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Jun 25 2019

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Gaston County Board
of Commissioners

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

MAY 28, 2019

The Gaston County Board of Commissioners (BOC) met in Regular Session on May 28, 2019 at 6:00 pm in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Chairman Tracy L. Philbeck presided with Commissioners Chad Brown, Vice-Chairman; Jack B. Brown, Allen R. Fraley, Bob Hovis, Tom Keigher and Ronnie Worley 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 Hovis led those assembled in the Invocation and Commissioner Worley led in the Pledge of Allegiance.

Public Hearing - Zoning Map Change: (Z19-06) Locust Investments LLC (Applicant); Property Parcels: 165874 and 226902, Located at 1168 Miles Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District

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 Chad Brown and seconded by Commissioner Worley, the BOC unanimously entered into Public Hearings.

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

Mrs. Sarah Penley, Development Services Planner, advised subject request is to rezone parcels 165874 and 226902 located at 1168 Miles Road, Dallas from the R-1 (Single Family Limited Zoning District) to the C-1 (Light Commercial Zoning District); the property owner and applicant is Locust Investments, LLC and is owned and operated by Mr. Fred Wagner, who has a representative present this evening; total acreage under consideration for rezoning is .72 acres and the property is currently occupied by a business that assembles goods.

She reviewed vicinity, aerial, zoning and adjacent property owners maps depicting the location of the property off of Miles Road (in the northwest section of the County just west of 321 and south of the Town of High Shoals); the existing business surrounded by vacant and residential property; R-1, R-2 and RS-20 zonings; adjacent property owners notified of public hearing and a listing of those owners.

The property is located in Area 2 of the Comprehensive Land Use Plan (Comp Plan) North 321 Gaston/North Central Gaston (High Shoals, Dallas and surrounding area) with a rural future land use designation; based on the goals and objectives in the zoning district pattern in the overall vicinity, staff's opinion is the request is not consistent with the Comp Plan but that the existing use, as presented to staff by the Applicant, is an effort to bring the property into compliance from a nonconforming use, which is supported by staff; the request was advertised, notices were mailed out and staff received no calls for general information.

Chairman Philbeck called for citizen comment.

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Mrs. Wendy Bado, 7115 Darnley Pl., Charlotte, NC, representative of Locust Investments (property owner) advised they currently assemble pre-cut goods into porta-potty covers at the site; basically manufacture a tent system to place over porta-potties to make it less distracting when it is in a housing development or on a construction site; attempting to get the property rezoned commercial to bring it into compliance.

Chairman Philbeck called for questions from the Planning Board; hearing none, called for questions from the BOC.

Commissioner Worley asked how many people would be employed at the location.

Mrs. Bado stated they have three people currently working on and off through the week; does not require more.

Public Hearing - Zoning Text Amendment: (ZTA19-01) Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A)

Chairman Philbeck introduced Mrs. Penley for comments.

Mrs. Penley advised the BOC and Planning Board received the proposed text amendments in their packets; the text changes address some changes to the submittal process for subdivisions and some changes to the conditional use district processes; the Planning Board reviewed the proposed changes at its last regular meeting and unanimously approved it for the public hearing process.

Chairman Philbeck called for citizen comment and for questions from the Planning Board and BOC; none was received.

Public Hearing - Zoning Text Amendment: (ZTA19-02) Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G)

Chairman Philbeck introduced Mr. David Williams for comments.

Mr. David Williams, Director of Planning and Development Services, advised staff was directed to submit provisions to the Manufactured Home Park Ordinance Section of Chapter 13 to allow tiny homes and small homes to be located within existing manufactured home parks; the County has over 400 manufactured home parks; currently, due to the market, this will be a viable tool that manufactured home park owners could use to build tiny homes in manufactured home parks; staff contracted with Mr. Michael Sandy, Uwharrie Planners Consultants, who has over 25 years of experience in the planning and zoning arena. He introduced Mr. Sandy to explain the proposed regulations and the process.

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Chairman Philbeck advised he approached staff a year ago; there are many trailer parks throughout the County; many of them are not being taken care of the way they should; one of the ways staff thought it could address that issue and clean up the County at the same time was to allow tiny houses on those properties that will be nicer, cleaner and will help increase the tax value.

Mr. Michael Sandy, Uwharrie Planners Consultants, advised the proposed text changes will allow manufactured home parks to add an additional use in the parks that will help improve property values; many of these parks are in strategic locations throughout the County; people need to live close to work and have affordable housing; all of those key factors are important, good, innovative and an advantage for the County statewide; some of the proposed text changes would allow park owners to address staff through an application process and work with Environmental Health, and Building and Fire Code to ensure safety measures are observed; will provide units for affordable living.

Chairman Philbeck clarified Mr. Sandy was not talking about expanding manufactured home parks but replacing an old trailer with a tiny home.

Mr. Sandy responded that is correct; one of the things to help up the standards would be the roads would have to come up to state standards which does not mean the State will take them over or any dedication of right-of-ways; the roads will be up to the specs that the state requires for roads in the County; worked with a couple of park owners, Planning Board and staff, Fire Marshal and Chief Building Inspector throughout the process to achieve a consensus; taking a small step to make sure this is the right way to go; if this works out and as other options become available, ordinances changes may follow this to expand that process.

Chairman Philbeck called for questions from the Planning Board and the BOC; none was received.

Mr. Sandy advised this would not require a public hearing; it would be automatic by right if it meets the specified standards; the committee will have 30 days to meet/review and respond.

Chairman Philbeck stated it would be very innovative for the County; Myrtle Beach and a lot of beach communities were basically taking that same idea and allowing trailer park owners to invest in them; when he broached the idea with staff, a lot of developers and owners of the parks wanted this in order to transform how they do business; it cleans up the County, is cleaner affordable housing that will have taxable value. He thanked everyone that worked on this initiative.

Commissioner Keigher advised he received a call from a Union County land developer; he was trying to get some information on some properties in the South Point area; the developer spoke with Mrs. Penley and another lady in Planning and stated it was probably the single greatest business conversation he has had. He congratulated staff.

Chairman Philbeck excused the Planning Board to Room 2029 for deliberations.

Public Hearing - RE: Commissioner Worley - Budget/Purchasing - To Receive Public Comments Concerning Potential Submittal of an Application to the NC Department of Commerce for a 2019 Community Development Block Grant under the NC Neighborhood Revitalization Program

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Chairman Philbeck introduced Mrs. Pat Laws for comments.

Mrs. Pat Laws, Grant Administrator, presented:

- This public hearing on May 28, 2019, will provide an explanation and description of the FY2019 North Carolina Department of Commerce Community Development Block – Neighborhood Revitalization Program. This is the first of two public hearings that will be held to discuss the 2019 Application
- The State of North Carolina Community Development Block Grant (CDBG) Program funds are distributed between two state agencies, the North Carolina Department of Commerce and the North Carolina Department of Environmental Quality
- The North Carolina Department of Commerce has two programs in which CDBG funds are currently available; the Neighborhood Program, and the Economic Development Program. The Neighborhood Program provides funding for housing and community development related projects, and the Economic Development Program provides funding to aid in job creation and investment
- The NC Department of Environmental Quality administers the CDBG-Infrastructure Program, which provides funding for water and sewer infrastructure projects
- We are present to discuss specifically the Gaston County 2019 CDBG-Neighborhood Revitalization Program funding application. The purpose of this public hearing is to obtain citizens' views, to allow response from the public to funding proposals and to answer any questions posed by citizens. This public hearing will cover the County's community development needs, development of the proposed activities, and a review of program compliance before the submission of the CDBG-NR funding application to the state of the North Carolina
- CDBG funds must be used for projects that meet at least one of the federally identified National Objectives: (1) benefiting low-and-moderate income (LMI) persons; (2) preventing or eliminating slums or blight; and (3) meeting other community development needs that are deemed to be urgent because of existing conditions posing a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet the need
- Gaston proposes to request funding from NC Department of Commerce CDBG Neighborhood Revitalization Program for the purpose of benefitting residential areas where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development; to perform eligible activities; to minimize displacement, and to provide displacement assistance as necessary
- For the fiscal year of 2019 the CDBG NR funding available is expected to be \$10,000,000. The maximum available grant is \$750,000. Applications for funding must be submitted no later than July 17, 2019
- The CDBG program is able to fund a wide variety of community development activities. The Neighborhood Revitalization (NR) category is designed to provide grants to local units of government for housing, housing related activities, and public facilities that support housing activities for low-to moderate-income persons
- The range of housing activities includes: Rehabilitation, including substantial rehabilitation and reconstruction, disposition, acquisition, demolition, clearance, relocation, and emergency repair

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- Gaston County is seeking an amount in CDBG-NRP funds not to exceed \$750,000 for the Neighborhood Improvements Project. The purpose of the County's request is to assist low to moderate income homeowners in areas throughout the County to make critical home repairs. This project will be a scattered site approach
- A total of 100% of the CDBG funding will be used to benefit Low to Moderate Income (LMI) people
- The County will appoint a Housing Selection Committee to advise staff on the selection and prioritization of homes to be assisted. The Housing Selection Committee comprised of voting members provides the citizen participation opportunity for residents to contribute to the housing and neighborhood improvement plans
- If Gaston County is awarded a CDBG grant, it will be required to adhere to federal procurement requirements and other federal regulations which include: American with Disabilities Act, Davis-Bacon Labor Acts, Adoption/Submittal of a Citizen's Participation Plan, Adoption/Submittal of an Equal Opportunity Plan, Adoption/Submittal of a Fair Housing Plan, Adoption/Submittal of a Language Access Plan, Adoption/Submittal of a Relocation Assistance Plan, Adoption/Submittal of a Section 3 Plan and Excess Force Provision
- The State of North Carolina requires that if the County receives CDBG grant funding that it will certify compliance with the requirements of the general displacement and relocation policy for CDBG grant funding. CDBG funds can be used for these costs, if necessary, for relocation costs. No displacement and/or relocation will occur as a result of the proposed grant project
- In the past, the Gaston County has applied for and received the following CDBG projects in 2002, 2005, 2008, 2010 and 2011 we had grants for scattered site housing rehabilitation with approximately 30 homes rehabbed at a cost of \$2M
- In 2004 we had a CDBG Infrastructure grant for an extension of public water lines to citizens in the Queens Rd. and Queens Court neighborhoods—we assisted 96 homeowners at a cost of \$687,000
- In 2007 we had a Infrastructure grant to install municipal sewer lines and connections—aided 96 homeowners and that project was \$750,000
- Gaston County will submit its CDBG-NRP application on July 17, 2019. Additional information is available from the County Grant Administrator's Office. Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the County within 10 business days and a written response to the written complaints and/or grievances will be sent by the County within 10 business days, where practicable.

Chairman Philbeck called for citizen comment and for questions from the BOC; none was heard.

Chairman Philbeck advised a vote would not be taken at this time; a formal vote will occur in June.

Public Hearing - RE: Commissioner Chad Brown - County Attorney - To Modify Chapter 4, Article VI of the Gaston County Code of Ordinances Concerning Minimum Housing Standards

Chairman Philbeck introduced Mr. Brian Sciba for comments.

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Mr. Brian Sciba, Director of Inspections, advised he recently took over zoning; part of his duties include doing minimum housing inspections and felt it was a good time to review the ordinance to make sure it met the County's needs or if changes were required to help ease the process; staff made a few changes; two of the most important changes to the Minimum Housing Ordinance include 1) delivering personal service on notices of violations and 2) changing the valuation to tax value versus an arbitrary value should the County have to demolish a home.

Chairman Philbeck called for citizen comment and for questions from the BOC; none was heard.

Chairman Philbeck called for a motion to approve.

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Jack Brown, the BOC unanimously approved **2019-129** To Modify Chapter 4, Article VI of the Gaston County Code of Ordinances Concerning Minimum Housing Standards *as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances as follows:*

WHEREAS, Chapter 4 of the Gaston County Code of Ordinances concerns Buildings, Construction, and Related Activities; and,

WHEREAS, there exists ordinances concerning Minimum Housing Standards as established in Article VI of Chapter 4 of the Gaston County Code of Ordinances; and,

WHEREAS, the main changes between the current ordinance and the proposed ordinance include the following: a) clarifying the role of the Housing Inspector; b) clarifying the role and composition of the Housing Appeal Board; c) state with greater specificity what constitutes a violation of the minimum housing code; d) changing the sequence of the ordinances make it more readable; and,

WHEREAS, the purpose of these ordinances is to establish the minimum standards of fitness for the initial and continued occupancy of buildings used for human habitation.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby repeals the Article VI of Chapter 4 of the Gaston County Code of Ordinances and replace with the ordinance as set forth as attached and as filed with the Clerk to the Board.

This ordinance, as filed with the Clerk to the Board, shall be effective immediately upon its adoption.

Sec. 4-121. Purpose; Responsibility of owner and occupants.

Pursuant to North Carolina General Statute 160A-441, the Gaston County Board of Commissioners, also referred to in this ordinance as Board of Commissioners, declares there exists in Gaston County dwellings which are unfit for human habitation. These conditions exist due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and other conditions rendering such dwellings unsafe, unsanitary, dangerous, and detrimental to the health, safety, and welfare of the residents of Gaston County.

To address this charge, as authorized by Article 19, Chapter 160A of the General Statutes, it is the purpose of this ordinance to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444. This ordinance is not intended to abrogate or limit any other source of authority Gaston County has concerning housing standards or building inspection, including those provisions found in Article 18, Chapter 153A of the General Statutes.

It shall be the responsibility of the owner or contractor to obtain proper building permits and comply with North Carolina State licensing laws and regulations.

Sec. 4-122. Jurisdiction.

These regulations shall govern all residential structures, as defined by the ordinance, within the jurisdiction of Gaston County, as determined by the Board of Commissioners. However, the County may enforce these regulations within municipal jurisdictions through interlocal agreements, provided that any such municipal governing body or the County, upon one (1) year written notice, may withdraw its approval of the Minimum

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Housing Standards and those regulations shall have no further effect within the municipality. The one (1) year time limit may be waived upon agreement of both parties.

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

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

Appliance shall mean that equipment used for cooking or heating which is hardwired or permanently installed to the dwelling and is considered as real property instead of personal property.

Basement/Cellar shall mean a portion of a dwelling which is located at least 50% underground, having direct access to light and air from windows above the level of the adjoining ground.

Deteriorated shall mean that dwelling may be unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this ordinance at a cost not in excess of fifty percent (50%) of its tax value, as determined by the findings of the Housing Inspector.

Dilapidated shall mean that a dwelling is unfit for human habitation and cannot be improved, repaired, or altered to comply with all of the minimum standards established by this ordinance except at a cost in excess of fifty percent (50%) of its tax value, as determined by the findings of the Housing Inspector.

Dwelling shall mean any building, structure, or part thereof, which is wholly or partly used or intended to be used for living, sleeping, or habitation by human occupants. Temporary housing, as hereinafter defined, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

Dwelling Unit shall mean any room or group of rooms located within a dwelling forming a single habitable unit used or intended to be used for living, sleeping, or habitation by human occupants.

Extermination shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination method approved by the Housing Inspector.

Garbage shall mean the waste resulting from the handling, preparation, cooking and consumption of food.

Gender Words having a masculine gender shall include the feminine and neuter gender.

Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes; excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, connecting corridors, closets, and storage spaces.

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

Housing Inspector shall mean the Director of Building Inspections of Gaston County or any agent approved by the Director of Building Inspections of Gaston County.

Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or public.

Lessee shall mean any person or group of persons who, under agreement with the property owner, occupies a dwelling unit for the purposes of living, sleeping, cooking or eating.

Multiple Dwellings shall mean any dwelling containing more than two dwelling units, and shall include, but not limited to, duplexes, apartments, etc.

Occupant shall mean any person living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

Operator/Landlord shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner shall mean any person who alone, jointly, or severally with others:

- (1) Shall have title to any dwellings, dwelling unit or rooming unit, with or without accompanying actual possession thereof, or
- (2) Shall be a mortgagor of record for any dwelling, dwelling unit or rooming unit, or
- (3) Shall have charge, care, or control of any dwelling, dwelling unit, or rooming unit, as owner, owner's agent, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adapted pursuant thereto, to the same extent as if he were the owner.

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Party or parties in interest shall mean all persons who have interests of record in a dwelling, dwelling unit or rooming unit and persons who are in possession thereof; including, but not limited to the mortgagee.

Person shall mean any individual, corporation, firm, partnership, association, organization, or other legal entity.

Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machine, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

Public Authority shall mean any officer who is in charge of any department or branch of the government of Gaston County or the State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings in Gaston County.

Residential Structure shall mean any structure or combination of structures used for human habitation, which shall include but not be limited to: conventional site-built homes, modular homes, manufactured homes, trailers. Travel trailers and campers shall not be considered mobile homes, unless located on a site for one hundred and eighty (180) consecutive days or longer and intended to be used as a permanent residence.

Rooming House shall mean any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to persons who are not husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

Rooming Unit shall mean any room, or group of rooms, forming a single habitable unit used, or intended to be used, for living and sleeping, not intended for cooking or eating purposes.

Rubbish shall mean non-food waste materials. The term shall include items such as: paper, rags, cartons, boxes, wood, excelsior rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust. Supplied shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.

Supplied Facilities shall mean the sink or water basin; toilet or water closet; tub and/or shower stall in a bathroom.

Temporary Housing shall mean any tent, trailer or other structure used for human shelter, which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

Unfit for Human Habitation shall mean that conditions exist in a dwelling, dwelling unit, rooming house, or rooming unit, which do not comply with one (1) or more of the requirements established by this ordinance.

Working Day shall mean normal working hours and working days for Gaston County Building Inspections.

The following terms of construction shall apply in the interpretation and enforcement of this ordinance:

Terms defined in other codes. Where terms are not defined in this code and are defined in the North Carolina Residential Code, North Carolina Plumbing Code, North Carolina Fuel Gas Code, North Carolina Mechanical Code, or the North Carolina regulations for Manufactured homes, such terms shall have the meanings ascribed to them as stated in those codes.

Terms not defined. Where terms are not defined through the methods authorized by this code, such terms shall have ordinarily accepted meanings such as context implies.

Words having certain meaning. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" and "premises" are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof."

Sec. 4-124. Minimum standards of fitness for dwellings, dwelling units, and manufactured homes.

Standards for dwellings, dwelling units, rooming units, and manufactured homes shall be:

- (a) Every dwelling, dwelling unit, and rooming unit used as a human habitation shall comply with the North Carolina State Building Codes, at the time of construction, and with all standards of fitness for human habitation and the requirements as set forth in this ordinance.
- (b) No person shall occupy, let to another for occupancy, or use as a human habitation any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards of fitness of human habitation in this ordinance.
- (c) Every manufactured home used as a human habitation shall comply with all applicable codes, at the time of manufacture and with all regulations promulgated by the NC State Building Code Council.

Sec. 4-125. Minimum standards for structural condition.

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The following standards shall constitute the minimum standards for structural conditions of a dwelling or dwelling unit:

- (a) Walls, partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, buckle, and shall not be rotten, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
- (b) Floors or roofs shall have adequate supporting members and strength to be in a condition which is structurally sound and safe for the purpose used.
- (c) Foundations, foundation walls, piers or other foundation supports shall be in a condition which is structurally sound and safe for the purpose used.
- (d) Steps, stairs, landings, porches, decks, balconies, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse. Any stairs or steps having four (4) or more risers shall have a hand rail. Any decks, porches, landings or balconies thirty inches (30") or more above grade shall have a guard rail.
- (e) Adequate facilities for egress in case of fire or panic shall be provided.
- (f) Interior walls and ceilings of all rooms, closets, and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable occupants to maintain reasonable privacy between various spaces.
- (g) The roof, flashing, exterior walls, floors, doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and watertight.
- (h) There shall be no chimneys or parts thereof which are defective, deteriorated, in danger of falling, or in such condition or location as to constitute a fire hazard.
- (i) There shall be no use of the ground for floors, or wood floors on the ground.

Sec. 4-126. Minimum standards for basic plumbing, heating and electrical equipment and facilities.

Standards for basic plumbing, heating and electrical equipment and facilities shall be as follows:

- (a) Plumbing System.
 - (1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system. All said connections shall be constructed in an approved manner in accordance with existing regulations.
 - (2) Each dwelling unit shall contain the following: not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. Water heaters shall be capable of heating water to one hundred and twenty (120) degrees Fahrenheit. All water shall be supplied through an approved pipe distribution system, connected to a potable water supply.
 - (3) All existing plumbing fixtures, water lines and sewer lines shall meet the standards of the NC State Building Codes, at the time it was installed, and shall be maintained in a state of good repair and in good working order, adequately protected from freezing.
 - (4) All existing required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.
- (b) Heating System.
 - (1) Central Heating Systems. Every central heating system shall have and maintain sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.
 - (2) Other Heating Facilities. Where a central or electric heating system is not provided, each dwelling unit shall have adequate heating appliances installed and maintained in good and safe working condition and capable of safely and adequately heating habitable rooms, bathrooms and water closet compartments so as to furnish a minimum temperature of sixty eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary minimum winter conditions. In addition, each dwelling unit shall be provided with sufficient chimney, flues, gas vents and/or fireplaces in accordance with the provisions of the North Carolina State Building Codes. Portable heaters are not permitted as a primary

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source of heating. No unvented fossil fuel burning appliances shall be allowed in sleeping areas.

