

# ADOPTED

**MAY 22 2018**

**889**

Gaston County Board  
of Commissioners

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

MARCH 27, 2018

The Gaston County Board of Commissioners (BOC) met in Regular Session on March 27, 2018 at 6:00 pm in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Chairman Chad Brown presided with Commissioners, Tom Keigher, Vice-Chairman; Don Grant, Bob Hovis, Tracy L. Philbeck and Ronnie Worley in attendance.

Commissioner Allen R. Fraley was not in attendance.

Others present included Earl Mathers, County Manager; Charles L. Moore, 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 Keigher led in the Pledge of Allegiance.

**Public Hearing - Zoning Map Change: (Z18-01) Alex Austin (Applicant); Property Parcel 207382, Located at 2952 York Hwy; 3000 York Hwy; 3002 York Hwy; 3004 York Hwy, Gastonia, NC. Rezone from the (IU) Urban Industrial Zoning District to the (C-3) General Commercial Zoning District**

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

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

With a quorum of the Planning Board in attendance, Chairman Brown recognized Mr. Willie King, Development Services Manager, for comments.

Mr. King requested the MPO comments be accepted into the record and on motion introduced by Commissioner Grant, seconded by Commissioner Worley, the BOC unanimously accepted the document as information.

Mr. King reviewed the application as set forth above and presented as follows: request is to rezone parcel 207382 located at 2952 York Highway from the (IU) Urban Industrial Zoning District to the (C-3) General Commercial Zoning District (approximately 1.07 acres); current use is commercial; Mr. Alex Austin (applicant) is present; CLM Investments is property owner. He reviewed the property via vicinity, aerial and zoning maps as follows: property is located East of the York Highway and is classified in the Comp Plan as the Garden Gaston District, which encompasses Gastonia, Belmont, Cramerton and Southeast Gaston County; surrounding zoning consists of City of Gastonia I-U and to the Northwest, City of Gastonia C-3. Mr. King reviewed key issues identified by citizens for the area and concluded that it is staff's opinion the proposed map amendment is consistent with the Comp Plan; copy of application was provided to the City of Gastonia and no comments were received; one call received for information.

Chairman Brown called for citizen comment.

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

Mr. John Bowyer of American Efird (A&E) noted the property just South of the subject property is A&E property; have no objection to zoning request; wanted to go on record that A&E has had issues with Railroad Street (referred to the road's location as depicted on the map); have contacted NCDOT, County and City of Gastonia and no one claims the street; A&E has been maintaining the street; it services a large trailer park to the east.

Ms. Mary Ann McCall, owner of Pines Mobile Home Park in Gastonia, spoke on behalf of the 60 families currently living in the park; 100% rented mobile home park; is opposed to the zoning request because future changes may not be in the best interest of the park residents.

Mr. Alexander Austin, applicant, stated the current zoning (I-U) isn't much use to the property; (C-3) zoning permits a car lot (proposed use); auto repair is already in use on the subject property and is considering an auto body shop usage in the future; the requested zoning will allow the continuation and expansion of the current business.

Commissioner Philbeck noted Counties have no jurisdiction over roads; inquired about the road surfacing and if it is a private drive and Mr. Bowyer indicated (from the audience) it is a paved road; Commissioner Philbeck suggested they may be able to petition the State to take over the road if it meets State standards; he invited Mr. Bowyer to call him if he wished to do so.

Chairman Brown directed the County Manager to look into the matter and contact Mr. Bowyer.

Commissioner Keigher asked about the other streets in the vicinity and Mr. Bowyer indicated (from the audience) those streets may actually be in the trailer park.

Mr. Craig Osee (last name inaudible), Vice President of McCall Properties, noted his research indicated that part of [the property] actually extends into the roadway; wanted to confirm that the road would remain open for his business; he described the location of the road and concluded that it is his understanding the State maintains the road up to the ROW from the property.

Chairman Brown also noted the City of Gastonia may have some responsibility.

Hearing no other comments, Chairman Brown moved to the next item of business.

**Public Hearing - Zoning Map Change: (Z18-02) Elizabeth Moser (Applicant): Property Parcel 135649, Located at 354 White Jenkins Road, Bessemer City, NC, Rezone from the (R-1) Single Family Limited Zoning District w/US Overlay to the (C-3) General Commercial Zoning District w/US Overlay**

Chairman Brown recognized Mr. David Williams, Development Services Director, for comments.

Mr. Williams requested the MPO comments be accepted into the record and on motion introduced by Commissioner Hovis, seconded by Commissioner Grant, the BOC unanimously accepted the document as information.

Mr. Williams reviewed the application as set forth above and presented as follows: request is to rezone parcel 135649 located at 354 White Jenkins Road, Bessemer City, from R-1 Single Family

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

Limited Zoning District w/US Overlay to the (C-3) General Commercial Zoning District w/US Overlay (approximately 21.1 acres); current use is commercial; Ms. Elizabeth Moser (applicant) is present; property is currently undeveloped. He reviewed the property via vicinity, aerial and zoning maps: location is Northwest Gastonia, east of Bessemer City; White Jenkins Road is to the west of the property with residential property on the side and some industrial property to the south; surrounding zonings in the general area include R-1, I-2, R-3 and RS-12; adjacent properties were notified of the request; property is within the Scenic Gaston/Southwest Gaston small planning area. Mr. Williams concluded that based on the goals and objectives in the zoning district of the area, it is staff's opinion the request is consistent with the Comp Plan; request was advertised, sent to adjacent property owners and sign posted on the property according to County policy; staff received four calls for information.

Chairman Brown called for citizen comments and questions from the Planning Board; hearing none, called for comments from the BOC.

Chairman Brown referred to the aerial map and inquired about the driveway access.

Mr. Williams stated the driveway provides access to the parcel and the bulk 21-acre track; assumes that it gives access to the single family dwelling that is on the property; property also has road frontage; the back property has a driveway and would have access via an easement.

