

# ADOPTED

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Gaston County Board  
of Commissioners

GASTON COUNTY

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NORTH CAROLINA

JANUARY 24, 2023

The Gaston County Board of Commissioners (BOC) met in Regular Session on January 24, 2023 at 6:00 p.m., in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

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

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

Upon request of Chairman Brown, Commissioner Worley led those assembled in the Invocation and Commissioner Cloninger led in the Pledge of Allegiance.

Commissioners Keigher & Brown - BOC - Proclamation - To Proclaim the Month of February 2023 as Black History Month in Gaston County

Commissioner Keigher read and presented the Proclamation to Dr. Pearl Burris-Floyd, Diversity, Equity & Inclusion Officer.

Dr. Pearl Burris-Floyd was joined at the podium by Mr. Michael Meeks, Chairman of Gaston County Veterans Council for the acceptance of the Proclamation. She noted there were various events scheduled in February in celebration of Black History Month.

Commissioner Keigher invited Dr. Pearl Burris-Floyd and Mr. Meeks to the dais for a group photo with the BOC.

Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Map Change: REZ-22-02-24-00099, Jan & Barbara Vaculcik dba VF Ventures LLC (Applicant); Property Parcel: 308825, Located at 1558 Stanley Lucia Rd. in Mount Holly, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US) Overlay to the (I-2) General Industrial Zoning District with (US) Overlay

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

Commissioner Hovis introduced the motion and Commissioner Worley provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously entered into Public Hearing.

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

Mrs. Kanburoglu advised this rezoning request is from Jan & Barbara Vaculcik for property parcel 308825 located at 1558 Stanley Lucia Rd., Mount Holly, NC; the parcel is approximately 1.3 acres; the request is to rezone the parcel from the (R-1) Single Family Limited Zoning District with (US) Overlay to the (I-2) General Industrial Zoning District with (US) Overlay.

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She reviewed aerial, orthophoto, zoning and surrounding property owners maps and advised the property is located in the Riverbend Township – just east of Stanley; north of Mt. Holly; the existing building on the parcel is being used as a machine shop; the parcel is surrounded by residential properties and wooded areas; the property was purchased in 1987; the structure was placed on the property in 1988; it was zoned R-1 which is the default zoning in the County; this made the lot and its use a non-conforming situation; zoning in the area is heavily residential with scattered commercial zoned properties.

The Applicant purchased additional land from a neighbor in 2022; learned their septic tank was not within the original property lines; they went through the recombination process to create a new, larger lot and did everything possible to bring it into compliance; BOC packets contain a letter from the MPO (Gaston-Lincoln-Cleveland Metropolitan Planning Organization); for the record, she noted that the letter contained the old parcel id, which changed when the Applicants recombined the land.

Property owners were notified about the Public Hearing; staff received one call from the neighbor that sold the Applicants the additional land to confirm the purpose of the zoning request.

The parcel is located in Area 3 of the Comprehensive Land Use Plan (CLUP) and has the Rural Future Land Use designation; rural areas are characterized as having plenty of open space with farmstead housing and opportunities for agribusiness; key issues for citizens in area include preservation of open space, road improvements, better connectivity to other areas of County and throughout the region, increased job opportunities, maintaining rural feel of area and increased commercial opportunities.

Staff finds the application is consistent with the CLUP and the Planning Board unanimously recommended approval of the request.

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

Chairman Brown declared the Public Hearing closed and asked the County Attorney to summarize the Planning Board's recommendation.

The County Attorney advised the Planning Board was unanimous in recommending approval of this zoning map amendment change as being consistent with the Comprehensive Land Use Plan.

Chairman Brown called for a motion to approve.

Commissioner Keigher introduced the motion and Commissioner Hovis provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-001**, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it will maintain the "rural" feel of the area while increasing commercial opportunities,

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which meets the key goals for this area. The rural future land use designation envisions open space with opportunities for agribusiness ventures.

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: 308825, is hereby approved, effective with the passage of this Resolution.

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

Chairman Brown asked the County Attorney to provide the Consistency Statement.

The County Attorney provided the following Consistency Statement: *This proposed zoning map amendment is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it will maintain the "rural" feel of the area while increasing commercial opportunities, which meets key goals for this area. The rural future land use designation envisions open space with opportunities for agribusiness ventures.*

Public Hearing - RE: Commissioner Worley - Building & Development Services - Zoning Map Change: REZ-22-09-15-00128, Appaloosa Real Estate Partners, LLC (Applicant); Property Parcel: 192178 and a Portion of Parcel 192169 Located on South Point Rd. in Belmont, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US), (SV), and (CH) Overlays to the (C-3) General Commercial Zoning District with (US), (SV), and (CH) Overlays

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

Mrs. Kanburoglu advised subject rezoning request from Appaloosa Real Estate Partners involves parcels 192178 and a portion of 192169; the parcels are owned by Harbor Inn/Brevard LLC and are located on South Point Road, Belmont, NC; the request is to rezone 6 acres from the (R-1) Single Family Limited Zoning District with (US), (SV), and (CH) Overlays to the (C-3) General Commercial Zoning District with (US), (SV), and (CH) Overlays.

She reviewed aerial, zoning and surrounding property owners maps and advised the parcels are located in the southeastern part of County (in Belmont, NC); if approved that Applicant would need to work with a surveyor to combine the parcels so there is not a property line running through the site; the proposed zoning line goes up to the right-of-way on the western side of the property; a copy of the survey is included in staff's report; the lots are undisturbed and surrounded by commercial uses and structures; there are some residential homes to the south of the property.

The property is zoned R-1; properties to the north, south and east are zoned commercial (the I-3 zoned property to the east is Duke Energy's Plant Allen Station); the commercially zoned properties consist of mini-warehouses, landscape businesses, essential services and a convenience store.

The future land use designation for this area is Suburban development which is classified as commercial pockets surrounded by residential homes; Suburban centers are larger than Rural centers and tend not to serve a significant civic or commercial purpose aside from immediate neighborhood needs.

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Property owners were notified about the Public Hearing; staff received three inquiries for general information about the request.

Staff finds the application as presented is consistent with the Comprehensive Land Use Plan (CLUP); no comments were received from the TRC (Technical Review Committee); comments from the MPO (Gaston-Lincoln-Cleveland Metropolitan Planning Organization) were included in staff packets; there are no funded transportation improvement projects on the State Transportation Improvement Plan (STIP).

There are two proposed unfunded improvement projects to South Point Road - one is on the Comprehensive Transportation Plan (CTP); the other is a widening project on the 2050 Metropolitan Transportation Plan (MTP); the CTP shows five facility improvements along South Point Road.

The Planning Board recommended approval of the request at its meeting earlier this month; the Applicant is here for a presentation.

Chairman Brown called for comments from the Applicant.

Mr. Joshua "Josh" Wilkes, Managing Partner with Appaloosa Real Estate Partners, 2820 Selwyn Ave., Suite 618, Charlotte, NC, presented a visual overview of the property and advised Appaloosa is a real estate, investment and development firm based in Charlotte (NC) that develop apartments, townhomes and self-storage; the property is surrounded by commercial and industrial uses; request is for a C-2 rezoning; Appaloosa is focused on low traffic uses to serve nearby residents with self-storage or flex space via monthly lease to expand businesses and acquire additional space as needed; the parcel is surrounded by heavy residential and aligns with the future land use designation of Suburban development being commercial.

He reviewed pictures of work they have done locally and statewide, and current projects in Charlotte (three-story self-storage project) and outside of Asheville, NC (72,000SF project); advised they currently operate Glenn Storage Center in Gastonia, NC.

Chairman Brown called for citizen comment.

Mr. Tyler Murphy, 721 S. Forest Ln., Belmont, NC, asked how far the structure would be built off the road; his business is currently beside it and wants to know how much it will be blocked as you come down the road.

Mrs. Kanburoglu responded, if approved, it would most likely be a 50' front setback since it is on the CH overlay.

Chairman Brown asked if a screening for cover would be required.

Mrs. Kanburoglu responded "yes"; there will probably be screening because it is in the US overlay as well.

Ms. Kathy Miller, 2023 South Point Rd., Belmont, NC, advised she is located directly across from the proposed rezoning; asked if there would be a turn lane and which side it would be located on;

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currently there is no area to enter or exit the property and a 50' setback does not seem to be much.

Mrs. Kanburoglu advised she did not have an exact answer without a site plan; staff would have to coordinate with NCDOT (NC Department of Transportation); there is no Traffic Impact Analysis (TIA) requirement because there is no specific use.

Chairman Brown asked if the Applicant had a particular use to discuss or is it still a general usage.

Mr. Wilkes responded they are only considering low-traffic uses.

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

Commissioner Keigher asked how the Planning Board voted.

Mrs. Kanburoglu responded it was unanimous.

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

Chairman Brown asked the County Attorney to summarize the Planning Board's recommendation.

The County Attorney advised the Planning Board unanimously recommended approval of the zoning map amendment finding it to be consistent with the CLUP.

Chairman Brown called for a motion to approve.

Commissioner Worley introduced the motion and Commissioner Fraley provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-002**, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as the future land use for this area is suburban development. Suburban development areas consist of single family residential areas that exist around commercial pockets. The rezoning of this property from residential to commercial is harmonious with the existing commercial zones and uses in the immediate vicinity.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore, the map change request for Property parcel: 192178 and a portion of 192169, is hereby approved, effective with the passage of this Resolution.

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

Chairman Brown asked the County Attorney to provide the Consistency Statement.

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The County Attorney provided the following Consistency Statement: *The zoning map amendment is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as the future land use in this area is suburban development. Suburban development areas consist of single-family residential areas that exist around commercial pockets. The rezoning of this property from residential to commercial is harmonious with the existing commercial zones and uses in the immediate vicinity.*

Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Map Change: REZ-22-10-26-00129, Micah Justin Horton (Applicant); Property Parcel: 199145 Located off of Old Hickory Grove Rd. in Mount Holly, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US) Overlay to the (R-2) Single Family Moderate Zoning District with (US) Overlay

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

Mrs. Kanburoglu advised subject zoning request from Micah Horton (Applicant) is for parcel 199145 located on Old Hickory Grove Road; Applicant is requesting to rezone the property from the (R-1) Single Family Limited Zoning District with (US) Overlay to the (R-2) Single Family Moderate Zoning District with (US) Overlay.

She reviewed aerial, zoning and surrounding property owners maps and advised the property is located between Ranlo and Mount Holly and just north of McAdenville off of Old Hickory Grove Rd., and does not have road frontage; if Applicant decides to develop the lot, he will have to show access to the lot (staff believes an easement is on the east side of property; that would be worked out during the zoning permit phase process); the area has a mix of residential housing types and some wooded areas south of the property; zoning districts in area include (R-2) and (R-3) neighborhoods northeast of the property; some (C-1) properties scattered throughout area; property owners were notified about the Public Hearing; staff did not receive any calls about the request.

The property is 3.98 acres and is vacant; it is located in the Riverfront Gaston small area of the Comprehensive Land Use Plan (CLUP); key issues for area citizens include preservation of open space, road improvements and better connectivity, increased job opportunities, maintaining rural feel of area and increased commercial opportunities.

The future land use designation for this area is Suburban development which consists of single-family residential areas that exist around commercial pockets.

Per comments received from the MPO (Gaston-Lincoln-Cleveland Metropolitan Planning Organization) there are no funded transportation plans in the immediate vicinity on the STIP (State Transportation Improvement Program), MTP (2050 Metropolitan Transportation Plan) or CTP (Comprehensive Transportation Plan). The CTP shows a recommended multiuse path along Fites Creek which is east of subject property.

Staff finds the application, as presented, is consistent with the CLUP; the Planning Board recommended approval of the request at its meeting earlier this month.

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Chairman Brown called for comments from the Applicant, citizens and for questions from the BOC; none was heard. He declared the Public Hearing closed and asked the County Attorney to summarize the Planning Board's recommendation.

The County Attorney advised the Planning Board unanimously recommended approval of the zoning map amendment as consistent with the CLUP.

Chairman Brown called for a motion to approve.

