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Gaston County Board
of Commissioners

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

DECEMBER 11, 2018

The Gaston County Board of Commissioners (BOC) met in Rescheduled Session on December 11, 2018, immediately following its Work Session at 6:37 pm, in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Chairman Tracy L. Philbeck presided with Commissioners Jack B. Brown, Bob Hovis, Tom Keigher and Ronnie Worley in attendance.

Commissioners Chad Brown, Vice-Chairman and Allen R. Fraley were not in attendance.

Others present included Earl Mathers, County Manager; Charles L. Moore, County Attorney; and Donna S. Buff, Clerk to the Board.

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

Zoning Public Hearings (Held Jointly with Planning Board Members)

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

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

Public Hearing - Zoning Map Change: (Z18-11) Teramore Development LLC (Applicant); Property Parcel: 162149, Located at 1832 Martin Rd., Bessemer City, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District

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

Mrs. Penley outlined the request and advised as follows: property owner - Sarah Pless Simmons; Applicant - Teramore Development LLC; 2.17 acres under consideration for rezoning; the property is currently vacant, undeveloped and located in northwest section of County (east of Cleveland-Gaston County line and in between Cherryville and Bessemer City municipalities); reviewed aerial and zoning maps depicting location of site (on corner of Martin Rd. and Tryon Courthouse Rd.); reviewed listing of adjacent property owners that were notified of hearing per County policy; reviewed surrounding zoning as R-2 (Single Family Moderate), R-1 (Single Family Limited), and C-1 commercial and industrial zonings; information in BOC packets indicates the property is within the rural, rural center and rural community of Planning Area One but property is actually located within just the rural community area; based on the goals, objectives and the zoning district pattern it is staff's opinion that this request is consistent with the Comprehensive Land Use Plan.

Chairman Philbeck called for citizen comment.

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Mr. Robert Brown of Jonas Law Firm, 1258 NC-Hwy 16 Business, Denver, NC, advised he was accompanied by Mr. Daniel Amazon of Teramore Development who is also the Applicant; he distributed an informational packet to the BOC; advised a Dollar General Store is the intended use of the property; Teramore Development, located in Georgia, developed the site and building to lease to Dollar General and they have not received any opposition to date.

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously accepted the packet containing renderings of the façade, signage, and basic site plan) as information.

Chairman Philbeck called for questions from the Planning Board and BOC; hearing none, moved to the next item of business.

Parallel Conditional Use Permits (PCUP)

Chairman Philbeck advised that a PCUP is a quasi-judicial process requiring sworn testimony of any speakers; asked if any Planning Board members or Commissioners had any reason not to rule in the case; with none being heard, the Chairman then impaneled the Planning Board and Commissioners to hear the request; called for any attendees wishing to give testimony on any of the PCUP cases to stand; he then administered the oath to those standing and provided additional directions for the procedure.

Public Hearing - Parallel Conditional Use Permit (PCUP): (PCUP 18-02) Ecoplexus Inc. (Applicant); Property Parcel: 164778, Located at 601 High Shoals Rd., Lincolnton, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use/Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm)

Chairman Philbeck recognized Mrs. Sarah Penley for comments.

Mrs. Penley outlined the PCUP request (as detailed above) and advised the property owner is BCGC Associates, Inc. and the Applicant is Ecoplexus, Inc, with representatives present; 131.97 acres are proposed for rezoning; the property was formerly an active golf course but is currently abandoned and vacant. She reviewed vicinity, aerial and zoning maps depicting the property's location as outside Town of High Shoals corporate limits, south of Lincoln-Gaston County line; aerial map displayed the golf course property, residential structures and neighborhood; area zoning maps delineated R-1 (Single Family Limited), RS-20 (Residential 20,000SF), Town of High Shoals zoning jurisdiction, R-3, RS-20, C-3, industrial uses zonings. Ms. Penley also displayed the map and listing of adjacent property owners notified of the hearing per County policy. In conclusion, Ms. Penley pointed out the standard conditions (1-4) and urged the BOC to carefully consider staff's additional recommended conditions as follows: #5 - A Buffer Yard Type C Option 3, modified with all of the shrubs being evergreen type plants; or Type D Option 3 with twenty (20) of the forty (40) shrubs being evergreen type plants - an opaque fencing design is required; #6 - A minimum setback of seventy-five (75) feet or more, to exceed the standard requirement, for adjoining properties with existing dwellings; #7 - A copy of the removal bond in the amount agreed upon by the property owner, which is commercially reasonable for the removal of the equipment should the site be abandoned.

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Chairman Philbeck announced that if anyone was present for the MT Land Development zoning matter, that case will be addressed in January.

Chairman Philbeck asked the Applicant/Representative to present their request.

Attorney Mike Foxx, Tuggle Duggins Attorneys at Law, 100 N. Green Street, Greensboro, NC and Applicant's representative, introduced the following speakers: Mr. Chris Sandifer, a licensed engineer in several states with a long energy and utility industry career, and advised that Mr. Sandifer will present his testimony about the safety and operation of solar farms and offer his profession testimony that they not present any danger to the public, neighbors or environment; Mr. Rob Hatfield of Bidencope and Associates, a NC licensed appraiser, performed the appraisal analysis and will address whether or not this project would harm or lower adjacent properties values, and to provide his opinion that the project will not adversely impact values of adjoining property owners; and, Mr. Pete Parkinson of Ecoplexus will address the site plan, buffers, setbacks, etc.; he distributed handouts to BOC and Planning Board.

On motion introduced by Commissioner Hovis and seconded by Commissioner Worley, the BOC unanimously accepted the handouts as information (affidavit of Mr. Sandifer's testimony and Bidencope appraisal report).

Mr. Foxx stated they are in agreement with staff's opinion that the request is consistent with the Comprehensive Plan; noting Goal 3 of the Comp Plan (promoting clean energy), Mr. Foxx stated the proposed project replaces fossil fuels and other types of less clean energy producing facilities; regarding Goal 8 (Increase economic development) Mr. Foxx stated it will increase the County's property tax base and a percentage of its personal property tax - this type of project has over \$10M of investments in arrays, equipment, etc. In conclusion, he stated they agreed to comply with staff's additional recommended conditions; he deferred to Mr. Sandifer for comments.

Mr. Chris Sandifer, 3118 Green Rd., Spring Hope, NC, professional engineer and licensed electrical contractor with unlimited classification, advised he has 100 acres of family-owned property which is leased for panels; he serves on the Nash County Planning Board and they have approved 37 utility-scale photovoltaic generators to date; this is a 30 megawatt project and there are already 2,000 megawatts in operation in NC; technology for the panels is over 50 years old and is economically viable now; the panels will be mounted to steel racks which are attached to piles driven into the ground (no concrete); inverters that convert dc to ac is a well-developed technology and very efficient; the inverters feed a transformer matching its output to the utilities voltage; a 40KB line crossing the property north and south will be the point of interconnection for the project; there is no odor, noise, lights at night, insecticides, pesticides or poisons; will use some herbicides; this is a benign and unobtrusive way to generate electricity. The project, if installed as designed and approved, will not materially affect the health and safety of the citizens.

Mr. K. Robert Hatfield, Bidencope and Associates, 224 S. Caswell Rd., Charlotte, NC and a Certified General Real Estate Appraiser, advised the use does not violate neighborhood character, adversely affect surrounding land uses or injure value of adjoining or abutting property; the location and character of use, if developed according to plans submitted and approved, will be in harmony with area in which it is to be located and will be in general conformity with the adopted land uses and other plans for the physical development of the County as adopted by the BOC; the solar project built with the buffers, setbacks and screenings are consistent with required

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conditions and specifications prevalent in the County; the solar farm does not substantially injure the value of adjoining or abutting properties if located and developed as shown on submitted site plan; there are no impairments from solar farm use on adjacent property owner's use and enjoyment; the solar farm will retain or enhance contiguous property values and not diminish or impair property values within the neighborhood; the solar farm if developed according to the plans as submitted and approved is in harmony with the area which it is to be located; the hours of operation are daylight hours only which will not have any significant impact on adjoining properties or the neighborhood; direct sales comparisons (aka market analysis) were used; viewed existing solar farms with abutting and adjacent houses and found the houses appreciated in value before and after the farm was put in place; they compared a solar farm in Goldsboro that has been in existence longer and a solar farm in Concord that recently came on line; found that the Goldsboro solar farm property values, on a per-cost basis and per-gross building area, continued to increase before, during and after its construction; the Concord solar farm did not have many sales to compare although listings and sales have shown the same type of trend and continues to rise.

Mr. Pete Parkinson, 807 E. Main St., Durham, NC and Ecoplexus representative, advised the solar farm will be a \$20M-\$25M investment; met with some neighbors who may speak on issue; have worked with staff on increasing buffers and setbacks which are now part of the conditions; Ecoplexus has the power purchase agreement and interconnection agreement in place with Duke if the project is approved.

Attorney Foxx summarized the findings of fact and stated the site, which consists of open land and some nearby homes and businesses, is where you typically see solar farms; per Mr. Hatfield's opinion, it is in harmony with the area in which it is to be located.

Chairman Philbeck called for questions from the Planning Board and BOC; hearing none, called for any additional testimony or information on the parallel conditional use.

