Vehicle	30	F750 (small water truck)	\$ 95,000
Landfill (SWS-380)	Replacement Vehicle	58	250/2500 4WD	\$ 75,000
Renewable Energy Center (SWS-381)	Replacement Vehicle	72	150/1500 extd cab 4WD	\$ 50,000
10% Contingency - Potential Cost Escalation due to Market/Tariffs				\$ 34,500
				\$ 379,500

2025-247 Commissioner Hovis - Financial and Management Services - Finance - To Reduce Appropriated Interest Earnings on the 2023 Bond Anticipation Notes (BANs) for Gaston County Schools to Spend on Facilities in FY2025 (\$67,730.41) per Budget Change Request:

Account Description	Account Number	Amount
Educ Bonds: GO BAN Series 2023	4010-000-000-00000-GOBANs-Sch2023-0000-03-540100-P2409	(67,730.41)
Interest Earnings	4010-NDP-000-00000-GOBANs-Sch2023-0000-03-444001-P2409	67,730.41

2025-248 Commissioner Hovis - Financial and Management Services - Finance - To Appropriate Fund Balance in the Community Investment Fund and Transfer the Funds Into the General Government Capital Fund for a Replacement Vehicle for ACCESS (\$40,000) per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	4000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(40,000.00)
Transfer to Gen Govt Capital	4000-NDP-000-00000-TrfxTo-0000000-0000-98-584005-	40,000.00
Transfer from CIF	4005-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(40,000.00)
Motor Vehicles	4005-NDP-000-00000-InsSet-Vehicle-0000-01-540003-	40,000.00

2025-249 Commissioner Hovis - Financial and Management Services - Finance - To Appropriate Accumulated Investment Earnings from April 1, 2025, through May 31, 2025 (\$8,709.70) per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	4096-NDP-000-00000-FBApro-0000000-0000-99-490000-	(221.78)
2016 GO School Bonds	4096-000-000-00000-GOBond-Sch2016-0000-03-540100-16283	69.94
2018 GO School Bonds	4096-000-000-00000-GOBond-Sch2018-0000-03-540100-19040	151.84
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(3.39)
Salaries: HT DV funds	1000-CSS-291-29102-000000-0000000-0000-05-510001-AG020	3.39
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(0.57)
Salaries: HT SA funds	1000-CSS-291-29101-000000-0000000-0000-05-510001-AG021	0.57
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(3,494.97)

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Food&Provision-InnovatvCrtProg	1000-NDP-000-00000-000000-000000-0000-02-520005-G0089	2.40
Furn/Equip<\$5K-InnovativeCourt	1000-NDP-000-00000-000000-000000-0000-02-520020-G0089	81.92
Misc Suppl/Exp-InnovatvCrtProg	1000-NDP-000-00000-000000-000000-0000-02-520007-G0089	3.96
Other Services-InnovatvCrtProg	1000-NDP-000-00000-000000-000000-0000-02-530015-G0089	2,836.45
Professional Services	1000-NDP-000-00000-000000-000000-0000-02-530010-G0089	167.04
Program Suppl-Innovative Court	1000-NDP-000-00000-000000-000000-0000-02-520002-G0089	73.87
Temp Services-InnovatvCrtProg	1000-NDP-000-00000-000000-000000-0000-02-530013-G0089	217.62
TranspOfClients-InnovatvCrtPrg	1000-NDP-000-00000-000000-000000-0000-02-560001-G0089	111.71
Furn/Equip<\$5K-NC OSBM SHF Grt	1000-SHF-000-00000-000000-000000-0000-02-520020-G0143	489.76
Software Rental-NC OSBM SHF Gr	1000-SHF-000-00000-000000-000000-0000-02-530029-G0143	88.58
Uniforms-NC OSBM SHF Grant	1000-SHF-000-00000-000000-000000-0000-02-520006-G0143	190.48
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(768.82)
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(3,291.53)
Furn/Equip<\$5K-SHF StateDirct	1000-SHF-000-00000-000000-000000-0000-02-520020-G0108	3,291.53
Fund Balance Appropriated	4005-NDP-000-00000-FBApro-0000000-0000-99-490000-	(928.64)
Furn/Equip>\$5,000-SHF StateDir	4005-SHF-000-00000-000000-000000-0000-02-540002-G0108	928.64