Commissioner Hovis introduced the motion and Commissioner Worley provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-003**, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed residential use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it will maintain the rural "feel" of the area as envisioned for Area 3 of the Riverfront Gaston area.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore, the map change request for Property parcel: 199145, is hereby approved, effective with the passage of this Resolution.

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

Chairman Brown asked the County Attorney to provide the Consistency Statement.

The County Attorney provided the following Consistency Statement: *The proposed zoning map amendment is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it will maintain the rural "feel" of the area as envisioned for Area 3 of the Riverfront Gaston area.*

Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Map Change: REZ-22-11-10-00131, Linda Ballard Medley (Applicant); Property Parcel: 174253, Located at 106 Mott Blvd. in Stanley, 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 and Development Services, for comments.

Mrs. Kanburoglu advised subject rezoning request is from Linda Medley for parcel 174253 located at 106 Mott Blvd., Stanley (NC); the parcel is just under ½ an acre; Applicant is requesting to rezone the property from the (R-1) Single Family Limited Zoning District to (R-2) Single Family Moderate Zoning District.



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She reviewed aerial, zoning and surrounding property owners maps and advised the property is located north of Stanley and is surrounded by traditional/manufactured homes; the image shows a structure on the property but the site is vacant; the property owner pulled a demolition permit for that structure and the final inspection for its demolition was completed on November 10, 2022; Mott Blvd. is an unpaved drive that provides access to six lots; the lot is surrounded by R-1 zoning (default zoning for County); there is an R-2 zoned neighborhood up the road from the parcel; property owners were notified of tonight's Public Hearing; the Applicant also owns 252, 107 and 144 Mott Blvd.

Staff mailed out two notices but one was returned without a forwarding address; staff did not receive any calls about the request.

The MPO (Gaston-Lincoln-Cleveland Metropolitan Planning Organization) was the only organization that provided TRC (Technical Review Committee) comments; there are no funded transportation projects on the STIP (State Transportation Improvement Program), MTP (2050 Metropolitan Transportation Plan) or CTP (Comprehensive Transportation Plan).

The location of the parcel is heavy residential; there is a mix of single family, two family, stick built and manufactured homes in the immediate vicinity.

The property was originally in Stanley's ETJ and does not have a future land use designation, but the closest future land use is rural.

Staff finds the application, as presented, is consistent with the CLUP (Comprehensive Land Use Plan); the Planning Board unanimously recommended approval of the request at its meeting earlier this month.

Chairman Brown called for comments from the Applicant, citizens and for questions from the BOC; hearing none, declared the Public Hearing closed and asked the County Attorney to summarize the Planning Board's recommendation.

The County Attorney advised the Planning Board unanimously recommended approval of the zoning map amendment finding it to be consistent with the CLUP.

Chairman Brown called for a motion to approve.

Commissioner Keigher introduced the motion and Commissioner Worley provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-004**, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed zoning district and use are consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it will keep the property, rural in nature, which is the closest future land use on the map and the default future land use for the County.



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The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore, the map change request for Property parcel: 174253, is hereby approved, effective with the passage of this Resolution.

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

Chairman Brown asked the County Attorney to provide the Consistency Statement.

The County Attorney provided the following Consistency Statement: *The proposed zoning map amendment is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it will keep the property rural in nature which is the closest future land use plan on the map and the default future land use for the County.*

Public Hearing - RE: Commissioner Fraley - Building & Development Services - Zoning Map Change: REZ-22-11-15-00132, Tammy Stroupe (Applicant); Property Parcel: 208601 Located at 1030 Garlands Creek Dr. in Bessemer City, NC, Rezone from (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District

Chairman Brown introduced Mrs. Laura Hamilton, Land Use Coordinator – Building and Development Services, for comments.

Mrs. Hamilton advised the general rezoning request from Ms. Tammy Stroupe (Owner/Applicant) is for parcel 208601 located at 1030 Garlands Creek Dr.; the request is to rezone the property from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District; the parcel is 1.75 acres.

The property is located in the Rural Gaston area of the Comprehensive Land Use Plan (CLUP) with the rural designation which is characterized by green rolling hills with plenty of open space along with farmstead style housing as well as agribusiness. Residential homes are located on large lots and are set back from the road they front upon.

Key issues for area citizens include preservation of open space, road improvements and better connectivity to other areas of the County and throughout region, increased job opportunities, preservation of agricultural, maintaining rural feel of community, repurposed vacant buildings and facilities for new economic opportunities.

She reviewed aerial, zoning and surrounding property owners maps and advised the property is located in the northwestern region of County off of Dallas-Cherryville Hwy. on Garlands Creek Dr.; zoning in the area is primarily residential and wooded in nature; there are some commercial uses, manufactured home parks, high tension power lines, farmland and a variety of home styles in the area; if approved, all of the allowed uses in the (R-2) zoning district would be permitted per the UDO (Unified Development Ordinance).

The BOC was provided with MPO (Gaston-Lincoln-Cleveland Metropolitan Planning Organization) comments in staff packets; there are no funded transportation projects in the immediate vicinity per the 2029 STIP (State Transportation Improvement Program).

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Staff finds that the application, as presented, is consistent with the CLUP; the Planning Board unanimously recommended approval; staff received one call for information; signs were posted (on 1/6/23) and notices were mailed out (on 1/4/23) per County policy.

Chairman Brown called for comments from the Applicant, citizens and for questions from the BOC; hearing none, declared the Public Hearing closed and asked the County Attorney to summarize the Planning Board's recommendation.

The County Attorney advised the Planning Board unanimously recommended approval of the zoning map amendment finding it to be consistent with the CLUP.

Chairman Brown called for a motion to approve.

Commissioner Fraley introduced the motion and Commissioner Hovis provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-005**, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it maintains the Rural characteristics of green rolling hills with plenty of open space as envisioned by the CLUP. The proposed use also meets Goal of residential homes being located on large lots and are set 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: 208601, is hereby approved, effective with the passage of this Resolution.

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

Chairman Brown asked the County Attorney to provide the Consistency Statement.

The County Attorney read the following Consistency Statement: *The proposed zoning map amendment is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) because it maintains the rural characteristics of green rolling hills with plenty of open space as envisioned by the CLUP. The proposed use also meets the goal of residential homes being located on large lots and are set back from the road they front upon.*

Public Hearing - RE: Commissioner Fraley - Building & Development Services - Zoning Map Change: REZ-22-11-22-00133, Juan Garcia (Applicant); Property Parcel: 162401 Located at 105 Jos Lane in Bessemer City, NC, Rezone from (I-2) General Industrial with (CH) Corridor Highway Overlay to (R-1) Single Family Limited with (CH) Corridor Highway Overlay

Chairman Brown introduced Mrs. Laura Hamilton, Land Use Coordinator – Building and Development Services, for comments.

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Mrs. Hamilton advised the zoning map request from Juan Garcia (Applicant/Property Owner) is to rezone property parcel 162401 located at 105 Jos Lane from the (I-2) General Industrial with (CH) Corridor Highway Overlay to (R-1) Single Family Limited with (CH) Corridor Highway Overlay; the parcel is 1.273 acres.

The parcel is located in Area 2: North 321 Gaston area of the Comprehensive Land Use Plan (CLUP) in the industrial designation which is primarily for industrial and manufacturing based uses currently and projected in the future; key issues for area citizens include preservation of open space, road improvements and better connectivity to other areas of County and throughout region, more transportation alternatives, preservation of agricultural, maintaining the rural feel of the community, and steer development towards existing infrastructures and areas immediately surrounding towns and cities.

She reviewed aerial, zoning and surrounding property owners maps and advised the property is located in the residential industrial area of the northern region of the County (off Dallas-Cherryville Hwy. at old NC-277 loop road on a short road called Jos Lane); zoning in area includes industrial and commercial uses, many home styles and two manufactured home parks; previously a single-wide manufactured on the parcel was removed; the parcel was then changed to a commercial use in 2005; Applicant is trying to rezone the commercial use into a residential use (which was zoned industrial all the time); Cape Fear Trucking was formerly located across the street from this location; there is a Dollar General across Hwy. 279; if approved, any allowed uses in the R-1 district would be permitted in accordance with the Zoning Ordinance; property owners were notified of the Public Hearing.

The MPO (Gaston-Lincoln-Cleveland Metropolitan Planning Organization) provided comments; there are no TRC (Technical Review Committee) comments or no funded transportation improvement projects in the immediate vicinity of site. A proposed unfunded boulevard improvement to the Dallas-Cherryville Hwy., is included in the MPO's CTP (Comprehensive Transportation Plan); a typical cross section for a four-lane divided road involves a minimum of a 100' right-of-way (r-o-w) and the existing r-o-w along Dallas-Cherryville Hwy. is 100'.

The Applicant is present and the application as presented is consistent with the CLUP; the Planning Board voted unanimously to approve the recommendation; staff posted a sign (on property) on 1/6/2023; mailed out notices on 1/4/2023.

Chairman Brown called for comments from the Applicant and for citizen comment and for questions from the BOC; hearing none, declared the Public Hearing closed and asked the County Attorney to summarize the Planning Board's recommendation.

The County Attorney advised the Planning Board was unanimous in its recommendation to approve the zoning map amendment as consistent with the CLUP.

Chairman Brown called for a motion to approve.

Commissioner Keigher introduced the motion and Commissioner Hovis provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-006**, upon consideration of the map change

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application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it maintains the Rural characteristics of green rolling hills with plenty of open space as envisioned by the CLUP. The proposed use also meets goal of residential homes being located on large lots and are set 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: 162401, is hereby approved, effective with the passage of this Resolution.

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

Chairman Brown asked the County Attorney to provide the Consistency Statement.

The County Attorney read the following Consistency Statement: *The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it maintains the Rural characteristics of green rolling hills with plenty of open space as envisioned by the CLUP. The proposed use also meets Goal of residential homes being located on large lots and are set back from the roads they front upon.*

Public Hearing - RE: Commissioner Fraley - Building & Development Services - Zoning Map Change: REZ-22-11-28-00134, Randy Kincaid (Applicant); Property Parcel: 163196 (new 308822, 308821, 308820), Located on Eaker Road in Bessemer City, NC, Rezone from (R-1) Single Family Limited to (R-2) Single Family Moderate

Chairman Brown introduced Mrs. Laura Hamilton, Land Use Coordinator – Building and Development Services, for comments.

Mrs. Hamilton advised when the Applicant/Owner (Randy Kincaid) submitted the application the original parcel number was 163196; an application for a subdivision was reviewed and approved and the new parcels (308822, 308821, 308820) are located on Eaker Road; the request is to rezone the parcels totaling 7.34 acres from (R-1) Single Family Limited to (R-2) Single Family Moderate.

The property is located in Area 1: Rural Gaston with a rural designation; key issues for area citizens was preservation of open space, road improvements, better connectivity to other areas of County and throughout region, increased job opportunities, preservation of agricultural and maintaining the rural feel of the community.

The Rural area characterization is green rolling hills with plenty of open space along with farmstead style housing as well as agribusiness. Residential homes are located on large lots and set back from the roads they front upon.

She reviewed aerial, zoning and surrounding property owners maps and advised the property is located in the residential area of the northwestern region of County on Eaker Rd. just off of Tryon Courthouse Rd.; the location is primarily residential in nature with different housing styles in the

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surrounding areas; if approved, any uses in the (R-2) zoning district would be allowed per the Zoning Ordinance.

The MPO (Gaston-Lincoln-Cleveland Metropolitan Planning Organization) provided comments; no TRC (Technical Review Committee) comments were received; there are no funded transportation improvement projects in the immediate area of this site on the STIP (State Transportation Improvement Plan).

The application, as presented, is consistent with the (Comprehensive) Land Use Plan (CLUP); the Planning Board unanimously recommended approval of the rezoning request; a sign was posted on 1/6/2023 and notices were mailed on 1/4/2023.

Chairman Brown called for comments from the Applicant, citizens and for questions from the BOC; hearing none, declared the Public Hearing closed and asked the County Attorney to summarize the Planning Board's recommendation.