Ms. Sarah Jordan, 511 Colorado Trail, Lincolnton, NC advised her neighborhood is directly across from the proposed solar farm site; neighbors learned about the proposed project after seeing a zoning sign, which was so far off the road it could not be viewed by passing vehicles; another sign was eventually brought out and placed closer to the main road; she voiced concerns about potential health issues and dirty electricity; stated honeybees can be harmed by panels; advised neighbors never intended on living next to any type of infrastructure such as this solar farm.

Mr. Chris Greeson, 605 Georgia Trail, Lincolnton, NC advised he lives 300 yards from the abandoned golf course; is not an adjacent property owner but lives close to the abandoned site; noted there have been problems including drug transactions since it was abandoned. He stated it was never his intention to live next to a solar farm; after the CUP was applied for, neighbors held a meeting in High Shoals; noticed on the map that the contiguous land south of the golf course is under High Shoals' zoning jurisdiction but is owned by an LLC land company in Charlotte; there has been no mention whether the High Shoals Councilmembers agree or disagree with this; it will involve about five months of construction traffic on Cherry St. and High Shoals Rd. to bring this to fruition; per engineer at meeting, 56,000 panels will go on 131 acres; the major problem is the setbacks that were addressed; cited a case that was settled in the Court of Appeals in September 2018 that required setbacks to be 300 feet from existing property lines; advised that a 300-foot

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setback would be an acceptable situation that would not hurt what Duke Energy was contracted to do; property values will be assessed in 2019 which may result in 80+ homes looking for some relief because this will affect property values; homes in this area do not sell well.

Mr. Robert Schuler, 623 High Shoals Rd., Lincolnton, NC distributed pictures to BOC; advised he has taken care of hole #1 behind his house for seven years; has eleven windows that overlooks the golf course; the proposal was changed from 50 feet to 75 feet; disagrees with Mr. Hatfield's statement that it will not affect his property value; cited Currituck County vs Ecoplexus lawsuit and advised it took 38 months to decide to build a solar farm in a residential neighborhood 300 feet from homes and 100 feet from commercial properties; he does not want to look at solar panels rest of his life; proposed a setback of 170 feet from his property line.

On motion introduced by Commissioner Hovis and seconded by Commissioner Jack Brown, the BOC unanimously accepted the pictures as information.

Mr. Bob Lancaster, 614 Georgia Trail, Lincolnton, NC asked the BOC to visualize the solar farm's 50-75 foot setback; for perspective, he compared it to the distance from Chairman Brown's location on the dais to his position at the podium; asked the BOC to consider the neighbors and neighborhood when evaluating the aspects of its decision on the setbacks.

Chairman Philbeck called for any other comments, for questions from the Planning Board and BOC on the given testimonies; hearing none, moved to the next item of business.

Public Hearing - Parallel Conditional Use Permit (PCUP): (PCUP 18-03) Swift Solar, LLC (Applicant); Property Parcels 221303 (part of), 163155, 162844, 162856 (part of), 163318, and 162858 (part of), Located at Bess Rd./Eaker Rd./Tryon Courthouse Rd., Bessemer City, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use/Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Farm)

Chairman Philbeck recognized Mrs. Penley for comments

Mrs. Penley outlined the PCUP request (as detailed above) and advised the property owners are Marie Hovis Swift, Olin D. Carpenter, Jr. and Ann Carpenter, Robert Leslie Yarbrow and Lisa C. Yarbrow and Richard Steven Glover and Lisa Rudisill Glover; the Applicant is Swift Solar, LLC who had representatives present; total acreage requested for rezoning is 288.11 acres; property is currently vacant. She reviewed vicinity and aerial maps which depicted the location of the site (northwest portion of County - slightly east of Cleveland-Gaston County line and in between Cherryville and Bessemer City municipalities), the parcels requested for rezoning, and the area zoning as R-1 (Single Family Limited), R-2 (Single Family Moderate), R-3 (Single Family General) and light commercial and industrial zonings. Ms. Penley also displayed the map and listing of adjacent property owners which were notified of hearing per County policy; noted the site plan was submitted by Applicant and cited the additional conditions proposed by staff for the Boards to consider as follows:

- **#5 - Setbacks and screening will not apply to the interior lot lines of the project as it appears these parcels will not be recombined into one parcel. The screening and setbacks will apply along all exterior parcel lines and the road right-of-ways**

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- **#6** - *The submitted Buffer Detail sheet dated 11-16-2018 be the applicable screening along the exterior parcel lines and the road right-of-ways. All notes on other plan sheets to be modified to reference this detail sheet only for screening/buffering. This is a modified buffer from any options in the current UDO*
- **#7** - *A minimum setback of seventy-five (75) feet or more, to exceed the standard requirement, for adjoining properties with existing dwellings*
- **#8** - *A copy of the removal bond in the amount agreed upon by the property owner which is commercially reasonable for the removal of the equipment should the site be abandoned.*

She further advised the property is located within rural area of Planning Area One; based on the goals, objectives and zoning district pattern in overall vicinity, it is staff's opinion the request is consistent with the Comprehensive Land Use Plan; the request was advertised and notices were mailed per County policy; staff received several calls for general information and clarification.

Chairman Philbeck asked the Applicant to come forward to present the request.

Attorney Mike Fox, Tuggle Duggins Attorneys at Law, 100 N. Green Street, Greensboro, NC and Applicant's (Cypress Creek) representative advised that both companies are his clients and the projects are not connected in any way; he has the same experts (Mr. Chris Sandifer; Mr. Rob Hatfield) and Mr. Steve Evans with Cypress Creek; he distributed Mr. Sandifer's affidavit and Mr. Hatfield's report related to Swift Solar to BOC; advised that County staff supports the analysis that it is consistent with the Comprehensive Plan and goals #3 (to promote clean energy) and #8 (to increase economic development); he deferred to Mr. Sandifer for a summarized report.

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously accepted the Mr. Sandifer's affidavit and Mr. Hatfield's report as information.

Mr. Chris Sandifer, 3118 Green Rd., Spring Hope, NC advised the solar panels are EPA approved for disposal in a class 3 (non-hazardous municipal waste) landfill but added they are much too valuable to do that; the panels are sealed and do not contain any hazardous materials or chemicals; if the seal breaks the output stops and an alarm is signaled; has used compass over the panels and the electromagnetic field of the earth always causes the compass to point north - there are no radio frequency emissions and no leeching possibility into the groundwater; the panels are mounted to steel piles with inverters that convert dc to ac (ac transformation voltage to match Duke Power's utility); in his professional opinion if the project is built according to the plan as approved it will not materially endanger the health and safety of the citizens.

Mr. K. Robert Hatfield, Bidencepe and Associates, 224 S. Caswell Rd., Charlotte, NC and Certified General Real Estate Appraiser, advised they used the same comparables since both projects are rural in nature; looked at previously mentioned solar farms and the surrounding houses; the use will not violate the neighborhood character or adversely affect surrounding land uses nor hurt the value of adjoining or abutting property; the location and character of use, if developed per plan as submitted and approved, will be in harmony with the area in which it's located, and will be in general conformity with adaptive land use and other plans for physical development of the County as adapted by the BOC; these projects will be a complimentary and harmonious use with the surrounding uses being rural in nature; it will be a passive land use once the project is in place; there will be limited impact on traffic, noise, or any other pollution since the

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panels are silent; once the buffers and everything are in place they will have minimal visual impact and very little impact on public services; findings show that property values aren't negatively impacted; comparisons show they have actually appreciated; will be a harmonious use with the surrounding properties.

Mr. Steve Evans, 5310 S. Austin Ave., Durham, NC and representing Cypress Creek Renewables CPR, advised CPR has taken great effort in leading the charge on concerns regarding site line impacts; CPR proposes to double the buffering by a minimum of six feet for plantings for this project, which is outside of the County's ordinance requirement; CPR held a community meeting to hear concerns from surrounding neighbors and tried to relocate panels and shift operations to accommodate some of those concerns; site issues have been a leading concern from residents; CPR is a leader in solar development and has over 3.2 gigawatts of solar under operation or deployment in over 12 states; has a multimillion dollar homeland security certified operation center in its Durham office which monitors all of its solar projects 24/7 and is alerted of any issues that may arise regarding efficiencies or damage to the panels; panels are EPA compliant and do not provide any environmental harm such as leeching, operations, etc.; CPR wants to be a good neighbor in the operations of its facilities; CPR does not only develop its projects but often owns, operates and constructs these facilities to be long-standing holders of these projects for the term of the lease; CPR wants to make certain if the opportunity presents itself to return for other operations or development opportunities that it has done well with the operations it has presented thus far; CPR worked with County on developing its Auten Road project; an in-house vegetative maintenance team maintains the grass, vegetative buffering and property monthly; CPR wants to be a good and responsible citizen with its solar operation.

Chairman Philbeck asked if there were any speakers other than the Applicant's representatives.

Attorney Foxx summarized the findings of fact and thanked BOC for its consideration.

Chairman Philbeck asked if the Planning Board or BOC had any questions for the Applicant or representatives; hearing none, asked if there was any additional testimony or information on the parallel conditional use permit.