2025-250 Commissioner Brown - Financial and Management Services - Grants (HUSN) - Transfer Funds from the General Government Capital Fund to the General Fund (\$20,146.40) per Budget Change Request:

Account Description	Account Number	Amount
Motor Vehicles-FY25 HUSN SA	4005-CSS-291-29101-000000-000000-0000-05-540003-G0145	(5,599.45)
Furn/Equip>\$5,000-FY25 HUSN SA	4005-CSS-291-29101-000000-000000-0000-05-540002-G0145	(14,546.95)
Program Supplies-FY25 HUSN SA	1000-CSS-291-29101-000000-000000-0000-05-520002-G0145	20,146.40
Transfer to CIF	4005-NDP-000-00000-TrfxTo-0000000-0000-98-584000-	20,146.40
Transfer from Gen Govt Capital	4000-NDP-000-00000-TrfxFr-0000000-0000-98-484005-	(20,146.40)
Transfer to General Fund	4000-NDP-000-00000-TrfxTo-0000000-0000-98-581000-	20,146.40
Transfer from CIF	1000-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(20,146.40)

2025-251 Commissioner Hovis - Natural Resources - To Accept and Appropriate North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation Funds for District Matching Funds and Technical Assistance (\$13,600 with a County Match of \$3,600) per Budget Change Request:

Account Description	Account Number	Amount
FedGrtRev: Soil&Water Grant	1000-NAT-000-00000-000000-000000-0000-07-410000-GDSWC	(10,000.00)
StGrtRev: Div of Soil & Water	1000-NAT-000-00000-000000-000000-0000-07-410001-GDSWC	(26,845.00)
Salaries	1000-NAT-000-00000-000000-000000-0000-07-510001-	(50,090.00)
State Grant Revenues	1000-NAT-000-00000-000000-000000-0000-07-410001-	23,245.00
Salaries	1000-NAT-000-00000-000000-000000-0000-07-510001-GDSWC	63,690.00

2025-252 Commissioner Brown - Parks and Recreation - Proclamation - To Proclaim the Month of July 2025 Parks and Recreation Month in Gaston County

2025-253 Commissioner Keigher - Police Department - To Accept and Appropriate Donation Received from City Church in the Amount of \$1,635.56 per Budget Change Request:

Account Description	Account Number	Amount
Donations & Gifts - DrugCt	1000-GPD-000-00000-DrugCt-0000000-0000-02-445004-	(1,635.56)
Food and Provisions	1000-GPD-000-00000-DrugCt-0000000-0000-02-520005-	1,635.56

2025-254 Commissioner Keigher - Police Department - To Accept and Appropriate Donation Received from City Church in the Amount of \$2,576.55 per Budget Change Request:

Account Description	Account Number	Amount
Donations & Gifts - LEAD GC	1000-GPD-000-00000-LEADGC-0000000-0000-02-445004-	(2,576.55)
Donations Exp Clients- LEAD GC	1000-GPD-000-00000-LEADGC-0000000-0000-02-520019-	2,576.55

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2025-255 Commissioner Brown - Register of Deeds - To Appropriate Restricted Automation Preservation Fund Balance to Fund IT Equipment and Record Imaging and Preservation (\$279,581) per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000-	(279,581.00)
Furn/Equip<\$5K (Automtn Fds)	1000-ROD-000-00000-AutoFd-0000000-0000-01-520020-	58,250.00
Prof Svcs (Automtn Fds)	1000-ROD-000-00000-AutoFd-0000000-0000-01-530010-	172,000.00
Repairs & Maint (Automtn Fds)	1000-ROD-000-00000-AutoFd-0000000-0000-01-530023-	49,331.00

2025-256 Commissioner Bailey - Sheriff's Office - Retirement Commendation - To Award the Service Side Arm and Badge to Retired Deputy Michael (Mike) Agerton**2025-257 Commissioner Brown - Tax Collections - To Accept the Annual Tax Settlement Report of Taxes Billed and Collected Over the Previous Fiscal Year Ending June 30, 2025, per N.C.G.S. 105-373****2025-258 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.