The County Attorney advised the Planning Board unanimously recommended approval of the zoning map amendment finding it to be consistent with the Comprehensive Land Use Plan.

Chairman Brown called for a motion to approve.

Commissioner Hovis introduced the motion and Commissioner Fraley provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-007**, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it maintains the Rural characteristics of green rolling hills with plenty of open space as envisioned by the CLUP. The proposed use also meets Goal of residential homes being located on large lots and are set 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: 163196 (new 308822, 308821, 308820), is hereby approved, effective with the passage of this Resolution.

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

Chairman Brown asked the County Attorney to provide the Consistency Statement.

The County Attorney read the following Consistency Statement: *The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it maintains the Rural characteristics of rolling green hills with plenty of open space as envisioned by the CLUP. The proposed use also meets Goal of residential homes being located on large lots and are set back from the roads they front upon.*

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Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Text Amendments: TEXT-22-12-09-00006 - Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 7 (Uses and Building Lot Standards): Table 7.1-1; Chapter 8 (Supplemental Regulations)

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

Mrs. Kanburoglu advised the proposed text amendments will expand the definition of *Common Open Space*, *Improved* and add supplemental regulations for this use in the Unified Development Ordinance (UDO).

She provided background via a slide presentation and advised as follows:

**Re: Chapter 2 (Definitions): Table 2.7-1:** Staff presented a similar request in 2021 and accidentally omitted this (definition) when the UDO was repealed in its entirety and replaced with a version compliant with 160-D regulations; purpose of the amendment is to bring back regulations required to regulate this use (***Civic/Community Organizations***); because the 2021 definition seemed limiting, staff created a definition open enough to allow improved common open spaces to have multiple visions and uses.

**Re: Chapter 7 (Uses and Building Lot Standards): Table 7.1-1:** The proposed amendment adds the use to Chapter 7, Table of Uses; staff is proposing that this use be allowed in all residential zoning districts.

**Re: Chapter 8 (Supplemental Regulations): Section 8.1.20:** Staff added a few additional regulations based on research and comparison to other ordinances; items “B” and “C” were included in the 2021 text amendments; the other staff recommended amendments deal with open space calculations, general safety and accessibility, location and maintenance of improved common open spaces; new subdivisions will be required to use a portion of development as an *Improved Common Open Space* that is accessible to and maintained by the residents of the neighborhood or an established Home Owners Association (HOA).

The Planning Board asked staff for clarifications for Sections “A” and “F”: Section “A” requires that 30% of the required common space shall be *Improved Common Open Space* and that at least half of that area be active space (recreational uses such as bike trails, tennis courts, swimming pools, other types of these facilities); Section “F” is a regulation that staff found in a neighboring zoning ordinance and its purpose is to encourage developers to plan to have Improved Open Spaces within walking distance of each proposed lot and to break up the development with open areas; developers can seek relief from this regulation during the conditional (use) rezoning process.

The Planning Board unanimously recommended approval of the text amendment request at its meeting earlier this month; this concludes the presentation.

Chairman Brown called for comments from the Applicant, citizens and for questions from the BOC; hearing none, declared the Public Hearing closed and asked the County Attorney to summarize the Planning Board’s recommendation.



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The County Attorney advised the Planning Board unanimously recommended approval of the text amendment request finding it to be consistent with the Comprehensive Land Use Plan.

Chairman Brown called for a motion to approve.

Commissioner Worley introduced the motion and Commissioner Hovis provided the second. Chairman Brown called for Commissioner Johnson’s voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-008**, upon consideration of the proposed amendments, public hearing comment and Planning staff and Planning Board recommendation, the County Commission considers this action to be reasonable and in the public interest and finds the proposed amendments to be consistent with the County’s Comprehensive Land Use Plan. The proposed text amendment is consistent with Goals 6 and 7 of the Comprehensive Land Use Plan, as allowing and creating regulations for improved common open spaces will improve the image of the County to current and potential residents and encourage the use of environmental recreation space.

The County Commission hereby approves, effective with the passage of the Resolution, the amendments to UDO Chapter 2 (Definitions): Table 2.7-1; Chapter 7 (Uses and Building Lot Standards): Table 7.1-1; Chapter 8 (Supplemental Regulations): Section 8.1.20.

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

Sec. 2.7 Terms defined in this ordinance.

- A. A list of definitions of terms, phrases and words used in this Ordinance follows. Other terms may be defined elsewhere in this Ordinance. Terms that are specifically defined in this Ordinance outside of Section 2.7 shall apply solely to the Sections or Chapters as so indicated, may supersede the definition list in this Section 2.7. Definitions of Terms found in Section 2.7 shall otherwise be applicable throughout the Ordinance.
- B. Words not specifically defined in this Ordinance shall be defined by reference in the following order: first in the most recently adopted version of the State Building Code; second in the Merriam-Webster Dictionary, and third in the American Collegiate Dictionary. The Land Use Administrator shall make the interpretation if not found in the above references.

TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition
		<p>Common open space which has been improved with recreational areas and amenities such as, but not limited to, ball fields, tennis courts, swimming pools, nature trails, clubhouses, mail kiosks, cabanas, and gazebos</p> <p><b><u>An area of open space within a development site designed and intended for the use and</u></b></p>



		<u>enjoyment of residents within the development. Uses in improved open spaces may be passive or active.</u>
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Table 7.1-1: Table of Uses

USE CATEGORY	RESIDENTIAL ZONING DISTRICTS								OFFICE DISTRICTS				COMMERCIAL DISTRICTS						INDUSTRIAL DISTRICTS				Suppl. Regs. Ch. 8	Parking Regs. Ch. 10	
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3			IU
Civic/Community Organizations																									
Church/Place of Worship	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs	SPs	Xs	Xs	Xs	Xs	Xs	Xs	Cs	Xs	8.4.6	1.40
<u>Common Open Space, Improved</u>	Xs	Xs	Xs	Xs	Xs	Xs	Xs	Xs																<u>8.1.20</u>	<u>1.52</u>

**Sec. 8.1.20 Common Open Space, Improved.**

- A. A minimum of thirty (30%) percent of the required common open space within a development site shall be Improved Common Open Space. Of this Improved area, one-half must be active space.
- B. These facilities shall be illuminated in a general manner for night use to provide for the safety and general operation of the facility. Regulations found in Section 9.13 shall apply.
- C. Active outdoor recreation facilities shall be located at least fifty (50) feet from property lines and a grade A buffer around the use exterior boundaries of the development to the neighboring properties.
- D. Locations of all open space areas in major subdivisions shall be submitted and reviewed during the conditional rezoning process.
- E. Required open space shall not be provided within the boundary of any proposed building lot.
- F. No lot shall be further than eight hundred (800) feet from any improved open space.
- G. Improved Common Open Space shall be ADA accessible and usable by all residents within the development.
- H. A maintenance plan for the Improved Common Open Space shall be submitted at the time of the site plan review. All improved open space shall be maintained by a homeowner's association and shall be subject to covenants and easements reviewed by the Building and Development Services Department and filed for recording when the final plat for the project area is recorded.

Public Hearing - RE: Commissioner Brown - Building & Development Services - Zoning Text Amendments: TEXT-22-12-19-00007 - Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 9 (General Provisions); Section 9.9 (Accessory Structures)

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

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Mrs. Kanburoglu advised the BOC has received the latest version of the text amendments; the Applicant's (Gaston County Planning Board) request is to add language that allows for larger accessory structures on all lots.

Staff submitted an amendment to Section 9.9 to BOC in March 2022 and that has not been codified with MuniCode yet; staff has asked MuniCode to pause incorporating that text amendment into the UDO's online version; this text will replace what is currently online; staff also found errors in sections that needed to be cleaned up; staff is also requesting the Board to rescind the March Resolution; if approved, this version of the text amendment will replace Section 9.9 of the UDO (*Note: this amendment, as described above, was handed out to the Board*).

Since March 2022, staff has processed (and Board of Adjustment has approved) eight (8) variance requests for accessory structures: six (6) of which dealt with the proposed location of the structures; two (2) were for a structure larger than what is allowed by the Ordinance; four (4) of the requests asked for more total allowable square footage of all the accessory structures on one lot.

Staff reviewed the requests and proposed changes to the Accessory Structures section of the Ordinance as follows:

Currently the review for Accessory Structures falls into one of two categories: either a lot with less than two acres; or a lot greater than two acres, and there are different regulations for each lot size.

Staff is proposing a third category that would regulate lots that are four acres and greater in size as follows:

- *Lots that are four acres and greater in size, can have four accessory structures in addition to a garage or carport, which is one more structure than what is allowed for lots between two and four acres in size*
- *Increase the total square footage of all accessory structures allowed on each lot (calculations for each category was raised by 1%; on a two-acre lot a 1% increase would allow an additional 871SF for accessory structures)*
- *Accessory structures shall not exceed the underroof building footprint of the primary residential structure (Planning Board did not have problem with allowing accessory structures being as large as the primary residential structures on the lot)*
- Planning Board felt that a cap on the size of the accessory structures was not necessary.
- *Staff recommend an Increase to setbacks for all accessory structures from 5' to 10' on all side and rear property lines which will allow for much larger structures.*
- Height and location regulations remain the same as proposed in March; just carried what was allowable for 2+ acres category, and extended to the 4+ acres category

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

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Chairman Brown called for comments from the Applicants and citizens; hearing none, called for questions from the BOC.

Commissioner Hovis cited Section C. (Lot Size Specifications), item 3., b. (*Only garages and carports may be located in the front yard as long as they are setback 30' from the road right-of-way*) and questioned the potential impact to development in residential areas. He stated any intrusion beyond the front building line of an accessory structure should require a Special Use Permit (SUP) and should be determined by the Planning Board or Board of Adjustments; to regulate it that openly may result in unintended consequences of having an accessory structure as large as the residential structure, 30' off the road.

Mrs. Kanburoglu advised this was brought up during staff's review; Planning Board did not catch it; staff went with the 30' setback that is required for a house; advised Special Use Permits and Variance requests are heard by the BOA; it would be the BOC's preference which process it wants the BOA to go through.

Chairman Brown asked if going through the BOA was okay or whether Commissioner Hovis wanted to amend the Resolution.

Mrs. Kanburoglu recommended a Special Use Permit since a Variance would require an Applicant to prove some kind of hardship with the land.

Commissioner Hovis concurred and stated that the Special Use fits better.

Mrs. Kanburoglu advised staff would have to write it into the Text Amendment if it is approved.

Commissioner Keigher asked if it was urgent to approve the Resolution tonight.

Mrs. Kanburoglu responded there are some Applicants waiting to apply.

Chairman Brown stated it could be accomplished with the amendment.

Commissioner Keigher asked if it would be better to table the request to allow staff time to rewrite the Text Amendment.

The County Attorney requested a 10-minute recess to revise the Resolution to satisfy the questions that came up.

Chairman Brown called for a ten-minute recess at 6:59 pm.

Chairman Brown reconvened the public hearing at 7:07 pm.

Chairman Brown called for comments from staff (applicant).

Mrs. Kanburoglu proposed an amendment to the Text Amendment Request as follows:

UDO Section 9.9 – C (Lot Size Specifications): Regarding sections 2., b., 3., b., and Table – to read as “Only garages and carports may be located in the front yard as long as they are setback

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30' from the road right-of-way **with the issuance of a Special Use Permit** for the sections that have lots between two and four acres and lots greater than four acres.

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

Chairman Brown declared the Public Hearing closed and asked the County Attorney to summarize the Planning Board's recommendation.

The County Attorney advised that prior to the amendment, the Planning Board unanimously recommended approval of the ZTA finding it to be consistent with the Comprehensive Land Use Plan.

**Chairman Brown called for a motion to approve the Text Amendment request, as amended, and to rescind 2022-065.**

Commissioner Hovis introduced the motion and Commissioner Keigher provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved the **rescindment of 2022-065** and approved **2023-009, as amended**, upon consideration of the proposed amendments, public hearing comment and Planning staff and Planning Board recommendation, the County Commission considers this action to be reasonable and in the public interest and finds the proposed amendments to be consistent with the County's Comprehensive Land Use Plan. The proposed text amendment is consistent with Goal 6 of the Comprehensive Land Use Plan, as allowing larger accessory structures on larger lots will improve the image of Gaston County to current and potential residents.

