

ADOPTED

381

Aug 27 2019

Gaston County Board
of Commissioners

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

JUNE 25, 2019

The Gaston County Board of Commissioners (BOC) met in Regular Session on June 25, 2019 at 6:00 p.m., in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Acting Chairman Bob Hovis presided with Commissioners *Jack B. Brown (via telephone), Allen R. Fraley, Tom Keigher and Ronnie Worley in attendance.

Chairman Tracy L. Philbeck and Vice-Chairman Chad Brown were not in attendance.

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

To Elect an Acting Chairman

Commissioner Hovis advised that the Chairman and Vice-Chairman were not in attendance and that rules of procedures require the BOC election of an acting Chairman. He called for nominations.

Commissioner Worley nominated Commissioner Hovis to serve as Acting Chairman.

Hearing no further nominations, Commissioner Hovis called for the vote on the nomination.

On motion introduced by Commissioner Worley and seconded by Commissioner Fraley, the BOC unanimously elected Commissioner Bob Hovis to serve as Acting Chairman.

Upon request of Acting Chairman Hovis, Commissioner Worley led those assembled in the Invocation and Commissioner Fraley led in the Pledge of Allegiance.

Proclamations, Commendations, Awards, Certificates

Commissioner Worley – Commendation – To Recognize the Mount Holly Truck Manufacturing Plant of Daimler Trucks North America, LLC Upon its 40th Anniversary in Gaston County *(Resolution Adopted under 6/25/2019 Consent Agenda)*

Commissioner Worley, joined at the podium by Ms. Jane Rosaasen, Plant Manager at Mount Holly Truck Manufacturing Plant of Daimler Trucks North America, LLC, noted that he attended Freightliner's 40th Anniversary celebration two weeks ago. He read and presented the Commendation and Ms. Rosaasen accepted on behalf of Daimler and thanked the BOC.

Commissioner Worley – Commendation – To Commemorate the Centennial Celebration of the Mayworth School Upon its 100th Anniversary *(Resolution Adopted under 6/25/2019 Consent Agenda)*

Commissioner Worley, joined at the podium by Mr. Richard Atkinson, President of Cramerton's Historical Society and board member, Mr. Jeff Ramsey, noted that the Mayworth School celebration would be held on Saturday from 10 am to 2 pm, and invited the community to attend.

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He read and presented the Commendation and Mr. Atkinson and Mr. Ramsey accepted the Commendation on behalf of the Cramerton Historical Society and thanked the BOC.

Commissioner Worley advised the school is currently being used for senior apartments, the cafeteria houses the Schools Raider Center, and the swimming pool is operated by the Town of Cramerton.

Public Hearing - Zoning Map Change: Z19-07 Ann Marie Wells (Applicant); Property Parcel: 143010, Located at 120 Sandy Creek Dr., Gastonia, NC, Rezone from the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay to the (C-3) General Commercial Zoning District with (US) Urban Standards Overlay

Acting Chairman Hovis advised the Planning Board's subdivision variance hearings will be held in Courtroom 2029 following the joint zoning public hearings; 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 Fraley and seconded by Commissioner Worley, the BOC unanimously entered into Public Hearings.

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

Mrs. Penley advised subject request is to rezone parcel 143010 located at 120 Sandy Creek Dr., Gastonia, from the R-2 (Single Family Moderate Zoning District with U.S. Urban Standards Overlay) to C-3 (General Commercial Zoning District with the U.S. Urban Standards Overlay); property owner and applicant is Anne Marie Wells; 1.33 acres is presented for rezoning; current use is residential and auto repair.

She reviewed vicinity, aerial, zoning, and adjoining property owners maps which depicted the site as follows: location of site in the southwest portion of County just south and west of Gastonia city limits, east of Kings Mountain city limits and south of Bessemer City in the Crowders Mountain area; surrounding residential structures; area zoning - R-2, R-1, C-1 and R-1 within the U.S. Overlay zoning districts; list of adjoining property owners notified of subject public hearing.