(c) Electrical Systems.

- (1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles in each room located on separate walls, and also one (1) electric light switch at each outside entrance, connected in such manner as determined by the National Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling or wall type electric light fixture, with a switch. Electrical outlets in dwellings which have been ordered by the Housing Inspector to be repaired shall conform to the minimum standards set forth in this ordinance. In bathrooms, water closet rooms, laundry rooms, furnace rooms and kitchens shall have GFCI protected outlets, installed to manufacturer's specifications.
- (2) Every public hall and stairway in every multiple dwelling unit shall be adequately lighted by switched electric lights at all times when natural daylight is not sufficient.
- (3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the National Electrical Code.

Sec. 4-127. Minimum standards for ventilation.

- (a) Habitable Rooms. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device, such as air conditioning, as will adequately ventilate the room, unless otherwise approved by the Housing Inspector. The window or skylight shall face directly to the outdoors unless otherwise approved by the Housing Inspector.
- (b) Bathroom and Water Closet Rooms. Every bathroom and water closet room shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

Sec. 4-128. Minimum standards for space, use and location.

Room Size. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the NC State Building Code.

- (a) Cellar. No cellar shall be used for living purposes.
- (b) Basements. No basements shall be used for living purposes unless:
 - (1) The floor and walls are substantially watertight;
 - (2) Every habitable room shall have at least one (1) window facing directly to the outdoors which can be easily opened. If other ventilation, approved by the Housing Inspector, is provided, then window(s) do not have to open. All areas used for sleeping purposes shall meet egress requirements of the NC State Building Codes, at time of construction.
- (c) The window area of every habitable room shall be entirely above the grade except where the window or windows face a stairwell, window well or access way.

Sec. 4-129. Minimum standards for safe and sanitary maintenance.

- (a) Exterior foundation, walls, and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof, kept in sound and good repair, and capable of supporting the load which normal use would cause to be placed thereon.
- (b) Interior floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof, kept in sound condition and good repair, and safe to use and capable of supporting load which normal use would cause to be placed thereon.
- (c) Windows and doors. Every window, exterior door, basement, cellar door, and hatchway shall be substantially weather tight, watertight, rodent proof and kept in sound working condition and good repair. All exterior doors shall have an apparatus for opening and closing the door on both sides, a locking mechanism which can be opened from both sides of the door and kept in sound repair.
- (d) Stairs, porches, and appurtenances. Every outside and inside stair, porch, and any appurtenance thereto, shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon, and kept in sound condition and good repair.

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- (e) Bathroom floors and walls. Every bathroom floor surface, water closet compartment floor surface, and every tub and shower wall surface shall be constructed and maintained so to be substantially impervious to water and will permit such surface to be easily kept in a clean and sanitary condition.
- (f) Supplied Facilities. Every supplied facility or piece of equipment of utility shall be constructed or installed so it will function safely and effectively and shall be maintained in satisfactory working condition.
- (g) Drainage. Every yard shall be properly graded in order to obtain thorough drainage away from the dwelling unit and to prevent the accumulation of stagnant water.
- (h) Egress. Every dwelling unit shall be provided with adequate and unobstructed means of egress as required by the NC State Building Code.

Sec. 4-130. Minimum standards for control of insects, rodents, and infestations.

- (a) Screens. In every dwelling unit, every door opening and window or other device open to the outdoor space, used or intended for ventilation, shall be equipped with screens. Every dwelling unit which does not have an air conditioning system shall have screens on every window opening intended to be used for ventilation.
- (b) Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents shall be equipped with screens or such other approved device as will effectively prevent their entrance.
- (c) Infestation.
 - (1) Owners who occupy single dwelling units shall be responsible for extermination of any insects, rodents or other pests within the premises.
 - (2) All rental properties will be reasonably free of insect infestations at the time of tenancy change. The lessee shall have a period of five (5) days after occupancy to request an inspection for infestation. After five (5) days, the lessee shall be responsible to maintain the dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the lessee.
 - (3) In cases of multiple dwelling units where infestation exists in two (2) or more of said units or in the shared or public parts of any dwelling units, extermination shall be the responsibility of the owner.
- (d) Garbage and Rubbish Storage and Disposal.
 - (1) Property owners or tenant of single dwelling units shall be responsible for providing an approved container for outdoor storage of rubbish, and to provide an approved garbage disposal facility, as required by County Solid Waste Regulations.
 - (2) It is the property owner's responsibility to provide for the removal and disposal of rubbish and garbage in an approved manner, except for those dwellings being leased, and then the primary responsibility shall be placed on the occupant. Whenever the removal of rubbish and garbage is not carried out by the lessee, then the responsibility shall be that of the owner.
 - (3) In cases of multiple dwelling the responsibility of rubbish and garbage removal will be that of the owner.

Sec. 4-131. Minimum standards applicable to rooming houses.

All minimum standards and requirements of this ordinance shall be applicable to rooming houses, and to every person who operates a rooming house, who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following paragraphs.

- (a) Water Closet, Hand Lavatory and Bath Facilities. At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

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- (b) Minimum Floor Areas. Every room occupied for sleeping purposes by one (1) occupant shall have the minimum floor space as required by the State Residential Building Codes.
- (c) Sanitary Conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house. The operator shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- (d) Sanitary Facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by paragraph one (1) of this Section shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

Sec. 4-132. Smoke detection system.

All residential units, which have been ordered by the Housing Inspector to be repaired and to conform to the minimum standards set forth in this ordinance, shall have automatic smoke detection systems installed to conform to the standards in the North Carolina Building Codes. If a landlord fails to provide, install, replace, or repair a smoke detector under the provisions of North Carolina General Statute Section 42-42(a)(5) within 30 days of having received written notice from the tenant or any agent of state or local government of the landlord's failure to do so, the landlord shall be responsible for an infraction and shall be subject to a fine of two hundred fifty dollars (\$250.00) for each violation. The landlord may temporarily disconnect a smoke detector in a dwelling unit or common area for construction or rehabilitation activities when such activities are likely to activate the smoke detector or make it inactive. This section shall not apply to residential units that are not under direct order of the Housing Inspector to be repaired.

Sec. 4-133. Powers and duties of the Housing Inspector.

The Director of Inspections for Gaston County or his/her designee is hereby designated as the Housing Inspector; the officer shall enforce the provisions of this ordinance and exercise the duties and powers herein prescribed. Duties and powers of the Housing Inspector are:

- (1) To investigate housing conditions; inspect dwellings and dwelling units located in the County; determine which dwellings and dwelling units are unfit for human habitation in violation of this ordinance; and carry out the objectives of this ordinance;
- (2) To take such action, together with other appropriate departments and agencies, public or private, as necessary to effect rehabilitation of housing which is deteriorated, and/or dilapidated and carry out the general spirit and purpose of this regulation;
- (3) To keep a record of the results of inspections made under this ordinance, including a list of all those dwellings inspected and not in compliance with the Housing Inspector's report;
- (4) To perform duties necessary and incidental to the fulfillment of the general spirit and purpose of these regulations;
- (5) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with this ordinance and state law, and shall be made in such a manner as to cause the least possible inconvenience to the persons in possession;
- (6) To appoint and affix the duties of such officers, agents, and employees necessary to assist in carrying out the purposes of this ordinance, and to delegate any of the Housing Inspector's functions and powers to such officers, agents, and employees;
- (7) To administer oaths, affirmations, examine witnesses and receive evidence.

Sec. 4-134. Emergency situations.

- (a) Emergency situations requiring immediate repair:
 - (1) After an inspection of a dwelling in which any or all of the below emergency situations exist, the owner shall repair and correct any substandard item within four-eight (48) hours of the building being inspected and notification of violation being given:
 - a. Repair any broken, burst, frozen or inoperable plumbing pipe or fixtures (water or sewer);
 - b. Repair any exposed or unsafe electrical wiring;
 - c. Repair or replace any unsafe and/or dangerous cooking appliances, provided by the owner;
 - d. Repair, replace or install heating equipment;

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- e. Repair or replace above ground fuel storage tanks that are leaking, improperly supported or dangerous;
- (2) Upon discovery of any of the above emergency situations, the Housing Inspector shall provide notification to the owner of the dwelling to correct or repair the emergency situation, as listed above, within a forty-eight (48) hour period after notification of the violation. Notice of violation shall be in any three (3) of the following forms:
 - a. Posting of the dwelling, showing the emergency situation(s) to be corrected and specified time limit in which repairs are to be corrected.
 - b. Notification of the owner by certified mail of the violation with the specified time period in which to have the problem corrected. Notification to the property owner shall be deemed to be twenty-four (24) hours after depositing the letter.
 - c. Notification by telephone, fax or hand delivery.
- (3) Should the emergency situation not be corrected by the owner within the forty-eight (48) hour period after notification, then the Housing Inspector shall fine the owner two hundred and fifty dollars (\$250.00) and take action to authorize the disconnection of any and all utilities to the property, and to place a placard on the home stating that it is "unfit for human habitation". Furthermore, this property cannot be reoccupied until such time as the repairs are made and it has been re-inspected by the Housing Inspector to insure the emergency situation has been corrected to bring the dwelling into compliance with this ordinance pursuant to 153A-140.
- (4) All other non-emergency violations of the Minimum Housing Ordinance shall be corrected within ninety (90) days from the date of inspection of the property. Failure to comply with this order will result in a fine to the owner of the property of fifty dollars (\$50.00) a day until the property is re-inspected and found to be in compliance with the Minimum Housing standard.
- (5) An owner may appeal the order by giving written notice of appeal to the Gaston County Director of inspections within ten (10) days following the day the order is issued. In the absence of an appeal, the order of the inspector is final.
- (b) Natural Disasters. During periods of declared natural disasters, defined as hurricanes, tornados, floods, earthquakes, forest fires, and other similar acts of God, the provisions in this subsection shall be suspended:
 - (1) Public Areas. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
 - (2) Cleanliness. Every dwelling or dwelling unit shall be delivered in a clean and sanitary condition, and every occupant shall keep that part of the dwelling, dwelling unit and premises which he/she occupies and controls in a similar manner.
 - (3) Rubbish and Garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by, within seven (7) days, placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.
 - (4) Supplied Plumbing Fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.
 - (5) Care of Facilities, and Equipment and Structure. No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit. Willful destruction of the premises by the occupant shall be deemed legal grounds for eviction and other legal remedies.

Sec. 4-135. Utilities and permits.

- (a) Utilities. The County shall not provide, nor permit another to provide (either public or private) utility services such as water/sewer, electricity, well/septic tank, etc., to any substandard building or dwelling unit which is currently under inspection of the Housing Inspector until said dwelling is brought into compliance with this Code. This requirement shall not preclude the temporary use of such utility services as may be deemed necessary during construction, repair or alteration. The Housing Inspector shall be responsible for making the determination as to when such "temporary services" may be necessary.

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- (b) Permit. No building, plumbing, electrical, gas or other permit, as may be required, for an addition, alteration or repair of an existing substandard building or dwelling unit, shall be issued until such time as an inspection of the property has been made to determine the feasibility of rehabilitation of such building or dwelling unit. If the determination is made that rehabilitation of such building or dwelling unit is feasible, any permits issued will in no way affect time limitations dictated by these regulations.

Sec. 4-136. Administration; Housing Appeal Board.

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

Sec. 4-137. Procedures for enforcement.

- (a) Whenever a petition is filed with the Housing Inspector charging that any dwelling is unfit for human habitation by at least five (5) residents or whenever it appears to the Housing Inspector (on his own motion) that any dwelling is unfit for human habitation, the Housing Inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect, and:
 - (1) that an inspection will be performed and a hearing will be held before the Housing Inspector or his designated agent at the subject property,
 - (2) the hearing will be held not less than ten (10) days or more than thirty (30) days after the serving of the complaint;
 - (3) that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and
 - (4) that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Inspector.

The Housing Inspector or duly appointed designee, who conducts the preliminary inspection of a petition, shall be the Inspector of record for the petition.

- (b) If after notice and hearing, the Housing Inspector determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order, to either repair, alter, abate or demolish the subject property.
- (c) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Housing Inspector may cause the dwelling to be vacated and closed; and the Housing Inspector may cause the property to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. Failure by the owner to properly secure the property within ten (10) days will result in Gaston County securing the building and charging the owner for the expenses associated with this action.
- (d) If the owner fails to comply with an order to remove or demolish the dwelling, the Housing Inspector may cause such dwelling to be removed or demolished.

The duties of the Housing Inspector set forth in the proceeding subparagraphs (c) and (d) shall not be exercised until the Gaston County Board of Commissioners have ordered the Housing Inspector to proceed to effectuate the purpose of this ordinance with respect to the particular property or properties which the Housing Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. The Housing inspector shall inform the Board of Commissioners of the property at a public hearing after inspection of the property and failure of the owner to take corrective actions.

No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the Register of Deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

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- (e) The amount of the cost of vacating and closing, or removal or demolition by the Housing Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in North Carolina General Statutes Chapter 160A, Article 10. Nothing in this section shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.
- (f) If any occupant fails to comply with an order to vacate a dwelling, the Housing Inspector may file a civil action in the name of the County to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in North Carolina General Statute Section 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the Housing Inspector produces a certified copy of an ordinance adopted by the Board of Commissioners pursuant to subdivision (4) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under North Carolina General Statute Section 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in North Carolina General Statute Section 7A-228, and the execution of such judgment may be stayed as provided in North Carolina General Statute Section 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Board of Commissioners ordered the Housing Inspector to proceed to exercise his duties under subdivisions (3) and (4) of this section to vacate and close or remove and demolish the dwelling.
- (g) That whenever a determination is made pursuant to this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the Housing Inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Housing Inspector or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Housing Inspector to wait forty-five (45) days before causing removal or demolition.

Sec. 4-138. Methods of service or complaints and orders.

- (a) Upon receipt of a complaint or request for inspection in non-emergency situations, the Housing Inspector shall notify the property owner and/or tenant in the following manner:
 - (1) The Housing Inspector shall contact both the owner and the tenant advising that a complaint or report has been filed with the Housing Inspector;
 - (2) The Housing Inspector shall also notify the tenant of the specific date of the inspection, in a similar manner to the owner notification.
- (b) If the house to be inspected is owner occupied, then the Housing Inspector shall advise the owner, at the time of the notice, of their constitutional rights to refuse entry to the Housing Inspector.
- (c) If the owner or tenant will not grant entry to the property, then the Housing Inspector in accordance with North Carolina General Statute 15-27.2 will seek an administrative search warrant to inspect the property.
- (d) Complaints or orders issued by the Housing Inspector shall be served upon persons either personally or by certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Housing Inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, the Housing Inspector shall make an affidavit to that effect,

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then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in Gaston County at least once no later than the time at which personal service would be required under the ordinance. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

Sec. 4-139. Appeals from orders of the Housing Inspector.

An appeal from any decision or order of the Housing Inspector may be taken by any person aggrieved thereby. Any appeal from the Housing Inspector shall be taken within ten (10) days from the rendering of the decision or service of the order, by filing with the Housing Inspector and with the Housing Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Housing Inspector shall forthwith transmit to the Board all the papers constituting the record from which the appealed decision was made. When the appeal is from a decision of the Housing Inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Housing Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Housing Board, unless the Housing Inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certification, (a copy of which shall be furnished the person who is appealing), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by restraining order, for due cause shown upon not less than one (1) day written notice to the Housing Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. 160A-446(5).

- (a) The Housing Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all parties, and shall render its decision within a reasonable time. Any party may appear in person, by agent, or attorney. The Board may reverse or affirm, wholly, partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to this end shall have all the powers of the Housing Inspector. The Board shall have power also in passing upon appeals, in the case where there are practical difficulties or unnecessary hardships in a way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (b) If the violations are considered by the Housing Inspector to be emergency/life threatening violations, then the Housing Inspector shall cause the utilities to be removed and to place a placard on the home stating that "this occupancy is unsafe to occupy". The placard will remain in place until such time as the appeal can be heard.
- (c) Every decision of the Housing Board shall be subject to review by the proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Board, but not otherwise.
- (d) Any person aggrieved by an order by the Housing Inspector or a decision rendered by the Housing Board shall have the right, within thirty (30) working days after issuance of the order or rendering of the decision, to petition the Superior Court for an injunction restraining the Housing Inspector from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Housing Inspector pending a final disposition of the cause, as provided by G.S. 160A-446.

Sec. 4-140. Alternative Remedies.

Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of Gaston County to define and declare nuisances and to cause this ordinance by criminal process as authorized by North Carolina General Statute Section 14-4 and this ordinance, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinance or laws. Pursuant to the North Carolina General Statute Section 153A-123, a civil penalty may be imposed by the Board of Commissioners.

Sec. 4-141. Conflict with other provisions.

In the event any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of Gaston County, the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of Gaston County shall prevail.

Sec. 4-142. Violations; Penalty.

- (a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove the same, or to vacate and close and remove or demolish and remove the same, upon order of the Housing Inspector

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duly made and served as herein provided, within the time specified in such order. Each day that such order is violated shall be considered failure, neglect, or refusal to comply with such order and shall constitute a separate and distinct offense.

- (b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section 4-123 of this ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or vacating the premises and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (c) The violation of any provision of this ordinance shall constitute a Class 3 misdemeanor, as provided by North Carolina General Statute Section 14-4.
- (d) In addition to the penalty established by subsection (3) above, and the remedies provided by other provisions of this ordinance, this ordinance may be enforced by an appropriate equitable remedy issued by a court or competent jurisdiction.

Sec. 4-143. Amendment Procedure.

The Board of Commissioners may from time to time amend the terms of this ordinance. No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Gaston County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty five (25) or less than fifteen (15) days prior to the hearing date. In computing the fifteen (15) to twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

Sec. 4-144. Severability.

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision thereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

Sec. 4-145. Miscellaneous.

When an order to renovate, repair or demolish a dwelling has been issued by the Housing Inspector where the subject property is unoccupied, the property owner shall take steps to secure the building covering all points of ingress/egress and openings with material which is not easily penetrable (such as plywood or boards of sufficient width to withstand penetration or other similar materials.)

Failure by the owner to properly secure the property within ten (10) days will result in Gaston County securing the building and charging the owner for the expenses associated with this action. Failure to pay for this expense will result in the charges being placed against the property as property taxes.

Sec. 4-145. Effective Date.

This ordinance, as filed with the Clerk to the Board, shall be effective upon adoption by the Gaston County Board of Commissioners.

I, Donna Buff, Clerk to the Board of Commissioners of Gaston County, North Carolina, hereby certify that the foregoing is a true and correct copy of the MINIMUM HOUSING STANDARDS ORDINANCE, adopted by the Board of Commissioners at a regular meeting held on May 28, 2019.

Donna S. Buff, Clerk to the Board

SEAL

Public Hearing - RE: Commissioner Chad Brown - County Attorney - To Establish an Ordinance Regulating Nonresidential Buildings and Structures (Chapter 4, Article V)

Chairman Philbeck introduced Mr. Sciba for comments.

Mr. Sciba advised staff receives many calls for non-residential buildings; staff reviewed the current ordinance and discovered the County did not have any legal right to approach these buildings; the minimum housing standard states it is for residential structures only; staff wanted to put something in place to look at these buildings and address complaints as they came in; it reads almost the same as the minimum housing code as far as the standards that must be in

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place; a key feature of this ordinance is the County's ability to address issues with vacant structure's occupied by vagrants as public nuisances.

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

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

Chairman Philbeck asked what types of buildings this would involve.

Mr. Sciba cited the old Roper building that use to be on Woodlawn St.; staff would get numerous calls about vagrants, trash piles, broken windows, high grass, etc; the building was beside a school; staff did not have a way to address it and had to work with them the best it could; staff had no legal recourse to take them to court; needed a method to address recurring problems.

Commissioner Worley asked if the County would be able to take some action because he still gets calls about that building.

Mr. Sciba advised that the building had been purchased and a business is considering relocating there.

Commissioner Worley asked about the Food Lion and other buildings on Woodlawn in north Belmont.

Mr. Sciba responded with this ordinance in place staff will be able to address any of those buildings in some way (i.e., hire a contractor to board them up to secure them).

Commissioner Hovis asked if this would also allow the County to enforce residential properties with detached accessory structures that are not living structures.

Mr. Sciba responded "yes".

Chairman Philbeck asked if this would address existing accessory structures on personal property or would they be grandfathered.

Mr. Sciba responded the commercial ordinance speaks to whether the building was in existence or not so staff can reach back to those.

Chairman Philbeck called for the vote, and the BOC unanimously approved **2019-130** To Establish an Ordinance Regulating Nonresidential Buildings and Structures (Chapter 4, Article V) *as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances as follows:*

WHEREAS, Chapter 4 of the Gaston County Code of Ordinances concerns Buildings, Construction, and Related Activities; and,

WHEREAS, Gaston County wishes to create a new ordinance regulating Nonresidential Buildings and Structures; and,

WHEREAS, the purpose of these ordinances is to establish Minimum Standards for the maintenance, sanitation, and safety of all Nonresidential Buildings and Structures within the unincorporated areas of Gaston County.

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NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby establishes Article V of Chapter 4 of the Gaston County Code of Ordinances as attached herein and as filed with the Clerk to the Board.

This ordinance, as filed with the Clerk to the Board, shall be effective immediately upon its adoption.