The County Commission hereby approves, effective with the passage of the Resolution, the amendments to the UDO Chapter 9 (General Provisions): Section 9.9 (Accessory Structures).

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

Sec. 9.9 Accessory structures.

**A. General Regulations:**

**1. The following structures are not considered accessory structures and shall not be regulated by this ordinance: mailboxes, walls, birdhouses, pump houses, newspaper boxes, fences, flag poles, and dog houses.**

**2. Examples of structures that cannot be used as an accessory structure to a residential use or structure include: school buses, recreation vehicles, tractor trailers (with or without wheels), cargo containers (with exceptions listed below), buses, and/or manufactured homes.**

**3. All accessory structures shall be constructed out of standard recognized building materials.**

a. Accessory structures on lots containing a principal residential use shall not be made of highly reflective metal materials.

4. Minor modifications may be allowed for agricultural buildings.

5. Private Residential Quarters do not count towards the total number of accessory structures allowed per lot.

6. In no case may an accessory structure be placed in a general drainage easement without prior approval by the Administrator.

7. No accessory structure shall be constructed or placed on a lot prior to the issuance of a zoning permit and a building permit for the principal use or structure on the same lot.

8. Minor modifications for accessory structures are provided in Section 5.15.

AB. Within any zoning district, accessory structures shall be located as follows:

1. No portion of any accessory structure (except mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, bus shelters and doghouses) shall be located within any front yard unless otherwise specified in subsection C. On lots less than one acre in area. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, and doghouses may be located in any front, side or rear yard. Bus shelters and structures listed in subsection A may be located in any required front yard setback. On lots one acre in area or greater, accessory structures may be located in the front yard, a minimum of 150 feet from the edge of the street right-of-way line. Swimming pools, pumps, filters, and pool water disinfection equipment installations shall not be located in any front yard, regardless of lot size.

2. Accessory structures are allowed in any side yard, although none are allowed in any required side yard setback except as provided in Subsection 1. above. Swimming pools, pumps, filters and pool water disinfection equipment installations shall not be located in any required side yard, regardless of lot size. Accessory structures are allowed in any side and rear yard unless otherwise specified in this section.

3. Accessory structures are allowed in a rear yard provided that no accessory structure (except as provided in Subsection 1. above) shall be allowed within five feet of any principal structure and five feet of any rear or side yard line. No accessory structure shall be allowed within five (5) feet of any principal structure and shall be setback ten (10) feet from any rear or side yard line.

4. On any lot one-half acre or less in area containing a principal residential use, the maximum permitted area of accessory structures (excluding outdoor swimming pools) shall not exceed one-half the heated ground floor area of the principal structure or 750 square feet, whichever is less.

5. On a lot containing an area of greater than one-half acre, the maximum permitted area of accessory structures shall be computed by taking three percent of the lot area over one-half acre (21,780 square feet) and adding 750 square feet or one-half the heated ground floor area of the principal residential dwelling, whichever is greater.

~~6.~~ Any building attached to a principal structure (e.g., via a breezeway) will not be considered an accessory structure. Any additions to the principal structure shall be deemed "attached" to such structure if the addition is in accordance with all applicable State Building Code requirements requirements.

~~7.~~ On any lot one acre or less in area containing a principal residential use, the number of accessory structures (other than a carport or garage) shall be limited to two. On any lot greater than one acre in area containing a principal residential use, the number of accessory structures (other than a carport or garage) shall be limited to three.

~~8.~~ Exceptions to the setback requirements above may be made per Section 5.15.1(B) of this Ordinance.

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9. In no case may an accessory structure be placed in a general drainage or utility easement without prior approval by the Administrator.

10.5. With the exception of accessory structures in association with an agricultural use, the height of an accessory structure shall not exceed 20' on lots less than two (2) acres in size, or the height of the principal structure or 45' on lots two acres and greater in size.

11. All outdoor or in-door swimming pools, including in-ground, above-ground or on-ground pools, hot tubs or spas shall be enclosed by a barrier (a fence, wall, building wall, or combination thereof which completely surrounds the water structure and obstructs access to the water structure) and shall comply with the most current North Carolina Building Code.

**C. Lot Size Specifications**

**1. For lots less than two (2) acres in size, the following regulations shall apply:**

- a. The height of all accessory structures shall not exceed 20'.
- b. No accessory structure shall be placed in the front yard.
- c. The total square footage of all accessory structures on the subject parcel shall not exceed 4% of the total lot acreage.
- d. The total square footage of each accessory structure shall not exceed the primary structure's under-roof building footprint according to current tax records.
- e. No more than two (2) accessory structures and a garage or carport may be placed on each parcel under two (2) acres.

**2. For lots two (2) acres and greater but less than four (4) acres in size, the following regulations shall apply:**

- a. The height of each accessory structure shall not exceed 45'.
- b. Only garages and carports may be located in the front yard as long as they are set back 30' from the road right-of-way, with the issuance of a Special Use Permit.
- b. The total square footage of all accessory structures on the subject parcel shall not exceed 5% of the total lot acreage.
- d. The total square footage of each accessory structure shall not exceed the primary structure's under-roof building footprint according to current tax records.
- e. No more than three (3) accessory structures and a garage or carport may be placed on each parcel that is two (2) acres and greater but less than four (4) acres in size.

**3. For lots four (4) acres and greater in size, the following regulations shall apply:**

- a. The height of each accessory structure shall not exceed 45'.
- b. Only garages and carports may be located in the front yard as long as they are set back 30' from the road right-of-way, with the issuance of a Special Use Permit.
- c. The total square footage of all accessory structures on the subject parcel shall not exceed 6% of the total lot acreage.
- d. No more than four (4) accessory structures and a garage or carport may be placed on each parcel that is four (4) acres and greater in size.

	<u>Lots less than two (2) acres in size</u>	<u>Lots two (2) acres and greater but less than four (4) acres in size</u>	<u>Lots four (4) acres and greater in size</u>
<u>Number of structures allowed on lot</u>	<u>2 in addition to a detached garage OR carport</u>	<u>3 in addition to a detached garage OR carport</u>	<u>4 in addition to a detached garage OR carport</u>
<u>Total square footage of all accessory structures on site</u>	<u>Less than or equal to 4% of the lot acreage</u>	<u>Less than or equal to 5% of the lot acreage</u>	<u>Less than or equal to 6% of the lot acreage</u>
<u>Maximum square footage allowed for each individual accessory structure</u>	<u>Shall not exceed the under-roof building footprint of the primary residential structure according to current tax records.</u>		
<u>Height of each accessory structure</u>	<u>Max height of 20' for each accessory structure</u>	<u>Max height of 45' for each accessory structure</u>	
<u>Location of garage/ carport</u>	<u>May not be located in the front yard</u>	<u>May be located in the front yard as long as the structure is set back 30' from the road right-of-way, with the issuance of a Special Use Permit</u>	

**D. Swimming Pools**

- 1. All outdoor or in-door swimming pools, including in-ground, above-ground, or on-ground, hot tubs or spas shall be enclosed by a barrier (a fence, wall, or combination thereof which completely surrounds the water structure and obstructs access to the water structure) and shall meet the North Carolina Building Code standards.**
- 2. Swimming pools, pumps, filters, and pool water disinfection equipment installations shall not be located in any front yard, regardless of lot size.**
- 3. Swimming pools may be placed in the side yard as long as the side setback requirements of the zoning district are met to the water's edge.**

**E. Cargo Containers**

- 1. Cargo containers permitted on residential lots less than one (1) acre, must be clad, placed in the rear yard, and no larger than eight feet by twenty feet (8'x20') in size.**
- 2. Cargo containers permitted on residential lots one (1) acre or larger, must be one (1) or more of the following and approved by the Administrator: clad, materially screened, or naturally screened, so that the structure is not visible to any adjoining property owner.**
- 3. Residential cladding, when applicable, shall be brick, block, concrete siding, vinyl siding, exterior wood siding or any other material not listed that is approved by the administrator.**

B.—On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character except for an accessory structure used in conjunction with a mixed-use dwelling, temporary produce stand, agricultural use, or similar nonresidential use that otherwise would be allowed on the property. Accessory structures on lots containing a principal residential use shall not be made of highly reflective metal materials. Some examples of structures that cannot be used as an accessory structure to a residential use include: school buses, manufactured homes, tractor-trailers (with or without wheels), buses, recreation vehicles, cargo containers (with exceptions as listed below), etc.

- 1.—Residential cladding, when applicable, shall be brick, block, concrete siding, vinyl siding, exterior wood siding or any other material not listed that is approved by the administrator.**



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2. ~~Cargo containers permitted on residential lots less than one acre, must be clad, placed in the rear yard, and no larger than eight feet by 20 feet (8' x 20') in size.~~
3. ~~Cargo containers permitted on residential lots one acre or larger, must be one or more of the following and approved by the administrator: clad, materially screened, or naturally screened, so that the structure is not visible to any adjoining property owner.~~
- C. ~~No accessory structure shall be constructed or placed on a lot prior to the issuance of a zoning permit and a building permit for the principal use or structure on the same lot.~~
- D. ~~Minor modifications to the size of accessory structures are provided for in Section 5.15.1(B).~~

Chairman Brown asked the County Attorney to provide the Consistency Statement.

The County Attorney read the following Consistency Statement: *The proposed text amendment is consistent with goal 6 of the Comprehensive Land Use Plan, as allowing larger accessory structures on larger lots will improve the image of Gaston County to current and potential residents.*

Chairman Brown announced that the Public Hearings were concluded.

#### **Agenda Revision/Approval**

- *Moved/ Commissioner Brown - County Attorney - To Appropriate \$114,252 of Fund Balance and Approve Two (2) Additional Full Time Positions for the County Attorney's Office - to Item VII*

Commissioner Keigher questioned how the monies for Section V., Item "K" would be used.

The County Manager advised the monies would be used for educational materials within the clinic and training and development for reproductive health.

Chairman Brown called for a motion to approve.

Commissioner Hovis introduced the motion and Commissioner Fraley provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved the Agenda of January 24, 2023 with changes as noted above.

#### **Approval of Minutes**

Commissioner Worley introduced the motion and Commissioner Cloninger provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved the Minutes of the Regular Meeting of October 25, 2022, Rescheduled Regular Meeting of November 10, 2022, the Organizational Meeting of December 5, 2022 and Regular Meeting of December 13, 2022.

**Citizen Recognition**

Mr. Mike Meeks, Sr., President of the Bessemer City Crisis Center, 812 W. Virginia Ave., Bessemer City, NC, and Chairman of the Gaston County Veterans Council, presented an update on the \$100,000 grant that the BOC provided for the Veterans Relief Fund; he provided a spending breakdown of how the grant funds were used to help veterans with rent, mortgages, motel stays, utilities and to open up a pantry at the Crisis Center to feed them.

Chairman Brown thanked Mr. Meeks for the update and for stepping up and working with the BOC on this important matter.

Mr. Meeks advised that he will provide a final report to the Deputy County Manager.

**Consent Agenda**

Commissioner Hovis introduced the motion and Commissioner Keigher provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved the Consent Agenda as follows:

**2023-010 Commissioner Brown - BOC - Resolution Honoring Judge Michael K. Lands Upon His Retirement as District Court Judge**

**2023-011 Commissioners Keigher & Brown - BOC - Proclamation - To Proclaim the Month of February 2023 as Black History Month in Gaston County**

**2023-012 Commissioner Brown - BOC - To Revise the Gaston County Board of Commissioners' Regular Meeting Schedule for February, 2023 to Reschedule the February 14th Work Session to Precede the February 28th Regular Meeting - 6:00 PM as follows:**

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners, in accordance with N.C.G.S §143-318.12(a), hereby revises the 2023 BOC Meeting Schedule to RESCHEDULE the February 14th Work Session to precede the February 28th Regular Meeting at 6:00 PM.