2025-000 Commissioner Brown - Financial and Management Services - Budget - To Approve One (1) New Full Time Position

Commissioner Hovis introduced the motion to approve and Commissioner Bailey provided the second.

Chairman Brown called for discussion.

Commissioner Cloninger stated she values fiscal responsibility, accountability, sustainability, and saving taxpayer dollars but raised several questions for clarity:

- Who will the Liaison position report to, what do the responsibilities entail?

Mr. Vincent Wong, Deputy County Manager, explained that the Liaison would report to Chief Hunter, Emergency Management Director, who in turn reports to the Deputy County Manager. He clarified that the position is responsible for managing contracts with the 17 contract fire departments, building relationships, providing information to the Emergency Management Director and the Board of Commissioners on any fire service issues or concerns, handling day-

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to-day communications, ensuring compliance with contracts, training, equipment maintenance, and certifications.

- Was the position discussed with the Fire Chiefs?

Mr. Wong stated he had discussed the position with some Fire Chiefs and addressed the topic during contract discussions and Fire Commission meetings, although he had missed some meetings due to scheduling conflicts.

- Why is 100% of the position's funding comes from the fire tax?

Mr. Wong explained the position is dedicated to contracted fire departments; 50% of an Accountant II position's salary is also funded from the fire tax to support this work. The Liaison position itself would be 100% dedicated to fire services.

In conclusion, Commissioner Cloninger expressed concern that the position could create barriers among departments instead of fostering collaboration.

Mr. Wong responded that the position is intended to improve communication and provide a dedicated contact for the fire departments, the Fire Commission, and the Board of Commissioners.

Commissioner Bailey asked where the funding was coming from, recalling prior discussions on the fire tax allocation.

Mr. Wong clarified that funding for the Liaison position and the 50% funding for the Accountant II position was included in the approved Budget Ordinance.

Commissioner Cloninger asked if two positions were combined into one role.

Mr. Wong clarified that there are two separate positions: the Fire Liaison (100% fire tax) and the Accountant II (50% fire tax).

Commissioner Cloninger inquired about whether a vehicle would be provided.

Mr. Wong said it had not been discussed but it was possible.

Chairman Brown interjected that the proposed Fire Liaison position would not receive a vehicle.

Commissioner Hovis explained that the Fire Commission supported the proposed liaison role to improve communication. The intent was to assist departments with the complexity of the new line-item budget process and chart of accounts requirements, to prevent delays in future budget submissions, and to maintain separate revenue streams for each department, ensuring improved financial accountability.

Chairman Brown asked for the total cost for a full-time employee.

Mr. Wong estimated \$124,000 including benefits.

Commissioner Cloninger asked why the cost information was not included in the Board Action.

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The County Manager explained that funding for both positions was included in the approved Budget Ordinance; but because the liaison position was not included on the new position list, staff felt it required separate Board approval.

Chairman Brown commented that \$125,000 is excessive for one department head and suggested staff rework the position.

Mr. Wong clarified that the projected salary is between \$60,000 and \$70,000, plus benefits.

At the conclusion of the discussion period, the Chairman called for a motion.

Commissioner Hovis made a motion to approve. No second was heard and the motion died for lack of a second.

No vote was taken on the original motion, which had not been withdrawn. The Chairman proceeded to the next business item.

Citizen Recognition

Mrs. Ann Doss Helms, 316 Gaither Rd., Belmont, NC, spoke about the homeless situation in the County.