ARTICLE V - REGULATION OF NONRESIDENTIAL BUILDINGS AND STRUCTURES

DIVISION 1. – GENERALLY

Sec. 4-101. - Short title.

The rules and regulations prescribed by this article shall be known and cited as "The Nonresidential Building Code of Gaston County" and may be referred to in this article as "this code" or "the Article."

Sec. 4-102. – Purpose, authority, and findings.

Pursuant to G.S. 160A-439 and 153A-372.1, it is the purpose of this article to establish minimum standards for the maintenance, sanitation and safety of all nonresidential buildings and structures within the unincorporated areas of Gaston County. This article does not replace or modify requirements or standards otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities, except as provided in this article.

It is also the purpose of the provisions of this article to provide a just, equitable and practical method whereby nonresidential buildings and structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the occupants or other residents of the jurisdiction, diminish property values or detract excessively from the appropriate appearance of the area in which they are located, may be required to be repaired, closed, vacated, or demolished. The provisions of this article are cumulative with and in addition to any other remedy provided by law, including the placement of liens as indicated in G.S. 153A-372(b) and other relevant sections.

It is found and declared that there exists in the unincorporated areas of Gaston County nonresidential buildings and structures which are unsafe and especially dangerous to life because of liability to fire or because of bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress and other causes. In addition, it is hereby found and declared that there exists in the unincorporated areas of Gaston County nonresidential buildings and structures which, although not meeting the classification of unsafe and especially dangerous to life, fail to fully comply with all the minimum standards for nonresidential buildings and structures fitness as established herein and, therefore, present one or more conditions which are inimical to the public health, safety, and general welfare of the occupants or other residents of the jurisdiction. Such conditions, if not corrected, can lead to deterioration and dilapidation of nonresidential buildings and structures which render them unsafe and especially dangerous to life.

Sec.4-103. - Scope and applicability.

- (a) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the jurisdictional limits of the County.
- (b) Every nonresidential building or structure and the property on which it is situated shall comply with the provisions of this article, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities.

Sec. 4-104. - Definitions.

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

Alteration, as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; as enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; and the term "alter" in its various moods and tenses and its participle refers to the making of an alteration.

Approved, as applied to a material, device or mode of construction, means approved by the inspector under this article or by other authority designated by law to give approval in the matter in question.

Area:

- (1) As applied to the dimensions of a building, means the maximum horizontal projected area of the building.
- (2) As applied to the dimensions of a room, means the total square footage of floor area between finished walls.

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Basement/Cellar shall mean a portion of a dwelling which is located at least 50% underground, having direct access to light and air from windows above the level of the adjoining ground.

Building means, for the purposes of this article, any structure built for the shelter or enclosure of persons, animals or property of any kind. The term "building" shall be construed as if followed by the phrase "or part thereof."

County Commissioners or Board of County Commissioners means the Gaston County Board of County Commissioners.

Close means securing the building or structure so that unauthorized persons cannot gain entrance.

Code enforcement official means the person who has been designated by the county manager to enforce this article. This person is also known as the Chief Building Inspector and, for minimum housing purposes, as the Housing Inspector.

Demolish means the demolition and removal of the entire building or structure, leaving the property free and clear of any debris and without holes or pockets which may retain water.

Extermination shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination method approved by the Housing Inspector.

Garbage shall mean the waste resulting from the handling, preparation, cooking and consumption of food.

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

Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or public.

Inspector means any person who is authorized by the code enforcement official to conduct inspections for the purpose of this article.

Nonresidential means any building or structure that is not a dwelling, lodging establishment, manufactured home or rooming house as those terms are defined in Chapter 4.

Owner means the holder of title in fee simple and every mortgagee of record.

Party in interest means all individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

Pier means masonry or other material support extending from the ground and footing to and supporting the building or portion thereof. Pier sizes and spacing shall conform to the specifications of the state building code.

Plumbing means and includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical sink grinders, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Property means any lot or parcel of land inclusive of any building, structures or improvements located thereon.

Public Authority shall mean any officer who is in charge of any department or branch of the government of Gaston County or the State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings in Gaston County.

State building code means the North Carolina State Building Code or any superseding regulation.

Vacant means that a building or structure has not been used for its intended purpose or for any lawful purpose for a period of at least one-hundred and eighty (180) consecutive days.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 4-105. - Duties and powers of the code enforcement official.

It shall be the duty of the code enforcement official to:

- (a) Investigate the conditions of and inspect buildings and structures in the County in order to determine whether they have been properly maintained in compliance with the minimum standards established by this article so that the safety or health of the occupants or members of the general public are not jeopardized;

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- (b) Enter upon property for the purpose of making examinations and inspections provided that such entries shall be made in accordance with law and in such a manner as to cause the least possible inconvenience to the persons in possession, if any;
- (c) If permission to enter is not granted by the owner, the owner's agent, a tenant, or other person legally in possession of the property, obtain a duly issued administrative search warrant in accordance with G.S. 15-27.2;
- (d) Appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of this article;
- (e) Delegate any of their functions and powers under this article to other officers and agents;
- (f) Take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect compliance of nonresidential buildings or structures which are in an unsafe condition;
- (g) Administer oaths and affirmations, examine witnesses and receive evidence;
- (h) Issue notices of violation and impose civil penalties;
- (i) Keep a record of the results of inspections made under this article; and
- (j) Perform such other duties as may be prescribed in this article.

Sec. 4-106. - Inspections.

For the purpose of making inspections, the code enforcement official is hereby authorized to enter, examine and survey, at all reasonable times, all property after sufficiently identifying themselves. The owner or occupant of every property, or the person in charge thereof, shall give the code enforcement official free access to such property, at all reasonable times, for the purpose of such inspection, examination and survey.

Sec. 4-107. - Relationship of duties and responsibilities to occupancy.

The provisions of this article that apply to the exterior or interior components of a structure or building or premises shall be complied with whether the structure or building or premises is occupied or vacant. All unoccupied or vacant structures or buildings shall be secured by their owners to prevent the entry of unauthorized persons or the formation of nuisance conditions such as infestation.

Sec. 4-108. - Administrative liability.

Except as may otherwise be provided by statute, local law, or ordinance, no County officer, agent or employee charged with the enforcement of this article shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this article unless they acted with actual malice.

Sec. 4-109. Substandard conditions, generally.

- (a) Every vacant nonresidential building or structure which does not comply with all the requirements herein shall be deemed substandard.
- (b) Unless otherwise provided herein in this division, all requirements relating to vacant nonresidential building structures shall be the responsibility of the owner.
- (c) A building or structure shall be found to be especially dangerous to life and held unsafe by the inspector if the inspector finds that any one (1) of the following conditions exists in such building or structure:
 - (1) Interior walls or vertical studs which seriously lists, lean or buckle to an extent as to render the building unsafe.
 - (2) Supporting member or members which show thirty-three percent (33%) or more damage or deterioration, non-supporting, enclosing or outside walls or covering which shows fifty percent (50%) or more of deterioration.
 - (3) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purposes used.
 - (4) Such damage by fire, wind or other causes as to render the building unsafe.
 - (5) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people of the jurisdiction.
 - (6) Inadequate facilities for egress in case of fire or panic.
 - (7) Defects significantly increasing the hazards of fire, accident, or other calamities.
 - (8) Lack of adequate ventilation, light, heating, or sanitary facilities to such an extent as to endanger the health, safety or general welfare of the occupants or other residents of the jurisdiction.
 - (9) Lack of proper electrical, heating, or plumbing facilities required by this article which constitutes a health or definite safety hazard.
 - (10) For any building whose occupancy classification requires it, lack of connection to a potable water supply and/or to the public sanitary sewer or other approved sewage disposal system. For the purposes of this standard, a building is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill or otherwise if the system for any reason is not receiving a flow of potable water to the tap.

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- (11) Any violation of the State Fire Prevention Code, which constitutes a condition which is unsafe and especially dangerous to life.
- (12) Any abandoned nonresidential building which is found to be a health or safety hazard by the inspector as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary conditions.
- (13) Roof flashing that is defective, admits rains, or is leaking.
- (14) Overhead canopies, signs, awnings, fire escapes, standpipes, exhaust ducts, decks, exterior stairways, porches, and other similar structures that are improperly maintained, and/or improperly anchored in such a way as to endanger the health, safety, or general welfare of nearby people.
- (d) No person shall occupy as owner-occupant, or lease to another or others for occupancy, any nonresidential building or structure which exhibits any of the conditions described in this subsection.
- (e) The inspector shall determine that a vacant nonresidential building is not appropriate for occupation if they find that any of the conditions contained in this subsection exist in such building or structure.
- (f) A vacant nonresidential building or structure that has been inspected and found to be unfit for use or occupation may not be occupied until its owner receives a certificate of fitness from the County

Sec. 4-110. - Procedure for enforcement.

- (a) *Preliminary investigation.* Whenever it appears to the code enforcement official that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this article, he/she shall undertake a preliminary investigation.
- (b) *Complaint and hearing.* If the preliminary investigation discloses evidence of a violation of the minimum standards established by this article, the code enforcement official shall issue a complaint and cause it to be served upon the owner of and parties in interest in such nonresidential building or structure. The complaint shall state the charges and contain a notice that a hearing will be held before the code enforcement official at a place therein fixed, not less than ten (10) days or more than thirty (30) days after the serving of such complaint. The owner or any party in interest shall have the right to correct the violation or to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing before the code enforcement official.
- (c) *Procedure after hearing; issuance of order.*
 - (1) If, after notice and hearing provided for in subsection (b), the code enforcement official determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established in this article, the code enforcement official shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner an order.
 - (2) If the code enforcement official determines that the cost of repair, alteration, or improvement of the nonresidential building or structure would not exceed fifty percent (50%) of its then-current value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either:
 - a. Repair, alter or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established in this article;
 - or
 - b. Vacate and close the nonresidential building or structure for any use.
 - (3) If the code enforcement official determines that the cost of repair, alteration, or improvement of the nonresidential building or structure would exceed 50 percent (50%) of its then tax value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within sixty (60) days, to remove or demolish the nonresidential building or structure.
- (d) *Limitations on orders.*

The limitation on orders, as established in G.S. 160A-439(e) shall be applicable.

- (e) *Action by the Board of County Commissioners upon failure to comply with order.*

- (1) If the owner fails to comply with an order to repair, alter, improve or vacate and close the nonresidential building or structure, the Board of County Commissioners may adopt an ordinance ordering the code enforcement official to cause such building or structure to be vacated and closed for any use. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the Register of Deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the code enforcement official may cause the building or structure to be vacated and closed. The code enforcement official

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may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

- (2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the Board of County Commissioners may adopt an ordinance ordering the code enforcement official to cause such building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established in this article. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the Register of Deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the code enforcement official may cause the building or structure to be removed or demolished.

Sec. 4-111. - Appeals from order of code enforcement official to the housing board.

- (a) An appeal from any decision of the code enforcement official may be taken by any person aggrieved thereby to the Housing Board described herein. Any appeal from the code enforcement official must be taken within ten (10) days after the rendering of the decision or service of the order by filing with the code enforcement official and with the Housing Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the code enforcement official shall forthwith transmit to the Housing Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the code enforcement official refusing to allow the person aggrieved thereby to do any act, the code enforcement official's decision shall remain in force until modified or reversed. When an appeal is from a decision of the code enforcement official requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing of the Housing Board unless the code enforcement official certifies to the board, after the notice of appeal is made, that by reason of the fact stated in the certificate, a copy of which shall be furnished to the appellant and other parties in interest, a suspension of this requirement would cause imminent peril to life or property. When the code enforcement official issues such a certificate, the requirement shall not be suspended except by a restraining order which may be granted for due cause shown upon not less than one (1) day's written notice to the code enforcement official by the Housing Board or by a court of record upon petition made pursuant to G.S. 160A-446(c) and subsection (c) of this section. The Housing Board shall fix a reasonable time for the hearing of all appeals and cross appeals, shall give due notices to all parties in interest and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney and present evidence. The Housing Board may reverse, affirm, wholly or partly, or modify the decision or order appealed from and may make such decision and order as in its opinion ought to be made in the matter. All Housing Board meetings shall have a quorum present of at least three (3) members, and the vote of at least two (2) members shall be required for a decision on an appeal or cross appeal. The board shall have the power in passing upon appeals and cross appeals where there are practical difficulties or hardships to adopt the application of this chapter to the necessities of the individual case to the end that the general purposes of the law and justice shall be done.
- (b) Every decision of the Housing Board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the service of the decision of the board on the person who filed the appeal.
- (c) Any person aggrieved by an order issued by the code enforcement official or a decision rendered by the Housing Board shall have the right, within thirty (30) days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the code enforcement official pending a final disposition of the cause, as provided by G.S. 160A-446(f).

Sec. 4-112. - Methods of service of complaints and orders.

- (a) Complaints or orders issued by the code enforcement official pursuant to this article shall be served upon persons either personally or by registered or certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the property affected.
- (b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement official in the exercise of reasonable diligence, and the code enforcement official makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the County at least once no later than the time at which personal service would be required under this article. When service is made

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by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the property affected.

Sec. 4-113. - Lis pendens.

Any complaint and notice of hearing or order issued pursuant to this article may be filed in the notice of lis pendens in the office of the Clerk of the Superior Court. A copy of the complaint containing a notice of hearing or a copy of the order shall be attached to the lis pendens. When the lis pendens is filed with the clerk, it shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117 and it shall be served on the owners of and parties in interest in the building or structure. From the date and time of indexing the complaint and notice of hearing or order, it shall be binding upon the successors and assigns of the owners of and parties in interest in the building or structure. The code enforcement official may cancel the lis pendens upon their determination that the owner of the building or structure has fully complied with the code enforcement official's order.

Sec. 4-114. - Costs of a lien on the property.

- (a) As provided by G.S. 160A-439(i), the amount of the cost of vacating and closing, or removal or demolition, caused to be made or done by the code enforcement official pursuant to the provisions of this article, shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. Chapter 160A, Article 10.
- (b) The amount of the cost of vacating and closing, or removal or demolition expended by the code enforcement official is also a lien on any other real property of the owner located within the County except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.
- (c) If the nonresidential building or structure is removed or demolished by the code enforcement official, they shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure, and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition. Any balance remaining shall be deposited with the Clerk of Superior Court by the code enforcement official, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this article shall be construed to impair or limit in any way the power of the Board of County Commissioners to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 4-115. - Alternative remedies.

Enforcement by any remedy provided in this article shall not prevent enforcement by any other remedy provided in this article or in other ordinances or laws.

Sec. 4-116. - Conflict with other provisions.

If any provision, standard or requirement of this article is found to be in conflict with any other County ordinance, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the County shall prevail.

Sec. 4-117. - Violations: penalty.

- (a) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect or refuse to repair, alter or improve the building or structure, or to vacate and close and remove or demolish, or to vacate and close the building or structure upon order of the code enforcement official duly made and served as provided in this article, within the time specified in such order. Each day that any such failure, neglect or refusal to comply with such order continues, shall constitute a separate and distinct offense.
- (b) Any owner who fails to comply with an order of the code enforcement official to repair, alter or improve the building or structure or to vacate and close and remove or demolish the building or structure, or vacate and close the building or structure within the time specified in the order, shall be subject to a civil penalty in the amount of Five Hundred Dollars (\$500.00) for the first day of noncompliance and Fifty Dollars (\$50.00) for each day thereafter until the building or structure is brought into compliance with the order. The civil penalty may be recovered by the County in a civil action in the nature of a debt if the owner does not pay the penalty within thirty (30) days after the initial day of noncompliance.

Sec. 4-118. - Ejectment.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the code enforcement official may file a civil action in the name of the County to remove the occupant. Such action shall be filed in the nature of summary ejectment and conducted in accordance with G.S. 160A-439(j).

Sec. 4-119. - Severability.

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If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision thereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

Sec. 4-120. - Effective Date.

This ordinance, as filed with the Clerk to the Board, shall be effective upon adoption by the County Board of Commissioners.

I, Donna Buff, Clerk to the Board of Commissioners of Gaston County, North Carolina, hereby certify that the foregoing is a true and correct copy of the REGULATION OF NONRESIDENTIAL BUILDINGS AND STRUCTURES, adopted by the Board of County Commissioners at a regular meeting held on May 28, 2019.

Donna S. Buff, Clerk to the Board

SEAL

Mr. Sciba stated that both ordinances include a requirement to submit any buildings which are identified for demolition to the BOC for approval.

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

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Hovis, the BOC unanimously closed the Public Hearings.

Agenda Revision/Approval

- ADDED/ Commissioner Philbeck - BOC - To Revise the Gaston County Board of Commissioners' Regular Meeting Schedule for June, 2019 – V., Y.

On motion introduced by Commissioner Hovis and seconded by Commissioner Fraley, the BOC unanimously approved the Agenda of May 28, 2019 with changes as noted above.

Approval of Minutes

On motion introduced by Commissioner Hovis and seconded by Commissioner Jack Brown, the BOC unanimously approved the Minutes of the Regular Meeting of March 26, 2019, the Closed Session of April 9, 2019 NCGS 143-318.11(a)(5); the Regular Meeting of April 23, 2019 and the Closed Session of May 14, 2019 NCGS 143-318.11(a)(3).

Citizen Recognition

Miss Miariam Jaliawala, Mounty Holly, NC (attends Highland School of Technology) and speaking on behalf of the Gaston County Cancer Services Youth Advisory Council, advised her goal is to make Gaston County tobacco-free; she sees people at school using tobacco products and e-cigs in locker rooms, classrooms and bathrooms; it has become prominent among teens because of the way it has been targeted and advertised; supports prohibiting the use of tobacco products in government owned facilities.

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Miss Sarah Jaliawala, Mount Holly, NC and speaking on behalf of the Gaston County Cancer Services advised she is currently a junior at Stuart Cramer High School; her goal is to make Gaston County tobacco free; she sees teenagers vaping and thinks that we can solve this problem together.

Mrs. Nan Kirlin, Gastonia, NC and Gaston County's Recycling Coordinator and Employee Wellness Committee member, thanked the BOC for its vision in partnering with CaroMont and the County's Wellness Coordinator; the wellness program encompasses many facets of wellness (exercise programs and ideas, weight management and control program, nutritional counseling, lunch and learn meetings) focusing on stress management, elder care information, importance of sleep, balancing work and family and tobacco cessation; all of these components will encourage healthy lifestyles and healthy employees; the tobacco rule is one more tool in our collective tool box to encourage all to make their health and not medical care a priority.

Miss Priyanka Patel, Highland School of Technology Senior, advised that the Board of Health rule that prohibits tobacco usage within government buildings, grounds, parks and indoor public places is important; as a teenager she has seen a rise in e-cigarette use in youths and in schools; if implemented this will help protect the citizens and youth from the harmful effects of tobacco use including e-cigarettes.

Miss Amelia Sloane, Charlotte, NC and employee of the American Cancer Society, speaking on behalf of the American Cancer Society Cancer Action Network (ACSCAN), read a letter that was emailed earlier to the BOC, in support of the Gaston County Board of Health's rule to help reduce tobacco use in the County and prohibiting the use of tobacco products in local government buildings grounds, vehicles, parks and indoor public places. She urged the BOC to adopt the tobacco free ordinance and life saving measure to protect the overall health and environment of individuals, children and employees on all government properties and indoor public places.

Chairman Philbeck thanked everyone for their comments and the students for being so wise and responsible at a young age.