Hearing no other comments, Chairman Brown moved to the next item of business.

**Public Hearing - Zoning Map Change: (Z18-03) A.G. Koutsoupas Inc. (Applicant); Property Parcels: 213330, 213331 and 213332, Located at 5634 South New Hope Road, Belmont, NC, Rezone from the (R-1) Single Family Limited Zoning District w/US, CH and SV Overlays to the (C-2) Highway Commercial Zoning District w/US, CH and SV Overlays**

Chairman Brown recognized Mr. David Williams, Development Services Director, for comments.

Mr. Williams requested the MPO comments be accepted into the record and on motion introduced by Commissioner Worley, seconded by Commissioner Hovis, the BOC unanimously accepted the document as information.

Mr. Williams entered a correction for the record: applicant's last name was misspelled as Koutsouplas in the application; the correct spelling is Koutsoupas.

Mr. Williams reviewed application as set forth above and presented as follows: request is to rezone three parcels - 213330, 213331 and 213332 located at 354 White Jenkins Road, Bessemer City, from R-1 Single Family Limited Zoning District w/US,CH,SV Overlays to the C-2 Highway Commercial Zoning District w/US, CH and SV Overlays (approximately 3.14 acres); property located generally at 5634 S. New Hope Road, Belmont; consists of vacant property and a shop. He reviewed the property via vicinity, aerial and zoning maps: property located in the Southeast area in the South Point Township off S. New Hope Road, which intersects with Suzanne Drive; surrounding zoning includes C-1 and C-2; located within the Garden Gaston Southeast Small Area. Mr. Williams concluded that it is staff's opinion the request is consistent

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

with the Comp Plan; request was advertised, sent to adjacent property owners; two calls were received for information.

Chairman Brown called for citizen comment.

Mr. John Koutsoupas, of A.G. Koutsoupas, Inc., indicated that the adjacent parcel is already zoned commercial and already has a commercial use (warehouse/auto repair shop); have an auto repair tenant in the 213330 parcel which is similar to what is adjacent to the other parcels; want to get the zoning changed to match the existing zoning.

Chairman Brown called for questions from the Planning Board and BOC; hearing none, excused the Planning Board to Room 2029 for deliberations.

**Public Hearing - City of Belmont - Belmont Historic Preservation Commission ETJ**

Chairman Brown made a motion to continue this Public Hearing to the next Regular Meeting allow staff more time to gather information on the matter.

Commissioner Hovis provided the second and the BOC unanimously continued the Public Hearing.

**Public Hearing - Re: Commissioner Brown - EDC - To Authorize a Gaston County Level One Economic Development Grant - Project "Drain"**

Chairman Brown introduced Mr. Donny Hicks for comments.

Mr. Donny Hicks, Economic Development Director, advised the request is for a Level One grant to be used as a match for an anticipated \$100k State Building and Reuse Fund Grant, which requires a \$5k match from the County; the EDC has worked with the company for a couple years on a production expansion; they company has other locations the facility could be relocated to; if the County gets this piece of the puzzle, there is a chance there will be another expansion to follow; proposal is to pay the \$5k upfront and upon payment of their first grant check, the \$5k match would be repaid to the County; \$8.8M expansion (approximately 20,000 SF) with approximately \$6M for the building and the remaining \$2.5M in machinery and equipment; \$39k average wage, which is slightly above County average.

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

**2018-058      Commissioner Brown - EDC - To Authorize a Gaston County Level One Economic Development Grant - Project "Drain"**

On motion introduced by Commissioner Philbeck and seconded by Commissioner Keigher, the BOC unanimously approved **2018-058**, as follows:

## COMMISSIONER'S COURT

MARCH 27, 2018

## GASTON COUNTY, NORTH CAROLINA

WHEREAS, project Project "Drain" is considering an investment of \$8,800,000 in a Gaston County manufacturing facility, including the installation of machinery and equipment and the expansion of the building; and,

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

WHEREAS, the Gaston County Board of Commissioners finds that it is in the best interests of the County to provide a Level One economic development grant to Project "Drain" that Project "Drain" will increase the taxable property, employment, industrial output and business prospects of the County, and further that Project "Drain" may not occur except for the offer of the County grant; and,

WHEREAS, the Gaston County Board of Commissioners has held a public hearing to consider whether to approve the grant to Project "Drain".

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

The Chairman of the Gaston County Board of Commissioners is authorized to:

1. Execute a Gaston County Economic Development Level One Grant Agreement.
2. Execute any documents necessary to obtain additional State incentives including up to a \$5,000 cash match for a NC Building Reuse Grant. The \$5,000 will be taken from the Gaston County Grant proceeds to the company.

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

On motion introduced by Commissioner Keigher and seconded by Commissioner Grant, the BOC unanimously closed the Public Hearings.

### **Agenda Revision/Approval**

- MOVED to April 24<sup>th</sup> Agenda/ Minutes – Regular Meeting of February 27, 2018 - III, B-1.
- ADDED/ Commissioner Philbeck - Public Works - To Authorize Nixon Power Services as a Sole Source Provider for a GE 420 Engine Block and Associated Parts and to Appropriate Funds from the Solid Waste Fund Balance for the Purchase - VII, D.

On motion introduced by Commissioner Hovis and seconded by Commissioner Philbeck, the BOC unanimously approved the Agenda of March 27, 2018 with changes as noted above.

### **Approval of Minutes**

On motion introduced by Commissioner Hovis and seconded by Commissioner Philbeck, the BOC unanimously approved the Minutes of the Closed Session of December 12, 2017 Pursuant to N.C.G.S. 143-318.11(a)(5), Closed Session of December 12, 2017 Pursuant to N.C.G.S. 143-318.11(a)(3), Closed Session of January 9, 2018 Pursuant to N.C.G.S. 143-318.11(a)(3), Closed Session of January 9, 2018 Pursuant to N.C.G.S. 143-318.11(a)(6) and Closed Session of February 13, 2018 Pursuant to N.C.G.S. 143-318.11(a)(3).