Attorney Doug Arthurs, 420 E. Long Ave., Gastonia, NC, representative of some adjoining property owners, spoke in opposition of rezoning some of subject property; recalled that a portion of this property (130 acres) came before the BOC in August for a straight rezoning; the BOC unanimously denied it; the current request is now a CUP for 288 acres; this acreage is in the Cherryville Township and is in the general vicinity of two other rezonings approved in 2016 (Z16-04 for 180.22 acres; Z16-09 for 162 acres) which have not been presented for the approval of a CUP yet; looking at potentially 600-700 acres in that township; this project will provide energy for 4,900+ houses in Cherryville per information published by Cypress, who claims is in conformity with the area in which it is located; essentially it's a 300-acre power plant; the 2035 Comprehensive Plan calls for this property to remain rural, and states that the key issue for citizens in this area include the preservation of open space, road improvements and better connectivity to other areas of County throughout the region, increased job opportunities, preservation of agricultural, to maintain rural feel of community, repurpose vacant buildings and facilities for new economic opportunities and to steer development towards existing infrastructure; if request is approved, 48 adjoining property owners will have to look at a 4,900 home power plant the rest of their lives; asked BOC to deny the rezoning and CUP request.

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Mr. Aaron Jordan, 441 Neal Rd., Bessemer City, NC, advised he purchased and renovated his home and is currently in the rental property business and flipping homes; there are not many people that want to purchase homes by solar panels; attended meeting where applicant agreed to move panels some; appreciates that concession however it will still be very visible; supports property rights except when it infringes on other property rights; voiced concerns about how this will affect his property value.

Hearing no additional testimony or information on the PCUP, Chairman Philbeck called for questions from the Planning Board and BOC on the given testimonies.

Commissioner Keigher asked if the Tax Assessor could address his current and past experiences with property values regarding solar farms since this issue has come up repeatedly.

Chairman Philbeck asked the County Attorney if that was acceptable and would not be viewed as hearsay.

The County Attorney advised that the BOC and Planning Board will determine any relevant evidence.

Chairman Philbeck administered the oath to the Tax Assessor.

Mr. James "Jimmy" Tanner, Tax Assessor, advised the valuation of solar farms is new to counties statewide; staff has not done an analysis or had any issues from surrounding properties with current solar facilities; performed an extensive review of some information from other counties; one thing that affects values is continued growth, which increases traffic and people; has not seen anything to confirm that solar farms detracts from values; reviewed information requested from the Tax Administrator in Wayne County on a solar farm project they did a couple of years ago in a significant subdivision - the growth of property values was 3%-5% a year; did not change before or after the solar farm was put in place; County staff has not seen or received anything indicating that solar farms has a negative impact on properties.

Hearing no further testimonies or questions, Chairman Philbeck moved to the next item of business.

Public Hearing - Parallel Conditional Use Permit (PCUP): (PCUP 18-04) Steve Thomas (Applicant); Property Parcel 222952, Located at 2028 Rhyne Rd., Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use/Single Family Moderate Zoning District (PCUP), in order to allow Camping and Recreational Vehicle Park (RV Park)

Chairman Philbeck introduced Mrs. Penley for comments.

Mrs. Penley outlined the PCUP request (as detailed above) and advised subject request is to rezone parcel 222952 at 2028 Ryan Rd. in Dallas from the R-1 (Single Family Limited) zoning district to the CU-R2 (Conditional Use Single Family Moderate) PCUP to allow camping and recreational vehicle parking for an Recreational Vehicle (RV) park; Mr. Steve Thomas, the property owner is present; information in BOC packets associates the property with the map and

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listing as heirs of Rodney W. Garrison, however Mr. Thomas purchased the property since staff produced that map and staff has a deed on file if necessary; total acreage for rezoning is 17.51 acres; the property is currently wooded with two vacant and abandoned manufactured homes to be removed; she reviewed aerial, zoning and adjoining property owners maps depicting the site's location in northeast section of County (midway between High Shoals and Stanley municipalities with Dallas to the southwest) with property extending across Rhyne Rd., and the surrounding zoning with the majority of zoning as R-1, some R-2 to the south and R-3 to the southwest. She reviewed a map and listing of property owners that were notified per County policy; reviewed Applicant's site plan and the four standard CUP conditions. She stated the property is located within the rural community, rural area of Planning Area 3 and based on the goals, objectives and zoning district pattern in the overall vicinity, it is staff's opinion the request is consistent with the Comprehensive Land Use Plan; the request was advertised and notices were mailed out per County policy; staff received several calls for general information and clarification.

Chairman Philbeck asked the Applicant or Representative to come forward to present the request.

Mr. Stephen Thomas, 1658 Bethesda Lowell Rd., Gastonia, NC and a licensed NC Contractor, advised the proposed private RV park is mainly for long-term Duke Energy contract workers that work generally 12 hours/day, six or seven/days/week; no loud activities, fireworks or all-terrain vehicles (ATVs) will be allowed at the park; he presented a slide presentation and advised regarding the four findings of facts that his plan will not bring any dangerous material on the property at any time or cause any environmental problems to the area; it will encourage good, hardworking people to reside on the property which deters crime, no dogs over 20-25 lbs or aggressive animals will be allowed on the property; quiet time is 24/7; he has a similar sized park in Gaffney, SC exclusively for Duke Energy workers; the use meets all required conditions and specifications; outline of park depicts rural property, park's location, natural wooded barrier on all sides and adjoining twenty (20) mobile homes park on the north side; workers will rent space on a 6/12/18 months basis; the use will not substantially injure the value of adjoining or abutting properties unless it's for public necessity; the proposed site plan will improve the property which has been in disrepair for years; all RVs must be in good condition and self-contained; most of the workers make \$25-30/hour, work 70/hours/week and are financially sound; most of the RVs are valued at \$50k-80k; he has last year's tax values for another RV park in Cherokee County with six adjoining properties where five of those properties increased in value and one stayed the same; the property is located in a small, rural area and rural community of Planning Area 3 of the Comprehensive Land Use Plan; the nature of this park will be kept quiet and clean; must remove three abandoned mobile homes and debris (furniture, pallets, cans, tires, etc.) from the property; can guarantee, if the plan is approved, that the property will be cleaned up and maintained. In conclusion, he reviewed the average RV spacing and play area for the lot developed in SC.

On motion introduced by Commissioner Hovis and seconded by Commissioner Jack Brown, the BOC unanimously accepted the Rules and Regulations handout as information.

Chairman Philbeck called for questions from the Planning Board and BOC.

Commissioner Worley asked how utility services would be provided in the park and if tenants would have to move RVs to dump tanks.

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Mr. Thomas advised that Duke Power has a 250' right-of-way on the property but Rutherford Electric will provide full utility hookups (water and power); currently has a \$400 flat fee/per month in place for hookup for internet, cable, power, water, etc. at the SC park; there will be a hookup at each site; tenants will have their own septic tank system that will be designed by a soil scientist.

Hearing no additional testimony or information on the PCUP, Chairman Philbeck excused the Planning Board to Room 2029 for deliberations.

Chairman Philbeck recessed the meeting at 8:05 pm for a brief recess.

Chairman Philbeck reconvened the meeting at 8:11 pm.

Public Hearings (Commissioners Only)

Public Hearing - RE: Commissioner Philbeck - County Attorney - To Approve Issuance by the Public Finance Authority of its Educational Facilities Revenue Bonds (Piedmont Community Charter School), Series 2019 in an Aggregate Principal Amount Not to Exceed \$35,000,000

Chairman Philbeck introduced the County Attorney for comments.

The County Attorney advised this is similar to financing done for another charter facility last year; the financing is through Wisconsin Public Facilities Agency; the matter was advertised as required for the Public Hearing, and representatives from the charter school are present to answer any questions.

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

2018-288 Commissioner Philbeck - County Attorney - To Approve Issuance by the Public Finance Authority of its Educational Facilities Revenue Bonds (Piedmont Community Charter School), Series 2019 in an Aggregate Principal Amount Not to Exceed \$35,000,000

Action was taken as set forth herewith and therein as follows:

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

A regular meeting of the Board of Commissioners of the County of Gaston, North Carolina (the "Board") was held in the Gaston County Courthouse, 325 Dr. Martin Luther King Jr. Way, Gastonia, North Carolina, at 6:00 p.m. on December 11, 2018, after proper notice, and was called to order by the Chairman.

Present: Chairman Tracy L. Philbeck presided with Commissioners Jack B. Brown, Bob Hovis, Tom Keigher and Ronnie Worley

Absent: Vice-Chairman Chad Brown and Commissioner Allen R. Fraley

* * * * *

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At 6 : 37 p.m., the Chairman announced that the Board would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "Authority"), of its Educational Facilities Revenue Bonds (Piedmont Community Charter School), in one or more series (the "Bonds"), in an aggregate principal amount not to exceed \$35,000,000, the proceeds of which will be loaned to Piedmont Community Charter School, Inc. (the "School") for the following purposes:

(A) refinance two loans from Branch Banking & Trust Company, currently outstanding in the aggregate principal amount of \$5,237,753, the proceeds of which were used by the Borrower to refinance the acquisition, renovation and equipping of existing facilities located on the Borrower's Secondary School Campus, located at 2970 South New Hope Road, Gastonia, North Carolina 28056 and the acquisition, renovation and equipping of the existing facilities, including installation of a new HVAC system, located on the Borrower's Elementary School Campus, consisting of buildings located at 119 East 2nd Avenue, 110 East 3rd Avenue, and 316 S. Marietta Street, all in Gastonia, North Carolina 28052 (collectively, the "Refinanced Projects");

(B) finance the acquisition, construction and equipping of (a) a high school building and related facilities on a new High School Campus to be located at 2540 Robinwood Road, Gastonia, North Carolina 28056 and consisting of a two-story, approximately 70,000 square foot facility including thirty classrooms, a resource area, collaboration rooms, auditorium, gymnasium, and associated support spaces and (b) additional renovations and improvements to the Borrower's Elementary School Campus and Secondary School Campus (together with the Refinanced Projects, the "Projects");

(C) fund a deposit to debt service reserve fund for the Bonds;

(D) pay a portion of interest costs during construction of the Projects and for a limited period thereafter; and

(E) pay certain costs incurred in connection with the authorization and issuance of the Bonds.