Consent Agenda

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

- 2019-131 Commissioner Chad Brown - BOC - Memorial Day Proclamation - To Recognize and Honor Those Who Gave All During Their Military Service to the United States of America, and to Express Our Gratitude to the Fallen Members of Our Armed Services**
- 2019-132 Commissioner Keigher - BOC - Commendation - To Commemorate the Centennial Celebration of the Gaston Country Club Upon its 100th Anniversary**
- 2019-133 Commissioner Worley - BOC - Proclamation - To Recognize the 20th Anniversary of the Daniel Stowe Botanical Garden and to Proclaim the Month of June 2019 as Daniel Stowe Botanical Garden Month**

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2019-134 Commissioner Philbeck - BOC - To Dissolve and Delete the Charlotte Regional Partnership from the Appointment Records

2019-135 Commissioner Jack Brown - BOC - To Approve an Increase to Family Advisory Board Annual Non-Profit Funding from \$60,000 to \$100,000 beginning in FY20

2019-136 Commissioner Philbeck - County Attorney - To Amend Chapter 11 - Offenses and Miscellaneous Provisions, Article I., of the Gaston County Code of Ordinances to Create Section 11.2 to Authorize Gaston County Police Department to Access SBI Databases; To Amend Section 11.1 to Clarify Prohibition of Alcohol on County Property Except as Designated in Chapter 12 of the Code of Ordinances as filed with the Clerk to the Board and to be set forth in the Gaston County Code of Ordinances as follows:

WHEREAS, North Carolina General Statute 18B-904(f) provides that the governing body of a county may designate an official of the County, by name or position, to make recommendations to the State Alcoholic Beverages Control (ABC) Commission on behalf of the County concerning the suitability of a person or of a location for an ABC permit when the proposed location is within the jurisdiction of Gaston County; and,

WHEREAS, the Gaston County Chief of Police, or his designee with a rank of Police Captain or above, is designated as the official authorized to make recommendations on behalf of the governing body, the Gaston County Board of Commissioners, concerning the suitability of a person or location for an ABC permit within the jurisdiction of Gaston County pursuant to G.S. 18B-904(f); and,

WHEREAS, in order to make said recommendations, the Gaston County Police Department desires state access to the State Bureau of Investigations/Division of Criminal History Record Information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the jurisdiction of Gaston County; and,

WHEREAS, the Gaston County Police Department will obtain said criminal history information on each applicant based on identification information regarding the applicant contained in the notice of permit application received from the State Alcoholic Beverages Control (ABC) Commission; and,

WHEREAS, if said criminal history reveals that an applicant has been convicted of any felony, a misdemeanor involving drugs or alcohol, or any offense in violation of Article 26 of Chapter 14 of the North Carolina General Statutes, the Gaston County Police Department will file a written objection to the issuance of the permit, if it is believed that a nexus exists between the conviction and the potential that public safety will be negatively impacted if an ABC permit is issued; and,

WHEREAS, the State Alcoholic Beverages Control (ABC) Commission is the governmental agency responsible for the issuance of all ABC permits; and,

WHEREAS, Section 11-1 of the Gaston County Code of Ordinances states it shall be unlawful for alcoholic beverages to be consumed on the premises or in any buildings owned and occupied by the County; and,

WHEREAS, Gaston County allows, under some circumstances, alcohol to be consumed in parks during certain events as specified in Chapter 12 of the Gaston County Code of Ordinances; and,

WHEREAS, for clarification, Gaston County desires to modify Section 11-1 of the Gaston County Code of Ordinances to clarify that alcohol is prohibited at county facilities and properties, except as specified in Chapter 12 of the Gaston County Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby modifies Chapter 11, Article I., Section 11-1 of the Gaston County Code of Ordinances and creates Section 11-2 of the Gaston County Code of Ordinances as follows:

Section 11-1 of the Gaston County Code of Ordinances is modified as follows:

Sec 11-1. Open containers of alcoholic beverages.

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It shall be unlawful for any person to possess open containers of or to consume any malt beverages, or unfortified wine, all as defined in G.S. 18B-101 upon the premises of any buildings owned or occupied by the county, except as specified in Chapter 12 of the Gaston County Code of Ordinances.

Section 11-2 is hereby written to read as follows:

Sec. 11-2. Police authority regarding criminal history information for applicants for Alcoholic Beverage Control (ABC) permits

- (1) Authorization. The Gaston County Police Department shall be authorized to seek state access to State Bureau of Investigation/Division of Criminal Investigation Criminal History Record Information to obtain criminal history information on all persons applying for ABC permits for proposed locations within the jurisdiction of Gaston County.
- (2) Conflicts. All ordinances in conflict herewith are hereby repealed.
- (3) Severability. Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

This Ordinance shall take effect and be in force from and after the date of its adoption.

Adopted the 28th day of May, 2019.

2019-137 Commissioner Chad Brown - County Attorney - To Dissolve the Current Housing Appeal Advisory Board and Create a New Gaston County Housing Board as follows:

WHEREAS, Chapter 4 of the Gaston County Code of Ordinances concerns Buildings, Construction, and Related Activities; and,

WHEREAS, there currently exists a Housing Appeal Advisory Board for Gaston County created on February 8, 1990; and,

WHEREAS, the current Housing Appeal Advisory Board has not met for numerous years; and,

WHEREAS, it will be more pragmatic for an existing Gaston County Board to hear appeals concerning buildings, construction and related activities because of the sporadic nature of when such appeals arise; and,

WHEREAS, the nature of a quasi-judicial hearing the Gaston County Zoning Board of Adjustment adjudicates is similar to what the Housing Appeal Advisory Board considers; and,

WHEREAS, for such reasons, five (5) members from the Gaston County Board of Adjustment shall constitute the Gaston County Housing Board, with another member serving as an alternate member from such Board. The Director of Building Inspection/Zoning Administrator or a designee and the County Attorney or a designee shall be appointed as ex-officio non-voting members.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby dissolves the Housing Appeal Advisory Board and establishes the Gaston County Housing Board.

BE IT FURTHER RESOLVED that the following members of the Gaston County Board of Adjustment are hereby appointed to the Gaston County Housing Board and the terms for each member shall coincide with their corresponding seat term on the Board of Adjustment: Chuck Ballard; Bob Lancaster; Kevin Meyer; Monte Monteleone; and Elizabeth Moser. George Mason shall serve as an alternate member. Brian Sciba, Director of Inspections, and Sam Shames, Assistant County Attorney, are hereby appointed as ex-officio/non-voting.

BE IT FURTHER RESOLVED that the Gaston County Board of Commissioners approves the Gaston County Housing Board By-laws/Rules of Procedure as attached.

2019-138 Commissioner Philbeck - County Manager - To Accept Departmental Budget Change Requests as Information as follows:

EFF DATE	DEPT	ACCOUNT	DR/CR	AMOUNT
04/02/2019	Nat Res	010-07-4960-0000-520001-	C	\$200

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04/02/2019		010-07-4960-0000-530010-	D	\$200
04/03/2019	GEMS	010-02-4370-0000-520013-	C	\$4,692
04/03/2019		010-02-4370-0000-520001-	C	\$396
04/03/2019		010-02-4370-0000-530002-	D	\$5,088
04/03/2019		010-02-4372-0000-530040-	C	\$5,888
04/03/2019		010-02-4372-0000-530002-	D	\$5,888
04/04/2019	Fire Marshal	010-02-4340-0000-530030-	C	\$900
04/04/2019		010-02-4340-0000-520011-	D	\$900
04/04/2019	Sheriff	010-02-4315-4315-520011-	D	\$10,000
04/04/2019		010-02-4315-4315-520007-	C	\$10,000
04/04/2019	HR	010-01-4122-0000-560000-FmFun	C	\$4,000
04/04/2019		010-01-4122-0000-530010-	D	\$4,000
04/04/2019	Sheriff	010-02-4315-4315-520001-	D	\$5,000
04/04/2019		010-02-4315-4315-520007-	C	\$5,000
04/04/2019		010-02-4315-4315-510001-	C	\$997,552
04/04/2019		010-02-4315-4323-510001-	D	\$806,695
04/04/2019		010-02-4315-4323-510002-	D	\$112,535
04/04/2019		010-02-4315-4315-510002-	D	\$78,322
04/05/2019	Health	011-05-5116-5131-510001-	C	\$1,912
04/05/2019		011-05-5116-5131-510100-	C	\$146
04/05/2019		011-05-5116-5131-510101-	C	\$149
04/05/2019		011-05-5116-5131-560000-19515	D	\$2,207
04/05/2019	Elections	010-01-4170-0000-530015-	C	\$2,800
04/05/2019		010-01-4170-0000-520014-	C	\$5,000
04/05/2019		010-01-4170-0000-530041-	D	\$7,800
04/08/2019	DSS	020-05-4790-0000-540005-	C	\$6,700
04/08/2019		020-05-4790-0000-530020-	D	\$6,700
04/08/2019		020-05-5867-0000-560000-18526	C	\$28,000
04/08/2019		020-05-5869-0000-560000-18070	D	\$28,000
04/09/2019	Fire Marshal	010-02-4330-0000-520001-	C	\$170
04/09/2019		010-02-4330-0000-520011-	D	\$170
04/09/2019	Public Works	060-08-4720-0000-530010-	C	\$40,000
04/09/2019		060-08-4720-0000-530015-	D	\$40,000
04/10/2019	Parks	010-04-6120-0000-510001-	C	\$820
04/10/2019		010-04-6120-0000-510104-	D	\$820
04/10/2019	BOC	010-01-4110-0000-530015-	C	\$1,000
04/10/2019		010-01-4110-0000-510104-	D	\$1,000
04/11/2019	Health	011-05-5111-0000-510101-	C	\$325
04/11/2019		011-05-5111-0000-510104-	D	\$325
04/11/2019		011-05-5116-5133-510101-	C	\$700
04/11/2019		011-05-5116-5133-510104-	D	\$700
04/11/2019	DSS	020-05-5491-0000-540001-	C	\$6,000
04/11/2019		020-05-5491-0000-520011-	D	\$6,000
04/15/2019	Public Works	010-01-4265-4265-520011-	C	\$400
04/15/2019		010-01-4265-4265-510104-	D	\$400
04/15/2019		010-01-4265-4260-510001-	C	\$24,000
04/15/2019		010-01-4265-4260-540002-	C	\$8,250
04/15/2019		010-01-4265-4260-540003-	D	\$32,250
04/15/2019		010-01-4265-4260-540002-	C	\$24,750
04/15/2019		010-01-4265-4260-540001-	D	\$24,750
04/15/2019	Library	010-04-6110-6112-520001-	C	\$700
04/15/2019		010-04-6110-6113-540001-	D	\$700
04/16/2019	Bldg Insp	012-02-4350-0000-510001-	C	\$8,056
04/16/2019		012-02-4350-0000-530002-	D	\$6,056
04/16/2019		012-02-4350-0000-520002-	D	\$1,000
04/16/2019		012-02-4350-0000-520014-	D	\$500
04/16/2019		012-02-4350-0000-520001-	D	\$500
04/16/2019	ACE	010-02-4380-0000-510001-	C	\$26,000
04/16/2019		010-02-4380-0000-510002-	D	\$26,000
04/17/2019	Planning	010-02-4910-4910-510001-	C	\$420
04/17/2019		010-02-4910-4910-510104-	D	\$420
04/17/2019		010-02-4910-4911-510001-	C	\$210
04/17/2019		010-02-4910-4911-510104-	D	\$210
04/17/2019		010-02-4910-4911-530010-	C	\$400

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04/17/2019		010-02-4910-4911-520014-	D	\$400
04/17/2019	Bldg Insp	012-02-4350-0000-510001-	C	\$11,800
04/17/2019		012-02-4350-0000-530012-	D	\$11,800
04/18/2019		012-02-4350-0000-510001-	C	\$500
04/18/2019		012-02-4350-0000-530029-	D	\$500
04/18/2019	Museum	010-04-6141-0000-530015-	C	\$500
04/18/2019		010-04-6141-0000-530014-	D	\$500
04/22/2019	Elections	010-01-4170-0000-520014-	C	\$300
04/22/2019		010-01-4170-0000-530038-	D	\$300
04/23/2019	Museum	010-04-6141-0000-520001-	C	\$136
04/23/2019		010-04-6141-0000-510104-	D	\$136
04/23/2019	DSS	020-05-5867-0000-560000-18526	C	\$2,500
04/23/2019		020-05-5869-0000-560000-18065	D	\$2,500
04/23/2019	GEMS	010-02-4370-0000-560000-PEduc	C	\$1,250
04/23/2019		010-02-4370-0000-520015-	D	\$1,250
04/23/2019		010-02-4370-0000-530030-	C	\$3,000
04/23/2019		010-02-4370-0000-520014-	D	\$3,000
04/25/2019	Health	011-05-5115-0000-530023-	D	\$1,000
04/25/2019		011-05-5116-5133-530023-	C	\$1,000
04/25/2019	DSS	020-05-5585-0000-560000-19546	C	\$6,000
04/25/2019		020-05-5585-0000-530010-18608	C	\$2,300
04/25/2019		020-05-5585-0000-560000-18521	D	\$8,300
04/25/2019	Public Works	060-08-4720-0000-540006-16183	C	\$400,000
04/25/2019		060-08-4720-0000-540002-17162	C	\$50,000
04/25/2019		060-08-4721-0000-540002-18123	D	\$450,000
04/26/2019	Sheriff	010-02-4315-4315-510101-	C	\$117,386
04/26/2019		010-02-4315-4323-510101-	D	\$117,386
04/26/2019		010-02-4315-4315-510001-	C	\$87,000
04/26/2019		010-02-4315-4323-510102-	D	\$44,000
04/26/2019		010-02-4315-4323-510100-	D	\$43,000
04/26/2019		010-02-4315-4315-510100-	C	\$100,000
04/26/2019		010-02-4315-4323-510100-	D	\$100,000
04/29/2019	DSS	020-05-4790-0000-510001-	C	\$315
04/29/2019		020-05-4790-0000-510104-	D	\$315
04/29/2019	GEMS	010-02-4370-0000-520001-	C	\$978
04/29/2019		010-02-4370-0000-520005-	D	\$978
04/29/2019	DSS	020-05-5650-0000-560001-	C	\$3,000
04/29/2019		020-05-5640-0000-560001-	D	\$3,000
04/29/2019		020-05-5640-0000-520010-	C	\$300
04/29/2019		020-05-5640-0000-520012-	D	\$300
04/29/2019		020-05-5650-0000-540001-	C	\$1,100
04/29/2019		020-05-5650-0000-540005-18113	C	\$1,900
04/29/2019		020-05-5650-0000-530015-	D	\$3,000
04/30/2019	T&T	022-07-4921-0000-520005-	D	\$300
04/30/2019		022-07-4921-0000-520006-	C	\$300
04/30/2019	Public Works	060-08-4720-0000-530010-	C	\$25,000
04/30/2019		060-08-4720-0000-510002-	D	\$25,000
04/30/2019	Sheriff	010-02-4315-4315-510001-18606	C	\$580
04/30/2019		010-02-4315-4315-540001-18606	D	\$580
04/30/2019	T&T	022-07-4921-0000-530010-	D	\$4,000
04/30/2019		022-07-4921-0000-520013-	C	\$4,000
04/30/2019	County PD	010-02-4310-4310-510001-	C	\$60,000
04/30/2019		010-02-4310-4310-510002-	D	\$60,000

2019-139 Commissioner Chad Brown - DHHS (Health Division) - To Adopt an Ordinance Approving a Gaston County Health and Human Services Board of Health Rule Prohibiting the Use of Tobacco Products in Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks, and Indoor Public Places (Second Reading) as follows:

WHEREAS, in 2009 the North Carolina General Assembly enacted Session Law 2009-27, which authorized local governments and local boards of health to prohibit smoking and tobacco in certain areas; and,

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WHEREAS, rules adopted by the local boards of health are generally applicable throughout the county of adoption including within town jurisdictions; and,

WHEREAS, on April 4, 2019, the Gaston County Health and Human Services Board adopted a Board of Health rule (Attached hereto as Exhibit A) prohibiting the use of tobacco in Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks, and Indoor Public Places; and,

WHEREAS, the Commissioners of Gaston County, believing it to be in the best interest of the citizens and residents of Gaston County, have determined that the Board of Health rule as adopted by the Gaston County Health and Human Services Board prohibiting tobacco use throughout Gaston County should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners that the Gaston County Board of Health rule, adopted by the Gaston County Health and Human Services Board prohibiting tobacco use as described herein and in the Exhibit is hereby approved and to be set forth in Chapter 8, Article III, Section 8-101 et. seq. of the Gaston County Code of Ordinances.

Gaston County Board of Health Rule

**Prohibiting the Use of Tobacco Products in
Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local
Government Parks, and Indoor Public Places**

WHEREAS, pursuant to the provisions of G.S. 153A-77 and G.S. 130A-43, the consolidated Gaston County Health and Human Services Board has the authority to adopt local health regulations; and

WHEREAS, pursuant to G.S. 130A-43, a consolidated human service board shall have all the powers and duties of a local board of health as provided in G.S. 130A-39; and

WHEREAS, Gaston County Department of Health and Human Services "DHHS" is committed to protecting the health and environment of individuals, children, and employees in Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks, and Indoor Public Places by eliminating exposure to secondhand smoke, and e-cigarette aerosol, and eliminating the amount of litter caused by discarded cigarette butts; and

WHEREAS, Gaston County DHHS wishes to minimize the harmful effects of tobacco use among employees and eliminate secondhand smoke and e-cigarette aerosol exposure for employees and the public in and on those buildings, vehicles and grounds controlled by units of local government and in indoor public places within Gaston County; and

WHEREAS, G.S. 130A-498 authorizes local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places"; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use is the leading preventable causes of illness and premature death in North Carolina and the nation; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity, and some hazard exists beyond 30 feet; and

WHEREAS, in 2006, the Surgeon General concluded that there is no risk-free level of exposure to secondhand tobacco smoke. Establishing smoke-free environments is the only proven way to prevent exposure, and tobacco free rules and ordinances are an evidence-based method of creating smoke-free environments; and

WHEREAS, in 2016, the U.S. Surgeon General issued a report on e-cigarettes and young people stating that emitted e-cigarette aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air and e-cigarette use has the potential to involuntarily expose children and adolescents, pregnant women, and non-users to aerosolized nicotine and, if the products are altered, to other psychoactive substances. Therefore, clean air, being free of both smoke and e-cigarette aerosol, remains the standard to protect health; and

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WHEREAS, the use of e-cigarettes in places where smoking traditional tobacco products is prohibited could lead to difficulties in enforcing smoke-free policies and renormalize tobacco use, especially among youth; and

WHEREAS, the CDC reports that nearly 90 percent of smoking and smokeless tobacco use are frequently initiated and established before the age 18, that most people who begin smoking during adolescence are addicted by the age of 20, and that adolescent smokeless tobacco users are more likely than nonusers to become adult cigarette smokers; and

WHEREAS, children model adult behavior and benefit from positive models of non-tobacco use behavior and positive reinforcement of healthy lifestyle messages through exposure to tobacco-free public areas; and

WHEREAS, experimentation with and use of e-cigarettes have risen sharply among young people according to the 2017 N.C. Youth Tobacco Survey: current use of electronic cigarettes among North Carolina high school students jumped by 894 percent from 1.7 percent in 2011 to 16.9 percent in 2017. A total of 28.3 percent of high school students said they are considering using electronic cigarettes in the next year. Overall tobacco use among NC high school students increased from 25.8 percent to 28.8 percent from 2011 to 2017; and

WHEREAS, in 2018, the U.S. Surgeon General issued an Advisory on the U.S. e-cigarette epidemic among youth, expressing concern that e-cigarettes are addicting youth and that exposure to nicotine can damage the developing brains of young people up to age 25; and

WHEREAS, in 2018 the U.S. Surgeon General issued an Advisory on the U.S. youth e-cigarette epidemic recommending including e-cigarettes in smoke-free indoor air policies as an evidence-based method to reduce e-cigarette use among young people; and

WHEREAS, Gaston County provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-869); and

NOW, THEREFORE the Gaston County Health and Human Services Board, having the authority cited herein, hereby adopts following Board of Health Rule:

Section 1. Definitions.

"County" means Gaston County government, including all agencies and departments of Gaston County government.

"Electronic Cigarette" or "E-cigarette" means an electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

"Indoor Public Places" means any enclosed area to which the public is invited or which the public is permitted. A private residence is not a public place.

"Local Government Buildings" means a building owned, leased as lessor, or the area leased as lessee and occupied by a Unit of Local Government within Gaston County.

"Local Government Grounds" means an unenclosed area owned, leased, or occupied by a Unit of Local Government within Gaston County.

"Local Government Parks" shall mean any parcel of land or body of water comprising part of any Unit of Local Government's parks, playgrounds, recreational areas, greenways, or trails.

"Local Government Vehicle" means a passenger-carrying vehicle owned, leased, or otherwise controlled by a Unit of Local Government within Gaston County, being either county owned or municipality owned, and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official business.

"Smoking" means the use of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product as well as Electronic Cigarettes.

"Tobacco" or "Tobacco Product" means any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means,

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including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Electronic Cigarettes are also considered to be a Tobacco Product.

"Unit of Local Government" shall mean Gaston County as well as any municipalities within Gaston County.
Section 2. Prohibition on Use of Tobacco Products.

Use of Tobacco Products is prohibited in all of the following areas:

- (a) Local Government Buildings, including the Gaston County Courthouse and its premises;
- (b) Local Government Grounds, including in private vehicles when those vehicles are located on the grounds of Units of Local Governments;
- (c) Local Government Vehicles;
- (d) Local Government Parks; and
- (e) Indoor Public Places

This prohibition is applicable in the entire geographic bounds of Gaston County, including the municipalities within Gaston County, but excluding property owned, leased, or maintained by the State of North Carolina. This Rule does not apply to the public streets and sidewalks within Gaston County or to public places that are not indoors.

Section 3. Signage and Removal of Ashtrays, Etc.

- (a) Signs giving notice of the prohibition of tobacco use shall be posted in, on or about all Local Government Buildings, Local Government Grounds, Local Government Vehicles, Local Government Parks and Indoor Public Places subject to this Rule.
- (b) As to buildings and grounds identified herein, signs shall be placed at all entrances giving notice of the prohibition of tobacco use under this Rule. Signs must be posted in other areas of buildings and grounds as reasonably calculated to inform employees and the public of the prohibition.
- (c) The signs shall be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.
- (d) The signs shall state the applicable prohibition (e.g. Use of Tobacco Products is Prohibited) and include the applicable universal symbol (e.g. the "No Smoking and Use of Tobacco Products Prohibited" symbol).
- (e) Persons in charge of vehicles identified herein shall post signs in Local Government Vehicles to give notice of the prohibition. The signs must be placed in a manner by which passengers will also be able to see the notice, but shall not interfere with the safe operation of the vehicle.
- (f) Persons in charge of buildings and grounds where tobacco use is prohibited by this Rule shall remove all publicly available ashtrays and other smoking receptacles from places where smoking and tobacco use is prohibited as defined herein.
- (g) The County Manager, or designee, shall determine whether signs should be posted in languages other than English and make the appropriate personnel aware of such need.