Mr. Philip L. Hinely, 1414 Edenton Ct., Gastonia, NC and former Gaston County Manager, thanked the BOC for appointing him to the Economic Development Commission.

Appointments

On motion introduced by Commissioner Shehan and seconded by Commissioner Keigher, the BOC unanimously reappointed Mr. Scott R. Zander to the **Gaston County Fire Commission** to a term ending June 30, 2028.

On motion introduced by Commissioner Keigher and seconded by Commissioner Brown, the BOC unanimously reappointed Mr. Richard (Dick) S. Cromlish to the **Tourism Development Advisory Board** to a term ending July 31, 2028.

On motions introduced and seconded, the following individuals were unanimously appointed to the **Animal Care and Enforcement Advisory Board**:

Motion Introduced	Seconded	Appointee	Term Ending
Commissioner Brown	Commissioner Hovis	Ms. Maria Bando	November 30, 2026 (Unexpired Term)
Commissioner Brown	Commissioner Hovis	Ms. Debbie Clay	February 28, 2026 (Unexpired Term)

On motion introduced by Commissioner Hovis and seconded by Commissioner Brown, the BOC nominated Commissioner Hovis as the Voting Delegate and Commissioner Keigher as the Alternate Voting Delegate for the 2025 NCACC Annual Conference.

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On motion introduced by Commissioner Brown and seconded by Commissioner Hovis, the BOC unanimously appointed Mr. Marvin (Chuck) K. Ballard to the ***Gaston County Planning and Zoning Board*** to a term ending June 30, 2028.

Commissioners' Committee Reports

Commissioner Bailey reported that he had been contacted regarding the newly established ***Gaston County Rugby Football Club***. He noted the club has already begun operations and is offering youth programs and camps scheduled for July 29–31 and August 5–7. The club currently lacks a permanent home and is seeking private partnerships to support its initiatives. He encouraged anyone interested in rugby, both youth and adults, to get involved and expressed his personal enthusiasm for the sport's revival in the community.

Chairman Brown suggested that Commissioner Bailey get with Parks and Recreation Department.

Commissioner Keigher reported receiving an email from Dr. John Hauser, President of ***Gaston College***, advising that Gaston College was listed in the top 250 of the vocational institutions in the country.

Chairman Brown reported attendance, along with Commissioners Cloninger and Shehan, at ***The Charters of Freedom Monument Dedication***. He noted that Foundation Forward did a phenomenal job with the display at the Rotary Centennial Pavillion on July 3. He also thanked First Responders for all they did to ensure public safety during the 4th of July activities downtown.

County Manager's Report

The County Manager stated he did not have a formal report. He recalled the earlier discussion regarding the Fire Liaison position and clarified that it was not included in his proposed budget, although the Accountant II position was. He added that due to family issues, he had been absent at the time the budget was initially presented.

He noted that the Budget Ordinance was later amended to include the Fire Tax revenue, and at the request of the Fire Commission, the Liaison position was included. Staff felt it was important to clarify this, as the position was not included in the proposed budget, and to provide the Board of Commissioners with an opportunity to officially consider approval of the position. He reiterated that no dollar amount was included in the Board Action because funding had already been approved in the amended Budget Ordinance. He stated he would support the Board's decision.

Chairman Brown requested that any further questions or discussion should be directed to the County Manager.

County Attorney's Report

No report.

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Other Matters***South Point Beach Park – Parking:***

Commissioner Bailey noted that parking fees have recently been implemented at the South Point Road Park Beach, making it the only park in Gaston County with paid parking. He reported receiving inquiries from residents expressing concerns about the fee. He noted that some York County beach parks recently waived parking fees for county residents. He asked whether the Board could consider a similar waiver.

The County Manager responded that would be at the discretion of the Board.

Chairman Brown suggested that the Board consider the issue and review relevant operational and financial considerations. The County Manager explained that parking fees are currently used to fund park staff, which includes two full-time employees and one part-time employee, at an estimated cost of approximately \$120,000.