### **Citizen Recognition**

None.

## COMMISSIONER'S COURT

MARCH 27, 2018

## GASTON COUNTY, NORTH CAROLINA

**Consent Agenda**

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

**2018-059 Board of Commissioners - Resolution in Support of Marsy's Law, House Bill 551 and Senate Bill 595 as follows:**

WHEREAS, Marsy's Law For North Carolina and advocacy organizations statewide are dedicated to guaranteeing victims' rights and providing a voice; and,

WHEREAS, Marsy's Law For North Carolina supporters agree victims should always be treated with fairness and respect throughout the criminal justice process, protected from the defendant, reasonably heard at public proceedings regarding their case, and given a voice through the process of the case; and,

WHEREAS, per the Federal Bureau of Investigation's (FBI) most recent "Crime in the United States" report, in 2013 a total of 33,700 North Carolinians were the victim of Violent "Index Crimes" including: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson; and,

WHEREAS, Marsy's Law for North Carolina will ensure that victim's receive the same rights that are afforded to criminals and have rights to notification of release, hearings, appropriate restitution, and the right to speak at criminal proceedings; and,

WHEREAS, Victims' Rights is a non-partisan, non-political issue, and Marsy's Law is a common sense approach to ensuring Victims' Rights.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners do hereby proclaim support of HB 551/SB 595, Marsy's Law, in and for the County of Gaston, North Carolina, and encourage all of our citizens to join in the commitment to protect the rights of North Carolina crime victims.

**2018-060 Commissioner Keigher - BOC - Commendation - To Commend the Holy Angels Upon being Named the 2017 Recipient of the Montcross Area Chamber of Commerce Business of the Year Award**

**2018-061 Commissioner Brown - BOC - Proclamation - To Proclaim the Month of April 2018 as County Government Month in Gaston County**

**2018-062 Commissioner Worley - Budget/Purchasing - To Accept and Appropriate a Governor's Crime Commission Grant Award for \$33,705 for the Sheriff's Office to Implement a Supervised Safe Exchange Program per Budget Change Request:**

Account Description	Account Number	Amount
GCC Safe Exchange Grant/Rev.	010-02-4315-4315-420000 - 18606	(\$33,705)
GCC Safe Exchange Grant/Sal.	010-02-4315-4315-510001 - 18606	\$19,887
GCC Safe Exchange Grant/FICA	010-02-4315-4315-510100 - 18606	\$2,382
GCC Safe Exchange Grant/Printing	010-02-4315-4315-520013 - 18606	\$1,200
GCC Safe Exchange Grant/Signs	010-02-4315-4315-520007 - 18606	\$500
GCC Safe Exchange Grant	010-02-4315-4315-540001 - 18606	\$3,778
Remote Camera & Installation		
GCC Safe Exchange Grant/Equip (Call Station & Installation)	010-02-4315-4315-540002 - 18606	\$5,958

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

**2018-063      Commissioner Grant - Cooperative Extension - To Accept and Appropriate \$3,725 in Donations and Program Fees per Budget Change Request:**

Account Description	Account Number	Amount
Fee Based Prog-Food/Supplies	010-07-4950-4950-560000-15226	2505
Fee Based Prog:Food/Supplies	010-07-4950-4950-415013-15226	[2505]
4-H Programs	010-07-4950-4952-560000-16276	1220
4-H Local Programs	010-07-4950-4952-410009-16276	[1220]

**2018-064      Board of Commissioners - County Attorney - Request Support for Passage of General Obligation School Bonds and Article 46 Sales Tax One-Quarter Cent (1/4¢) at Primary Election on May 8, 2018 as follows:**

WHEREAS, the Gaston County Board of Education has identified over Six Hundred and Fifty Million (\$650,000,000) of school facility needs that must be addressed in the near future in Gaston County; and,

WHEREAS, a School Bond Referendum will appear on the Gaston County Ballot for the primary election to be held May 8, 2018, requesting authority to issue Two Hundred Fifty Million Dollars (\$250,000,000) in new school bonds; and,

WHEREAS, in addition to the aforementioned bonds, the citizens of Gaston County have approved and the County has issued educational bonds since 2000 totaling Two Hundred Fifty Three Million Ninety Five Thousand Dollars (\$253,095,000); and,

WHEREAS, the debt service for repaying the proposed 2018 school bonds will add an additional ten and one quarter cents (10.25¢) over the next five years to the county's existing ad valorem tax rate, unless an additional one-quarter (1/4 ¢) local sales and use tax is approved; and,

WHEREAS, a one-quarter cent (1/4 ¢) local sales and use tax would be earmarked for application solely to repaying the existing, newly approved, and future school bonds and other educational capital needs, and could generate approximately Six Million Dollars (\$6,000,000) in additional revenues above the current property tax receipts per year helping to reduce the tax burden on homeowners while providing for the educational needs of the children of Gaston County and meeting the demands for new classroom space, classroom improvements and other critical school infrastructure needs; and,

WHEREAS, a Sales Tax Referendum will appear on the Gaston County Ballot for the primary election to be held on May 8, 2018, requesting authority to add one-quarter cent (1/4 ¢) to the current sales taxes collected within Gaston County, which sales tax will not apply to unprepared food (groceries) and gas; and,

WHEREAS, the Gaston County School physical facilities are over-crowded with student population and, the present facilities are inadequate to meet the student population needs, now or in the future; and,

WHEREAS, the Gaston County School facilities are not only over-crowded, but are also in critical need of maintenance and repair, which creates difficult conditions for the student population using those facilities; and,

WHEREAS, the Gaston County Board of Commissioners has a compelling and continuing concern for the impact of the condition of school physical facilities and the educational progress of the children of the children of Gaston County; and,

WHEREAS, the Board of Commissioners understands that education is crucial to the prospects for economic development in Gaston County; and,

WHEREAS, the Board of Commissioners, by adoption of this Resolution, elects to favorably support and endorse the passage of the upcoming Sales Tax and School Bond referendums and urges the citizens of Gaston County to vote the favorable passage of same.