Section 4. Compliance and Enforcement.

- (a) Penalty for Violation. After verbal or written notice by the person in charge of an area described herein, or his or her designee, failure to cease smoking or using tobacco products may constitute an infraction punishable by a fine of not more than fifty dollars (\$50.00). A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.
- (b) Violations by persons who manage, operate, or control a public place. The local Health Director may take the following actions and may impose the following administrative penalty on a person who manages, operates, or controls a public place and fails to comply with the provisions of this Rule.
 - i. First violation -Written notice of the person's first violation and notification of action to be taken in the event of subsequent violations.
 - ii. Second violation - Written notice of the person's second violation and notification of administrative penalties to be imposed for subsequent violations.
 - iii. Third and subsequent violations -Impose an administrative penalty of not more than two hundred dollars (\$200.00). Each day on which a violation occurs may be considered a separate and distinct violation.

Section 5. Public Education.

The County shall engage in an ongoing program to explain and clarify the purposes and requirements of this Rule to residents and businesses affected by it, and guide operators and managers in their compliance with it. In doing so, the County may rely on materials and information provided by the Gaston County Department of Health and Human Services. The County shall:

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- (a) Educate the public about the Rule, and reasons for the Rule, prior to its implementation date through the news media, website and educational media. The education shall include information on resources for quitting tobacco use, including information about the free quitting support services of the North Carolina Tobacco Use Quitline, 1-800 QUIT NOW (1-800-784-8669);
- (b) Educate the County's employees about how they can assist with compliance with this Rule as well as providing information about the free quitting support services of the North Carolina Tobacco Use Quitline, 1-800 QUIT NOW (1-800-784-8669);

Section 6. Abrogation.

This Rule supersedes any previous County, City, or Town ordinance regulating tobacco that is less restrictive than the rule as established herein. This Rule is not intended to repeal any greater restriction imposed by any other State law or local government ordinance. Whether the provisions of any other law, ordinance, regulation, or restriction impose higher standards than are required by the provisions of this Rule, this Rule does not prohibit the enforcement of any such law, ordinance, regulation, or restriction.

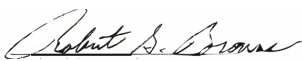
Section 7. Severability

Should any section of this Rule be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Rule as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8. Effective Date.

This Rule shall become effective July 1, 2020 following adoption by the Gaston County Health and Human Services Board and approval of this Rule by an Ordinance adopted by the Gaston County Commissioners pursuant to North Carolina General Statute 153A-121(a).

ADOPTED this 4th day of April, 2019.


 Chair of the Board
 Gaston County Health and Human Services Board

ATTEST:



Secretary to the Board
 Gaston County Health and Human Services Board

- 2019-140 Commissioner Chad Brown - DHHS (Health Division) - To Accept and Appropriate Additional Grant Funds Received from the NC Department of Public Safety for the Juvenile Community Program, Strengthening Families (\$7,490) per Budget Change Request:**

Account Description	Account Number	Amount
Other Grants	011-05-5112-5115-430000-	(\$7,490)
FY19 JCPC - SF Grant	011-05-5112-5115-560000-19502	\$7,490

- 2019-141 Commissioner Chad Brown - DHHS (Social Services Division) - Proclamation - To Proclaim the Month of May 2019 as Older Americans Month**

- 2019-142 Commissioner Chad Brown - DHHS (Social Services Division) - Proclamation - To Proclaim the Month of May 2019 as Foster Care Awareness Month**

- 2019-143 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 Real Property Tax Refunds - \$6,451.99; Total HB20 Refunds - \$2,500.66; Total NCVTS Refunds - \$2,518.60; Total Vehicle Tax Refunds - \$5,019.26) as follows:**

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Gaston County, North Carolina - Listing of Property Tax Refunds Less Than \$100.00 for Real Property
To be Reported at the May 28, 2019 Board Meeting

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
Abernathy, April Denise	3.08	Lewis, Paul Randall	7.90
Aleshire, Bobbie Jo	3.09	Lytton, Lisa L	99.36
Alexander, Ricky	78.60	M. Marlowe Parker	4.90
Armstrong, David J	16.02	Mayes Transport Service LLC	2.61
Bane, James	6.07	Meredith Jarman Cardenas	44.90
Bard, Isaac Thomas	60.45	Messer, Delbery	40.71
Bay National Title Company	1.15	Messer, Kimberly Ann	6.72
Bay National Title Company	49.28	Messer, Kimberly Ann	90.28
Blue Rock Investments LLC	1.70	Miller, Robert Scott	85.54
Braswell, Scott D	4.26	Myers, Marcus John	72.00
Brooks, Floyd B Jr & Bradley, Barbara B	44.94	Myers, Marcus John	72.00
Broome, Frances Jolynn	4.00	Nichols, Elvin	89.86
		Norwood, Armstrong & Stokes, PLLC -	
Bryant, Dean & Bryant, Cynthia	5.64	IOLTA Trust Acct	12.00
Bullock Construction	69.92	Oliver, David C	50.57
		Palmer E. Huffstetler, Jr - Attorney	
Burtrum, Melissa Paysour	84.28	IOLTA Trust Acct	13.29
Chestnut Distribution Inc	71.73	Pendleton, John L	95.88
Clark, James M	68.75	Pierre, Matthew M	89.91
Cloninger, Robert Scott	14.04	Reece, Matthew Wayne	97.61
Davis, Janet	34.65	Reynoso, Alfredo Sarafin	39.43
Davis, Perry Andre	84.38	Reynoso, Alfredo Sarafin	39.54
Deeptree Consulting	3.87	Robbins, Antonio Dionne	20.39
Dellinger, Charles Richard	1.87	Roberts, Donald L	23.23
Donaldson, Charles Vonnannon III	28.08	Roberts, Nancy	3.00
Garland, Angela Jarnigan	95.76	Rozzell, David C	60.34
Gaston County 2019 Prepay	85.88	Rozzell, David C	66.82
Hance & Hance, PA	4.00	Rozzell, David C	87.08
Haney, Jackie & Haney, Bertha	4.87	Rozzell, David C	93.76
Hanna, Kevin Todd	34.80	Saylor, Jeffrey Scott & Saylor, Sonja Michelle	1.31
Harris, Brenda Faye	13.18	Saylor, Marlene H	82.08
Harry Marsh Law - Real Estate Trust Account	18.83	Scruggs, Janet D	90.39
Harry Marsh Law - Real Estate Trust Account	20.00	Southern Law Group - NC Real Estate Trust Account	24.00
Hart, Rebecca	83.53	Vick, Terrence A	18.09
Hedrick, Kimberly Jewel	4.63	Walker, Randy Alanq	65.00
Hedrick, Kimberly Jewel	5.15	Warren L Tadlock - Chapter 13 Trustee	3.83
J. Barwick Construction LLC	90.52	Warren L Tadlock - Chapter 13 Trustee	4.12
Johnson, Linda	66.20	Warren L Tadlock - Chapter 13 Trustee	14.99
Kanipe, Daniel Shane	58.33	Westmoreland, James	68.17
Kurtz, Mildred D Hallman	25.91	White, James Leon	3.65
LaCount, James Daniel	54.24	Wilcox, Jeremy	9.49
LaCount, James Daniel	64.12	REAL PROPERTY TAX REFUNDS (MAR 2019) \$ 3,264.55	
Alexander, Ricky William	78.60	Moore, Jeffrey Todd Heirs	48.48
Armstrong, David J & Armstrong Dana F	4.15	Moore, Madison Paige	70.25
Arrowood, Henry W	33.49	Nichols Ephraim & Others	18.73
Bell, Calvin	5.54	Nixon, Michael A	18.68
Bell, Jerry Lee	18.41	Nixon, Sheila G	59.46
Bell, Jerry Lee	64.51	Nixon, Sheila G	59.68
Big Dog Towing & Recovery LLC	1.66	Nixon, Sheila G	59.68
Black, Donald R	64.86	Partlow, Willie M	25.17
Caldwell, Angela Denise	7.14	Penado-Castro Jose	57.88
Caldwell, Angela Denise	51.68	Penado-Castro Jose	60.86
Camp, Marc Joseph	42.56	Penado-Castro Jose	60.86
Chad Stroupe	3.70	Penado-Castro Jose	68.31
Christina Yandle	41.50	Pendleton, John L	25.67
Clinton, Joni M	77.91	Philbeck, Wendy R	40.00
Costner, Constance Raynor	48.00	Pressley, Johnny James	41.75
Crumbley, Kathy Stroupe	78.20	Prince Legal Services, PLLC	10.78
Crumbley, Kathy Stroupe	78.20	Reece, Matthew Wayne	90.88

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Crumbley, Kathy Stroupe	78.20	Reeves, Stacey L	8.12
Crumbley, Kathy Stroupe	78.20	Reeves, Stacey L	9.15
Davis, Perry Andre	73.49	Rhodarmer, Heather	56.87
Dean Real Est Holding LLC	90.00	Rice, Tony B	73.94
Deese, Vicky C	96.38	Ricky W Alexander REV LIV TR	78.60
Dellinger, Betsy	13.90	Ronan, Shannon Cloninger	11.98
Dellinger, Maria Elaine	58.86	Roque, Linda Valentine	65.76
Dillenbeck Law PC	9.50	Rose, James Robert Jr	9.17
Dostie, Joseph W	20.04	Rozzell, David C	79.45
Dumizo, Joseph	13.91	Rozzell, David C	89.31
Duncan, Judy Ballard	71.69	Stann, Frederick R	1.35
Faggart, Steven M	1.81	Steele, James R	36.03
Frances Gail Haman	8.40	Stovall, Maria	2.68
Hopper, Jerry S	18.04	Trent, Susan Long	7.29
Hunter, William J	6.56	Warren L Tadlock - Chapter 13 Trustee	12.46
Johnny R McLean or Rosemary McLean	5.88	Webber, Lougene	80.24
Joni M Clinton	90.19	Wells Fargo Home Mortgage	34.92
Judy G Wilson & Kimberly Wagers	13.66	Workman, James Paul	34.10
Lacount, James Daniel	57.52	Youngblood, Robert Steven Jr	15.91
Lanier, Lucy B & Lanier, Ray E	3.93	Youngblood, Robert Steven Jr	32.41
Lineberger, Andrew J	28.00	REAL PROPERTY TAX REFUNDS (APR 2019) \$ 3,187.44	
MCBP Svcs LLC	36.14		
Miller, Niles N	26.57	TOTAL REAL PROPERTY TAX REFUNDS \$ 6,451.99	
Montgomery, Anthony	29.60		

**Gaston County, North Carolina - Listing of Property Tax Refunds Less Than \$100.00 for Vehicles
To be Reported at the May 28, 2019 Board Meeting**

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
HB20 Refunds			
Davis, Antoine Jr.	11.70	Pitts, Tamika Michelle	26.94
Gouacide, Kai Jason	1.14	Pitts, Tamika Michelle	38.80
Hall, Terri Lynn	75.00	Pitts, Tamika Michelle	39.38
Hamilton, Wilbert Antoine	90.36	Pitts, Tamika Michelle	39.46
Henderson, Benny Maurice	75.03	Ponder, Kay Tereasa	1.30
Johnson, Carol Swancey	39.71	Proctor, Jammette Domokiek	69.53
Johnson, Carol Swancey	87.97	Sawyer, Robert Christopher	27.03
Laabs, Billy Joe	94.16	Sawyer, Robert Christopher	46.88
Logan, Kahtandra Monique	40.65	Sawyer, Robert Christopher	75.00
Okeefe, Ashley Charlene	83.84	Sigismondi, Yolanda	40.00
Pastula, Christopher Thomas	34.07	Sigismondi, Yolanda	40.00
Pastula, Christopher Thomas	94.47	Smith, Meagan Raye	44.20
Peterson, Paralee Sue	11.10	TOTAL HB20 REFUNDS (March 2019) \$ 1,227.72	
HB20 Refunds			
Craig, Kimberly Johnson	7.00	Lowery, Leketra Shaunta	52.68
Craig, Kimberly Johnson	25.75	Patton, Jody Toriano	37.40
Craig, Kimberly Johnson	31.75	Perry, Travis Lerae	57.94
Davis, Antoine Jr	10.08	Perry, Travis Lerae	64.03
Davis, Antoine Jr	11.23	Pitts, Tamika Michelle	27.17
Davis, Antoine Jr	22.09	Pitts, Tamika Michelle	39.99
Davis, Antoine Jr	26.95	Pitts, Tamika Michelle	47.01
Hagans Violet S	93.78	Pitts, Tamika Michelle	50.74
Hankins, Donna Seay	43.12	Pitts, Tamika Michelle	56.99
Hatten, Sophia Antonett	4.31	Rhodes, Rodniqua Tashia	34.41
Hatten, Sophia Antonett	17.50	Robbins, Breanna Samone	9.32
Hayes, Joni Lee	72.00	Sigismondi, Yolanda	40.00
Jefferson, Twonya Lasonyette	35.85	Sigismondi, Yolanda	40.00
Jolly, Cortina Yvette	12.18	Sigismondi, Yolanda	40.00
Jolly, Cortina Yvette	55.08	Sigismondi, Yolanda	40.00
Littlejohn, Natasha Ann	39.66	Walker, Daniel Joe	55.64
Littlejohn, Natasha Ann	68.72	TOTAL HB20 REFUNDS (April 2019) \$ 1,272.94	
Lowery, Leketra Shaunta	2.57		
		TOTAL HB20 REFUNDS \$ 2,500.66	

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NC VTS Refunds

Abbasi, Muhammad Aamir	67.52	Hardin, Angela Juanita	17.33
Allison, Derek Lamont	52.15	Hargett, Lindsey Marie	69.58
Allison, Nanette Smith	28.67	Hart, Timothy Joseph	47.84
Antonio, Robert Alves	15.46	Holt, Timothy Mark	26.28
Baker, Wilma Robertson	33.06	Howell, Jennifer Rausa	71.53
Barnette, David Ernest	88.97	Hyatt, Caitlin Marie	32.31
Barrett, Tyler Joseph	16.66	Jones, Adam Wesley	11.50
Booth, Bryant Roberto	42.18	Killingsworth, Kenneth Wayne	78.07
Burrell, Jeffrey Glenn	77.77	Kirlin, David Russell	30.03
Carpenter, Donald Lee	38.96	Leopard, Carolyn Widener	83.29
Cauthran, Michael James	49.12	Manson, Samantha Gail Dawn	58.18
Clark, Timothy Lewis	78.51	McClain, Barbara Gibbs	6.70
Clint Clemmer Heating & Cooling	72.67	McCuen, David Keith	18.11
Coladarci, Karalyn Marie	83.31	Modlin, Robert Christian	57.24
Cole, John Russell	20.51	Puddy, William Oliver Jr	88.20
Contreras, Garcia Eduardo	57.74	Randall, Lance Timothy	30.00
Cook, Ashley Lynn	7.49	Reynolds, William Lawson	25.35
Cox, Clinton Bradley	22.57	Reynolds, William Lawson	25.82
Damon, Shawn Rochelle	39.09	Rosetti, Deborah McIntosh	23.40
Decristofor, Robert Eugene	29.93	Seagle, Eric Clay	86.11
Dufour, Gregory Arthur	83.53	Sedlacek-Lewis, Catherine Ann	19.03
Dunlap, Twuana Elaine	50.16	Shuler, John Robert	14.05
Egya-Ansah, Peter Jr	14.89	Smith, Clarissa Nichole	41.48
Ewing, Ann Wright	19.88	Sparks, Gail Eaker	22.84
Fielding, Charles Thomas	26.51	Sullivan, Christian Bernard	45.34
Flowers, Carla	76.63	T&L Grading	8.90
Foster, Frances Sullivan	45.19	Turner, Daniel James	19.05
Foster, Maurice Jan	40.07	Ugarte, Geronimo Solis	41.54
Garrison, Luther Miller	48.70	Wallace, Jean Greene	39.30
Gonzalez, Joel Ortiz	7.93	Wyatt, Kristina Hovis	4.01
Gossett, Theresa Wooten	40.36		
		TOTAL NCVTS REFUNDS	\$ 2,518.60
		TOTAL VEHICLE TAX REFUNDS	\$ 5,019.26

2019-144 Commissioner Chad Brown - Fire Marshal - To Appropriate Current Year Accumulated Revenues from the Fire Code Fees & Permits Revenue Account to the Fire Inspections Equipment Expense Account (\$4,999) per Budget Change Request:

Account Description	Account Number	Amount
Fire Code Fees & Permits	010-02-4340-0000-410018	(4,999)
Equip. <\$5,000: Fire Inspection Funds	010-02-4340-0000-540001-19077	4,999

2019-145 Commissioner Fraley - Gaston Emergency Medical Services - Proclamation - To Proclaim the Week of May 19-25, 2019 as Emergency Medical Services Week in Gaston County

2019-146 Commissioner Worley - Library - To Appropriate State Aid to Libraries Grant and Approve Carry Forward of Remaining Funds to FY 2020 (\$226,950) per Budget Change Request:

Account Description	Account Number	Amount
State Aid to Libraries	010-04-6110-6110-560000-19576	226,950
State Aid: Public Library	010-04-6110-6110-425071	8,050
Fund Balance Appropriated	010-99-9900-0000-490000	(235,000)

2019-147 Commissioner Worley - Police Department - Request to Surplus and Sale 2003 GMC Envoy

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2019-148 Commissioner Worley - Police Department/Sheriff's Office - Proclamation - To Proclaim May 12 - 18, 2019 as Law Enforcement Week and May 16th as Peace Officer's Memorial Day in Gaston County

2019-149 Commissioner Worley - Police Department - To Accept and Appropriate Discretionary Funds from the Juvenile Community Programs Section for the JCPC Community Outreach, Juvenile Restitution, Teen Court and Strengthening Families (\$14,218) per Budget Change Request:

Account Description	Account Number	Amount
Teen Court	010-05-5830-0000-560010-19528	1,700
Juvenile Restitution	010-05-5830-0000-560010-19529	2,828
Strengthening Families	010-05-5830-0000-560010-19531	7,490
Community Outreach	010-05-5830-0000-560010-19532	2,200
Juvenile Justice Revenue Account	010-05-5830-0000-425103	(14,218)

2019-150 Commissioner Keigher - Public Works - To Approve the Qualifications Based Selection of Ramey Kemp & Associates, Inc. and Authorize the County Manager to Execute a Professional Services Agreement to Provide Planning and Design Services for the Lowell Poston Park Sidewalk Connector Project (CMAQ Project C-5606J) Contingent Upon Receipt of NCDOT Approval of Contract Documents

2019-151 Commissioner Philbeck - Public Works - To Authorize Nixon Power Services as a Sole Source Provider for a Jenbacher 420 Engine Block and Associated Parts and Service

2019-152 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the April Tax Refunds be Made. (Real Estate - \$21,379.41; Vehicles and ETC - \$970.36; VTS Refunds - \$5,501.60; Grand Total - \$27,851.37) as follows:

TAXPAYER NAME	OWNER NAME	AMOUNT
APRIL 2019 REAL ESTATE		
Adams, Robert Lee II		\$142.44
Adams, Robert Lee II		\$139.64
Alexander, Ricky		\$157.20
Alexander, Ricky W		\$157.19
Allen, William F		\$2,685.68
Beaty, Charles D		\$132.26
Black, Donald R		\$108.54
Brooks, Jennifer M		\$295.37
Bryant, Anthony G		\$255.41
C & D Property Management		\$1,441.00
Cook, Timothy Clark		\$303.29
Cook, Timothy Clark		\$303.29
Crosby, Stephanie R		\$172.84
Crosby, Stephanie R		\$148.86
Cruise, Sandra V		\$146.87
Dean, Paula		\$245.22
Dunlap, Laura Pettus		\$175.00
Evans, Kevin C		\$139.73
Evans, Kevin C		\$139.73
Faggart, Steven M		\$198.21
Fletcher, Jerry L		\$430.85
Foley, Linda Gail		\$238.94
Gaston County Tax Dept		\$130.51
Geiger, Scott L		\$227.23
Goings, Angela		\$159.37

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Green, Alfred W	\$116.40
Green, Alfred W	\$128.05
Green, Alfred W	\$298.71
Green, Alfred W	\$159.31
Green, Alfred W	\$131.02
Griffin, Ronald Matt	\$303.73
Henderson, Michael D	\$174.00
Henderson, Michael D	\$174.00
Hicks, Jacquelyn	\$108.10
Ivester, Linda Frank	\$180.44
Ivester, Linda Frank	\$198.62
Johns, Anthony	\$352.48
Johns, Rebecca	\$332.10
Koutsoupas, George	\$222.55
Lacount, James Daniel	\$108.56
Lacount, James Daniel	\$112.26
Lewis, Robert S	\$309.82
Martin, Joy Wilkes	\$182.34
Martin, Kenneth B	\$344.03
Martin, Kenneth B	\$271.55
Mason, Michelle S	\$221.15
Miller, Niles N	\$126.63
Montgomery, Anthony	\$135.81
Moss, William Michael	\$144.00
Mr Cooper	\$300.00
Myers, Christopher	\$420.00
Neesmith, Daniel	\$148.16
Neesmith, Daniel	\$119.08
Ottinger, Kenneth A	\$437.76
Pendleton, John L	\$112.84
Pendleton, John L	\$129.98
Pendleton, John L	\$130.69
Randall, Don R Jr	\$404.08
Randall, Don R Jr	\$404.08
Rhyne, Tracy L	\$363.74
Rozzell, David C	\$111.58
Rozzell, David C	\$127.51
Rozzell, David C	\$132.40
Stafford Logistics Inc	\$3,301.46
Stillwell, Jill C	\$253.09
Sutton, Harold Dean	\$106.25
Tanner, Stephen M	\$108.40
Van Pelt, Ralph D Jr	\$648.98
West, Tommie E	\$109.00
TOTAL	\$21,379.41

APRIL 2019 VEHICLES & ETC

Hughes, Frantee S	\$152.77
Jolly, Cortina Y	\$117.27
Robbins, Breanna S	\$131.32
Stephens, Shannon	\$569.00
TOTAL	\$970.36

APRIL VTS REFUNDS

Arcadia Valdiva, Amador	\$253.75
Bates, Doyle Glenn	\$140.91
Belcher, Brian Victor	\$110.58
Bernadib, Yudiutomo Imardjoko	\$223.10
Clemmer, Justin William	\$102.88
Collins, Jimmy Clinton	\$364.98
Curtis, Stacy Deanna	\$166.83
Davis, Jeffrey Lee	\$281.40
Devine, John Douglas	\$125.48
Ford, Timothy Edward	\$115.29

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Garr, Jack Ernest	\$100.61
Hawkins, Melissa Ann	\$231.39
Ingram, Willie Ralph	\$109.54
John E Jenkins Inc	\$249.80
Lang, Tony Keith	\$110.82
Lincoln County Tax Department	\$300.34
McVoy, Jeremiah David	\$224.16
Moses, Jody Lee	\$193.11
Partlow, Tony Lamar	\$226.19
Pichardo, Johanna Torres	\$287.98
Rhoten, Matthew Kevin	\$121.38
Rose, Melinda Lineberger	\$180.41
Slezak, Jacek	\$370.37
Smith, Radford Dennis	\$154.27
Soots, Jeffrey Ray	\$108.46
Thacker, Larry Ray Jr	\$183.46
Welch, James Samuel	\$138.54
Williams, Ashley Patrice	\$325.57
TOTAL	\$5,501.60
GRAND TOTAL	\$27,851.37

2019-153 Commissioner Worley - Sheriff's Office - To Accept Unified Technology Systems as a Sole Source Vendor for the Purchase of Two Smart Boards (\$24,958)

2019-154 Commissioner Keigher - Veterans Services - To Accept and Appropriate North Carolina Department of Military and Veterans Affairs Grant Funds to the Gaston County Department of Veterans Services (\$2,217) per Budget Change Request:

Account Description	Account Number	Amount
Restricted Intergov't Rev/ Veteran Service: State	010-05-5820-0000-425056	[\$2,217]
VSO Veterans State Matching Funds	010-05-5820-0000-56000-16280	\$2,217

2019-155 Commissioner Philbeck - BOC - To Revise the Gaston County Board of Commissioners' Regular Meeting Schedule for June, 2019 as follows:

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby cancels its June 11, 2019 BOC Work Session.