The Projects will be owned by the School.

On November 16, 2018, a notice of public hearing was published in The Gaston Gazette, a copy of the affidavit of publication being attached as Exhibit A, setting forth a general, functional description of the type and use of the facilities to be refinanced, the maximum principal amount of the Bonds, the initial owner and operator of the facilities and the location of the facilities, among other things.

The names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows: [None]

The Chairman of the Board inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing. The Chairman of the Board determined that no other persons who wished to speak at the public hearing were found.

After the Board had heard all persons who had requested to be heard, Commissioner Keigher moved that the public hearing be closed. The motion was seconded by Commissioner Worley and was unanimously adopted.

Commissioner Philbeck introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which appeared on the agenda:

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF
GASTON, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC
FINANCE AUTHORITY OF ITS EDUCATIONAL FACILITIES REVENUE BONDS
(PIEDMONT COMMUNITY CHARTER SCHOOL), IN AN AGGREGATE PRINCIPAL
AMOUNT NOT TO EXCEED \$35,000,000**

WHEREAS, Piedmont Community Charter School, Inc. (the "*Borrower*") has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "*Authority*"), issue its Educational Facilities Revenue Bonds (Piedmont Community Charter School), in one or more series (the "*Bonds*"), in an aggregate principal amount not to exceed \$35,000,000 for the following purposes:

(A) refinance two loans from Branch Banking & Trust Company, currently outstanding in the aggregate principal amount of \$5,237,753, the proceeds of which were

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used by the Borrower to refinance the acquisition, renovation and equipping of existing facilities located on the Borrower's Secondary School Campus, located at 2970 South New Hope Road, Gastonia, North Carolina 28056 and the acquisition, renovation and equipping of the existing facilities, including installation of a new HVAC system, located on the Borrower's Elementary School Campus, consisting of buildings located at 119 East 2nd Avenue, 110 East 3rd Avenue, and 316 S. Marietta Street, all in Gastonia, North Carolina 28052 (collectively, the "*Refinanced Projects*");

(B) finance the acquisition, construction and equipping of (a) a high school building and related facilities on a new High School Campus to be located at 2540 Robinwood Road, Gastonia, North Carolina 28056 and consisting of a two-story, approximately 70,000 square feet facility including thirty classrooms, a resource area, collaboration rooms, auditorium, gymnasium, and associated support spaces and (b) additional renovations and improvements to the Borrower's Elementary School Campus and Secondary School Campus (together with the Refinanced Projects, the "*Projects*");

(C) fund a deposit to debt service reserve fund for the Bonds;

(D) pay a portion of interest costs during construction of the Projects and for a limited period thereafter; and

(E) pay certain costs incurred in connection with the authorization and issuance of the Bonds.

WHEREAS, the Projects will be owned and operated by the Borrower.

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which the Projects are located, after a public hearing held following reasonable public notice;

WHEREAS, the Board of Commissioners (*the "Board"*) of the County of Gaston, North Carolina (*the "County"*) is the "applicable elected representative" of the County for the Projects located within the County;

WHEREAS, the Borrower has requested that the Board approve the Authority's issuance of the Bonds and the refinancing and financing of the Projects located within the County in order to satisfy the requirements of Section 147(f) of the Code; and

WHEREAS, the Board, following notice duly given in the form attached hereto as Exhibit A (*the "TEFRA Notice"*), held a public hearing today regarding the Authority's issuance of the Bonds and the financing of the Projects and now desires to approve the Authority's issuance of the Bonds and the financing of the Projects in accordance with the Code;

BE IT RESOLVED by the Board as follows:

Section 1. Pursuant to and in satisfaction of the requirements of Section 147(f) of the Code, the Board hereby approves (a) the Authority's issuance of the Bonds in an aggregate principal amount not to exceed \$35,000,000 and (b) the financing of the Projects located in the County.

Section 2. The County has no responsibility for the payment of the principal of or interest on the Bonds or for any costs incurred by the Borrower with respect to the Bonds or the Projects.

Section 3. This resolution is effective immediately on its passage.

On motion of Commissioner Hovis, seconded by Commissioner Keigher, the foregoing resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF GASTON, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS EDUCATIONAL FACILITIES REVENUE BONDS (PIEDMONT COMMUNITY CHARTER SCHOOL), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$35,000,000" was duly adopted by the following vote:

AYES: Chairman Tracy L. Philbeck; Commissioners Jack B. Brown, Bob Hovis, Tom Keigher and Ronnie Worley.

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NAYS: None.

STATE OF NORTH CAROLINA)
) ss:
 COUNTY OF GASTON)

I, Donna S. Buff, Clerk to the Board of Commissioners of the County of Gaston, North Carolina, *DO HEREBY CERTIFY* that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners of the County of Gaston, North Carolina at a regular meeting held on December 11, 2018, as it relates to the adoption of a resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF GASTON, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS EDUCATIONAL FACILITIES REVENUE BONDS (PIEDMONT COMMUNITY CHARTER SCHOOL), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$35,000,000," and the holding of a public hearing related thereto, and that said proceedings will be recorded in the minutes of the Board of Commissioners of the County of Gaston, North Carolina.

WITNESS my hand and the seal of the County of Gaston, North Carolina, this the 11th day of December, 2018.

 Donna S. Buff
 Clerk to the Board of Commissioners
 County of Gaston, North Carolina

(SEAL)

Exhibit A

FOR THE BOARD OF COMMISSIONERS OF THE
 COUNTY OF GASTON, NORTH CAROLINA
 WITH RESPECT TO NOT TO EXCEED \$35,000,000
 PUBLIC FINANCE AUTHORITY EDUCATIONAL REVENUE BONDS
 (PIEDMONT COMMUNITY CHARTER SCHOOL)
 SERIES 2019

Notice is hereby given that on December 11, 2018, a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended and the Treasury Regulations related thereto will be held by the Board of Commissioners of the County of Gaston, North Carolina (the "Board of Commissioners") with respect to the proposed issuance by the Public Finance Authority (the "Authority"), of its Educational Revenue Bonds (Piedmont Community Charter School), Series 2019 (the "Bonds"), in an amount not to exceed \$35,000,000. The hearing will commence at 6:00 p.m., or as soon as the matter can be heard, and will be held at the Gaston County Courthouse, 325 Dr. Martin Luther King Jr. Way, Gastonia, North Carolina.

The Bonds are expected to be issued pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, by the Authority, a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended, and the proceeds from the sale of the Bonds will be loaned to Piedmont Community Charter School (the "Borrower") and used by the Borrower to (1) refinance two loans from Branch Banking & Trust Company, currently outstanding in the aggregate principal amount of \$5,237,753, the proceeds of which were used by the Borrower to refinance the acquisition, renovation and equipping of existing facilities located on the Borrower's Secondary School Campus, located at 2970 South New Hope Road, Gastonia, North Carolina 28056 and the acquisition, renovation and equipping of the existing facilities, including installation of a new HVAC system, located on the Borrower's Elementary School Campus, consisting of buildings located at 119 East 2nd Avenue, 110 East 3rd Avenue, and 316 S. Marietta Street, all in Gastonia, North Carolina 28052 (collectively, the "Refinanced Projects"), (2) finance the acquisition, construction and equipping of (a) a high school building and related facilities on a new High School Campus to be located at 2540 Robinwood Road, Gastonia, North Carolina 28056 and consisting of a two-story, approximately 70,000 square feet facility including thirty classrooms, a resource area, collaboration rooms, auditorium, gymnasium, and associated support spaces and (b) additional renovations and improvements to the Borrower's Elementary School Campus and Secondary School Campus (together with the Refinanced Projects, the "Projects"), (3) fund a deposit to debt service reserve fund for the Bonds, (4) pay a portion of interest costs during construction of the Projects and for a limited period thereafter and (5) pay certain costs incurred in connection with the issuance of the Bonds.

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The Projects will be owned and operated by the Borrower.

The Bonds will be special limited obligations of the Authority payable solely from the loan repayments made by the Borrower to the Authority, and certain accounts established by the documents under which the Bonds will be issued.

The public hearing will provide an opportunity for all interested persons to express their views, both orally and in writing, on the merits of the Projects, their locations, the issuance of the Bonds or related matters. Any person interested in the matters set forth above may appear and be heard or submit written comments. Any person wishing to submit written comments regarding the matters set forth above should do so within 10 days after the date of publication of this notice by mailing said written comments to the Board of Commissioners, c/o Clerk to the Board of Commissioners, P.O. Box 1578, Gastonia, North Carolina 28053-1578. Additional information concerning the Projects may be obtained from Jeffrey Poley, Esq., 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601; Phone (919) 835-4659; Email Address: jeffpoley@parkerpoe.com.