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

## COMMISSIONER'S COURT

MARCH 27, 2018

## GASTON COUNTY, NORTH CAROLINA

1. The Board of Commissioners hereby supports the Sales Tax and School Bond Referendums set for May 8, 2018, for the building and improvements of schools for the students and citizens of Gaston County. The Board of Commissioners encourages County citizens to vote in favor of the Sales Tax and School Bonds referendums.

2. That a copy of this Resolution be delivered to the Chairpersons for the Gaston County School Board and each municipality in Gaston County.

2018-065

**Commissioner Brown - County Manager - To Accept Departmental Budget Change Requests as Information as follows:**

EFF DATE	DEPT	ACCOUNT	DEBIT/CREDIT	AMOUNT
02/02/2018	Public Works	010-01-4265-4250-530022-	C	\$150
02/02/2018		010-01-4265-4250-520014-	D	\$150
02/08/2018	BOC	010-01-4110-0000-510001-	D	\$18,000
02/08/2018		010-01-4110-0000-510100-	D	\$5,700
02/08/2018		010-01-4110-0000-510101-	D	\$1,000
02/08/2018		010-01-4110-0000-530010-	C	\$24,700
02/09/2018	Tax	010-01-4140-0000-520014-	C	\$2,000
02/09/2018		010-01-4140-0000-530020-	D	\$2,000
02/12/2018		010-01-4140-0000-520001-	C	\$945
02/12/2018	Library	010-04-6110-6113-520001-	D	\$945
02/13/2018	Manager	010-01-4120-0000-530015-	C	\$790
02/13/2018		010-01-4120-0000-520012-	D	\$790
02/13/2018	DSS	020-05-4842-0000-560001-	C	\$5,000
02/13/2018		020-05-4842-0000-520013-	D	\$5,000
02/14/2018	Police	010-02-4311-0000-510001-	C	\$100,000
02/14/2018		010-02-4311-0000-510002-	D	\$100,000
02/15/2018	BOC	040-01-4110-0000-560000-16318	D	\$5,000
02/15/2018		040-01-4110-0000-560000-16317	D	\$7,000
02/15/2018	Public Works	040-01-4265-4260-540005-18119	C	\$12,000
02/16/2018	Library	010-04-6110-6110-530023-	C	\$114
02/16/2018		010-04-6110-6110-520012-	D	\$114
02/16/2018	EDC	010-07-4920-4920-540001-	D	\$1,810
02/16/2018		010-07-4920-4920-530015-	C	\$1,810
02/19/2018	Elections	010-01-4170-0000-530041-	C	\$12,000
02/19/2018		010-01-4170-0000-540001-	D	\$12,000
02/20/2018	Public Works	010-01-4265-4250-530020-	C	\$1,500
02/20/2018		010-01-4265-4250-540002-	C	\$2,003
02/20/2018		010-01-4265-4250-530023-	D	\$3,503
02/20/2018	Health	011-05-5114-5125-530002-	D	\$650
02/20/2018		011-05-5114-5125-530010-	C	\$650
02/21/2018	Library	010-04-6110-6110-520005-	D	\$10
02/21/2018		010-04-6110-6110-520011-	C	\$10
02/23/2018	Police	010-02-4310-4310-520007-	C	\$10,000
02/23/2018		010-02-4310-4310-530015-	D	\$10,000
02/23/2018		010-02-4310-4310-520006-	C	\$5,000
02/23/2018		010-02-4310-4310-530010-	D	\$5,000
02/26/2018	Fire Marshal	010-02-4340-0000-530023-	C	\$50,000
02/26/2018	Emerg Mgmt	010-02-4330-0000-530023-	D	\$8,000
02/26/2018	Sheriff	010-02-4315-4315-530023-	D	\$42,000
02/26/2018	Parks & Rec	010-04-6120-0000-520001-	C	\$70
02/26/2018		010-04-6120-0000-530000-	D	\$70
02/26/2018		010-04-6120-0000-520010-	C	\$500
02/26/2018		010-04-6120-0000-520011-	D	\$500
02/27/2018	Tax	010-01-4140-0000-540003-	D	\$120,000
02/27/2018		010-01-4140-0000-510001-	C	\$70,000

## COMMISSIONER'S COURT

MARCH 27, 2018

## GASTON COUNTY, NORTH CAROLINA

02/27/2018		023-01-4142-0000-560000-17169	C	\$110,000
02/27/2018		023-01-4142-0000-540003-	D	\$110,000
02/27/2018		010-01-4140-0000-520014-	C	\$35,000
02/27/2018		010-01-4140-0000-530013-	C	\$15,000
02/28/2018	Attorney	010-01-4150-0000-520011-	D	\$1,500
02/28/2018		010-01-4150-0000-520007-	C	\$1,500

**2018-066 Commissioner Brown - County Manager - Commendation - To Commend the 2017 Gaston County Employees of the Year** namely: Beth Griffiths, Sergeant Eric Knupp, Nikki Miles, Dottie Myers, Andrew Pierce, Ralph Roberts, Brian Rogers, Angela Stacks, Wendy Westmoreland, Danny Yarborough, Deputy Gregory Randall, Gina Thompson, and Dr. Darryl Pearson

**2018-067 Commissioner Brown - DHHS (Social Services Division) - Proclamation - To Proclaim the Month of March 2018 as National Social Work Month**