Chairman Philbeck announced that the Health Board Tobacco Rule passed its Second Reading which received applause from members of the audience.

Zoning Matters from Public Hearings

2019-156 Commissioner Philbeck - Planning & Development Services - Zoning Map Change: Z19-06 Locust Investments LLC (Applicant); Property Parcels: 165874 and 226902, Located at 1168 Miles Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District

The County Attorney advised that the Planning Board provided this consistency statement with their recommendation: *The property in question is in a future land use designation of Rural. Rural areas support residential housing and some businesses, particularly agriculturally-related businesses. The proposed rezoning, which appears to be a continuation of the current non-*

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conforming use, will maintain the residential-like feel of the general community and should not detrimentally impact traffic or undermine the nature of the area. The rezoning from R-1 to C-1 is consistent with the future land use plan. The Planning Board voted on a 6-2 vote to recommend approval of the map change.

Chairman Philbeck called for a motion to approve.

On motion introduced by Commissioner Keigher and seconded by Commissioner Chad Brown, the BOC unanimously approved **2019-156** 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. Rural areas support residential housing and some businesses, particularly agriculturally-related businesses. The proposed rezoning, which appears to be a continuation of the current non-conforming use, will maintain the residential-like feel of the general community and should not detrimentally impact traffic or undermine the nature of the area. The rezoning from R-1 to C-1 is 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 parcels: 165874 and 226902, 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.

2019-157 Commissioner Chad Brown - Planning & Development Services - Zoning Text Amendments: ZTA19-01, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A)

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

On motion introduced by Commissioner Keigher and seconded by Commissioner Jack Brown, the BOC unanimously approved **2019-157** after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the County Commissioners approves the amendments to amend UDO Chapter 2 (Definitions): Table 2.7-1; Chapter 13 (Subdivision Regulations): Section 13.2(C), Table 13.8-1; Chapter 5 (Permit and Modification Procedures): Section 5.16.1(A)(4), 5.16.1(B)(2), 5.16.1(C); Chapter 8 (Supplemental Regulations): Section 8.2.14.1(A) as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances as follows:

TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition

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Subdivision, Major1		A Major Subdivision consisting up to two hundred fifty <u>(250) fifty (50) lots.</u>
Subdivision, Major2		A Major Subdivision consisting of more than two hundred fifty <u>(250) fifty (50) lots.</u>
Subdivision, Minor		A subdivision where (i) no new streets (public or private) are proposed; and (ii) where no more than five (5) <u>lots</u> will result after the subdivision is completed and (iii) where no extension of any sewer or water system is required.

SECTION 13.2 ACTIVITIES THAT CONSTITUTE A SUBDIVISION

- A. For purposes of this Ordinance, "subdivision" means all division of a tract or parcel of land into two (2) or more lots, building sites, or the divisions when those divisions are created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following activities do not constitute a subdivision and are expressly exempt from the design and improvement standards of this Chapter:
1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance;
 2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
 3. The public acquisition by purchase of strips of land for the express purpose of widening or opening of streets;
 4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County as required by this Ordinance.
- B. However, all exempt subdivisions shall be approved via issuance of the following Exemption Certificate by the Administrator prior to the recording of same with Gaston County.

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Exemption Certificate

I hereby certify that this subdivision of land is exempt in accordance with Chapter 13.2A(1,2,3,4) of the Gaston County Unified Development Ordinance, and may be recorded with the Gaston County Register of Deeds Office.

Administrator_____
Date

C. It is the County's intent to ensure that larger developments are not phased or subdivided into large adjoining parcels or tracts in order to comply with numerical requirements of this Ordinance. Two (2) or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development when they are determined to be part of a unified plan of development and are physically proximate to one another. The following factors will be considered to determine whether there is a unified plan of development:

1. There is unified ownership, indicated by the fact the same person has retained or shared control of the developments; the same person has ownership or a significant legal or equitable interest in the developments; or there is common management of the developments controlling the form of physical development or disposition of parcels of the development.
2. There is a reasonable closeness in time between the completion of eighty (80) percent or less of one (1) development and the submissions to the County of a master plan or series of plans or drawings for the other development that is indicative of a common development effort.
3. The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments.
4. There is a common advertising scheme or promotional plan in effect for the developments.
5. Any information provided by the applicant that the project is not being phased or subdivided to avoid requirements of this Ordinance.

Table 13.8-1 Subdivision Approval Procedures

	Description	Pre-Design Conference	Public Hearing	Preliminary Plat	Final Plat
Minor	(1) no new streets (public or private) are proposed; and (2) where no more than five (5) lots will result	Recommended		Administrative Review	Administrative Review

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	after the subdivision is completed; and (3) where no extension of any sewer or water system is required.				
Major1	(1) new streets (public or private) are proposed; or (2) where more than five (5) lots up to two hundred fifty (250) <u>fifty (50) lots will result after the subdivision is completed</u> ; or (3) where extension of any sewer or water system is required.	Required	Not Required. Note: A notice shall be sent to the adjoining property owners by the County.	TRC Recommended, Planning Board Approval	Administrative Review
Major2	(1) new street (public or private) are proposed; and /or (2) where more than two hundred fifty (>250) <u>fifty (50) lots will result after the subdivision is complete</u> ; and/or (3) where extension of any sewer of water system is required.	Required	Required-Recommended by Planning Board, Approval by Board of Commissioners	TRC Recommend, Planning Board Approval	Administrative Review

5.16.1 ZONING MAP AMENDMENTS - CONDITIONAL USE DISTRICTS (CD)**A. Application**

- Petitioning for a CD zoning district is a voluntary procedure and can be initiated only by the owner(s) of the property (ies) in question or by his/her authorized agent. Every application for the rezoning of property to a CD district shall be accompanied by a site plan, drawn to scale containing all of the information outlined in Section 5.11.2 (B) of this Ordinance. The Administrator shall schedule a meeting with the applicant, prior to any public information meeting (PIM) being advertised and/or held to review the rezoning application and site plan to make sure that it meets, at a minimum, all minimum requirements of this Ordinance.
- No application shall be considered complete unless it is accompanied by a fee, in accordance with a fee schedule approved by the governing board for the submittal of an application for rezoning to a CD district. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the Gaston County or the State of North Carolina

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3. The Administrator may require the petitioner to submit more than one (1) copy of the rezoning application in order to have enough copies available to circulate to other government agencies for review and comment. When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board or Board of Commission may request additional information as they deem necessary.
4. The deadline for submittal shall be ~~ninety (90)~~ forty five (45) working days prior to the public hearing meeting with the Planning Board and Board of Commissioners.

B. Public Information Meeting

1. Once the complete application has been submitted to the Administrator and fees paid prior to the public hearing on the rezoning request, two (2) Public Information Meetings (PIMs) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the Planning Board and approval by the Board of Commission. The PIM is designed to provide a framework for creating a shared vision with community involvement directed by the applicant in accordance with the following requirements:
 - a. The applicant shall provide an agenda, schedule, location, and list of participants such as landscape architects, engineers, etc. to answer questions from citizens and service providers for the PIMs in cooperation with the Administrator.
 - b. It is recommended that the first PIM last 2-4 hours, depending on the nature of the proposed development and its location. A minimum of one (1) hour should be scheduled during normal business hours to allow service providers and other public agencies (such as public works officials, NCDOT, NCDENR, QNRC, etc) to participate as needed and to allow for citizens to drop in at a convenient time throughout the period. It is recommended (but not mandated) that this portion of the PIM take place at the proposed development site.

In addition, a second one (1) hour minimum PIM should be scheduled at a conveniently located meeting site agreed upon by the applicant and the Administrator.

A PIM may last for different amounts of time, depending on the nature of the development, its location, and the number of parties involved and/or attending the meeting.
 - c. Notice of the PIM shall at a minimum, be given as follows:

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- i. A public notice shall be sent by the applicant to a newspaper having general circulation in the County not less than ten (10) days nor more than twenty-five (25) days prior to the date of the PIM.
- ii. A notice shall be sent by first class mail by the applicant to the owners of all properties that lie within two hundred (200) feet as measured from the exterior boundaries of the proposed development.

The applicant shall furnish the County with a list of the mailing labels that depict the names and addresses of the owners of all properties within the said two hundred (200) foot area. Such notice shall be sent not less than ten (10) days prior to the date of the PIM. The notification shall contain information regarding the PIM time and location(s) as well as a general description of the proposal.

- iii. With respect to Subsection ii above, the applicant shall provide to the County proof of the paper notice and mailings.
- iv. A PIM notification sign shall be posted by County in a conspicuous place at the property not less than ten (10) days prior to the PIM. The sign shall indicate date, time, and location(s) of the PIM. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the PIM.

- d. The Administrator will keep notes of comments received during the PIM. A summary of the comments made shall be included in any staff report prepared by the Administrator relative to the rezoning request.

- 2. Following the PIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One (1) or more revised copies of the application shall be submitted to the Administrator for review. No additional fee shall be required to be paid for making such changes provided the Administrator receives the revised application within ~~thirty (30)~~ seven (7) days following the PIM. If a revised application is not received during said ~~thirty (30)~~ seven (7) day period, the Administrator shall review the original application submitted.

C. Administrator Approval

The Administrator shall have up to ~~thirty (30)~~ seven (7) days following any revision of the application to make comments. If the Administrator forwards no comments to the applicant by the end of any such ~~thirty (30)~~ seven (7) day period, the application shall be submitted to the Planning Board for their review without any further comment.

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D. Plans and Other Information to Accompany Petition

1. Every application for the rezoning of property to a CD district requires a site plan, drawn to scale containing all of the information outlined in Section 5.11.2(B) of this Ordinance.
2. Other information as required by the Administrator relative to the rezoning request.

E. Public Hearing Notification Requirements

1. Before any property is rezoned to a CD district, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after the PIMs are completed and a joint Public Hearing has been held by the Planning Board and the Board of Commissioners. Notification of the Public Hearing shall be as follows:
 - a. A notice shall be published in a newspaper having general circulation in Gaston County once a week, for two successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the joint public hearing.
 - b. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator at least ten (10) days prior to the public hearing to the applicant and owners of all adjacent properties as indicated on the most up-to-date records of the Gaston County Tax Department.
 - c. The Administrator shall post at least one notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the Planning Board/Board of Commissioners' public hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the nature of the public hearing and its date, time, and location at which it is to be held. The notice shall be removed only after final action has been taken on the matter. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the conditional use permit requested
2. Any public hearing notice published or mailed shall state the nature of the public hearing, the date, time, and place at which the hearing is to occur, and who to call and/or visit for more information.

F. Planning Board Review

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The Planning Board shall have at least thirty (30) days to make a recommendation on the proposed change, said thirty (30) days being measured from the date of the closing of the joint Planning Board / Board of Commissioners public hearing. Any such Planning Board recommendation shall be accompanied by statements that address: (i) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable, and (ii) other matters that the Planning Board deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest. If a recommendation is not made during said time period, the application shall be forwarded to the Board of Commissioners without a recommendation.

G. Action by County Board of Commissioners

A decision pertaining to Conditional zoning districts is a legislative process subject to judicial review using the same procedures and standard of review as applied to general use district zoning decisions. Once the public hearing has been held, the Board of Commission shall take action on the petition. The public hearing, once opened, can be continued to a later date and action take at that time. The Board of Commission shall have the authority to:

1. Approve the application as submitted.
2. Deny approval of the application
3. Approve the application with modifications that are mutually agreed to by the applicant and the Board of Commission. Such conditions shall be in compliance with Subsection F herein.
4. Submit the application to the Planning Board for further study. The Planning Board shall have up to thirty (30) days from the date of such submission to make a report to the Board of Commission. If no report is issued, the governing board can take final action on the petition. The governing board reserves the right to schedule and advertise a new public hearing based on the Planning Board's report.

H. Conditions for Approval of Petition

In approving a petition for the reclassification of a property to a CD district, the Planning Board may recommend, and the Board of Commission may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to County ordinances and officially adopted Comprehensive Land Use Plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commission. In no instance shall any of these conditions be less restrictive than any

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requirements that would otherwise pertain to that particular development if it were located in a general or parallel conditional use zoning district. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development: (i) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commission deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the CD rezoning request

I. Effect of Approval; Zoning Map Designation

of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a CD district, the subject property shall be identified on the Zoning Map by the appropriate district designation preceded by the letters CD (i.e., CD-R-1.) The Administrator may make minor changes (per Section 5.16.4(l)(2) to the approved site plan administratively without necessitating a need to rezone the property to a different conditional district classification.

J. Application Submission Period

Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

SECTION 5.17 CHANGES TO THE ORDINANCE TEXT

5.17.1 AUTHORITY

Upon compliance with the provisions of this Chapter, the Board of Commission shall have the authority to amend the text of this Ordinance.

5.17.2 INITIATION OF A TEXT AMENDMENT

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

5.17.3 FILING OF PETITIONS; DETERMINATION OF COMPLETENESS

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Any petition to amend the text of this Ordinance shall be made using an application form prescribed by the Administrator and accompanied by a fee in accordance with a fee schedule adopted by the Board of Commission. Said application form, signed by the applicant and accompanied by the requisite fee shall be filed with the Administrator. Said application fee shall be waived for any petition submitted by any official or agency acting on behalf of the Gaston County or the State of North Carolina. No application shall otherwise be considered complete unless accompanied at the time of submittal by said fee. The completed application shall contain, among other things, a reference to the specific section, subsection, paragraph or item proposed for change, as well as the wording of the proposed change, and the reasons therefore.

5.17.4 SUBMITTAL AND NOTIFICATION REQUIREMENTS

- A. In order for an amendment to the text of this Ordinance to be made by the Board of Commissioners, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after a joint public hearing held by the Planning Board and the Board of Commissioners. Any complete application shall be submitted to the Administrator at least twenty-eight (28) working days prior to the public hearing. Notification of the public hearing shall be published in a newspaper having general circulation in Gaston County once a week, for two successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the joint public hearing.
- B. Any public hearing notice published shall state the nature of the public hearing(s), the date, time, and place at which the hearing(s) is to occur, and who to call and/or see for more information.

5.17.5 PLANNING BOARD ACTION

- A. Once the joint Planning Board / Board of Commission public hearing has been concluded, the Planning Board shall have thirty (30) days from the date the public hearing was completed to make a written recommendation to the Board of Commissioners. If a recommendation is not made during said time period, the application shall be forwarded to the governing board without a recommendation from the Planning Board. Statements that: (i) analyze whether the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Planning Board deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each recommendation relative to the text amendment request.
- B. A Planning Board recommendation shall be in one of the following manners:
 - 1. Grant the amendment as requested; or
 - 2. Grant the amendment with changes as (recommended) (made); or
 - 3. Reject the amendment.

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5.17.6 Governing Board Action

Once the joint public hearing has been conducted and (i) the Planning Board has submitted its recommendation or (ii) the thirty (30) day Planning Board review period has expired, whichever comes first, the Board of Commissioners shall render a decision on the petition. The decision of the Board of Commissioners shall be in the form of any of the various options listed in Section 5.17.5 above. Statements that: (i) analyze whether the amendment is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commission deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the text amendment request. Furthermore, the Board of Commissioners shall have the authority to make additional amendments to the text change request, based on the proceedings of the public hearing so long as such changes are in keeping with the spirit and intent of the originally requested amendment. Alternately, the Board of Commissioners may send the application back to the Planning Board for further study and consideration. (**NOTE:** Such resubmittal by the Board of Commissioners to the Planning Board may occur not more than one (1) time for any text amendment request.) If a resubmittal to the Planning Board occurs, the Planning Board shall hear the case and have an additional thirty (30) day period (from the date of re-referral by the Board of Commissioners) to resubmit a recommendation to the Board of Commissioners.

8.2.14.1 CAMPING AND RECREATIONAL VEHICLE PARK

- A. All spaces for camping and recreational vehicles shall be located at least one-hundred (100) linear feet from any adjoining lot line. Where the lot line adjoins a public road right-of-way or street, the spaces shall be located at least fifty (50) linear feet from the property line.
- B. Notwithstanding any other screening requirements, the campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time a certificate of occupancy is issued for the use.
- C. Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages, etc.).