**2023-013 Commissioner Brown - Gaston Community Action - To Accept as Information the FY2023-24 Community Services Block Grant Application as filed with the Clerk to the BOC**

**2023-014 Commissioner Worley - Budget & Strategy - To Accept and Appropriate Additional Federal Governor's Crime Commission JAG Block Funds for the Gaston County Police for the Purchase of Equipment and to Approve a Sole Source Purchase of Motorola 800 MHz Radios with These Funds (\$24,500) per Budget Change Request:**

Account Description	Account Number	Amount
FedGrtRev: FY23 GCC JAG Block	1000-GPD-000-00000-000000-000000-0000-02-410000-G0066	(\$24,500)
F/E < \$5K FY23 GCC JAG Block Gr	1000-GPD-000-00000-000000-000000-0000-02-520020-G0066	\$24,500

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**2023-015 Commissioner Worley - Budget & Strategy - To Accept and Appropriate Additional Grant Funds for The Lighthouse Awarded by the CACNC (\$60,745) per Budget Change Request:**

Account Description	Account Number	Amount
StGrtrRev: 2022 CACNC Grant	1000-CSS-291-29103-000000-0000000-0000-05-410001-G0051	(60,745.00)
Salaries: 2022 CACNC Grant	1000-CSS-291-29103-000000-0000000-0000-05-510001-G0051	41,695
FICA: 2022 CACNC Grant	1000-CSS-291-29103-000000-0000000-0000-05-510100-G0051	3,190.00
Retire: 2022 CACNC Grant	1000-CSS-291-29103-000000-0000000-0000-05-510101-G0051	4,749.00
401K: 2022 CACNC Grant	1000-CSS-291-29103-000000-0000000-0000-05-510102-G0051	2,085.00
Health Ins: 2022 CACNC Grant	1000-CSS-291-29103-000000-0000000-0000-05-510103-G0051	7,596.00
Dental Ins: 2022 CACNC Grant	1000-CSS-291-29103-000000-0000000-0000-05-510104-G0051	183.00
Life Ins: 2022 CACNC Grant	1000-CSS-291-29103-000000-0000000-0000-05-510105-G0051	78.00
Prog Supplies: 2022 CACNC Grnt	1000-CSS-291-29103-000000-0000000-0000-05-520002-G0051	1,169.00

**2023-016 Commissioner Worley - Budget & Strategy - To Accept and Appropriate Year 2 of Federal FVPSA Grant Funds for The Cathy Mabry Cloninger Center (\$47,500 - \$9,500 Match) per Budget Change Request:**

Account Description	Account Number	Amount
FVPSA Grant	1000-CSS-291-29102-000000-0000000-0000-05-410000-22514	(\$47,500)
Program Supplies: FVPSA	1000-CSS-291-29102-000000-0000000-0000-05-520002-22514	\$5,750
Furn/Equip<\$5K: FVPSA	1000-CSS-291-29102-000000-0000000-0000-05-520020-22514	\$5,000
Prof Svcs: FVPSA	1000-CSS-291-29102-000000-0000000-0000-05-530010-22514	\$22,750
Bldg Rental: FVPSA	1000-CSS-291-29102-000000-0000000-0000-05-530027-22514	\$14,000

**2023-017 Commissioner Worley - Budget & Strategy - To Accept and Appropriate Additional State Grant Funds Awarded by the Human Trafficking Commission to Hope United Survivor Network for Facility Improvements (\$13,413.82) per Budget Change Request:**

Account Description	Account Number	Amount
StGrtrRev: NC Human Trfc Facil	1000-CSS-291-29101-000000-0000000-0000-05-410001-G0046	(13,413.82)
F/E<\$5K:NC Human Trfc Facil	1000-CSS-291-29101-000000-0000000-0000-05-520020-G0046	13,413.82

**2023-018 Commissioner Hovis - County Manager - To Accept Departmental Budget Change Requests as Information as follows:**

ENTRY DATE	DEPT NAME	ACCOUNT	DR/CR	AMOUNT
11/02/2022	Public Works	6000-SWS-380-00000-000000-0000000-0000-08-540006-18099	C	88,810
11/02/2022		6000-SWS-380-00000-000000-0000000-0000-08-540016-18099	D	88,810
11/03/2022	Tax	2010-TAX-000-00000-0000000-0000000-0000-01-530010-	C	10,000
11/03/2022		2010-TAX-000-00000-0000000-0000000-0000-01-530029-Reval	D	10,000
11/03/2022	Parks & Rec	1000-PWK-192-00000-000000-0000000-0000-01-530023-18084	C	5,000
11/03/2022		1000-PWK-192-00000-000000-0000000-0000-01-530010-	D	5,000
11/03/2022	Bd of Elec.	1000-BOE-000-00000-000000-0000000-0000-01-520015-	C	1,500
11/03/2022		1000-BOE-000-00000-000000-0000000-0000-01-520012-	D	1,500
11/04/2022	Health	1000-HLT-252-00000-000000-0000000-0000-05-520007-	C	3,000
11/04/2022		1000-HLT-252-00000-000000-0000000-0000-05-520010-	D	3,000
11/04/2022		1000-HLT-253-00000-000000-0000000-0000-05-520007-	C	2,000
11/04/2022		1000-HLT-253-00000-000000-0000000-0000-05-520020-	D	2,000
11/07/2022	Emer. Mgmt.	1000-EMG-000-00000-000000-0000000-0000-02-530015-	C	2,611
11/07/2022		1000-EMG-000-00000-000000-0000000-0000-02-530027-	D	2,611
11/07/2022	DSS	1000-DSS-272-00000-AdtSvc-0000000-0000-05-520020-AG005	C	2,000
11/07/2022		1000-DSS-272-00000-AdtSvc-0000000-0000-05-530015-AG005	C	12,000
11/07/2022		1000-DSS-272-00000-AdtSvc-0000000-0000-05-530053-AG005	D	14,000
11/08/2022	Soc Svces	6000-SWS-380-00000-000000-0000000-0000-08-540002-	C	30,000

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11/08/2022		6000-SWS-380-00000-000000-0000000-0000-08-540003-	D	30,000
11/09/2022	IT	1000-ITS-000-00000-000000-0000000-0000-01-560000-InfRe	C	22,691
11/09/2022		1000-ITS-000-00000-000000-0000000-0000-01-520020-InfRe	D	22,691
11/09/2022	DSS	1000-CSS-270-00000-ERAP00-0000000-0000-05-510001-22544	C	44
11/09/2022		1000-CSS-270-00000-ERAP00-0000000-0000-05-530013-22544	C	2,124
11/09/2022		1000-CSS-270-00000-ERAP00-0000000-0000-05-510100-22544	D	1
11/09/2022		1000-CSS-270-00000-ERAP00-0000000-0000-05-510101-22544	D	2
11/09/2022		1000-CSS-270-00000-ERAP00-0000000-0000-05-560000-22544	D	2,165
11/14/2022	Tax	1000-TAX-000-00000-000000-0000000-0000-01-520020-	C	2,475
11/14/2022		1000-TAX-000-00000-000000-0000000-0000-01-520001-BMP	D	2,475
11/15/2022	Parks & Rec	1000-PRK-000-00000-RecPrg-0000000-0000-04-560000-	C	4,000
11/15/2022		1000-PRK-000-00000-RecPrg-0000000-0000-04-520002-	D	4,000
11/15/2022		1000-PRK-000-00000-RecPrg-0000000-0000-04-560000-	C	2,000
11/15/2022		1000-PRK-000-00000-000000-0000000-0000-04-520005-	D	2,000
11/15/2022	Soc Svces	1000-CSS-292-00000-SrPrgm-0000000-0000-04-560000-	C	2,000
11/15/2022		1000-CSS-292-00000-000000-0000000-0000-04-520005-	D	2,000
11/15/2022		1000-CSS-292-00000-SrPrgm-0000000-0000-04-560000-	C	5,000
11/15/2022		1000-CSS-292-00000-SrPrgm-0000000-0000-04-520002-	D	5,000
11/17/2022	Parks & Rec	1000-PWK-190-00000-000000-0000000-0000-01-520007-	C	569
11/17/2022		1000-PWK-190-00000-000000-0000000-0000-01-520020-	C	500
11/17/2022		1000-PWK-190-00000-000000-0000000-0000-01-530029-	D	1,069
11/18/2022	DSS	1000-CSS-270-00000-ERAP00-0000000-0000-05-560000-22544	C	1,011,784
11/18/2022		1000-CSS-270-00000-ERAP00-0000000-0000-05-520017-22544	D	1,011,784
11/21/2022	Health	1000-HLT-000-00000-MedMax-0000000-0000-05-560000-21003	C	75,000
11/21/2022		1000-HLT-000-00000-MedMax-0000000-0000-05-530010-21003	D	75,000
11/21/2022	DSS	1000-DSS-000-00000-000000-0000000-0000-05-510001-	C	6,000
11/21/2022		1000-DSS-000-00000-000000-0000000-0000-05-510007-	D	6,000
11/21/2022		1000-DSS-272-00000-InHmAd-0000000-0000-05-510001-	C	200
11/21/2022		1000-DSS-272-00000-InHmAd-0000000-0000-05-510002-	D	200
11/21/2022		1000-CSS-272-00000-AdtNut-0000000-0000-05-510001-22505	C	5,665
11/21/2022		1000-CSS-272-00000-AdtNut-0000000-0000-05-510106-22505	C	150
11/21/2022		1000-CSS-272-00000-AdtNut-0000000-0000-05-510006-22505	D	5,815
11/21/2022		1000-CSS-272-00000-AdtDC-0000000-0000-05-510001-	C	3,500
11/21/2022		1000-CSS-272-00000-AdtDC-0000000-0000-05-510007-	D	3,500
11/21/2022	Bldg Svces	1000-BDS-230-00000-000000-0000000-0000-02-520002-	C	115
11/21/2022		1000-BDS-230-00000-000000-0000000-0000-02-520012-	D	115
11/22/2022	Health	1000-HLT-250-00000-000000-0000000-0000-05-560000-225HC	C	3,870
11/22/2022		1000-HLT-250-00000-000000-0000000-0000-05-530015-225HC	D	3,870
11/23/2022	Finance	1000-FIN-000-00000-000000-0000000-0000-01-530013-	D	20,000
11/23/2022		1000-FIN-000-00000-000000-0000000-0000-01-510007-	D	7,988
11/23/2022		1000-FIN-000-00000-000000-0000000-0000-01-510002-	D	4,000
11/23/2022		1000-FIN-000-00000-000000-0000000-0000-01-510001-	C	12,989
11/23/2022		1000-FIN-000-00000-000000-0000000-0000-01-510003-	C	8,999
11/23/2022		1000-FIN-000-00000-000000-0000000-0000-01-510005-	C	10,000
11/28/2022	Soc Svces	6000-SWS-380-00000-000000-0000000-0000-08-540006-20019	C	55,000
11/28/2022		6000-SWS-380-00000-000000-0000000-0000-08-540016-20019	D	55,000
11/28/2022	Sheriff	1000-SHF-210-00000-000000-0000000-0000-02-530029-	C	45,560
11/28/2022		1000-SHF-210-00000-000000-0000000-0000-02-530010-	D	45,560
11/29/2022	Parks & Rec	1000-PWK-000-00000-000000-0000000-0000-01-530010-	C	8,000
11/29/2022		1000-PWK-000-00000-000000-0000000-0000-01-520012-	D	8,000
11/29/2022	IT	1000-ITS-000-00000-000000-0000000-0000-01-560000-PCLap	C	257,436