**2018-068 Commissioner Grant - Fire Marshal - To Accept and Appropriate a Grant from Factory Mutual Insurance Company (JP Morgan) in the Amount of \$3,300 per Budget Change Request:**

Account Description	Account Number	Amount
J P Morgan	010-02-4340-0000-430000-18143	(\$3,300)
J P Morgan	010-02-4340-0000-560000-18143	\$3,300

**2018-069 Commissioner Brown - Parks and Recreation - To Award the Region B Lawn Maintenance Contract to Calhoun's Lawn Maintenance of Gastonia, NC (\$49,700)**

**2018-070 Commissioner Brown - Parks and Recreation - To Accept and Appropriate \$5,000 in Sponsorships for the 2018 Gaston County Senior Games per Budget Change Request:**

Account Description	Account Number	Amount
Senior Center Donations	010-04-6130-0000-415001	(\$5,000)
Senior Center Programming	010-04-6130-0000-560000-18069	\$5,000

**2018-071 Commissioner Brown - Police Department - To Approve Surplus and Trade of Weapons as follows:**

**Gaston County Police Department – Weapons Trade List – January 31, 2018**

Make/Model	Serial Number	Caliber	Trade Value
HK MP5	62-391373	9mm	\$600
HK MP5	62-391374	9mm	\$600
HK MP5	62-371905	9mm	\$600
HK MP5	62-371906	9mm	\$600
Remington 870 Wingmaster	T479825V	12 ga.	\$100

**Total \$2,500**

Clyde Armory Inc.  
4800 Atlanta Highway  
Athens, GA 30606  
Attn: Robert Ford  
706-519-1842EXT210

## COMMISSIONER'S COURT

MARCH 27, 2018

## GASTON COUNTY, NORTH CAROLINA

**2018-072      Commissioner Hovis - Public Works - To Declare a Non-essential, County Owned Property Surplus and Authorize Staff to Initiate Sale Procedures Pursuant to Applicable North Carolina General Statutes (PID#155658 - 1005 Mountain Crest Drive, Kings Mountain)**

**2018-073      Commissioner Grant - Public Works - To Finalize and Formally Accept an Offer to Purchase County Owned Surplus Parcels (PID#s 137140 and 137134)**

**2018-074      Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the February Listed Tax Refunds be Made. (Real Estate - \$20,158.98; Vehicles and ETC - \$206.89; VTS Refunds - \$6,210.58; Grand Total - \$26,576.45) as follows:**

TAXPAYER NAME	OWNER NAME	AMOUNT
<b>FEBRUARY 2018 REAL ESTATE</b>		
Black, Roxann		\$144.31
Brady & Kosofsky PA		\$810.89
Daughtridge, James		\$992.60
Davis, George W Jr		\$214.43
Dial, Melvina		\$115.66
Diamondback Properties		\$678.22
Dover, Gale C		\$594.00
Fisher, Dennis Smith		\$151.52
Gaston County Tax Dept		\$2,739.78
Gaston County Tax Dept		\$100.00
Gregory Funeral Service		\$996.53
Henderson, Michael W		\$103.53
Hursley, Jeffrey Wade		\$429.30
Imagemark Business Svcs Inc		\$562.77
Johnson, Catrina		\$109.72
Karr, Robert D		\$2,126.04
Kirk, Harold R Jr		\$132.56
Lambert, Ray A Sr		\$200.00
Linwood Farms INC		\$2,120.70
Madison, Matthew W		\$220.70
Meas, Mandy		\$747.85
Pagan, Shebra		\$107.80
Payonk, Frederick F		\$403.49
Putnam, Faye L		\$105.76
Radco Construction Service		\$172.83
RE Professionals LLC		\$513.28
Rice-Davenport, April		\$372.76
Staterozrod, LLC		\$210.53
Streng, David J		\$2,478.03
Talick, Kimberly A		\$148.62
Terry, John Edward		\$171.41
Villa Roma of Gastonia		\$103.28
Waddell, Jonathan		\$962.95
Waters, John R		\$117.13
<b>TOTAL</b>		<b>\$20,158.98</b>
<b>FEBRUARY 2018 VEHICLES &amp; ETC</b>		
Blair, Twanda Folsom		\$206.89
<b>TOTAL</b>		<b>\$206.89</b>
<b>FEBRUARY VTS REFUNDS</b>		
Aggarwal, Pawan Kumar		\$169.48
Blankenship, Michael Chad		\$118.43
Bolding, Angela McGill		\$116.29
Bolt, Michaelle Denson		\$194.57
Bolt, Stephen Paul		\$116.24

## COMMISSIONER'S COURT

MARCH 27, 2018

## GASTON COUNTY, NORTH CAROLINA

Canaz-Caicedo, Richard	\$118.42
Coleman, Robert Sterling	\$182.41
Coleman, Robert Sterling	\$307.80
Davis, Douglas Lee	\$192.66
Denton, Phillip Lyle	\$174.34
Dill, Amy Nicole	\$118.48
Fisher, Tyler Brett	\$176.46
Ford, Dustin Trent	\$163.01
Garmon, Mark Anthony	\$125.32
Harris, Joseph Henry Jr	\$115.49
Isenberg, Brenda Gail	\$197.63
Kluttz, Craig Cope	\$106.82
Kowalik, Kevin Michael	\$119.26
Ledonne, Richard Albert	\$121.19
Lincoln County Tax Dept	\$194.90
Liu, Philip	\$148.29
Long, Shelia Pruitt	\$120.29
Loudin, Jeffrey Lee	\$254.52
Lynch, John Edward	\$174.33
Lynch, John Edward	\$208.84
Marby, Elizabeth Fox	\$170.44
Maddox, Katie Ann	\$108.62
MCCarn, Brian Eric	\$242.66
Mccoy, Aaron Vincent	\$109.34
McIntosh, Stacey Spencer	\$181.97
Morton, Larry Wade	\$102.31
Mull, Tommy Lee	\$242.05
Mull, Tommy Lee	\$360.31
Popson, Sharon Ann	\$135.96
Reed, Michael Jason	\$266.91
Robinson, Stephanie Jolinda	\$120.58
Rusisill, Donna Brown	\$133.96
<b>TOTAL</b>	<b>\$6,210.58</b>
<b>GRAND TOTAL</b>	<b>\$26,576.45</b>