2019-158 Commissioner Philbeck - Planning & Development Services - Zoning Text Amendment: ZTA19-02 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 8 (Supplemental Use Regulations): Section 8.1.8(G)



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

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On motion introduced by Commissioner Hovis and seconded by Commissioner Worley, the BOC unanimously approved **2019-158** after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the County Commissioners approves the amendments to amend UDO Chapter 2 (Definitions): Table 2. 7- 1; Chapter 8 (Supplemental Use Regulations): Section 8. 1. 8(G). as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances as follows:

TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition
Dwelling, Single-family Attached		<p>A single-family dwelling that is connected by means of a common dividing structure or load-bearing wall, or by means of a floor-to-ceiling connection, of at least ten (10) linear feet, to one (1) or more other single-family dwellings.</p> 
Dwelling, Single-family Detached	Residential	<p>A detached building designed for or occupied exclusively by one (1) family, but not to include manufactured homes as defined by this Ordinance.</p> 
<u>Dwelling, Small House</u>		<p><u>A "Dwelling, Single-family Detached", also known as "tiny homes" or "tiny houses", per these definitions, that is a minimum of three-hundred twenty (320) square feet (or as allowed by the NC State Building Codes) and is constructed or assembled onsite, meeting applicable NC State Building Code requirements.</u></p>

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**8.1.8 MANUFACTURED HOMEPARK**

- A. A manufactured home located in a manufactured home park that existed on the effective date of this Ordinance may be replaced.
- B. Said replacement manufactured home may be placed on a preexisting manufactured home space provided that the front, side, and rear setbacks for the manufactured home that existed prior to the replacement of the manufactured are not reduced.
- C. Manufactured homes shall be in compliance with all other applicable local and state codes.
- D. In no instance shall a manufactured home park that existed on the effective date of this Ordinance be allowed to expand (i.e., increase in the number of manufactured home spaces) subsequent to the adoption of this Ordinance.
- E. In no instance shall any new manufactured home parks be created after the effective date of this Ordinance.
- F. Refer to Chapter 14 for Manufactured Home Park regulations.
- G. Owners of existing Manufactured Home Parks may request to remove and replace an existing manufactured home unit or utilize a pre-existing manufactured home space for the placement of a Small House, as defined in Chapter 2.
 - a. The park owner may voluntarily request a conversion for one (1) or all of the existing spaces on a case-by-case basis. It is understood that this conversion

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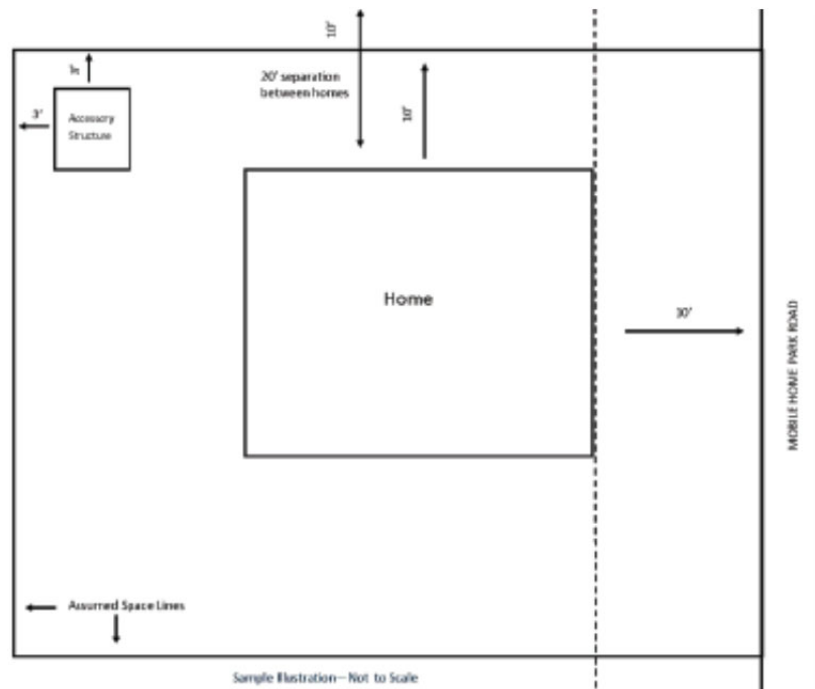
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process will need to be flexible due to the wide range of conforming and non-conforming Manufactured Home Parks in the County. No new spaces shall be created in this process. In no case shall this section of this ordinance supersede any other local, state or federal laws or guidelines such as NC Building Code, Environmental Health regulations or HUD standards, etc.

b. The park owner shall submit the following to be considered for a small home lot(s) conversion:

1. Space(s): A scaled drawing of the existing space(s) to be considered and the adjoining spaces or outside park boundary showing distances to any lot lines, existing structure, utilities including septic, carports, accessory buildings and interior roads



2. Dwelling Standards: The proposed conversion space shall have a maximum dimension of the allowable home site and if one (1) or two (2) story with the total allowable heated square feet. Dwellings shall be a minimum of three-hundred twenty (320) square feet (or as otherwise allowed by NC State Building Code) and a maximum of eight-hundred (800) square feet in size. All dwellings shall be constructed and/or assembled onsite and must meet all applicable NC State Building Code requirements.
3. Roadway and Parking: Detail information on the existing and proposed roadway and parking space (19' x 9') improvements. Any portion of the

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Manufactured Home Park proposed for conversion shall improve the interior road up to a minimum standard as specified in the NCDOT "Minimum Construction Standards", including paving.

4. Any fees as required by Gaston County.
 5. Proposed converted spaces shall adhere to the following: A ten (10) foot building separation from the assumed interior space line and/or twenty (20) foot separation between dwelling units (excluding carports, accessory structures or porches).
 6. Carports: Carports and/or porches shall be no closer than three (3) feet from the assumed line. No carport enclosures shall be allowed.
 7. Accessory Buildings: Limited to one (1) and shall be no closer than three (3) feet from the assumed space line, six (6) feet to the nearest adjoining space accessory building or carport and no larger than fifty (50) percent of the heated area of the dwelling.
 8. The proposed dwelling shall be no closer than ten (10) feet from the front interior road and ten (10) feet to the rear assumed space line. In no case shall the setbacks be less than required in this Chapter for structures to the outside lot boundaries.
 9. Parking spaces (9' x 19'): Minimum of two (2) onsite when counting one (1) in the carport, consisting of a hard surface material (such as asphalt paving or bituminous surface treatment (BST) paving) on a well compacted sub-base, shall be provided for each home space.
 10. Mitigation of any existing Manufactured Home Park deficiencies that may preexist.
 11. No subdivision of the Manufactured Home Park shall be allowed unless it meets all the requirements of Chapter 13 of this Ordinance.
- c. The Zoning Administrator and Planning Director or designee shall have thirty (30) days from the date of application to consider approval following a written recommendation of the Chief Building Inspector, Environmental Health Supervisor, and the Fire Marshal or their individual departmental designee. Approval or denial shall be submitted in writing to the application and/or park owner. Approval expires one (1) year from date of approval unless extended by the issuance of a valid building permit on a per lot basis.

Non-Consent

2019-159 Commissioner Worley - Sheriff's Office - Appropriation of Additional Funds to House Inmates Out of County for March & April 2019 (\$35,768)

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Commissioner Worley introduced the motion to approve and Commissioner Chad Brown provided the second.

Chairman Philbeck called for discussion; none was heard.

Chairman Philbeck called for the vote, and the BOC unanimously approved **2019-159** per Budget Change Request:

Account Description	Account Number	Amount
FUND BALANCE APPROPRIATED	010-99-9900-0000-490000	{35,768}
INMATES HOUSED OUT OF COUNTY	010-02-4315-4323-530015-18126	35,768

Commissioner Worley asked Chief Darrell Griffin for the current number of out-of-county jail inmates.

Chairman Philbeck advised the BOC was notified via email that the count was at eighteen inmates.

Chief Griffin, Sheriff's Department, advised the numbers were high this morning; about ten would be transported tomorrow, which should help [with the count].

Appointments

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

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Allen Fraley	Commissioner Tracy Philbeck	Mr. Richard Franks	May 31, 2022
Commissioner Allen Fraley	Commissioner Tracy Philbeck	Mr. Grover (Donnie) D. Alexander, Jr.	May 31, 2022
Commissioner Bob Hovis	Commissioner Tom Keigher	Mr. Steven Amos	May 31, 2022
Commissioner Chad Brown	Commissioner Tom Keigher	Mr. Timothy Payne	May 31, 2022
Commissioner Tom Keigher	Commissioner Allen Fraley	Mr. Chad Duncan	May 31, 2022
Commissioner Tom Keigher	Commissioner Allen Fraley	Mr. Scott Pagan	May 31, 2022
Commissioner Ronnie Worley	Commissioner Bob Hovis	Mr. Alex Ormaza	May 31, 2022

On motions introduced and seconded, the following individuals were unanimously reappointed/appointed to ***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 Jack Brown	Commissioner Bob Hovis	Ms. June Jones	May 31, 2021
Commissioner Tracy Philbeck	Commissioner Bob Hovis	Ms. Shirley Wiggins	May 31, 2021

On motions introduced and seconded, the following individuals were unanimously reappointed/appointed to ***Region F Aging Advisory Committee:***

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Jack Brown	Commissioner Bob Hovis	Ms. June Jones	May 31, 2021
Commissioner Tracy Philbeck	Commissioner Bob Hovis	Ms. Shirley Wiggins	May 31, 2021

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

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Jack Brown	Commissioner Bob Hovis	Dr. Dennis McElhoe	May 31, 2022
Commissioner Bob Hovis	Commissioner Tom Keigher	Ms. Malissa Gordon	May 31, 2022
Commissioner Tom Keigher	Commissioner Allen Fraley	Ms. Linda McConnell	May 31, 2022
Commissioner Tracy Philbeck	Commissioner Bob Hovis	Mr. Scott Carter	May 31, 2022

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On motion introduced by Commissioner Bob Hovis and Seconded by Commissioner Tom Keigher, the BOC unanimously appointed Ms. Sharon Padgett to **Personnel Advisory Board** to an unexpired term ending March 31, 2022.

On motion introduced by Commissioner Tom Keigher and Seconded by Commissioner Allen Fraley, the BOC unanimously appointed Mr. Odell Garrity to **Animal Care and Enforcement Advisory Board** to an unexpired term ending January 31, 2021.

On motion introduced by Commissioner Ronnie Worley and Seconded by Commissioner Bob Hovis, the BOC unanimously appointed Ms. Anna Trietley to **Family Advisory Board** to an unexpired term ending April 30, 2021.

On motions introduced and seconded, the following individuals were unanimously appointed to **Gaston County Housing Board**:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Chad Brown	Commissioner Ronnie Worley	Mr. Chuck Ballard	January 31, 2022
Commissioner Chad Brown	Commissioner Ronnie Worley	Mr. Robert Lancaster	January 31, 2022
Commissioner Chad Brown	Commissioner Ronnie Worley	Mr. George Mason	January 31, 2022
Commissioner Chad Brown	Commissioner Ronnie Worley	Mr. Kevin Meyer	December 31, 2020
Commissioner Chad Brown	Commissioner Ronnie Worley	Mr. Monte Monteleone	January 31, 2022
Commissioner Chad Brown	Commissioner Ronnie Worley	Ms. Elizabeth Moser	January 31, 2021
Commissioner Chad Brown	Commissioner Ronnie Worley	Mr. Brian Sciba	
Commissioner Chad Brown	Commissioner Ronnie Worley	Mr. Sam Shames	

Commissioners Committee Reports

Commissioner Jack Brown reported meeting attendance to **EDC**; advised the EDC Director provided an update on activity that has occurred in the County; the job ratio might be lower due to 500+ upcoming jobs; asked Mr. Hicks to present those facts to the BOC at its next meeting; **Gaston Regional Chamber's 2019 Small Business Awards & Gala** - advised a 15 year-old North Gaston High School student that started a special business project of repairing tennis shoes won the *Entrepreneur Award*.

Commissioner Hovis reported meeting attendance to **CaroMont Health Board of Directors**; advised CaroMont announced its second site in Belmont-Mount Holly at the I-85 N interchange; continuously working to meet the growing baby boomer healthcare requirements; there are a lot of positive things going on that will require much effort countywide to make it all happen; a great relationship has been forged with Mr. Chris Peek (CaroMont Health President) and Belmont Abbey's leadership; Chairman Philbeck, Vice-Chairman Brown and Commissioner Worley were in attendance as well.

Commissioner Keigher reported meeting attendance to the **Council on Aging (COA)**; advised that one full-time and two part-time positions are in the County's budget; COA members toured the Orthopedic Hospital Campus facility and is proud the BOC realized the need for the positions; **Bethlehem Baptist Church's "Jeremiah Program"**; advised the program works to end generational poverty; the program is in 22 locations around the country; believes the program can work; the County may be asked to participate; BOC should do a resolution of support for the program which involves public funds; announced the **Parks and Recreation Annual Health Fair**

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will be held at the Agricultural Center on May 29th at 10 am; will be discussing Medicare needs with attendees.

Chairman Philbeck recalled that he and Commissioners Hovis and Worley are participating in the process to hire an Assistant County Manager; advised there were 71 applicants and 12 applications would be forwarded to BOC for review; there will be an opportunity for all Commissioners to meet with candidates; the interviews should take place in mid-June.

County Manager's Report

Chairman Philbeck asked BOC to submit any budgetary questions to the County Manager to relay to staff before the next Commission meeting to make the process as smooth as possible.

Presentation of the FY2019-2020 Gaston County Budget

The County Manager thanked staff for doing a remarkable job on the budget. He provided a slide presentation with highlights of the 2019-2020 Budget (presentation slides filed with the Clerk to the Board). The FY20 Budget Message was presented as follows:

**GASTON COUNTY**

128 West Main Avenue
P.O. Box 1578
Gastonia, North Carolina 28053-1578

County Manager

Phone (704) 866-3101
Fax (704) 866-3147
e-mail: emathers@gastongov.com

Honorable Chairman Philbeck and Members of the Board of County Commissioners:

In accordance with the General Statutes of North Carolina, I am honored to submit for your consideration the Recommended FY 2019-2020 Budget. The budget is balanced and prepared under the guidelines of the North Carolina Budget & Fiscal Control Act. It incorporates the priorities and policy direction of the Board of County Commissioners. Although we anticipate some easing of fiscal strain in the coming fiscal year, the budget is prepared with a conservative approach to revenue and expenditure projections. This approach has served the County well in past years.

Budget Summary

Gaston County recently completed a property revaluation that has led to an increase in property values. The growth in value and subsequent revenue is very important to the County. Since the last recession, the County has propped up the local economy by holding steady on a tax rate that did not bring in adequate revenue to support the demand for services. The County has decreased savings (fund balance) eight of the last ten years. Additionally, the County did not go revenue neutral in FY16 when property values decreased. The County lost nearly \$15 million in potential revenue by supporting the local economy and keeping the tax rate constant instead of burdening the citizens. As required to report by North Carolina state statute, the revenue neutral tax rate would be 79 cents per \$100 of valuation. However, this budget recommends a tax rate of 84 cents per \$100 of valuation.

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Gaston County's economy has continued to grow robustly and has been complemented by moderate population growth. Consequently, property values have increased, sales tax revenue has remained strong and fee income has risen. This is an encouraging trend and will hopefully be sustained well into the future. However, economies tend to be cyclical and Gaston County needs to take a conservative approach to maintaining its fiscal condition while meeting the ever-increasing demand for the services, associated growth, and other persistent challenges. Despite solid growth and historically low unemployment, factors such as the substance abuse crisis and generational poverty continue to require significant resources.

Overall, Gaston County is in sound financial condition and this statement is affirmed by the fact that our bond rating was recently upgraded to AA+. In addition, we consistently receive very high marks for the quality of our financial management practices and budget reporting. Indeed, we have been regular recipients of budgeting awards issued by the Government Finance Officers Association (GFOA). That said, unassigned fund balance is depleted and it is imperative that we replenish our reserves in the next and subsequent budget cycles. Since the beginning of the recession, Gaston County has had a structural imbalance in which expenditures exceeded revenue. Due to the revaluation and continuing economic growth, we now have an opportunity to correct this imbalance.

Additionally, Gaston County delayed several capital projects during the recession. Roofing systems, parking lots and ongoing maintenance challenges must now be addressed. Gaston County needs to address a variety of deferred maintenance issues and expedite compliance with the Americans with Disabilities Act (ADA). A complete inventory of ADA compliance needs was compiled and we need to devote additional resources to correcting those deficiencies in the next few years. In the near future, a more complete review of Gaston County facilities should be completed. Currently the County is working on a facilities master plan that will be completed by the end of the calendar year. It has been many years since a full-fledged Capital Improvements Plan (CIP) has been commissioned by the County and this should be strongly considered in the immediate future. The County issued approximately \$30 million in debt this past year for a jail infill project, a new public safety radio system and radios, and infrastructure funding to construct a new manufacturing technology park for economic development. Below is a comprehensive list of what the increased property tax revenue will accomplish for our County.

General Fund Budget Drivers

	Increase from FY19 (\$)
Capital Improvements	
ADA Compliance	\$ 3,250,000
Deferred Maintenance & Other Capital Improvements	\$ 3,050,000
	\$ 6,300,000
Education	
Gaston County Schools- Operating	\$ 1,960,000
Gaston County Schools- Capital	\$ 1,000,000
School Debt Service	\$ 546,985
Gaston College- Operating	\$ 233,532
	\$ 3,740,517
Personnel	
All General Fund Salaries	\$ 729,869
401K Contribution	\$ 500,000
State-mandated Retirement Contribution Increase	\$ 329,801
	\$ 1,559,670
Other	
Jail Medical Services	\$ 835,665
Court Services	\$ 291,970
	\$ 1,127,635
TOTAL INCREASE	\$ 12,727,822

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Developing the annual budget for Gaston County is complicated and time consuming. It takes months to complete, requiring the effort of many people. Each County department, the County school system, and Gaston College submit budget requests which are reviewed. Individual meetings are conducted with each entity to clarify the requests and ask questions prior to a more detailed analysis of each budget proposal. This process resulted in the proposed budgets being cut by approximately \$25 million for FY20. Due to numerous factors, the County budget fluctuates in specific expense categories from year to year and the total amount of expenditures generally rises. Gaston County is not unique in this respect. Virtually all local governments experience budget increases, especially in times of population growth and in response to inflationary pressure.

Key Budget Recommendations

With an overall budget of over \$330 million, more than 25 departments, and funding for outside agencies, the budgeting process requires considerable expertise. The balance of County Commission- approved spending priorities and departmental needs makes for a difficult decision-making process because resources are perpetually limited. All departments present legitimate arguments for additional resources. As mentioned elsewhere, significant reductions have been made prior to presenting the Manager's Budget to the BOC. While the FY20 Budget has many important features, the following are some of the most noteworthy:

- Proposed reduction in the property tax rate from .87 to .84
- Increased spending for deferred maintenance and ADA improvements
- Cost of Living Adjustment (COLA) of 2% and 1% merit increase at mid-year which will be awarded based on staff performance
- Establishing a 401K employer contribution of up to 3% at mid-year with an estimated **\$500,000** budget impact
- The addition of **10** employees, primarily in public safety
- Additional funding for Gaston County Schools of **\$2.96** million including **\$1** million for capital and **\$1.96** million for operations. A smaller increase for Gaston College is also recommended.
- Inmate medical services contract cost increased by **\$835,665**
- Economic development commitment of **\$11.5** million for development of Apple Creek land

A breakdown of the general fund budget by revenue and expenditures is shown below.

FY20 RECOMMENDED GENERAL FUND BUDGET			
REVENUE		EXPENDITURES (By Function)	
Ad Valorem Taxes	\$ 165,414,047	General Government	\$ 34,386,563
Sales Tax	\$ 30,820,000	Public Safety	\$ 66,216,172
Other	\$ 24,820,218	Education- Operating/Capital	\$ 60,858,741
Fund Balance Appropriated	\$ 7,735,619	Cultural & Recreational	\$ 6,168,055
		Human Services	\$ 2,340,228
		DHHS- County Share	\$ 26,384,627
		Economic & Physical Dvlpmt	\$ 2,947,929
		Other Debt Service	\$ 6,056,505
		County School Debt Service	\$ 16,981,064
		Capital Improvements	\$ 6,450,000
TOTAL REVENUE	<u>\$ 228,789,884</u>	TOTAL EXPENDITURES	<u>\$ 228,789,884</u>

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New Debt Service

NEW DEBT SERVICE					
Project	FY20 Payment	FY21 Payment	FY22 Payment	FY23 Payment	FY24 Payment
Apple Creek	\$ 1,359,306	\$ 1,419,878	\$ 1,387,691	\$ 1,355,142	\$ 1,321,988
Jail Infill	\$ 365,517	\$ 390,463	\$ 390,463	\$ 390,463	\$ 390,463
Radio Equipment	\$ 484,971	\$ 500,500	\$ 481,250	\$ 462,000	\$ 442,750
Radio Infrastructure	\$ 288,568	\$ 308,263	\$ 308,263	\$ 308,263	\$ 308,263
Total	\$ 2,498,362	\$ 2,619,104	\$ 2,567,666	\$ 2,515,867	\$ 2,463,463

Public Safety Radio – Planning and due diligence associated with the upgrade to an 800MHz public safety radio system has been underway for at least five years. The preliminary construction phase is already underway for the new Viper system and should be completed in the spring of 2020. Compatible radios need to be purchased and a package deal was negotiated at a favorable price from Motorola. New debt: \$13.6 million

Apple Creek Development – Gaston County is in dire need of additional industrial land to sustain the strong growth observed in recent years. The 300 acre development, while costly to acquire and develop, will yield great benefits for many years in terms of tax revenue and job creation. To the greatest practical extent, we intend to expedite development since we have very strong interest in new companies willing to invest in major facilities at the location. New debt: \$8.5 million, total developments cost is over \$20 million. \$11.5 million is budgeted in the capital fund as pay go financing.

Jail Infill – Overcrowding in the jail has been a consistent problem for an extended period of time, creating safety issues for prisoners and staff. The additional 80 beds will alleviate overcrowding for some time and thus provide the County with the ability to determine whether an additional wing will be needed, as well as the long-term effectiveness of alternative sentencing. The project will also result in a significant increase in operating costs due to the need for additional staff, equipment and services. – New debt: \$10 million

Critical Investment Areas

- ✓ Employees
- ✓ Economic Development
- ✓ Public Safety
- ✓ Capital Improvements / Facilities & Infrastructure
- ✓ Public Schools

Gaston County seeks to continuously improve economic opportunities, quality of life, education, safety and well-being for its residents. Addressing the five areas listed above strategically will assure a bright future for County residents and allow for the provision of a broad array of services. Many of the functions of County government are mandated, while others are provided as a result of policy decisions by the Board of County Commissioners. The general philosophy of Gaston County is to provide an adequate level of service to residents in the most cost effective manner possible.

Employees

The success of Gaston County in delivering services of all kinds is almost entirely dependent upon the quality and motivation of our employees. The Board has been responsive to the needs of employees and has provided compensation increases of a regular basis for the last five years. Despite the fact that the regional labor market is very competitive, Gaston County has gradually reduced attrition resulting in improved productivity and higher quality service delivery. Turnover for the last year is in the 12% range including retirements. Experienced employees with higher levels of job satisfaction provide better service more efficiently. Compensation is not the only factor associated with job satisfaction; Gaston County has worked to provide a good benefit package and this has been possible to maintain in part because of the various wellness initiatives we have introduced over the last four years. The costs of our health plan have remained relatively flat in comparison with other jurisdictions.