Commissioner Shehan asked about revenue generated from the new parking fees.

The County Manager noted that fees began July 1, 2025, and final revenue figures are not yet available. He explained that prior to implementation, the general fund covered Park expenses. He referred to Ebenezer Park in York County as a comparison, where fees were initially charged per person and later adjusted to charge only non-county residents. He indicated that a similar model could be considered for South Point Road Park, allowing the Board to potentially waive fees for Gaston County residents while charging a higher fee for out-of-county visitors, should the Board choose to implement such a policy.

Commissioner Hovis commented on the recent park fee structure, noting that it was originally designed to recover the costs associated with higher attendance at the park's water amenity, which was expected to exceed volumes seen at other County parks. He emphasized that the fee was intended to minimize the burden on taxpayers by covering operational costs through user fees, consistent with cost-recovery practices across all county departments.

He explained that, because the park is new, projected attendance and revenue were uncertain. The fee structure was intended as a temporary measure, with evaluation planned at the end of the year to assess usage and cost recovery. He noted that the structure was modeled in part on York County's approach and reiterated that all department fees are reviewed annually to ensure they remain appropriate.

Recycling Centers:

Commissioner Bailey stated the County is evaluating the current GarbCard program and considering the potential implementation of a kiosk system. He questioned the rationale for charging residents who are already paying property taxes for recycling services, particularly when fees at the landfill are intended for commercial use.

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He asked about the cost of the proposed kiosk system, whether it would generate revenue, break even, or operate at a loss, and whether charging residents would be justified if the system is self-sustaining; he noted further discussion is needed as part of the ongoing evaluation of recycling center operations.

Commissioner Hovis discussed the current operations and policies at the County's green box recycling sites. He explained that residents who bring recyclables - plastics, cardboard, glass, or tin – are exempt from the GarbCard fee, which is primarily intended for users disposing of commercial or mixed refuse. He shared his personal experience as a resident of Bessemer City, noting that he visits the Tryon green box site approximately every six weeks, discarding multiple recyclable items but no household garbage.

He also noted he had questions regarding the proposed shift to a kiosk or debit card system to replace the GarbCard, emphasizing that the system has worked effectively. The GarbCard system was established to eliminate the need for part-time employees at green box sites to handle cash. He stated he would like a detailed explanation of how the new system will function before any changes are implemented.

Commissioner Bailey noted that several commercial landscapers and yard maintenance operators had contacted him, reporting that they are no longer allowed to use the recycling centers and must take materials directly to the landfill. He questioned if this was a change in policy.

Commissioner Hovis clarified that commercial users are supposed to go to the landfill, while the GarbCard system is designed for small, independent operators (mom-and-pop businesses) who do not have a private yard waste service. He added that these small operators frequently use the green box sites.

Chairman Brown explained that residents purchasing GarbCards often reside outside of municipalities that provide curbside collection and are paying for an additional service. He noted that individuals outside the County may be using the sites differently and that commercial users typically generate waste at a volume exceeding the capacity of the recycling receptacles, which is why they should be directed to the landfill.

Fire Liaison Position:

Commissioner Fraley recalled the earlier discussion regarding the Fire Liaison position and questioned how a base salary of \$60,000–\$70,000 could result in a total compensation of \$125,000.

The County Manager responded that he would provide an answer the following day and noted that the higher total likely included vehicle costs.

Sheriff's Positions:

Commissioner Hovis recalled the discussion from the last meeting regarding the addition of the five new positions added to the Sheriff's FY26 budget, to handle the flow of additional Courtroom activity. He noted his prior request for data regarding courtroom utilization had gone unanswered. He reemphasized that the Board's decisions must be data-driven. He also raised other concerns,

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including a recent report of surplus vehicles (15-20) in the Sheriff's Office being redeployed and assigned to part-time staff, and Sheriff's Deputies running radar, which he argued is a traffic function and falls under County Police responsibility. He stressed that measurable justification is needed and offered the following motion:

Commissioner Hovis introduced a motion to cut the five courthouse deputy positions pending justification, and Commissioner Keigher provided the second.