***\* With the Planning Board still in deliberations, Chairman Brown moved to the next item of business, "Non-Consent". The Zoning Matter, as detailed below, was taken up after Committee Reports.***

**Zoning Matters Non-Consent**

**2018-079      Commissioner Hovis - Planning/Zoning - Zoning Map Change: Z18-01, Alex Austin (Applicant); Property Parcel 207382, Located at 2952 York Hwy; 3000 York Hwy; 3002 York Hwy; 3004 York Hwy, Gastonia, NC, Rezone from the (IU) Urban Industrial Zoning District to the (C-3) General Commercial Zoning District**

The County Attorney advised that the Planning Board recommended approval by a unanimous vote.

On motion introduced by Commissioner Keigher and seconded by Commissioner Philbeck, the BOC unanimously approved **2018-079**, after consideration of the map change application, public hearing comment and Planning Board recommendation:

## COMMISSIONER'S COURT

MARCH 27, 2018

## GASTON COUNTY, NORTH CAROLINA

- 1) The map change request is consistent with the County's approved Comprehensive Plan. The property in question is in a future land use designation of Rural Center and such areas support zoning for small business. The zoning classifications of existing I-U and proposed C-3 land uses both supports similar commercial operations. The subject parcels abut, or are close to, a busy highway, supporting such commercial activity. Commercial parcels are located near the subject properties. The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcel 207382, be approved, effective with the passage of this Resolution.
- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

**2018-080      Commissioner Hovis - Planning/Zoning - Zoning Map Change: Z18-02, Elizabeth Moser (Applicant); Property Parcel 135649, Located at 354 White Jenkins Road, Bessemer City, NC, Rezone from the (R-1) Single Family Limited Zoning District w/US Overlay to the (C-3) General Commercial Zoning District w/US Overlay**

The County Attorney advised that the Planning Board recommended approval by a unanimous vote.

On motion introduced by Commissioner Keigher and seconded by Commissioner Hovis, the BOC unanimously approved **2018-080**, after consideration of the map change application, public hearing comment and Planning Board recommendation:

- 1) The map change request is consistent with the County's approved Comprehensive Plan. The property in question is in a future land use designation of Rural and such area supports a variety of uses, including commercial activity. The location of the subject parcel, on White Jenkins Road, which is also close to Dallas-Bessemer City Highway, a busy road, support a rezoning from R-1 to C-3. Additionally, an I-2 use is located adjacent to the subject parcel, further indicating the area supports commercially zoned parcels. The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcel 135649, be approved, effective with the passage of this Resolution.
- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

**2018-081      Commissioner Worley - Planning/Zoning - Zoning Map Change: Z18-03, A.G. Koutsoupas Inc. (Applicant); Property Parcels: 213330, 213331 and 213332, Located at 5634 South New Hope Road, Belmont, NC, Rezone from the (R-1) Single Family Limited Zoning District w/US, CH and SV Overlays to the (C-2) Highway Commercial Zoning District w/US, CH and SV Overlays**

The County Attorney advised that the Planning Board recommended approval by a unanimous vote.

On motion introduced by Commissioner Worley and seconded by Commissioner Keigher, the BOC unanimously approved **2018-081**, after consideration of the map

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

change application, public hearing comment and Planning Board recommendation:

- 1) The map change request is consistent with the County's approved Comprehensive Plan. The property in question is in a future land use designation of Suburban Development and such area supports smaller commercial development, such those found on parcels of approximately three acres in size. The subject parcels are on S. New Hope Road, a busy road, and is suitable for commercial development. The overlay designations of Scenic View and Corridor Highway will help development be in harmony with the area. Additional commercial parcels are nearby. The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcels: 213330, 213331 and 213332, be approved, effective with the passage of this Resolution.
- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

## **Non-Consent**

### **2018-075 Commissioner Brown - County Attorney - To Provide an Advisory Opinion to the North Carolina Department of Transportation (NCDOT) Concerning Possible State Abandonment of a Portion of Friday Park Road**

Chairman Brown called on the County Attorney for a brief overview.

The County Attorney advised the statutes provide for the County Commissioners to consider the subject request and issue an advisory opinion to the NCDOT. The NCDOT is not bound by the advisory opinion but will issue a decision regarding the requested abandonment. This road extends into a small business/flex space office area that is the across the highway from Gaston College.

The County Attorney provided a larger area map to the Board.

The road connects Dallas-Gastonia Highway (Old Dallas Highway) to the intersection of Grier Beam and Hwy 321; it splits off into that flex space area of Dallas Building Supplies.

Chairman Brown called for a motion for the purposes of discussion. Commissioner Philbeck introduced the motion and Commissioner Keigher provided the second.

Commissioner Worley asked if any residents live along the road.

The County Attorney responded the section that connects to Hwy 321 does not have access; it is commercial flex space with one owner; doesn't disturb egress of residences or businesses in the area; owner will create a half cul-de-sac for people to turn around; currently a State maintained road; appears they want to have it closed for expansion purposes.