To maintain a highly robust workforce and avoid the excessive costs of turnover, it is proposed that Gaston County phase in a merit pay plan for FY20. This would include a 2% cost of living adjustment at the beginning of the fiscal year and the

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potential for an additional 1% in merit pay at mid-year. This hybrid approach can be modified in future years depending on the effectiveness of the program and the availability of funding. Many jurisdictions will be providing higher compensation increases for FY20 but, Gaston County's current compensation is generally at market and we should be able to remain competitive. The introduction of a 401K employer contribution plan has been discussed in Gaston County for several years. It is proposed that we initiate the program at mid-year in FY20 with a 3% match in anticipation of around a 50% participation rate and an estimated first-year cost of \$500,000.

The proposed FY20 budget recommends 10 new positions. While the number is trimmed back from the requests, it is more than has been proposed in recent years. The following chart provides a breakdown.

Department	Position	Number	Notes
County Police	Police Officer II	2	These position will be attached to Special Investigations and are needed to reduce illicit narcotics and violent crime.
Animal Control and Enforcement (ACE)	Specialist Veterinary Technician Records Specialist	3	The positions are to meet the needs of the new ACE Facility and more adequately fulfill existing demand for services which has increased significantly.
Social Services	Social Worker III APS Social Worker III Adult Guardianship Economic Services Caseworker (2)	4	Excessive demand on certain positions threatens to bring Gaston County out of compliance with standards.
EDC	Assistant Director	1	Fulfill new responsibilities associated with newly completed plan and provide office management.

Economic Development

Gaston County's EDC experienced nearly unrivaled success in 2019 with a number of new industrial projects sites, including one large back-office operation. In recent months, Gaston County has had a continuous string of prospects and a limited number of quality sites available. The Gaston Technology Park (GTP) is virtually full as are other industrial parks. Consequently, the Board approved moving forward with the acquisition and development of the Apple Creek property in 2019 with acquisition costs of \$8.5M and development costs over \$20M. The FY20 budget includes \$11.5 million for developing the property along with the \$8.5M in debt that was issued previously. There is already a demand for the Apple Creek sites. Gaston County is also in continuing negotiations for a smaller industrial property near Cherryville.

Retail sector development is also growing robustly. It is generally understood that retail, as a tertiary form of economic development, naturally follows primary industrial development which is normally stimulated by economic development entities. Obviously, population growth and the affluence of an area's residents influence the type of retail and commercial development that occur. Other factors such as downtown revitalization and proximity to other major retail clusters such as Charlotte play a major role as well. Retailers have very specific criteria for planting new stores based on various demographic and location factors especially household income.

Public Safety

Investments in public safety are prominent features of the FY20 budget. The jail infill project is moving forward and additional debt service associated with this development is detailed elsewhere in this document. While alternatives to incarceration are more effective in reducing recidivism, there is no doubt that the 75-80 new beds will be needed. The number of programs managed in the jail has expanded greatly and there is a clear need to minimize the amount of drugs illicitly brought into the jail. The medical cost for jail inmates has also increased by over \$800k. The need to increase the medical cost is from the increase of inmates in the jail and the severity of illness that are progressively getting worse.

The new Animal Control and Enforcement Facility, despite construction delays, should be open by late summer. Due to community demand, both shelter and enforcement activities have increased significantly. Although the new facility is only marginally larger than the current one, it will operate much more efficiently. In addition, ACE has dramatically improved its operations leading to a significant reduction in the euthanasia rate and much better adoption programs as well as a highly

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innovative foster pet program. In order to maintain the excellence of these programs, as well as favorable relations with the various interest groups involved, three new positions are recommended for ACE in FY20.

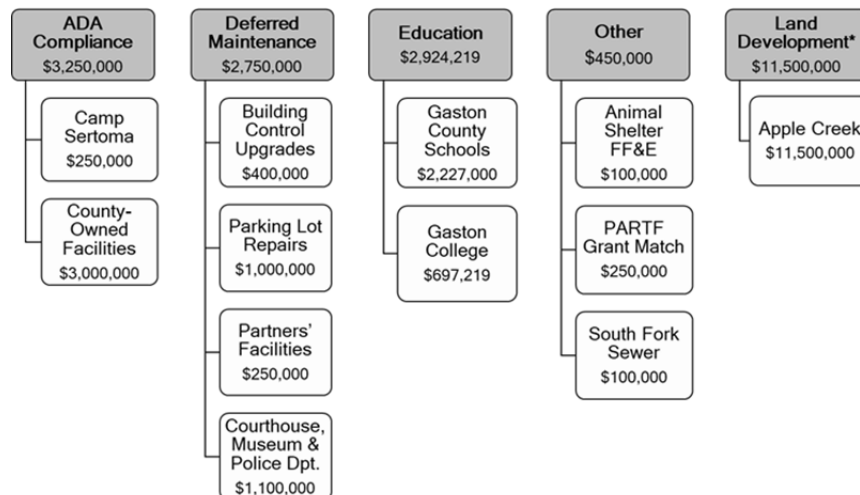
Caseloads for County Police have also been consistently high. Growth in the County is continuing and there are concerns about ever-increasing violent crime in metropolitan area. Over the years, a comparatively high closure rate has been maintained and we want to ensure that the department has the capacity to continue high caliber law enforcement. Retirements have created some budget flexibility for County Police. Therefore, we are also recommending filling two additional detective positions of the six requested. These positions will be attached to the Special Investigations Unit (SIU). The primary focus of the new positions will be reducing illicit narcotics and violent crimes which are intertwined. To date in 2019, SIU seized more than \$5 million in narcotics, a significant impact on the drug culture in Gaston and surrounding counties. This request aligns well with overall efforts combat the drug crisis.

Substance Abuse Crisis

Gaston County continues to be one of North Carolina's leaders in meeting the challenges imposed by the opioid crisis and substance abuse. While the opioid crisis gets most of the media attention, Gaston County and many other areas continue to have major issues with other drugs, specifically methamphetamine. Utilizing a multi-disciplinary approach loosely orchestrated by the Gaston Substance Abuse Coalition, progress is being made on many fronts. This is not to say the situation is under control. Persistent efforts to mitigate the problem will undoubtedly be required for many years to come. However, the full array of providers associated with the Substance Abuse Coalition, including the medical community, non-profits, social services, law enforcement and the faith community, is providing a broad range of services. The mission of the Gaston Controlled Substances Coalition is to engage professional and lay leaders from across the county to collaboratively develop and conduct programs that will: (1) prevent the onset of addiction to controlled substances, (2) assure the adoption of safe opioid prescribing practices, (3) deliver comprehensive drug treatment and mental health services for all persons in need, and (4) deliver professional and community education in support of these outcomes.

Major Capital Improvements for FY20 (Including Facilities & Infrastructure)

Gaston County allocates funds for capital improvements items and projects in a separate capital improvements fund within the annual budget ordinance. Expenditures in the capital improvement fund are defined as capital projects, such as building construction and improvement and equipment purchases that generally have an initial, individual cost of more than \$100,000 and an estimated useful life of more than one year. In most instances, major capital projects take several years to plan and execute. This is certainly the case with the projects which will move forward in FY20. For the reasons briefly described below, each of these projects fulfills a serious infrastructure need or deficiency. Funding for these projects, primarily in the form of debt financing is in-place. The following list provides descriptions and budgeted amounts for Gaston County's FY20 capital expenditures totaling \$20,874,219.



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Amount	Capital Improvement Items & Projects
\$7,500,000	Land Development

The funds are necessary to develop the land purchased for the Apple Creek Corporate Center, a planned business park that will target advanced manufacturing companies. Land development will ensure that the County has competitive, developed, and readily available sites for high quality employers that will invest significant dollars and pay above average wages.

\$3,000,000	Facility ADA Compliance Improvements
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Funds are necessary to bring County facilities to ADA compliance.

\$2,227,000	Gaston County Schools- Capital Allocation
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North Carolina law requires Gaston County to provide funding for maintaining all public school buildings within the County. The \$2,227,000 budgeted for the school system's recurring capital needs comprises Gaston County's annual appropriation to fulfill its statutory responsibilities.

\$1,350,000	Deferred Maintenance
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This item includes the following projects: General maintenance (Roofs, gutters, HVAC, etc.) at Partners Behavioral Health facilities including the Detox Facility and Mary Nelson Center, carpet replacement at the Courthouse, rear porch repair and construction at the museum, and other projects as ranked by necessity.

\$1,000,000	Parking Lot Improvements
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Gaston County was forced to delay maintenance to County facilities, including parking lots, during the recession. Maintenance deferral left several parking lots cracked and some unrepairable. These funds will be used for phase 2 of repairing or replacing several parking lots at County facilities.

\$697,219	Gaston College- Capital Allocation
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Gaston County is responsible for providing funding for the facilities of Gaston College. This year's allocation is \$697,219.

\$400,000	Building Controls Upgrades
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These funds are for phase 6 of building control upgrades. Upgrades will be made to Partners Behavioral Health facilities (the Detox Facility and Mary Nelson Center), the County Administration Building, and other County-owned buildings.

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\$250,000 Camp Sertoma- ADA Compliance

Camp Sertoma is a summer camp for children with disabilities. There are crucial ADA improvements that are necessary in order to make the facility compliant.

\$250,000 Dallas Park- PARTF Grant Match

These funds will be used as a match for the PARTF grant. If awarded, the project will fund a splash pad, shade structures, and new trail at Dallas Park.

\$100,000 Animal Care and Control FF&E

These funds will be used for furniture and equipment at the newly constructed Animal Care and Enforcement shelter.

\$100,000 South Fork Sewer

Gaston County has agreed to fund the South Fork Sewer Project with Two Rivers in Gastonia. The support of \$100,000/year will conclude in FY21.

\$20,874,219 Total Capital Improvements**Public Schools**

Gaston County voters authorized the issuance of \$250 million in school bonds, along with an additional one-quarter cent sales tax dedicated to debt service last year. At this juncture, \$60 million in bonds has been issued in support of the Belmont Middle School project as well as some ongoing capital improvement needs. Two new Gaston County Schools were opened last year and while the student count has remained stable in recent years, growth in certain parts of the county can be expected in coming years due to extensive residential development. In fact, a number of schools are at or above capacity and many Gaston County schools are quite old.

The proposed FY20 budget increases county spending for public schools by nearly \$3 million. This includes an additional \$1 million for capital and \$1.96 million for operations. Like county government, Gaston County Schools operates efficiently with expenditures per student lower than many other jurisdictions. Similar to the County, the public school system has aging facilities that require costly repairs and maintenance. The overall estimate for capital improvements for Gaston County Schools is in excess of \$600 million.

New Initiatives

The planned **Family Justice Center (FJC)** will be a significant addition to the array of services available to support families and the criminal justice system in Gaston County. Remarkably, the FJC will open in the fall of 2019 with 80% grant funding for a renewable two-year term. The 20% match is covered by existing expenditures so there is no new County money involved. Family Justice Centers (FJCs) serve victims of domestic violence, family violence, and sexual assault by housing services from multiple agencies in one location. FJCs promote a coordinated community response to these victims and improve service delivery. In January 2019, the County applied for a Governor's Crime Commission grant

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totaling \$1.4M. The grant has been approved to move forward in the award process and will fund operating costs including personnel, childcare, translation services, furniture, medical equipment and supplies, and other essential costs. Blackpine Development has agreed to lease an estimated 6,425-sf space located at 164/170/176 W. Franklin Blvd. for the FJC at a below-market rate.

Efforts to develop a new **Children's Advocacy Center (CAC)** have been advancing. The CAC serves children that are victims of sexual abuse. In Gaston County, more than 300 children are served annually. Fund-raising is underway and a highly significant donation of land for the new center has been made by Bethlehem Church. The new center, to be located on the main Bethlehem Campus off S. New Hope, will create a much more home-like atmosphere which is the best practice model for this kind of facility. Some cash donations have been made and a major fund-raising event is planned for this fall. In addition, it is hoped that in-kind donations of building supplies will be made. Preliminary design has been completed and sufficient funds are available for completing the process. Depending on how well things go over the next year in terms of fund raising and in-kind donations, the County may want to consider budgeting funds to fill the gap for FY21.

Cherryville – Although the details associated with acquiring the Cherryville property are still being resolved, this project has strong BOC support. The property will be a smaller industrial site on the outskirts of Cherryville. Site analysis information is incomplete at this writing. Capital cost for acquisition is estimated to be around \$750,000.

Forecast

Growth is likely to be a major influence on Gaston County Government in the near future. Residential construction is robust at present and likely more dynamic if more construction crews were available. In the southeastern quadrant of Gaston County alone, around 14,500 residential lots could be available for development in the next few years. Obviously, this will have considerable impact on services and will increase congestion since the development of transportation infrastructure is not keeping pace with population growth. Two Rivers Utilities and Belmont are extending utilities to meet the demand of new subdivisions.

Fund Balance

The graph below illustrates our story over the last few years. In FY14 our available fund balance was 20.10%. In FY15 we increased fund balance to 33.69%; however, this increase was due to a onetime payment from CaroMont Health in the amount of \$20 million. In FY16 fund balance went down to 21.56% as a result of the \$20 million being spent. Finally, in FY17 and FY18 fund balance as a percentage did not drastically change, however the unassigned fund balance number has fallen to an alarming level. The unassigned fund balance number refers to cash on hand that is readily available. The County has less than \$2.5 million in unassigned funds that could be used for an emergency and for cash flow purposes. The unassigned number has decreased by \$15 million since FY14. The County has since appropriated over \$20 million in fund balance during FY19, which could further deteriorate the unassigned figure and fund balance percentage.

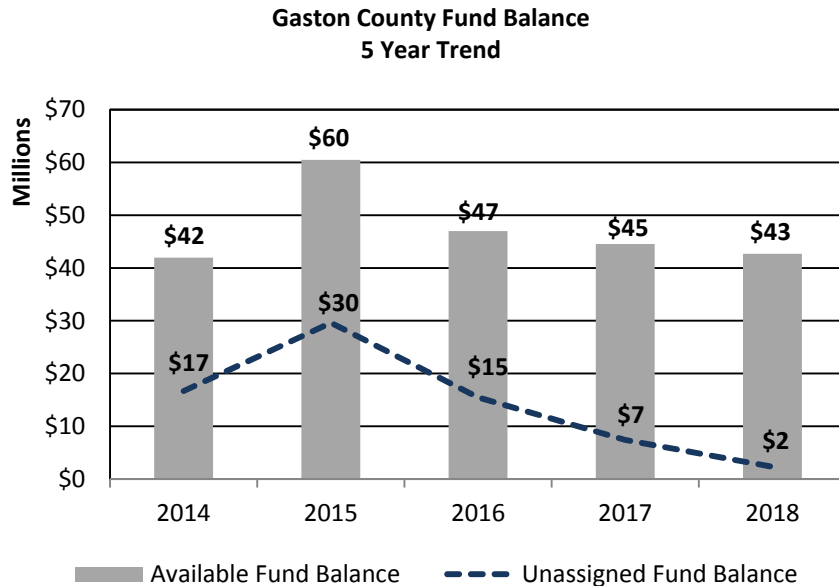
Our fund balance is and will remain over the 10% minimum that our adopted financial policies require, but we are losing ground to those counties in North Carolina with populations over 100,000 when controlling for the lease funds that have since been earmarked. The rating agencies pay particular attention not only to how the County's revenues and expenditures align but also to how they compare to the County's state peer group. Additionally, a low level of unassigned fund balance is likely to hurt the County's bond rating. Since 2009 the County has spent more than it has brought in eight of the ten years. The only years that added to fund balance were FY14 as a result of the motor vehicle tax money and FY15 as a result of the CaroMont money.

This trend is unsustainable and the FY20 revaluation provides an opportunity for the County to correct shortfalls that have occurred since the recession, as well as replenish the unassigned fund balance that has been relied on to balance the budget. Furthermore, it is essential that the County correct several of the much needed capital projects and deferred maintenance of County-owned facilities outlined above. Finally, it is imperative that the County have a forward focused mentality toward prioritizing the funding for infrastructure and development that will provide for economic growth. The County is poised to grow and we do not want to wait for the growth to start planning how to meet the vast needs of our citizens.

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Moving Ahead

For the reasons stated above, FY20 will be a year of catching up and trying to replenish savings that were spent as a result of the County supporting the local economy and citizens during the recession. In summary, the pressures of school financing, modest progress in addressing unmet capital needs, public safety expenses and inflationary pressure exert ever-increasing budgetary pressure that has now come to a breaking point. This comes at a time when fund balance is depleted and continued growth promises a growing demand for County services. The revaluation provides the opportunity for Gaston County to make strides in overcoming fiscal challenges. Managing property revenue growth should be coupled with structuring our fee schedule in a manner that assigns the cost of service equitably. Finally, it is imperative that we continue to manage debt service in a way that ensures financial health for Gaston County.

Next Steps

The Commission may wish to schedule budget work sessions between now and June 11, 2019 to review all facets of this budget.

The Gaston County Board of County Commissioners will hold its regularly scheduled Work Session on June 11, 2019, at 6:00 pm, in the Harley B. Gaston Jr. Public Forum in the Gaston County Courthouse. Immediately following the Work Session, the Board has scheduled a Special Meeting to hold a public hearing on the proposed budget, and the BOC may consider adoption of the Budget Ordinance at that time.

The budget can be viewed at the Main Library located at 1555 East Garrison Blvd, Gastonia NC 28054, at the Office of the Clerk to the Board located in the County Administration Building, 128 West Main Avenue, Gastonia NC 28053 or online at <http://www.gastongov.com/>. Public comment is appreciated.

Respectfully submitted,

Earl Mathers

Earl Mathers
County Manager

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The County Manager advised the PowerPoint presentation was available upon request.

Chairman Philbeck called for questions from the BOC.

Commissioner Keigher advised there had been no change in the cooperative agreement regulating the County's portion for the Juvenile Detention Home; however, it increased 55% from \$275k to \$425k.

The County Manager responded that the number of juveniles served by that program had increased significantly.

Mr. Matt Rhoten, Interim Assistant County Manager, clarified that although it is shown in the budget book as a department, it is actually an agreement with the State. He explained that staff received a letter late in the budget process (after it had rolled the budget system from the requested to the recommended phase) stating they were changing the age parameters for classifying juveniles; that increased the number of juveniles and staff included the subsequent increased amount in the budget.

Commissioner Keigher recalled the comment that Education and Public Safety was 63% of the budget; advised School Bond Debt adds an additional 7%. He noted that although a fair number of people from various departments were present, he was disappointed every department was not represented.

The County Manager responded he perhaps should have sent out a reminder.

Commissioner Hovis referenced page 172 regarding Natural Resources and advised he did not see the requested Soil Analyst position.

The County Manager advised it was one of the 18 positions that were cut. He expressed his opinion that the position is needed due to the increased demand on that department and for succession planning.

Commissioner Hovis and Environmental Review Board (ERB) Chairman advised that Natural Resources Department continue to generate revenue to offset their salaries and the additional position would not be a financial burden. He asked staff to look at that position in depth and to provide the BOC with the number of transactions that have taken place in that department. He noted that Natural Resources has been very effective in managing and maintaining sites under the strict criteria of the NC Soil & Water Act; the County may find itself in noncompliance with the state's program without the new position.

The County Manager concurred and added that it may potentially slow the development process; can provide BOC some information related to Commissioner Hovis' comments.

Commissioner Worley advised that some Volunteer Fire Departments (VFDs) have requested increases and some rates had decreased; asked where this stand in terms of a revenue neutral number.

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The County Manager responded it is usually revenue neutral; several VFDs requested increases and have justifications for those increases; Mr. Rhoten is more familiar with that process.

Chairman Philbeck asked staff to provide the revenue neutral rate when the BOC votes on the fire district tax resolutions.

Commissioner Worley asked staff to also show the percentage change in the requested funding.

The County Manager concurred; advised that in some cases their overall revenue is very small.

Mr. Rhoten advised a Fire District Meeting will be held on June 5th at 6 pm to discuss this matter in further detail.

Commissioner Chad Brown stated he has asked Commissioner Jack Brown to represent him at the Fire District Meeting since he will be attending another meeting with the Chairman.

Commissioner Jack Brown advised he had quite a few questions on the proposed budget and wants to meet with the County Manager over the next couple of weeks.

The County Manager responded "absolutely".

Chairman Philbeck advised that any positions not approved during the adoption of the Budget can potentially be submitted and addressed at the next BOC meeting. He reiterated that there is ample time before the budget meeting for the BOC to submit their questions to staff; this will make the process more professional and efficient; asked the BOC to do its homework – to study the budget and to be ready to vote, amend or move it. He thanked the County Manager for the review of the proposed budget.

County Attorney's Report

No Report.

Other Matters

None.

Adjournment

Chairman Philbeck called for a motion to adjourn.

On motion introduced by Commissioner Jack Brown and seconded by Commissioner Keigher, the BOC unanimously adjourned the Regular Meeting of May 28, 2019 at 7:31 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