Dated: November 16, 2018

/s/ Donna S. Buff

Clerk to the Board of Commissioners of the County
of Gaston, North Carolina

Addressing representatives of Piedmont Charter School in the audience, Commissioner Hovis recalled that the School's Board considering getting out of the high school business at one time; however, its population spoke loud and strong and the Board listened to those requests and moved forward; the school has been very successful and is removing some of the burden on public schools by creating classrooms and space that does not currently exist.

Public Hearing - RE: Commissioner Keigher - EDC - To Authorize an Economic Development Agreement to Provide a Standard Level One Local Incentive Grant - Project Path 91

Chairman Philbeck introduced Mr. Steve Nye for comments.

Mr. Steve Nye, EDC's Marketing Director, advised Project Path 91, a Charlotte-region based company, sells sporting and athletic goods; its products have been made through a third party to include manufacturing and assembly; the company desires to consolidate manufacturing, assembly and distribution into one facility and consider consolidation of their corporate office and customer service as well; this will enable them to deliver a better product to customers; the County is the only NC site being considered for this project, and is in competition with an existing building in Spartanburg, SC; EDC requests the BOC to provide a Standard Level One Grant for investment years 2019-2023 as part of its local incentive proposal due to the \$1.349M investment in machinery and equipment; the company propose to purchase a 54,000SF building at 3120 Northwest Blvd., Gastonia; only the machinery and equipment can be considered as part of the level one grant since the building is already on the tax rolls; Project Path 91 projects it will create approximately 42 new positions with an estimated annual wage of \$39,762; the County's current average annual wage is \$38,780; this will be incorporated into an economic development agreement between the County, City of Gastonia and the company; staff has been working on this project since December 2017.

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

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2018-289 Commissioner Keigher - EDC - To Authorize an Economic Development Agreement to Provide a Standard Level One Local Incentive Grant - Project Path 91

On motion introduced by Commissioner Jack Brown and seconded by Commissioner Hovis, the BOC unanimously approved **2018-289** as follows:

WHEREAS, Project PATH 91 intends on establishing a manufacturing operation and relocation of corporate offices in Gaston County via a total investment of \$1,349,000 over a period of five calendar years to install machinery and equipment; and,

WHEREAS, the firm intends to create at least forty-two (42) new jobs expecting to pay an average annual wage of \$39,762; and,

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

WHEREAS, the company's net new taxable investment for the installation of machinery & equipment may not qualify for a standard grant during a given year of the five calendar year investment schedule; and,

WHEREAS, the Gaston County Board of Commissioners finds that it is in the best interests of the County to provide a standard level one grant for Project PATH 91 for all those net new taxable investments occurring in calendar years 2019, 2020, 2021, 2022 and 2023; and,

WHEREAS, this proposed local incentive offering will be incorporated into a detailed economic development agreement, between Project PATH 91, the County and the City of Gastonia, so as to induce the company to relocate its manufacturing and corporate offices so as to provide good job opportunities and capital investment in Gaston County which will enhance the County's ability to attract additional business and industry.

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

The Chairman of the Gaston County Board of Commissioners is authorized to execute any documents necessary to complete this economic development agreement for Project PATH 91.

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

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

Agenda Revision/Approval

- REVISED RESOLUTION/ *Commissioner Chad Brown - County Attorney - To Approve a Resolution Authorizing the City of Charlotte to Acquire by Easement or Fee Simple Title Certain Property Located in the City of Mount Holly – V., Item I*
- MOVED to 1/22/ Board of Commissioners - *Legislative Request: Legislative Agenda for the 2019 Session of the North Carolina General Assembly – VI., Item A*

Commissioner Keigher cited Item A. under the Consent Agenda and asked if \$500,000 was the required minimum investment for the *Gaston County Investment Grant Program*.

Chairman Philbeck responded \$1M and explained that if a small business invests over a specific dollar amount in their business and creates new tax revenue, the County will refund a portion of that back.

Commissioner Hovis advised the charts were attached to the Resolution on pages 1-5.

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On motion introduced by Commissioner Hovis and seconded by Commissioner Jack Brown, the BOC unanimously approved the Agenda of December 11, 2018 with changes as noted above.

Citizen Recognition

No requests.

Consent Agenda

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

2018-290 Commissioner Philbeck - BOC - To Update the Provisions of the Gaston County Investment Grant Program to Extend the Small Business Investment Grant Program Through Calendar Year 2019 as follows:

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners that the Gaston County Investment Grant Program as adopted by Resolution No. 2006-065, dated February 9, 2006, is hereby amended to approve the one-year extension of the Gaston County Small Business Investment Grant for the 2019 calendar year.

BE IT FURTHER RESOLVED that the Small Business Investment Grant program shall sunset on December 31, 2019, and shall apply to investments made during the 2019 calendar year.

2018-291 Commissioner Philbeck - BOC - To Approve a Resolution of Support Endorsing the Gaston County CLT Airport Connected Economic Positioning Strategy as follows:

WHEREAS, the Charlotte Douglas International Airport (CLT Airport) generates \$16.2 billion annually in direct and indirect economic impact and over 224,000 direct and indirect jobs in the Charlotte region according to a 2015 study by UNC Charlotte; and,

WHEREAS, the Gaston County CLT Airport Connected Economic Positioning Strategy (Strategy) is a public-private initiative to provide Gaston County, the cities and towns in the county, and the business community of Gaston County, a plan to harness more effectively the economic benefit of proximity to CLT Airport; and,

WHEREAS, the Greater Gaston Development Corporation (GGDC), Gaston County, the Cities of Belmont, Bessemer City, Gastonia, Lowell, and Mount Holly, and the Towns of Cramerton, Dallas and Stanley, jointly established a public-private Steering Committee and jointly contributed \$230,000 to prepare a Strategy for Gaston County applying airport-connected economic development principles; and,

WHEREAS, over the ensuing 12 months, the Steering Committee guided the development of the Strategy by MXD Development Strategists LLC, the major elements of which included: 1) an Assessment of Existing Conditions; 2) a Market and Economic Analysis; 3) an Economic Driven Land Use Plan and Development Strategy; and 4) a Strategic Development Action Plan; and,

WHEREAS, the Strategy featured 20-year growth projections by land use, identification of key existing and future mobility corridors, economic opportunity areas, catalytic projects, and a compelling rationale for increasing transportation capacity between Gaston County and Charlotte including transit; and,

WHEREAS, by unanimous vote the Steering Committee adopted the Strategy and supporting Report on September 26, 2018, and initiated a process for its implementation.

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NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby endorses the Gaston County CLT Airport Connected Economic Positioning Strategy and commends the public and private members of the project's Steering Committee for their contributions to the economic future of the county and the well-being of its citizens.

2018-292 Commissioner Chad Brown - BOC - Commendation - To Commend Mrs. Mamie Chisholm Upon 50 Years of Teaching in Gaston County

2018-293 Commissioner Worley - Budget/Purchasing - To Accept and Appropriate Additional State Grant Funds from NCDPI/Community Partners in the Amount of \$20,000 for a School Safety Program per Budget Change Request:

Account Description	Account Number	Amount
NCDPI: Community Partners Grant	010-01-4131-0000-420001-19558	(\$20,000.00)
NCDPI: Community Partners Grant	010-01-4131-0000-560000-19558	\$20,000.00

2018-294 Commissioner Worley - Budget/Purchasing - To Accept and Appropriate Additional Governor's Crime Commission Grant Funds to Provide Basic Services at The Cathy Mabry Cloninger Center (\$79,962) per Budget Change Request:

Account Description	Account Number	Amount
VOCA- Federal Grant	020-05-5582-0000-425033-	(79,962)
VOCA Grant	020-05-5582-0000-560000-19522	79,962

2018-295 Commissioner Worley - Budget/Purchasing - To Accept and Appropriate Additional Federal Grant Funds Awarded by the Governor's Crime Commission for the Implementation of the Sexual Assault Program Implemented by Phoenix Counseling in the Amount of \$324,002 per Budget Change Request:

Account Description	Account Number	Amount
2018 Gaston/Lincoln SA Program Grant	010-01-4131-0000-420000-19560	(\$324,002)
2018 Gaston/Lincoln SA Program Grant	010-01-4131-0000-560000-19560	\$324,002

2018-296 Commissioner Worley - Budget/Purchasing - To Accept and Appropriate Additional Federal Grant Funds from the Governor's Crime Commission that will Provide Translation Services in DSS/Children and Family Services (Federal Funds \$58,800 with a County Match of \$14,700) per Budget Change Request:

Account Description	Account Number	Amount
GCC Translation Grant	020-05-4790-0000-420000-19562	(58,800)
Professional Services:GCC Translation	020-05-4790-0000-530010-19562	45,000
Travel/Training:GCC Translation Grant	020-05-4790-0000-520011-19562	10,000
Salaries	020-05-4790-0000-510001-	3,800

2018-297 Commissioner Chad Brown - Cooperative Extension - To Accept and Appropriate an Additional \$9,108 in NC Department of Insurance Grant Funding for the Senior Health Insurance Information Program (SHIIP) per Budget Change Request:

Account Description	Account Number	Amount
SHIIP:Sr Health Ins Info	010-07-4950-4950-425023-19561	(\$9,108)
SHIIP:Sr Health Ins Info	010-07-4950-4950-560000-19561	\$9,108

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2018-298 Commissioner Chad Brown - County Attorney - To Approve a Resolution Authorizing the City of Charlotte to Acquire by Easement or Fee Simple Title Certain Property Located in the City of Mount Holly as follows:

WHEREAS, the City of Mount Holly (hereafter "Mount Holly"), has entered into a certain agreement (hereafter the "Agreement"), with the City of Charlotte (hereafter "Charlotte"), whereby all of Mount Holly's wastewater will be transferred by underground conveyance beneath the Catawba River to Charlotte for final treatment; and,

WHEREAS, the Agreement provides that certain Components, herein defined, used in the discharge of wastewater to Charlotte will be constructed by Charlotte at Mount Holly's expense upon a certain parcel of land (the "Land"), identified as Parcel ID #124524, on the Gaston County Tax Map, owned by Mount Holly; and,

WHEREAS, the Components include a Pump Station, Flow Equalization Basin, Discharge Meter and Metering Facilities, and related lines; and,

WHEREAS, the Agreement further provides that Mount Holly will provide to Charlotte fee simple title and/or necessary easements to the Land to construct and maintain the Components; and,

WHEREAS, Mount Holly believes that the Agreement is in the best interest of its citizens and has requested the passage of this Resolution by the Gaston County Board of Commissioners, under the provisions of NCGS 153A-15, and as a condition precedent to commencement of construction of the Components.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners do hereby adopt this Resolution approving the conveyance, by Deed or otherwise, by Mount Holly, of all or a portion of the Land, to Charlotte for the purposes set forth herein.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the City of Charlotte and to the City Council of the City of Mount Holly.

2018-299 Commissioner Worley - County Attorney - To Schedule a Public Hearing for the Request to Close a Portion of Stowe Lane and Lake Street, Located in South Point Township**2018-300 Commissioner Worley - Finance - To Approve the Amended Contract with Martin Starnes & Associates, CPAs, P.A. for the Fiscal Year 2018 Audit****2018-301 Commissioner Chad Brown - Parks and Recreation - To Accept and Appropriate \$1,300 in Sponsorship for the 31st Annual Cotton Ginning Days Festival per Budget Change Request:**

Account Description	Account Number	Amount
Donations	010-04-6120-0000-415001	(\$1,300)
Recreation Programming	010-04-6120-0000-560000-19022	\$1,300

2018-302 Commissioner Chad Brown - Parks and Recreation - To Accept and Appropriate Fees and Sponsorship Funds in the Amount of \$1,175 for the 2018 Stanley Creek Massacre 5K and 10K Race per Budget Change Request:

Account Description	Account Number	Amount
Donations	010-04-6120-0000-415001	(\$75)
Recreation Event Fees	010-04-6120-0000-410028	(\$1,100)
Recreation Programming	010-04-6120-0000-560000-19022	\$1,175

2018-303 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the October Tax Refunds be Made. (Real Estate -

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\$47,764.50; Vehicles and ETC - \$353.01; VTS Refunds - \$5,612.14; Grand Total - \$53,729.65) as follows:

TAXPAYER NAME	OWNER NAME	AMOUNT
OCTOBER 2018 REAL ESTATE		
DHS Apartments LLC		\$3,279.28
Ellis, Kellie B		\$1,187.98
Faithwood Contruction		\$816.19
Ferguson, James Edward		\$405.44
Ferguson, James Edward		\$397.49
Ferguson, James Edward		\$402.00
Ford, James L		\$279.64
Hairston, Patrick		\$174.51
Harris, Melvin Jody		\$104.50
Harry Marsh Law		\$189.32
Hill, Ramona		\$110.80
Maier, Ray Alexander		\$708.62
Martin, Angela Barnette		\$324.50
Mortgage Infromation Services		\$278.72
Price, Clinton M		\$202.43
Ratchford, Dan Wilson		\$164.45
Reserve At Catawba Creek		\$1,664.74
Reserve At Catawba Creek		\$1,607.84
Reserve At Catawba Creek		\$1,607.84
Reserve At Catawba Creek		\$1,618.09
Reserve At Catawba Creek		\$1,664.74
Reserve At Catawba Creek		\$1,607.84
Reserve At Catawba Creek		\$1,664.74
Reserve At Catawba Creek		\$493.23
Riles, Steve Gamble		\$137.60
Roberts, Timothy		\$2,662.53
Rowe, Reuben Jessie		\$135.68
Rowe, Reuben Jessie		\$141.75
Rutland Fire Clay Company		\$5,370.89
Scherr, John Morris		\$103.60
Secu*re Inc		\$1,201.78
Sloan, Kathleen		\$262.37
Thornburg, Rose S		\$136.30
Warren L Tadlock, Chapt 13		\$257.18
Watson, Taft Wiley		\$332.70
Webb, Kendra		\$254.11
Wells Fargo RE Tax Service		\$1,112.33
Wells Fargo RE Tax Service		\$140.04
Wells Fargo RE Tax Service		\$1,179.05
Wells Fargo RE Tax Service		\$1,897.36
Wells Fargo RE Tax Service		\$500.00
Wells Fargo RE Tax Service		\$572.53
Wells Fargo RE Tax Service		\$4,168.40
Wells Fargo RE Tax Service		\$388.98
Wells Fargo RE Tax Service		\$2,575.02
Wells Fargo RE Tax Service		\$1,652.05
Wells Fargo RE Tax Service		\$1,627.32
TOTAL		\$47,764.50
OCTOBER 2018 VEHICLES & ETC		
Anthony, Matthew Todd		\$120.00
Anthony, Matthew Todd		\$120.00
Davis, Tony Eugene		\$113.01
TOTAL		\$353.01

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OCTOBER VTS REFUNDS

Ballard, Marvin Koff III	\$104.97
Ballard, Marvin Koff III	\$230.26
Ballard, Marvin Koff III	\$106.00
Blake, Donna Grindle	\$203.23
Bledsoe, Billy Joe	\$255.53
Bolin, Anthony Scott	\$160.78
Branton , Janet Cloninger	\$110.94
Carswell, Diana Lynne Tesan	\$195.68
Daniel, Pamela Ann	\$128.69
Devine, Anthony Mark	\$118.91
Hamrick, Joseph Thomas	\$139.85
Helton, Traci Featherstone	\$133.38
Henderson, Benjamin Gilmore	\$174.66
Hovis, Lawrence Walter Jr	\$114.89
honeycutt, Zachary Daniel	\$124.02
Lewis, Takierra Lanae	\$159.36
Lincoln County Tax Dept	\$137.66
Lowe, Jerry Wayne	\$117.28
Lupo, Ethel Langston	\$139.11
Odums, Kirsten Brianne	\$109.29
Phillips Christina Lynn Brown	\$125.09
Platt, Michele Dodgin	\$171.73
Potter, Rebecca Janeen	\$118.29
Queen, Charles Reese	\$119.18
Rhoten, Matthew Kevin	\$133.51
Stalder, Andrew Ernest	\$127.60
Stewart, Melissa Levonne	\$120.67
Wallace, Debora Gunnings	\$513.39
Weathers, Thomas Bradley	\$241.03
Westrick, Keith Martin	\$144.20
Whitner, Lucinda Elaine	\$249.21
Whitner, Lucinda Elaine	\$397.08
Wright, Larry Gene II	\$186.67
TOTAL	\$5,612.14
 GRAND TOTAL	 \$53,729.65

*** With the Planning Board still in deliberations, Chairman Philbeck moved to the next item of business.**

Non-Consent

2018-304 Commissioner Chad Brown - County Attorney - To Approve the Seventh Amendment to the Lawyers Building of Gastonia, LLC, Economic Development Incentive Agreement

On motion introduced by Commissioner Hovis and seconded by Commissioner Keigher, the BOC unanimously approved Resolution **2018-304** as follows:

NOW THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Section 2(a)(i) is hereby deleted in its entirety and replaced with the following:

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"Grantee shall have substantially completed the renovation of the Property into a mix-use commercial/residential building and expended at least \$2,400,000.00 in Capital Expenses on or before December 31, 2019."

2. All other terms and conditions of the Agreement shall remain unchanged. Except as amended by this Amendment, the Agreement shall continue in full force and effect, and the Agreement, as amended by this Amendment, is hereby expressly approved, ratified, confirmed and reaffirmed by Grantee and City.

2018-305 Commissioner Chad Brown - County Attorney - Resolution Regarding the Designation of an Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications

On motion introduced by Commissioner Keigher and seconded by Commissioner Hovis, the BOC unanimously approved Resolution **2018-305** as follows:

WHEREAS, N.C.Gen.Stat. § 18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations considering the suitability of persons or locations for ABC permits; and,

WHEREAS, the County of Gaston wishes to notify the North Carolina ABC Commission of its designation as required by N.C.Gen.Stat. § 18B-904(f).