Chairman Brown called for the vote and the BOC unanimously approved  
**2018-075 To Provide an Advisory Opinion to the North Carolina**

## COMMISSIONER'S COURT

MARCH 27, 2018

## GASTON COUNTY, NORTH CAROLINA

## Department of Transportation (NCDOT) Concerning Possible State Abandonment of a Portion of Friday Park Road as follows:

WHEREAS, a certain state-maintained road known as Friday Park Road exists in Gaston County; and,

WHEREAS, a property owner wishes to have the NCDOT abandon approximately eight hundred and forty eight feet (848) feet of the western most portion of said right of way; and,

WHEREAS, the North Carolina Department of Transportation (NCDOT) requires that the County Commissioners make a recommendation to the NCDOT concerning abandonment of a state-maintained right-of-way; and,

WHEREAS, the NCDOT takes such recommendation into account when the NCDOT decides to issue a final decision concerning the request to abandon a right-of-way; and,

WHEREAS, Gaston County does not believe the abandonment of such road will be detrimental to the surrounding community.

NOW, THEREFORE, BE IT RESOLVED, that the Gaston County Board of Commissioners recommends to the North Carolina Department of Transportation that the request to abandon a portion of Friday Park Drive, be granted.

**2018-076 Commissioner Worley - Sheriff's Office - Accept Virtual Imaging as a Sole Source Vendor for the Budgeted Purchase of the SecurPASS Whole Body Scanner (\$189,000)**

Upon motion by Commissioner Philbeck, seconded by Commissioner Worley, the BOC unanimously approved **2018-076**, accepting Virtual Imaging as a Sole Source Vendor of the SecurPASS Whole Body Scanner.

**2018-077 Commissioner Worley - Sheriff's Office - To Approve and Appropriate \$37,500 from Fund Balance for the Purchase of an Extended Five-Year Service Agreement for the SecurPASS Whole Body Scanner**

Chairman Brown called for a motion for the purposes of discussion. Commissioner Worley introduced the motion and Commissioner Keigher provided the second.

Commissioner Grant inquired if the service agreement included a warranty.

The County Manager explained the agreement comes with a five-year warranty and this request is for an additional five years.

Chairman Brown called for the vote and the BOC unanimously approved **2018-077** To Approve and Appropriate \$37,500 from Fund Balance for the Purchase of an Extended Five-Year Service Agreement for the SecurPASS Whole Body Scanner and per Budget Change Request:

Account Description	Account Number	Amount
FUND BALANCE APPROPRIATED	010-99-9900-0000-490000	{37,500}
FURN/EQUIP > \$5,000	010-01-4265-4260-540002-18133	37,500

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

**2018-078      Commissioner Philbeck - Public Works - To Authorize Nixon Power Services as a Sole Source Provider for a GE 420 Engine Block and Associated Parts and to Appropriate Funds from the Solid Waste Fund Balance for the Purchase**

Chairman Brown called for a motion for the purposes of discussion. Commissioner Philbeck introduced the motion and Commissioner Keigher provided the second.

Chairman Brown called on the County Manager for a brief overview.

The County Manager stated the request is due to a catastrophic failure of one of the engines for the generator at the Renewable Energy Center; the County has a contractual relationship with Duke Energy to supply power; there are a limited number of suppliers and it was added to the agenda in order to move as quickly as possible. It will be paid for from the Enterprise Fund and will not impact general fund budget.

Commissioner Philbeck stated the new engine will have a 12-month warranty; inquired if the County is insured for something of this nature.

The County Attorney stated it has been submitted to the insurance carrier for boiler and equipment coverage and they will send someone out soon to determine if it is within their coverage.

Commissioner Worley inquired about the lifespan of the engine.

Mr. Ray Maxwell, Public Works Director, approached the podium; he noted that plant operations began in 2011; this was an old engine that was rebuilt and placed back in service; will get information regarding exact hours to the Board; the engines run 24/7 and are heavily used.

Commissioner Philbeck asked for an estimate of the ROI.

Mr. Maxwell stated the operation brings \$1.9M annually in revenue.

Commissioner Hovis asked if there is a plan for a new backup since this engine was rebuilt for that purpose.

Mr. Maxwell stated he would like to eventually have an engine block on hand (onsite); the subject engine will have to be shipped from Austria; these are difficult engines to find; it was in service as a rebuilt engine, which didn't have the 12-month warranty that comes with a new block; would like to purchase an additional block because of the Power Purchase agreement with Duke and being able to get this engine back into operation as quickly as possible.

Commissioner Hovis reiterated this may start the crisis management plan, but should another failure occur, there is no backup plan.

Commissioner Keigher noted the difficulty in locating these engines and asked if it is time to start looking for updated technology.

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

Mr. Maxwell stated it is current technology; he explained it is difficult to find one that is rebuilt or on a shelf; this engine is coming straight from the manufacturing floor.

Chairman Brown asked what caused the failure.

Mr. Maxwell stated they are still looking into the cause of the failure; he noted it had a cracked crank shaft, which is one of the issues that caused it to go down; staff mechanics and other experts will be looking into it.

Chairman Brown called for the vote and the BOC unanimously approved **2018-078** To Authorize Nixon Power Services as a Sole Source Provider for a GE 420 Engine Block and Associated Parts and to Appropriate Funds from the Solid Waste Fund Balance for the Purchase.

### Appointments

On motion introduced by Commissioner Hovis and Seconded by Commissioner Philbeck, the BOC unanimously appointed Mr. Gary Washington, Jr. to the **Transportation Advisory Board (TAB)** to an unexpired term ending October 31, 2020.

On motion introduced by Commissioner Brown and Seconded by Commissioner Philbeck, the BOC unanimously appointed Mr. Johnny Denton to the **Quality of Natural Resources Committee (QNRC)** to an unexpired term ending October 31, 2019.

On motion introduced by Commissioner Philbeck and Seconded by Commissioner Brown, the BOC unanimously reappointed Mr. Jack Brown to the **Travel & Tourism Advisory Board** to a term ending March 31, 2021.

On motion introduced by Commissioner Keigher and Seconded by Commissioner Philbeck, the BOC unanimously reappointed Mr. Jeff Lowery to the **Personnel Advisory Board** to a term ending March 31, 2021.