Chairman Brown called for discussion.

Commissioner Shehan expressed his concern that the Sheriff was not present and should be allowed to respond to these questions; he asked Chief Deputy Wyatt to approach the podium to provide clarification in the Sheriff's absence.

Commissioner Hovis reiterated that he had asked for this information a month ago.

Chief Deputy Wyatt reported no additional courthouse deputies have been added since 2000 despite population growth and more court cases. He said the Sheriff will provide detailed documentation very soon. He also disputed that the report of 15+ surplus vehicles and said he had been working with Fleet to address this inaccuracy.

Commissioner Bailey cited the letter signed by District Attorney Travis Page and Chief Judge Hoyle supporting more deputies. He noted the five additional deputies are needed now, and when the 5th floor is completed, there will be additional positions needed.

Chief Deputy Wyatt stated half-time deputies had been utilized in the past to work Courtrooms. With the implementation of School Resource Officers (SROs), retirees have been going to work in Schools instead of the Courthouse – and that number has dropped from 8–10 half-time deputies, to 3 currently.

Commissioner Bailey explained how the growing jail population limits staffing flexibility and cautioned that delays or failures in serving civil papers could result in fines against the Sheriff. He emphasized the safety concerns this creates for both the public and officers in the courthouse, jail, and civil process service when adequate staffing is not available.

Chairman Brown reiterated that the five positions were added in the budget, pending a State funding request.

The County Manager confirmed there was a request to the State.

The Chairman questioned the need for the new positions since no new courtrooms have officially opened, and the Courthouse hours remain 8–5; existing deputies should be reassigned from the road and utilized in the Courtrooms and jail if needed. He noted that it appears the Sheriff's road-staffing appears to outnumber County Police; he added that SROs should be under the County Police.

Chief Deputy Wyatt stated that they have added a third Superior Court Judge. He also explained that two deputies are required in Superior Court when criminal trials are in session, not just one.

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He noted that if a deputy leaves the courtroom to escort inmates from the holding cell, another deputy must remain present in the courtroom.

Chairman Brown asked how many deputies are on the road.

Chief Deputy Wyatt stated roughly twenty.

Chairman Brown stated that is twice as many as the County Police; reported receiving multiple calls earlier in the day regarding a large number of Sheriff vehicles at an incident.

Chief Deputy Wyatt explained that the vehicles were transporting inmates, some of whom required hospital visits, and noted that they were federal inmates. He further stated that costs associated with their care are paid by the federal government.

In conclusion, Chairman Brown requested updated data by Friday on vehicles, staffing levels, and radar-trained deputies. He stressed the need for cooperation between the Sheriff's Office and County Police.

Commissioner Hovis reiterated the need for courtroom activity metrics, suggesting increases in caseloads should be measurable and reported regularly, as well as data for traffic staffing. He also reiterated the importance of public safety at the Courthouse and noted more cooperation between the two County law enforcement agencies is needed.

Chairman Brown offered a friendly amendment to Commissioner Hovis' motion to provide for reconsideration of the funding in December 2025, which Commissioner Hovis accepted.

Commissioner Keigher agreed additional information and accountability is needed, and the Sheriff should be given an opportunity to respond to the questions. He indicated he was good with proceeding as long as it would be revisited.

Chairman Brown called for the vote and the BOC approved 2025-259 *To deauthorize the five Sheriff's Office positions approved in the FY26 Budget until December 2025, at which time the Positions may be reconsidered for reinstatement, upon the submission of sufficient justification and supporting documentation.* The vote carried as follows:

Ayes: Commissioners Brown, Cloninger, Hovis, Fraley, Keigher

Nays: Commissioners Bailey, Shehan

Absent: None

Chairman Brown – RE: Homelessness:

Chairman Brown commented on recent public concerns and ongoing criticism about the County's role in addressing homelessness. He outlined some of the County's efforts:

- In 2023, the Sheriff's Office operated the cold weather shelter, with support from GEMS.
- In 2024 and 2025, the Salvation Army operated the cooling station, with assistance from GEMS and DHHS (fans provided).