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners that the **Gaston County Manager** is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the County of Gaston regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED that notices to the County of Gaston should be mailed or delivered to the official designated above to the following address:

Mailing address: P.O. Box 1578
Office location: 128 West Main Avenue
City: Gastonia, N.C. 28053
Zip Code: 28053 Phone: 704.866.3101

2018-306 Commissioner Worley - Sheriff's Office - Appropriation of Additional Funds to House Inmates Out of County for October 2018 (\$24,157)

On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously approved Resolution **2018-306** and per Budget Change Request:

Account Description	Account Number	Amount
FUND BALANCE APPROPRIATED	010-99-9900-0000-490000	{24,157}
INMATES HOUSED OUT OF COUNTY	010-02-4315-4323-530015-18126	24,157

2018-307 Commissioner Chad Brown - Sheriff's Office - To Authorize IDEMIA, LLC as a Sole Source Provider for the Purchase of Hand-held Fingerprint Scanners (\$22,885)

On motion introduced by Commissioner Keigher and seconded by Commissioner Worley, the BOC unanimously approved Resolution **2018-307**.

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2018-308 Commissioner Worley - Finance - To Appropriate \$32,718 from the General Fund Balance to the Emergency Telephone Fund to Comply with the Ruling by State Auditors Regarding 2017 Expenditures

On motion introduced by Commissioner Keigher and seconded by Commissioner Hovis, the BOC unanimously approved Resolution **2018-308** and per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	010-99-9900-0000-490000	(32,718)
Transfer to Emergency Telephone Fund	010-98-9800-0000-580024	32,718
Transfer from General Fund	024-98-9800-0000-480010	(32,718)
Fund Balance Replaced	024-99-9900-0000-490000	32,718

2018-309 Commissioner Chad Brown - Police Department - To Authorize and Approve Financing for the New 800mhz Public Safety Radio Communication System with Motorola

Chairman Philbeck called for a motion to approve.

Commissioner Keigher introduced the motion to approve. Commissioner Jack Brown provided the second.

Chairman Philbeck called for discussion.

Commissioner Worley requested a brief overview on what the County was financing for \$13M.

Chairman Philbeck called on the County Manager for the overview.

The County Manager advised the entire package includes the project's infrastructure, hand-held radios and various other pieces of equipment to make the system function; it is the accumulation of a five-year effort to develop an effective package; the total financing is about \$15M with fully amortized principle and interest; staff negotiated about \$2.8M of savings; the 59-month financing term and 3.75% interest rate was attractive; the current 400mhz system is outdated and we are looking forward to having a new state-of-the-art system.

Commissioner Worley asked how the new system would impact the municipalities and Volunteer Fire Departments (VFDs).

The County Manager advised the purchase covers the cost of radios for the VFDs; hope to recover some of that cost via a fire grant; the municipalities were provided sufficient notice to budget monies to purchase the new radios and they should also have additional revenue to offset that cost from the increase in values as a result of the revaluation process.

Hearing no further discussion, Chairman Philbeck called for the vote, and the BOC unanimously approved Resolution **2018-309** to authorize and approve financing for the new 800mhz Public Safety Radio Communication System with Motorola.

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2018-310 Commissioner Jack Brown - Public Works - To Accept an Offer to Purchase a County Owned Surplus Parcel (PID 103983 located off North Oakland Street, Gastonia) and Authorize Staff to Initiate the Upset Bid Process

On motion introduced by Commissioner Jack Brown and seconded by Commissioner Hovis, the BOC unanimously approved Resolution **2018-310** accepting an offer to purchase County owned surplus parcel (PID 103983) and authorizing staff to initiate the Upset Bid Process.

Appointments

On a motion introduced by Commissioner Jack Brown and Seconded by Commissioner Keigher, the BOC unanimously reappointed Mr. Roberts S. Browne to the ***Economic Development Commission*** to a term ending December 31, 2021.

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 Jack Brown	Commissioner Keigher	Ms. Roseann Huffman	December 31, 2021
Commissioner Jack Brown	Commissioner Hovis	Mr. Chadwick Mitchell	December 31, 2021
Commissioner Hovis	Commissioner Philbeck	Ms. Martha Thompson	December 31, 2021
Commissioner Philbeck	Commissioner Hovis	Mr. Dean Harris	December 31, 2021
Commissioner Philbeck	Commissioner Hovis	Mr. Josh Crisp	December 31, 2021

On behalf of Commissioner Chad Brown and on motion introduced by Commissioner Jack Brown and Seconded by Commissioner Hovis, the BOC unanimously reappointed Ms. Julie Roper to the ***Economic Development Commission*** to a term ending December 31, 2021.

On a motion introduced by Commissioner Hovis and Seconded by Commissioner Philbeck, the BOC unanimously reappointed Ms. Pearl Burris-Floyd to the ***Caromont Health/Gaston Memorial Hospital Board of Directors*** to a term ending December 31, 2022.

On a motion introduced by Commissioner Worley and Seconded by Commissioner Philbeck, the BOC unanimously reappointed Mr. David T. Payseur, Jr. to the ***Caromont Health/Gaston Memorial Hospital Board of Directors*** to a term ending December 31, 2022.

On a motion introduced by Commissioner Worley and Seconded by Commissioner Philbeck, the BOC unanimously reappointed Mr. Earl Withers, III to the ***Fire Advisory Board*** to a term ending November 30, 2019.

On a motion introduced by Commissioner Worley and Seconded by Commissioner Philbeck, the BOC unanimously reappointed Ms. Sheila Merrill to the ***Nursing Home Community Advisory Board*** to a term ending December 31, 2021.

On a motion introduced by Commissioner Worley and Seconded by Commissioner Philbeck, the BOC unanimously reappointed Mr. Jeffrey F. Funderburk to the ***Library Board of Trustees*** to a term ending November 30, 2024.

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On a motion introduced by Commissioner Philbeck and Seconded by Commissioner Hovis, the BOC unanimously appointed Mr. Daniel Caudill to the **Library Board of Trustees** to a term ending November 30, 2024.

On motions introduced and seconded, the following individuals were unanimously reappointed to the **Centralina Council of Governments (COG)**:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Philbeck	Commissioner Keigher	Commissioner Ronnie Worley	November 30, 2019
Commissioner Hovis	Commissioner Keigher	Commissioner Bob Hovis	November 30, 2019

On a motion introduced by Commissioner Philbeck and Seconded by Commissioner Hovis, the BOC unanimously appointed Commissioner Jack Brown to the **Economic Development Commission** to a term ending December 7, 2020.

On motions introduced and seconded, the following individuals were unanimously reappointed to the **Transportation Advisory Board (TAC)**:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Philbeck	Commissioner Keigher	Commissioner Allen Fraley	November 30, 2020
Commissioner Philbeck	Commissioner Keigher	Commissioner Ronnie Worley	November 30, 2020

On a motion introduced by Commissioner Philbeck and Seconded by Commissioner Worley, the BOC unanimously appointed Commissioner Bob Hovis to the **Caromont Health/Gaston Memorial Hospital Board of Directors** to a term ending December 31, 2019.

On a motion introduced by Commissioner Keigher and Seconded by Commissioner Jack Brown, the BOC unanimously appointed Ms. Joie Arthurs to the **Equalization and Review Board** to a term ending December 31, 2021.

On a motion introduced by Commissioner Keigher and Seconded by Commissioner Jack Brown, the BOC unanimously reappointed Mr. Patrick D. Kelly to the **Equalization and Review Board** to a term ending December 31, 2021.

Commissioners Committee Reports

Commissioner Hovis reported attendance to the following: the main **Library's 40th Birthday Celebration**; to the **Centralina Council of Governments Region of Excellence Awards 50th Annual Luncheon** – along with Commissioner Worley and the County Manager. The County was the recipient of three out of seven awards; Public Works "Clean Cities Effort Award" for moving vehicles to natural gas which has saved the County \$0.5M to date; the GGDC (Greater Gaston Development Corporation) "Growing the Economy Award" and the City of Mount Holly for its "Riverwalk Greenway Project"; **Sheriff's Christmas Luncheon** – the Sheriff and his wife sponsored the luncheon and provided a great opportunity for fellowship during the holidays; **Christmas Parades** – the County Police did a great job transporting BOC to and from parades throughout the County. He wished the County employees a very Merry Christmas and a prosperous New Year.

Commissioner Keigher thanked the Clerk's Office, Judges and County Police/Sheriff's Office Color Guards for the grand **Induction of Newly Elected Officials Ceremony**; he wished everyone a Merry Christmas.

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Commissioner Worley congratulated the Public Works Director and Project Coordinator on their award for making the County cleaner, greener and leaner; he thanked the public safety staff (GEMS/Police/Sheriff/Telecommunications) for all they do; wished the County employees and viewing audience a Merry Christmas and Happy New Year.

Chairman Philbeck reported that the ladies at the County's **ECA** (Extension and Community Association) will make their annual cakes in January; **VIP Reception for CaroMont Family Medicine and Urgent Care and Ribbon Cutting** – invited BOC to attend the reception on December 17th, 5:30-7:00 pm and the ribbon cutting on December 18th at 10:00 am, 600 W. Trade St., Dallas, NC; he thanked Ms. Annette Carter and the CaroMont Health Board for the work they did to make this happen to benefit the citizens of Dallas.

Commissioner Hovis reported he and the County Manager attended the **Gaston College Vet Tech Groundbreaking** – this construction program will cost about \$4.6M+/- and triple its current space.