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11/29/2022		1000-ITS-000-00000-000000-000000-0000-01-520020-PCLap	D	257,436
11/30/2022	Bldg Svces	1000-BDS-231-00000-000000-000000-0000-07-520020-	D	8,565
11/30/2022		1000-BDS-231-00000-000000-000000-0000-07-530010-	C	8,565
12/01/2022	Library	1000-LIB-000-00000-000000-000000-0000-04-560000-21577	C	10,000
12/01/2022		1000-LIB-000-00000-000000-000000-0000-04-520020-21577	D	10,000
12/01/2022	GCPD	2015-GPD-201-00000-000000-000000-0000-02-530002-	C	187,000
12/01/2022		2015-GPD-201-00000-000000-000000-0000-02-530023-	D	187,000
12/01/2022	Bldg Svces	1000-BDS-232-00000-000000-000000-0000-07-520011-	D	1,775
12/01/2022		1000-BDS-232-00000-000000-000000-0000-07-520001-	C	1,775
12/05/2022	HUSN	1000-CSS-291-29103-000000-000000-0000-05-520017-	C	164
12/05/2022		1000-CSS-291-29103-000000-000000-0000-05-530030-	D	164
12/06/2022	Parks&Rec	1000-PWK-000-00000-000000-000000-0000-01-530010-	C	18,000
12/06/2022		1000-PWK-000-00000-000000-000000-0000-01-520012-	D	18,000
11/28/2022	Soc Svces	1000-CSS-270-00000-WIOA00-WIOAdit-0000-05-510003-	C	1,515
11/28/2022		1000-CSS-270-00000-WIOA00-WIODWkr-0000-05-510003-	C	1,450
11/28/2022		1000-CSS-270-00000-WIOA00-WIOYuth-0000-05-510003-	C	2,460
11/28/2022		1000-CSS-270-00000-WIOA00-000000-0000-05-510003-	D	5,425
12/08/2022		1000-CSS-270-00000-WIOA00-000000-0000-05-520012-	D	650
12/08/2022		1000-CSS-270-00000-WIOA00-WIOAdit-0000-05-520012-	C	325
12/08/2022		1000-CSS-270-00000-WIOA00-WIODWkr-0000-05-520012-	C	325
12/12/2022	DSS	1000-DSS-270-00000-000000-000000-0000-05-520011-	C	2,000
12/12/2022		1000-DSS-271-00000-000000-000000-0000-05-520011-	C	2,000
12/12/2022		1000-DSS-272-00000-000000-000000-0000-05-520011-	C	2,000
12/12/2022		1000-DSS-000-00000-000000-000000-0000-05-520011-	D	6,000
12/14/2022	Finance	1000-NDP-000-00000-SpcPrg-000000-0000-01-560000-	C	22,000
12/14/2022		1000-NDP-000-00000-SpcPrg-000000-0000-01-530010-	D	22,000
12/15/2022	Soc Svces	1000-CSS-292-00000-SrPrgm-000000-0000-04-560000-	C	1,000
12/15/2022		1000-CSS-292-00000-000000-000000-0000-04-520005-	D	1,000
12/15/2022	Manager	1000-MGR-000-00000-EmpRec-000000-0000-01-520005-	D	9,000
12/15/2022		1000-MGR-000-00000-000000-000000-0000-01-530015-	C	9,000
12/15/2022	HR	1000-CSS-293-00000-000000-000000-0000-05-560001-	C	25,000
12/15/2022		1000-CSS-293-00000-000000-000000-0000-05-530013-	D	25,000
12/16/2022	Soc Svces	1000-CSS-290-29001-000000-000000-0000-05-510001-21534	C	114,873
12/16/2022		1000-CSS-290-29001-000000-000000-0000-05-510002-21534	D	3,407
12/16/2022		1000-CSS-290-29001-000000-000000-0000-05-510006-21534	D	21,040
12/16/2022		1000-CSS-290-29001-000000-000000-0000-05-510007-21534	D	579
12/16/2022		1000-CSS-290-29001-000000-000000-0000-05-510100-21534	D	13,072
12/16/2022		1000-CSS-290-29001-000000-000000-0000-05-510101-21534	D	21,336
12/16/2022		1000-CSS-290-29001-000000-000000-0000-05-510102-21534	D	6,639
12/16/2022		1000-CSS-290-29001-000000-000000-0000-05-510103-21534	D	47,303
12/16/2022		1000-CSS-290-29001-000000-000000-0000-05-510104-21534	D	1,160
12/16/2022		1000-CSS-290-29001-000000-000000-0000-05-510105-21534	D	337
12/20/2022	Parks&Rec	1000-PRK-360-00000-000000-000000-0000-01-520002-	C	418
12/20/2022		1000-PRK-360-00000-000000-000000-0000-01-520020-	D	418
12/20/2022	Emer Mgmt	1000-EMG-000-00000-000000-000000-0000-02-530030-	C	5,000
12/20/2022		1000-EMG-000-00000-000000-000000-0000-02-520013-	D	1,500
12/20/2022		1000-EMG-000-00000-000000-000000-0000-02-530052-	D	3,500
12/20/2022	GEMS	1000-EMS-000-00000-Annual-PayGo22-0000-02-540002-	C	88,000
12/20/2022		1000-EMS-000-00000-Annual-PayGo22-0000-02-540003-	D	88,000
12/20/2022	IT	1000-ITS-000-00000-000000-000000-0000-01-520001-	C	251
12/20/2022		1000-ITS-000-00000-000000-000000-0000-01-520015-	D	251

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12/21/2022	DSS	1000-DSS-270-00000-RLIEAP-PAPayts-0000-05-560008-	C	47,945
12/21/2022		1000-DSS-270-00000-LIHWAP-PAPayts-0000-05-560008-S0026	D	32,545
12/21/2022		1000-DSS-270-00000-CrisIn-PAPayts-0000-05-560008-	D	15,400
12/21/2022		1000-DSS-272-00000-AdtSvc-0000000-0000-05-520020-AG005	C	533
12/21/2022		1000-DSS-272-00000-AdtSvc-0000000-0000-05-530053-AG005	C	3,674
12/21/2022		1000-DSS-272-00000-AdtSvc-0000000-0000-05-530023-AG005	C	4,685
12/21/2022		1000-DSS-272-00000-AdtSvc-0000000-0000-05-530015-AG005	D	8,892
12/21/2022	GEMS	1000-EMS-000-00000-000000-0000000-0000-02-520005-	D	1,400
12/21/2022		1000-EMS-000-00000-000000-0000000-0000-02-560000-EmpEv	C	1,400
12/28/2022	Soc Svces	1000-CSS-270-00000-WIOA00-WIOYuth-0000-05-560010-	C	9,000
12/28/2022		1000-CSS-270-00000-WIOA00-WIODWkr-0000-05-560010-	D	9,000
12/29/2022	Health	1000-HLT-253-00000-000000-0000000-0000-05-560000-225C4	C	24,644
12/29/2022		1000-HLT-253-00000-000000-0000000-0000-05-530010-225C4	D	24,644

**2023-019 Commissioner Brown - DHHS (Health Division) - To Accept and Appropriate Miscellaneous Funds Received from the Upstream Organization for the Public Health Family Planning Clinic (\$3,000) per Budget Change Request:**

Account Description	Account Number	Amount
Misc Rev: Upstream FP Mileston	1000-HLT-253-00000-FamPln-0000000-0000-05-445001-21025	(3,000)
Training: Upstream FP	1000-HLT-253-00000-FamPln-0000000-0000-05-520011-21025	3,000

**2023-020 Commissioner Brown - (DHHS) Social Services Division - To Accept and Appropriate Second Quarter Donations for Various Social Services Programs in the Amount of \$5,704 per Budget Change Request:**

Account Description	Account Number	Amount
Adult Nutrition donations	1000-CSS-272-00000-AdtNut-HmDelMI-0000-05-445004-	(2,361)
Adult Nutrition donations	1000-CSS-272-00000-AdtNut-0000000-0000-05-520019-15259	2,361
Adult Daycare donations	1000-CSS-272-00000-AditDC-0000000-0000-05-445004-	(125)
Adult Daycare donations	1000-CSS-272-00000-ADLTDC-0000000-0000-05-520019-	125
Adult Services donations	1000-DSS-272-00000-AdtSvc-0000000-0000-05-445004-	(1,586)
Adult Services donations	1000-DSS-272-00000-Adtsvc-0000000-0000-05-520019-	1,586
Links Donations-revenue	1000-DSS-271-00000-FostCr-Links01-0000-05-445004-	(1,632)
Links Program Donations	1000-DSS-271-00000-FostCr-Links01-0000-05-520019-13263	1,632

**2023-021 Commissioner Worley - Finance - To Accept as Information the Attached Property Tax Refunds Less than \$100. These Tax Refunds Should Be Recorded in the Board's Minutes. (Total NCVTS Refunds - \$2,114.88) as follows:**

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
<b>OCTOBER 2022 REFUNDS</b>			
AVILES, CHARLENE FRAVEL	\$ 71.22	MASSEY, MICHAEL LEWIS	\$ 3.97
BACKERS, TERRI BARROW	\$ 84.27	MILLER, RICHARD HUNTER	\$ 43.98
BEAL, JOHN WESLEY	\$ 98.76	MORRISON, AMANDA WITHERS	\$ 9.75
BRICKHOUSE, ALECIA LYNN	\$ 12.92	PARKDALE AMERICA LLC	\$ 25.03
BURRELL, ELIZABETH TWEE ANN	\$ 26.17	PELLETIER, DAVID WAYNE	\$ 6.18
CANADY, KISHER MICHELLE	\$ 41.60	RICE, ERIC JAMES	\$ 38.61
CHANEY, JOHN TIMOTHY JR	\$ 37.35	ROBBINS, VALERIE WALKER	\$ 64.11
CHILDS, JON OLIN	\$ 55.35	ROSSETTO FILHO, RUBENS CARLOS	\$ 66.45
EATON, DALE GERALD	\$ 15.23	RUDISILL, ETHEL KNOX	\$ 80.44
FIDLER, LINDA CARVER	\$ 3.35	RUSS, HOWARD LAMAR	\$ 66.23
GASTONIA IRON WORKS, INC.	\$ 20.92	RUSS, HOWARD LAMAR	\$ 13.35
GONZALES, RICHARD DAVID	\$ 72.63	SAMONTE, AUGUSTUS BURGOS	\$ 32.74
GRANT, CHARLES EDWARD	\$ 59.35	SARVIS, DAVID GARY	\$ 84.82
HARMON, GRADY TIMOTHY	\$ 94.50	STEWART, CINDY KATHERYN HAGAN	\$ 84.04
HARRIS, DAVID DURELL	\$ 5.66	STREET, NICHOLAS	\$ 79.43
HARRIS, FREENAS LORENZO	\$ 33.04	STROUPE, WILLIAM MICHAEL	\$ 49.75

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HEAFNER, RONALD MARSHALL II	\$	17.15	TANNER, RUSSELL BRYAN	\$	33.28
HICKS, RANDY DEAN	\$	21.34	TILLMAN, SHERRY CLARK	\$	42.29
JOHNSON, ANITA ANNA	\$	54.73	VASILEW, JASON L	\$	80.99
KING, RUSSELL WARREN	\$	51.07	WHITLEY, BRUCE BERNELL	\$	64.23
LEACH, JACQUILINE THOMPSON	\$	37.47	WILLIAMS, DAWN RIVERS	\$	80.53
MANEY, MARK WAYNE	\$	57.75	WITKOWSKI, BRENT BARKER	\$	21.67
MANEY, ROBERT BRICE	\$	8.20	WRIGHT, PAMELA PHILLIPS	\$	62.98
			<b>Total NCVTS Refunds (October 2022)</b>	<b>\$</b>	<b>2,114.88</b>

**2023-022 Commissioner Worley - Finance - To Amend Gaston County ARPA Grant Project Ordinance 2021-264 to Approve and Appropriate Project Funding for the Homeless Outreach - Shower and Laundry Trailers (\$222,200) as follows:**

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

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

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

CSLRF Project \$43,612,126\*

Project Allocations

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

Remaining Available CSLRF Project \$29,375,819

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

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

CSLRF Funds \$43,612,126



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

Remaining Available CSLRF Project \$29,375,819

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

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

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

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

and per Budget Change Request:

Account Description	Account Number	Amount
FEDGRTREV:ARPA	4000-HLT-000-00000-000000-0000000-0000-05-410000-AR014	(222,200)
TRANSFER TO CIP	4000-NDP-000-00000-TRFXTO-0000000-0000-98-584005-	222,200
TRANSFER FROM CIF	4005-NDP-000-00000-TRFXFR-0000000-0000-98-484000-	(222,200)
EQUIPMENT>5,000	4005-HLT-000-00000-000000-0000000-0000-05-540002-AR014	222,200