### Commissioners Committee Reports

Commissioner Grant reported his attendance, along with Commissioner Worley, to the **North Carolina County Commissioners Conference at the White House**; the conference was attended by Vice President Pence, Ben Carson, HUD Secretary, Kellyanne Conway and Lt. Governor Dan Forest; noted there was valuable discussion which included potential direct funding for County infrastructure, information on the opioid crisis and the eventual availability of high-speed internet access for every classroom in North Carolina (by June).

Commissioner Hovis reported attendance, along with Chairman Brown and Commissioner Worley, to the **Grand Opening of Stanley Middle School**. He noted the property transference of the **former Osage Mill property** has occurred and is in the hands of the developer; they are hopeful for construction to begin by the end of August.

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

Commissioner Philbeck reported attendance to the **TechWorks Conference** and noted they have very innovative ways to get high speed gigabit service throughout the County and described the value of gigabit to a local economy. He discussed bringing a request to the April agenda to add sixteen SROs for Gaston County Schools to enhance school safety and security.

Commissioner Keigher reported attendance to the **Council on Aging** meeting – went through the legislative priorities for aging communities; reported attendance to a **State NCACC meeting of the 17 NC Districts** – received a legal update on the Opioid litigation process; will attend the **April NCACC District meeting in Durham**; reported attendance to the **EDC Board** meeting – received updates on the Apple Creek property acquisition, potential business park sites and the Highway 7 Corridor study; reported attendance to the **CaroMont Board of Directors** meeting.

Commissioner Worley reported attendance to the **North Carolina County Commissioners Conference at the White House**; reported attendance to the **GigWow Event** in Belmont with TechWorks and expanded on the earlier points made by Commissioner Philbeck regarding the value of gigabit technology; reported attendance of the **Montcross Business Buzz** – received a presentation by the County Manager and the Schools Superintendent regarding the bonds and school funding; reported attendance to the **Stanley Middle School Grand Opening**.

Chairman Brown reported upcoming attendance of the **Ground Breaking of Dholandia North America**; noted a **Ranlo project** was announced last Friday that will bring 200 jobs; economic development activity is picking up; reported attendance to the **Montcross Business Buzz**; reported attendance to **Stanley Middle School Grand Opening**.

### County Manager's Report

#### PRESENTATION – PIVOTAL IMPORTANCE OF FUNDING FOR GASTON COUNTY SCHOOLS

The County Manager provided presentation slides and presented as follows:

- **Major County Expenses and Revenue Growth:** County expenditures have risen steadily since 2012 and large part of the growth has been in school funding; Schools use the money well but additional funding is necessary and the proposed bond issue on the May 8<sup>th</sup> ballot will address many of their needs
- **The School Funding Dilemma in North Carolina:** historically it was the obligation of the State to provide funding for operating, but NC counties also provide substantial amounts of funding
- **Overall School Funding:** Gaston County is currently spending \$50M/annually for operating; \$49M designated for operating in the current fiscal year with only \$1.2M for capital; school funding has increased over 17.6% since 2015; debt has increased by 35% over the same period
- **Lottery Proceeds:** Gaston County receives about \$2M annually in lottery proceeds; amount was reduced by nearly half by the State since counties began receiving the funds for education; Gaston County lottery funds are fully dedicated for debt service of the 2006 school bonds, although that amount is insufficient to cover the total debt

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

- **Percentage of Property Tax Appropriated for Schools in Gaston County:** property tax is the lion's share of revenue for Gaston County; at present, the percentage appropriated for school funding represents about 44% of property tax revenue and the trend continues to climb; need help in continued funding for schools particularly for the building of new schools
- **Education - Strategic Investment with Long-Term Benefits:** adequate school funding is vitally important for economic growth and social well-being, is essential for overcoming poverty which is a persistent problem for Gaston County, and is necessary for community vitality
- **School Bond and ¼ Cent Sales Tax Referenda Co-Dependence:** The School Bond Referendum is for \$250M; the ¼ Cent Sales Tax would be in place for perpetuity unless it was repealed and that represents \$6M/annually in revenue, which would be used exclusively for the retirement of the school bond debt; \$250M is a substantial amount however the overall needs that have been identified for new facilities and capital improvements exceeds \$650M; a ¼ cent sales tax represents one penny for every \$4 spent and is a progressive and sustainable source of revenue
- **Community Education Investment Cycle:** education is a virtuous cycle which – requires investment in schools and human capital; improves workforce development, employment opportunities and economic development; and, it requires reinvestment in infrastructure that will continue the cycle repeatedly.

Discussion ensued regarding school funding, capital needs, teacher supplements and the education tax burden on property owners. Commissioners discussed the importance of the \$250M School Bond Referendum and the One-quarter (1/4) cent Sales Tax Referendum on the May 8<sup>th</sup> ballot. They reiterated the Manager's comments regarding the difficulty of releasing the school bonds without the 1/4 sales tax revenue (which would be used for the sole purpose of retiring the bond debt). It was also pointed out that an approximate 10-cent increase to the property tax rate would be required to pay for the full release of the \$250M School Bonds.

In closing, Chairman Brown announced that both government channels would run two educational pieces on both referenda and their proposed uses.

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

No Report.

#### **Other Matters**

Chairman Brown announced the ground breaking of Dholandia North America on April 3<sup>rd</sup> and the April 6<sup>th</sup> Joint Legislative Delegation/BOC Meeting – 8:30 AM, Gaston County Administration Building.

907

COMMISSIONER'S COURT

MARCH 27, 2018

GASTON COUNTY, NORTH CAROLINA

**Adjournment**

Chairman Brown called for a motion to adjourn the meeting.

On motion introduced by Commissioner Hovis and seconded by Commissioner Worley, the BOC unanimously adjourned the Regular Meeting of March 27, 2018 at 7:32 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