County Manager's Report

The County Manager advised a Pre-Budget Planning Session will be held on Friday; this will be a good opportunity for BOC to hear about the opportunities ahead of us in the coming years, and for staff to get some preliminary direction as it starts the budgetary process.

County Attorney's Report

No Report.

Other Matters

Commissioner Jack Brown congratulated the Stanley Football Team for winning a national championship.

Chairman Philbeck recessed the meeting at 8:43 pm to allow the Planning Board time to conclude its deliberations.

Chairman Philbeck reconvened the meeting at 9:52 pm.

Zoning Matters Non-Consent

2018-311 Commissioner Fraley - Planning/Development Services - Zoning Map Change: Z18-11, Teramore Development LLC (Applicant); Property Parcel: 162149, Located at 1832 Martin Rd., Bessemer City, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District

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The County Attorney advised the Planning Board recommended approval with the following consistency statement - *The property in question is in a future land use designation of Rural Community. Rural Communities are rural neighborhood areas that can include uses other than residential. A rezoning from R-1 to C-1 is consistent with the future land use plan, as light commercial activities are found in this designation. The fact that Tryon Courthouse Road, a local thoroughfare is next to the subject property and an adjacent parcel is zoned C-1 also makes the zoning change from R-1 to C-1 zoning consistent with the future land use plan* - by a unanimous vote.

On motion introduced by Commissioner Worley and seconded by Commissioner Keigher, the BOC unanimously approved **2018-311**, after consideration of the map change application, public hearing comment and Planning Board recommendation:

- 1) The map change request is consistent with the County's approved Comprehensive Plan. *The property in question is in a future land use designation of Rural Community. Rural Communities are rural neighborhood areas that can include uses other than residential. A rezoning from R-1 to C-1 is consistent with the future land use plan, as light commercial activities are found in this designation. The fact that Tryon Courthouse Road, a local thoroughfare is next to the subject property and an adjacent parcel is zoned C-1 also make the R-1 to C-1 zoning consistent with the future land use plan.* The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcel: 162149, be approved, effective with the passage of this Resolution.
- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

2018-000 Commissioner Philbeck - Planning/Development Services - Parallel Conditional Use Permit (PCUP): PCUP 18-02 Ecoplexus Inc. (Applicant); Property Parcel 164778, Located at 601 High Shoals Rd., Lincolnton, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use/Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm)

Chairman Philbeck explained the procedures to be used for PCUP applications and asked the County Attorney for the Planning Board recommendations.

The County Attorney advised the Planning Board recommended approval of the zoning map change on a unanimous vote with the following consistency statement: *The property is in a future land use designation of Rural. Rural land use designations generally consist of large parcels with either residential or agrarian uses. The proposed rezoning and CUP is from R-1 to CU-R-2, another residential use category. R-2 allows for essential services such as a solar farm as a use and the CUP will require that the property be developed as a solar farm with various conditions. Conditions designed to protect the community from the proposed development or enable the community to retain its current character and is therefore consistent with the future land use plan.*

On motion introduced by Commissioner Hovis and seconded by Commissioner Worley, the map change request was **DISAPPROVED**. The vote failed to carry as follows:

Ayes: Commissioners Hovis, Worley

Nays: Commissioners Jack Brown, Keigher, Philbeck

Absent: Commissioners Chad Brown, Fraley

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2018-000 Commissioner Fraley - Planning/Development Services - Parallel Conditional Use Permit (PCUP): PCUP 18-03 Swift Solar, LLC (Applicant); Property Parcels 221303 (part of), 163155, 162844, 162856 (part of), 163318, and 162858 (part of), Located at Bess Rd./Eaker Rd./Tryon Courthouse Rd., Bessemer City, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use/Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Farm)

The County Attorney advised the Planning Board recommended approval on a unanimous vote with the following consistency statement: *The property is in a future land use designation of rural. Rural land use designations generally consist of large parcels with either residential or agrarian uses. The proposed rezoning and CUP is from R-1 to CU-R-2, another residential use category. R-2 allows for essential services such as a solar farm as a use and the CUP will require that the property be developed as a solar farm with various conditions. The conditions designed to protect the community from the proposed development or enable the community to retain its current character is therefore consistent with the future land use plan. The surrounding area consist of R-1, R-2, R-3 and C-1 uses and the variety of zoning districts also indicates that the proposed rezoning is consistent with the Comprehensive Plan.*

On motion introduced by Commissioner Hovis and seconded by Commissioner Keigher, the zoning map change was **DISAPPROVED**. The vote failed to carry as follows:

Aye: Commissioner Hovis

Nays: Commissioners Jack Brown, Keigher, Philbeck, Worley

Absent: Commissioners Chad Brown, Fraley

2018-312 Commissioner Philbeck - Planning/Development Services - Parallel Conditional use Permit (PCUP): PCUP 18-04 Steve Thomas (Applicant); Property Parcel 222952, Located at 2028 Rhyne Rd., Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use/Single Family Moderate Zoning District (PCUP), in order to allow Camping and Recreational Vehicle Park (RV Park)

The County Attorney advised that the Planning Board recommended approval by a unanimous vote with the following consistency statement: *The property is split between future land use designations of Rural and Rural Community, meaning the area is rural in nature, but also has neighborhood-like traits. The rezoning from R-1 to CU/R-2 will maintain the residential-like use of the area. The conditional use is for a camping and RV park. The rural nature of the property in addition to the fact that a recreational use will be on the parcel makes it consistent with the Gaston County Future Land Use Plan*

On motion introduced by Commissioner Worley and seconded by Commissioner Keigher, the BOC unanimously approved Resolution **2018-312** as follows:

NOW, THEREFORE, BE IT RESOLVED by the County Commission that after consideration of the Parallel Conditional Use Permit application, sworn testimony provided at the public hearing and Planning Board recommendation:

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- 1) Find the proposed map change for parcel 222952 from the (R-1) Single Family Limited Zoning District to a (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Camping and Recreational Vehicle Park (RV Park), is consistent with the County's Comprehensive Plan. The property is split between future land use designations of Rural and Rural Community, meaning the area is rural in nature, but also has neighborhood-like traits. The rezoning from R-1 to CU/R-2 will maintain the residential-like use of the area. The conditional use is for a camping and RV park. The rural nature of the property in addition to the fact that a recreational use will be on the parcel makes it consistent with the Gaston County Future Land Use Plan. The map change is approved as follows:

Motion: Worley Second: Keigher Vote: Unanimous
 Aye: J. Brown, Hovis, Keigher, Philbeck, Worley
 Nay: None
 Absent: C. Brown, Fraley
 Abstain: None

- 2) Based on evidence provided in sworn testimony at the public hearing, the Board of Commissioners made the following findings of fact:

- a) The proposed development will not materially endanger the public health or safety if located where proposed and developed according to plan, based on: This plan will encourage good hard-working people to reside on the property which will deter crime in the area. By rule, no large or aggressive animals will be allowed on the property.

Motion: Hovis Second: J. Brown Vote: Unanimous
 Aye: J. Brown, Hovis, Keigher, Philbeck, Worley
 Nay: None
 Absent: C. Brown, Fraley
 Abstain: None

- b) The use meets all required conditions and specifications, based on: This property has adequate size and woods to meet the conditions for the ordinance and would not be considered an out of the ordinary use for this zone.

Motion: Hovis Second: Keigher Vote: Unanimous
 Aye: J. Brown, Hovis, Keigher, Philbeck, Worley
 Nay: None
 Absent: C. Brown, Fraley
 Abstain: None

- c) The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity, based on: The proposed site plan will make improvements to a property that has been in a state of despair for several years.

Motion: Hovis Second: J. Brown Vote: Unanimous
 Aye: J. Brown, Hovis, Keigher, Philbeck, Worley
 Nay: None
 Absent: C. Brown, Fraley
 Abstain: None

- d) The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners, based on: The property is located in small area Rural and Rural Community of planning Area 3 – Riverfront Gaston – of the Comprehensive Land Use plan. The nature of this park will cause it to be a quiet development that will be kept clean. All RV's on the property will be required to be in good condition and self-contained. The vast majority of all vehicles (RV's and Autos) will be of higher than normal value for this area.

Motion: Worley Second: Hovis Vote: Unanimous
 Aye: J. Brown, Hovis, Keigher, Philbeck, Worley
 Nay: None
 Absent: C. Brown, Fraley
 Abstain: None

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- 3) Making all findings of fact in the affirmative, the Board of Commissioners approves the Parallel Conditional Use Permit (PCUP) with the following recommended conditions:

Parallel Conditional Use Application (PCUP 18-04) Conditions

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
2. If any of the conditions affixed hereto of any part thereof is held invalid or void, then this permit shall be void and no effect.
3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.
4. Development shall meet all local, state and federal requirements.

Motion: Hovis Second: Keigher Vote: Unanimous
 Aye: J. Brown, Hovis, Keigher, Philbeck, Worley
 Nay: None
 Absent: C. Brown, Fraley
 Abstain: None

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

Adjournment

Chairman Philbeck called for a motion to adjourn the meeting.

On motion introduced by Commissioner Hovis and seconded by Commissioner Jack Brown, the BOC unanimously adjourned the Rescheduled Meeting of December 11, 2018 at 10:06 pm.

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

Tracy L. Philbeck, Chairman
 Gaston County Board of Commissioners

Donna S. Buff
 Clerk to the Board

SEAL