**2023-023 Commissioner Fraley - GEMS - Administrative Correction - To Correct Budget Change Request for Resolution 2022-299 Adopted at 9/27/2022 BOC Meeting per Budget Change Request:**

Account Description	Account Number	Amount
Fed Grt Rev:MAT Bridge Prog Gr	1000-EMS-000-00000-000000-0000000-0000-02-410000-AG016	\$1,136
FICA MAT Bridge Prog Grant	1000-EMS-000-00000-000000-0000000-0000-02-510100-AG016	\$69
Prog Supp: MAT Bridge Prog Gra	1000-EMS-000-00000-000000-0000000-0000-02-520002-AG016	(\$833)
Drugs: MAT Bridge Prog Grant	1000-EMS-000-00000-000000-0000000-0000-02-520003-AG016	(\$999)
Misc Supp: MAT Bridge Prog Gra	1000-EMS-000-00000-000000-0000000-0000-02-520007-AG016	(\$33)
Empl Trng: MAT Bridge Prog Gra	1000-EMS-000-00000-000000-0000000-0000-02-520011-AG016	\$660

**2023-024 Commissioner Brown - Hope United Survivor Network - To Accept and Appropriate Additional Grant Funds from The Duke Endowment through the Children's Advocacy Centers of North Carolina and the South Carolina Network of Children's Advocacy Centers in the Amount of \$57,000.00 Awarded to the Lighthouse of Gaston County per Budget Change Request:**

Account Description	Account Number	Amount
Revenue- CAC Duke Endowment	1000-CSS-291-29103-000000-0000000-0000-05-445006-L0004	(57,000.00)
CAC Duke Endow Prog Sup	1000-CSS-291-29103-000000-0000000-0000-05-520002-L0004	15,000.00
CAC Duke Endow Duke Empl Train	1000-CSS-291-29103-000000-0000000-0000-05-520011-L0004	10,000.00
CAC Duke Endow Misc Exp	1000-CSS-291-29103-000000-0000000-0000-05-520017-L0004	7,000.00
CAC Duke Endow F/E <5k	1000-CSS-291-29103-000000-0000000-0000-05-520020-L0004	15,000.00
CAC Duke Endow Prof Services	1000-CSS-291-29103-000000-0000000-0000-05-530010-L0004	10,000.00

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**2023-025 Commissioner Brown - Hope United Survivor Network - Proclamation - To Proclaim the Month of January 2023 as Human Trafficking Awareness Month**

**2023-026 Commissioner Worley - Library - To Accept and Appropriate LSTA Food Literacy Grant Funds (\$17,000) per Budget Change Request:**

Account Description	Account Number	Amount
FedGrtRev: LSTA Food Literacy	1000-LIB-000-00000-000000-000000-0000-04-410000-G0067	(2,000.00)
ProgSupp: LSTA Food Literacy	1000-LIB-000-00000-000000-000000-0000-04-520002-G0067	2,000.00
FedGrtRev: LSTA Food Literacy	4000-LIB-000-00000-000000-000000-0000-04-410000-G0067	(15,000.00)
F/E>\$5K: LSTA Food Literacy	4005-LIB-000-00000-000000-000000-0000-04-540002-G0067	15,000.00
Transfer from CIF	4005-NDP-000-00000-TrfxFr-0000000-0000-98-484000-	(15,000.00)
Transfer to Gen Gov Cap	4000-NDP-000-00000-TrfxTo-0000000-0000-98-584005-	15,000.00

**2023-027 Commissioner Hovis - Police Department (Animal Care and Enforcement) - To Accept and Appropriate Donation Received from the TEGNA Foundation for WCNC-Charlotte's Clear the Shelter Event (\$1,000) per Budget Change Request:**

Account Description	Account Number	Amount
Donations and Gifts	1000-GPD-200-00000-000000-0000000-0000-02-445004	(1,000.00)
Miscellaneous Supplies	1000-GPD-200-00000-000000-0000000-0000-02-520007	\$1,000.00

**2023-028 Commissioner Brown - Police Department - To Accept Western Branch Diesel as a Sole Source Vendor for the Purchase of Equipment through the 2022 Justice Assistance Grant**

**2023-029 Commissioner Keigher - Police Department - To Accept and Appropriate a Payment in the Amount of \$3,253 from Webb Metals per Budget Change Request:**

Account Description	Account Number	Amount
Miscellaneous Revenue	1000-GPD-000-00000-000000-0000000-0000-02-445001	(\$3,253.00)
Miscellaneous Supplies	1000-GPD-000-00000-000000-0000000-0000-02-520007	\$3,253.00

**2023-030 Commissioner Worley - Public Works - To Accept an Offer to Purchase a County Owned Surplus Parcel (PID 203783 Located at 2005 Beauhaven Lane, Belmont) and Authorize Staff to Initiate the Upset Bid Process**

**2023-031 Commissioners Brown & Hovis - Public Works - To Approve Lease Agreement with Congressman Jeff Jackson, U.S. House of Representatives, for a District Office in the County Administration Building**

**2023-032 Commissioner Johnson - Sheriff's Office - To Accept PowerDMS as a Sole Source Vendor for the Purchase of Policy Management Software (\$8,557 - Year One)**

**2023-033 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the Listed Tax Refunds be Made. (Releases and Refunds - \$3,213.52; Overpayments - \$86,026.23; VTS Refunds - \$8,586.48; Grand Total - \$97,826.23) as follows:**

TAXPAYER NAME	AMOUNT
<b>NOVEMBER 2022 RELEASES AND REFUNDS</b>	
Burkholder, George	\$429.03
CIS Financial Services, Inc.	\$271.40
Corelogic	\$471.56
Corelogic	\$220.75

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LNS Turbo, Inc.	\$348.46
Stott, Hollowell, Windham & Stancil, PLLC	\$1,472.32
<b>TOTAL</b>	<b>\$3,213.52</b>

**NOVEMBER 2022 OVERPAYMENTS**

Bean, Lloyd Keith	\$143.00
Brown, Christopher J.	\$214.28
Cannon, Joye D.	\$224.12
Carden, Deborah Lynn Lowery	\$2,000.00
Carolina Elite Insurance	\$330.10
Carothers, Sharmell	\$141.65
Cashion, Heather K	\$124.96
Corelogic	\$786.83
Corelogic	\$1,537.35
Corelogic	\$2,217.78
Corelogic	\$3,708.04
Corelogic	\$704.08
Corelogic	\$1,392.78
Corelogic	\$1,598.81
Corelogic	\$3,841.92
Corelogic	\$187.10
Corelogic	\$3,934.44
Corelogic	\$1,033.28
Corelogic	\$1,025.89
Corelogic	\$200.00
Corelogic	\$227.20
Corelogic	\$947.78
Corelogic	\$3,150.31
Corelogic	\$2,669.12
Corelogic	\$3,179.66
Corelogic	\$2,821.86
Corelogic	\$110.12
Corelogic	\$1,760.12
Corelogic	\$1,308.79
Corelogic	\$1,356.12
Corelogic	\$1,721.69
Corelogic	\$3,028.15
Corelogic	\$685.62
Corelogic	\$2,000.43
Corelogic	\$3,338.28
Corelogic	\$665.55
Ellison, Sandy A.	\$180.00
Fuller, Charles Thomas	\$248.66
Greco Investments LLC	\$146.08
Hendrick, John	\$143.08
Hendrick, Thomas	\$145.11
Hendrick, Thomas	\$153.57
Land Home Financial Services	\$246.00
Lereta Property Tax Services	\$728.53
Lereta Property Tax Services	\$1,376.42
Lereta Property Tax Services	\$1,299.06
Lereta Property Tax Services	\$855.67
Lereta Property Tax Services	\$2,683.50
Lewis Custom Services Inc.	\$163.22
Local Government Credit Union	\$1,700.62
Local Government Credit Union	\$2,313.25

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Local Government Credit Union	\$1,205.65
McKinney, Julie H.	\$175.45
McNeal, Mildred P	\$100.00
Mercer, Jack A	\$175.00
Miller, Bruce	\$1,233.95
Miller, Bruce	\$1,248.95
Morehead, Helen	\$100.00
Morehead, Helen	\$100.00
Neely, Gordon	\$200.00
New ServiceLink, LLC	\$314.74
Parks H. Wilson, Jr., Attorney At Law	\$200.00
Price, Jesse Olan	\$136.94
Shuford, Lou Ann	\$2,195.03
Smith, Donald D.	\$667.66
State Employees Credit Union	\$1,902.38
Stiles, James Walter	\$142.88
The Law Offices of Brent F. King, PLLC	\$356.67
True Homes, LLC	\$506.25
True Homes, LLC	\$506.25
True Homes, LLC	\$506.25
True Homes, LLC	\$506.25
True Homes, LLC	\$506.25
Valerie, Holmes Waddell DDS PA	\$200.00
Ward, Hamilton Y	\$2,202.88
Wells Fargo Real Estate Tax	\$2,123.72
Wells Fargo Real Estate Tax	\$1,178.51
Wright, Joseph	\$634.59
<b>TOTAL</b>	<b>\$86,026.23</b>

**NOVEMBER 2022 VTS REFUNDS**

Armstrong, Luther Von Jr	\$410.76
Barnette, Brian Keith	\$218.70
Branch, Nathaniel Matthew	\$127.24
Bravo, Aida Liliana	\$349.63
Carr, Janelle Dawn	\$220.28
Carroll, Brian Daniel	\$481.48
Chapman, Phillip Roger II	\$400.31
Clubb, Gary Stephen	\$836.54
Estevez Batista, Richard Jesus	\$127.10
Fagan, Phillip Randolph	\$168.81
Flickinger, Curtis Anthony	\$415.00
Gibson, Paul Mcronald Jr	\$274.86
GSM Services Inc	\$299.26
Guffey, Elizabeth Myers	\$164.07
Jackson, Jonay Ladon	\$171.66
Johnson, Steven Eugene	\$143.14
Lima Landaeta, Jose Rafael	\$716.56
Mauldin, Joseph Franklin Jr	\$121.36
McIntosh, Mary Hobson	\$138.36
Miller, Jason Lee	\$135.13
Mull, Tina Partain	\$357.13
Petty, Kathy Lynn	\$356.49
Puello, Karen Alejandra	\$207.20
Ragan, Jimmy Lee	\$151.71
Rainey, Marcus Scott	\$277.67
Short, Edward Shane	\$153.13

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SS Interstate Inc	\$210.12
Stovall, Isa Erin	\$164.59
Teague, Brittany Elizabeth	\$139.12
Wells, Barry Lewis	\$146.52
Wells, Barry Lewis	\$502.55
<b>TOTAL</b>	<b>\$8,586.48</b>
 <b>GRAND TOTAL</b>	 <b>\$97,826.23</b>

Chairman Brown advised the Proclamation recognizing January 2023 as Human Trafficking Awareness Month would be forwarded to the department.