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- The County has readily supplied its limited resources (fans, tents, trailers for showers/laundry, use of libraries, etc.) but he emphasized the County does not own facilities suitable for shelters.

Chairman Brown noted that since 2019 the City of Gastonia has received over \$11 million in HUD funding, including CDBG (Community Development Block Grant), HOME (Home Investment Partnerships Program), COVID relief, and ARPA (American Rescue Plan Act of 2021) allocations, for affordable housing and homelessness prevention, and cited the following data:

- 2019: \$745,000 HOME; \$671,000 CDBG
- 2020: \$805,000 HOME; \$656,000 CDBG; \$871,000 COVID funds
- 2021: \$786,000 CDBG; \$654,000 HOME; \$2.85 million COVID funds
- 2024: \$708,000 CDBG; \$561,000 HOME

He stressed that these federal funds go directly to the City of Gastonia, not the County, and that the City bears the primary responsibility for their use. He suggested that the City's community centers and facilities such as Sims Park, remain underutilized as cooling stations or shelters. He reported that Gaston County has:

- Contributed over \$2 million in taxpayer funds toward homelessness assistance, in addition to processing \$25 million in federal emergency rental assistance during the pandemic.
- Provided trailers, shower facilities, cots, tents, fans, the use of libraries, and other resources.
- Partnered with nonprofits, faith-based groups, and service providers to assist those in need.

He reiterated the County's past efforts, including the vast services that are provided to assist with the issue, and acknowledged that all the relevant partners could do better, but noted that blame is regularly shifted toward the County, frequently by the City. He noted the County will accept responsibility where warranted but will also present the facts to the citizens. The City has the tools and resources to do more, and leadership on the issue must come from them.

He underscored the complex and challenging nature of homelessness – an issue that requires strong municipal response. He noted that the City of Gastonia has the tools to expand affordable housing, invest in supportive services, and build partnerships with nonprofits and the Gaston-Cleveland-Lincoln Continuum of Care. He noted that meaningful progress will require a focused, strategic approach aligned with measurable outcomes and stronger coordination among the City of Gastonia, the County, churches, nonprofits, and community partners.

Commissioner Hovis supported Chairman Brown's remarks. He highlighted the creation of the County's Community Support Services office, which was created to centralize assistance. He noted that although the office did not achieve the intended outcomes, and services were later decentralized, the programs and staff were diverted back to their home agencies within DHHS, ensuring continuity. He reaffirmed the County's ongoing commitment and noted that responsibility is shared among churches, nonprofits, municipalities, and the broader community.

COMMISSIONER'S COURT

JULY 22, 2025

GASTON COUNTY, NORTH CAROLINA

Chairman Brown reiterated the County's significant financial contributions, noting that while millions have been invested, addressing homelessness requires collaboration – and funding alone will not resolve the issue.

Commissioner Keigher recalled that the County also provided mobile trailers for laundry and shower assistance as part of its contributions.

Commissioner Bailey added that homelessness is often concentrated in urban areas, and the City of Gastonia must take greater responsibility, given the millions it has received in federal funding. He stated that many homeless individuals decline assistance, and that government must balance compassion with limits to avoid creating a "welfare state." He also noted the County has undertaken encampment cleanups (e.g., Spencer Mountain, Sims Park).

In closing, Chairman Brown summarized that Gaston County continues to partner with all willing organizations, has made substantial financial and logistical contributions, and will not accept misplaced blame for an issue requiring shared responsibility and municipal leadership.

Adjournment

By unanimous consent, Chairman Brown adjourned the Regular Meeting of July 22, 2025 at 8:55 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

SEAL