### 2023 Legislative Requests

#### **2023-034 Board of Commissioners – Legislative Request: Legislative Agenda for the 2023 Session of the North Carolina General Assembly**

Commissioner Hovis introduced the motion and Commissioner Keigher provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-034** as follows:

WHEREAS, the Gaston County Board of Commissioners are committed to strengthen and diversify Gaston County's economy, make Gaston County a top choice of business and industry expansion and to encourage the growth of safe and healthy communities; and,

WHEREAS, job creation, economic development, education, workforce development, healthy communities, public safety and quality of life are adopted priorities of the Commission and are important guiding principles for future policy decisions; and,

WHEREAS, the Gaston County Board of Commissioners recognizes that State policies, programs and investments can have a significant influence on local policy-making; and,

WHEREAS, the Gaston County Board of Commissioners has identified numerous goals for consideration and support during the 2023 General Assembly Session.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners respectfully requests the Gaston County Delegation to the North Carolina General Assembly to:

1. Preserve County Tax & Finance
  - Protect Gaston County from unfunded mandates and maintain local revenue sources.
  - Provide state compensation for when taxable property is removed from the ad valorem tax base by the state.
  - Assist NCACC with the repeal of NCGS 105-275 (45), which mandates the county must exclude 80% of the appraised value of a solar energy electric system from property taxation.
  - Assist NCACC to gain an opportunity to tailor the use of any newly enacted article 43 transit tax for all types of transportation expenditures.
  - Support flexibility for use of all or a percentage of the occupancy tax.
2. Economic Development

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- Continue the state's investment in infrastructure funding, economic development grant programs and support of county EDC services.
  - Prioritize economic development funding for NC's most distressed 80 counties, Tier 1 and Tier 2 designations.
  - Support for improvement to existing sites and site acquisition as well as assistance in development funding.
  - Allow DOC to establish and offer reasonable flexibility and consideration of JDIG fulfillment.
  - Workforce innovation priorities from NCEDA including a request for salary alignment with surrounding states. The specific ask is an additional 8% over the next three years.
  - Continue support of incentive programs including but not limited to:
    - 1) NC's Golden Leaf Foundation
    - 2) Continued funding of JDIG (Job Development Incentive Grants)
    - 3) One NC Fund
    - 4) Community College Workforce Development Partnerships including:
      - A) Strengthen educational offerings and partnerships with industry.
      - B) Strengthen High School partnerships including Career & College Promise and Early College.
3. Infrastructure Development
- Support modernizing transportation funding by advocating for:
    - 1) stable and increased revenue sources for highways, rail and port infrastructure;
    - 2) continued broadband infrastructure grants;
    - 3) and continued support for water and sewer expansion in rural communities.
  - Support funding for Travel & Tourism, specific to Gaston County's Crowder's Mountain State Park and Mountain Island Educational State Forest.
  - Support local transportation funding priorities which include but not limited to:
    - 1) Increased funding for maintenance of current highways
    - 2) Widening of I-85
    - 3) Crossings over Catawba River (South Fork Crossing/Catawba Crossing)
  - Support funding for K-12 Educational Facilities
4. Health & Human Services
- Upon the passage of Medicaid expansion, Gaston County seeks to be held harmless for any associated costs incurred as a result of the expansion.
  - Support funding legislation to prevent substance abuse as well as increase program availability for drug treatment and recovery initiatives.
  - Increase support for programs that assist families moving from drug and domestic violence situations, to gain access to education/workforce training and independence.
5. Education
- Support of Community Colleges and Gaston College's efforts and partnership in workforce training.
  - School Capital appropriations to meet needs for additional classroom space and maintenance of buildings.
  - Restore the statutory appropriations for funds from the NC Lottery.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Gaston County Legislative Delegation to the NC General Assembly and the North Carolina Association of County Commissioners.

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**Items Pulled from the Consent Agenda****2023-035 Commissioner Brown - County Attorney - To Appropriate \$114,252 of Fund Balance and Approve Two (2) Additional Full Time Positions for the County Attorney's Office**

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

Chairman Brown called for discussion.

Commissioner Keigher asked if the \$114,252 included benefits, etc.; if it would eliminate the need for litigators, including retainer.

The County Attorney advised he looked back several years and the County has spent over \$500k/year on outside litigation expenses. The proposal is to bring in a portion of that with the ability to adjust the value as needed; proposal is for a new Attorney to spend approximately one-third of their time on litigation; if the County saves an average of \$250/hour in legal fees that is about \$165k/year; wanted to get it close to self-paying; it would also give the County Attorney the capacity to replace Mr. (Charles "Chuck" L.) Moore once he fully retires, and to focus on public safety, with a new Sheriff and new police chief coming on soon; main focus/concerns in proposal is outside litigation, succession planning and public safety support.

Commissioner Keigher advised the growth of employees has exceeded the growth of the County; 25 years ago there were 1,100 employees; now it is between 1,700 and 1,800; want to make sure the County is not overspending on employees; aware the County needs help in certain areas but is concerned there is too much growth in other areas; want to insure that County is getting the most bang for the buck and not overspending in the area of personnel. He noted an assessment conducted about five years ago showed the County to be pretty lean and he hope that stands true now. He asked if the County will eliminate the contract for the outside counsel (Stott, Hollowell and Windham).

The County Attorney responded the outside counsel's contract is on an as-needed basis; there will be a substantial pullback from that; the County will still use outside counsel in cases requiring a specific expertise, but the first pullback would be from that area.

Chairman Brown asked if this would free up the County Attorney to do more litigation.

The County Attorney concurred and added it frees him up to do more economic development work.

Chairman Brown recalled one of the big concerns during the hiring process for the County Attorney was the need for an additional attorney for growing public safety needs.

Commissioner Worley asked for the ongoing cost for the positions (attorney and paralegal).

The County Attorney responded the cost for the next fiscal year is about \$273k.



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Responding to Commissioner Keigher, the County Manager advised she would provide some workload data and information related to employees per capita against some of the County's benchmark peers; the timing of this request is good in anticipation of the budget.

Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously approved **2023-035** per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	1000-NDP-000-00000-FBApro-0000000-0000-99-490000	(\$114,251)
Salaries	1000-ATY-000-00000-0000000-0000000-0000-01-510001	\$87,606
FICA	1000-ATY-000-00000-0000000-0000000-0000-01-510100	\$6,702
Retirement	1000-ATY-000-00000-0000000-0000000-0000-01-510101	\$9,943
Health	1000-ATY-000-00000-0000000-0000000-0000-01-510103	\$9,583
Dental	1000-ATY-000-00000-0000000-0000000-0000-01-510104	\$250
Life	1000-ATY-000-00000-0000000-0000000-0000-01-510105	\$167

**Appointments**

On motion introduced by Commissioner Fraley and seconded by Commissioner Hovis, the BOC unanimously appointed Mr. Jamie McConnell to the **Child Fatality Prevention Team (CFPT)** to a term ending January 31, 2027.

On motions introduced and seconded, the following individuals were unanimously appointed to the **Council on Aging/Home and Community Care Block Grant Advisory Committee:**

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Fraley	Commissioner Hovis	Ms. Donna Hamill	November 30, 2025
Commissioner Johnson	Commissioner Worley	Mr. David Abernethy	November 30, 2024 (Unexpired Term)

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

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Fraley	Commissioner Hovis	Mr. Jeff Howe Jr.	January 31, 2026
Commissioner Worley	Commissioner Hovis	Mr. Jason Cloninger	January 31, 2026
Commissioner Brown	Commissioner Worley	Mr. Steve D'Avria	May 31, 2024 (Unexpired Term)
Commissioner Brown	Commissioner Hovis	Mr. David Freeman	November 30, 2023 (Unexpired Term)

On motions introduced and seconded, the following individuals were unanimously appointed to the **Juvenile Crime Prevention Council (JCPC):**

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Fraley	Commissioner Hovis	Mr. Billy Walkowiak	June 30, 2023 (Unexpired Term)
Commissioner Worley	Commissioner Hovis	Ms. Kimberly D. Moore	June 30, 2023 (Unexpired Term)
Commissioner Cloninger	Commissioner Hovis	Ms. Sara Brunner	June 30, 2023 (Unexpired Term)
Commissioner Johnson	Commissioner Worley	Mr. Taner Jarrett	June 30, 2023 (Unexpired Term)

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

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Worley	Commissioner Hovis	Mr. Lee Brooks	January 31, 2026
Commissioner Keigher	Commissioner Hovis	Mr. J.R. (Randy) Vinson	January 31, 2026
Commissioner Brown	Commissioner Hovis	Mr. Jay D. Sadler	January 31, 2026

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On motions introduced and seconded, the following individuals were unanimously reappointed to the **SARA Local Planning Committee (LEPC)**:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Worley	Commissioner Hovis	Mr. John B. Wilson	January 31, 2026
Commissioner Cloninger	Commissioner Hovis	Ms. Angela Karchmer	December 31, 2025
Commissioner Brown	Commissioner Hovis	Mr. Robert C. Sapp	January 31, 2026

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

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Hovis	Commissioner Keigher	Mr. Paul Lowrance	February 28, 2027
Commissioner Brown	Commissioner Hovis	Mr. Robert R. King	November 30, 2026

**2023-036** BE IT RESOLVED that the Gaston County Board of Commissioners hereby amends the membership structure of the Gaston County Animal Care and Enforcement Advisory Board to reassign the Humane Society position to a Citizen At Large position. The Board approved the following appointment to the Citizen At Large position:

On motion introduced by Commissioner Brown and seconded by Commissioner Hovis, the BOC unanimously appointed Ms. Pamela Bingham to the **Animal Care and Enforcement Advisory Board** to an unexpired term ending February 28, 2026.

On motion introduced by Commissioner Brown and seconded by Commissioner Keigher, the BOC unanimously reappointed Mr. Bobby Lutz to the **Fireman's Relief Fund Trustees** to a term ending November 30, 2024.

On motion introduced by Commissioner Brown and seconded by Commissioner Fraley, the BOC unanimously appointed Commissioner Bob Hovis to the **Partners Behavioral Health Management "Partners BHM"** to an unexpired term ending June 30, 2025.

### Commissioners Committee Reports

Commissioner Cloninger reported attendance on January 11<sup>th</sup> to the **Honoring Our Local Hometown Heroes' Ceremony** sponsored by Tindol Ford; recipients included former Sheriff Alan Cloninger (Retired), Eddie Lovingood (Gastonia City Police Department), Wayne Massagee (Gaston County EMS), Leon Matthews (Gastonia Fire Department) and Jeffrey Thomas (Gaston County Police Department); these recipients made a difference in our community; she thanked them for a job well done; **Martin Luther King Ceremony** sponsored by the Town of Dallas on January 13; Reverend Dorothy "Dot" Guthrie was the keynote speaker; Dr. Darial Jackson recited the *I Have a Dream* speech; also attended an event that Commissioner Hovis will address in his report.

Commissioner Hovis reported that he and Commissioner Cloninger attended the **Gaston Together Unity Awards** at the DSS Auditorium; announced the **Wren Development Osage Redevelopment Program** groundbreaking to be held in Bessemer City (on Alabama Ave. and 12<sup>th</sup> Street) on January 26 at 1:30 pm; attended the **Kickoff of the Rapid Response Vehicle**, positioned at the Kings Mountain Fire Department, along with Dr. Eagle and other staff members.

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Chairman Brown advised that Sheriff Hawkins was in attendance, and he introduced his Chief Deputy, Scott Wyatt, who was also in attendance.

### County Manager's Report

The County Manager presented:

- **Re: Child Advocacy Center:** The BOC approved funding at the beginning of the pandemic to expedite construction of the new Child Advocacy Center and The City Church donated the land; the Center has been under construction since mid-2021; the County had to pause the construction due to supply chain issues in December, but it is back up and running; anticipate that construction and the punch list to be completed by March 1<sup>st</sup>; staff is planning a ribbon cutting ceremony sometime in April; will coordinate this with the Clerk for BOC calendar.

### County Attorney's Report

The County Attorney presented:

- **Re: County Attorney's Office New Positions:** The County Attorney's Office will track internal litigation hours and report the exact savings to BOC on an annual or semi-annual basis
- **Re: Anonymous Survey:** Tomorrow the County Attorney's office will be finishing up an anonymous survey that was sent to Department Directors and about 80 critical stakeholders inquiring about the responsiveness, quality of legal work and whether they have used the County Attorney's office more or less than in the past; BOC can expect the results tomorrow via email.

### Other Matters

Chairman Brown advised the BOC voted under the Consent Agenda to reschedule the February 14 Work Session to precede the February 28<sup>th</sup> Regular Meeting.

### Adjournment

Commissioner Worley introduced the motion to adjourn and Commissioner Keigher provided the second. Chairman Brown called for Commissioner Johnson's voice vote and called for the vote from the remaining members (via show of hands) and the BOC unanimously adjourned the Regular Meeting of January 24, 2023 at 7:37 pm.

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

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Chad Brown, Chairman  
Gaston County Board of Commissioners

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Donna S. Buff  
Clerk to the Board

SEAL