Mrs. Penley advised that an individual requested staff to notify all residents on Sandy Creek Dr. of the public hearing and staff complied. She noted the property is located within the rural community area of Planning Area 5: Scenic Gaston (Crowders Mtn. State Park, Gastonia & SW Gaston County); based on the goals and objectives and zoning district pattern in the overall vicinity, it is staff's opinion that request is not consistent with the Comprehensive Land Use Plan (Comp Plan). She noted the Applicant is working with the Zoning Office and the objective of this application is to bring the Applicant's property into compliance.

She advised the request was advertised, notices were mailed out per County policy, and staff received several calls for general information. Correspondence was forwarded to both boards in advance of the public hearing.

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Acting Chairman Hovis called for citizen comment; hearing none, called for questions from the Planning Board.

Mr. Randy Vinson, Planning Board member, stated the rezoning request is to correct a non-conforming (grandfathered) use. He asked what would happen if the zoning is not changed.

Mrs. Penley noted if the rezoning does not take place, the Applicant has the option to file for an exception with the Board of Adjustment (BOA) for a Conditional Use Permit (CUP); should that application be denied, the property owner would be able to continue the grandfathered use but any cited violations would have to be corrected and removed.

Acting Chairman Hovis called for questions from the BOC.

Commissioner Fraley asked if staff had received any calls from concerned neighbors regarding the commercial rezoning request.

Mrs. Penley advised staff received one call for general information and several calls from one property owner that was concerned about the use in the residential neighborhood. She noted staff forwarded information and photos provided by the caller to both Boards prior to the meeting.

Hearing no further discussion, Acting Chairman Hovis moved to the next item of business.

Public Hearing - Zoning Map Change: Z19-08 Clayton Homes (Applicant); Property Parcel: 207067, Located at 812 Dallas Spencer Mtn. Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay

Acting Chairman Hovis introduced Mrs. Penley for comments.

Mrs. Penley advised subject request is to rezone parcel 207067 located at 812 Dallas-Spencer Mountain Rd., Dallas, from R-1 (Single Family Limited Zoning District with U.S. Urban Standards Overlay) to the R-2 (Single Family Moderate Zoning District with U.S. Urban Standards Overlay); the property owners are Gary Clifford, Lynne Slaughter and others; the Applicant, Clayton Homes, was unable to attend; total acreage presented for rezoning is .97 acres; the current use is vacant.

She reviewed vicinity, aerial, zoning and adjoining property owners maps depicting the site as follows: location - just east of the Town of Dallas, north of Gastonia and Ranlo, and southwest of the Town of Stanley off the Dallas-Stanley Hwy.; surrounding residential structures; area zoning - R-1 (single family limited with the U.S. Overlay), C-1 and C-3 zoning districts; list of property owners notified in advance of the public hearing.

Mrs. Penley advised the property is located within the rural area of planning Area 3: Riverfront Gaston (Stanley, Mount Holly and northeast Gaston County); based on the goals and objectives and zoning district pattern in the overall vicinity, it is staff's opinion that this request is consistent

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with the Comp Plan; there is manufactured housing in the immediate vicinity in the zoning district; the request was advertised, notices were mailed out per County police and staff received no calls for information.

Acting Chairman Hovis called for citizen comment. He recognized Mr. Larry Nance, 540 Falls Ferguson Rd., Gastonia, and permitted him to provide comments (out of sequence) on the previous zoning issue (Zoning Map Change: Z19-07).

Mr. Nance advised he owns property on the corner; it is a private road that some residents paid to have paved; voiced concerns about the (traffic) weight if rezoned. He stated that he has received threats regarding the Z19-07 rezoning case and distributed pictures to the Board depicting the alleged harassment he has experienced.

On motion introduced by Commissioner Keigher and seconded by Commissioner Worley, the BOC unanimously accepted the pictures as information.

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

Public Hearing - Zoning Text Amendment: (ZTA19-03) Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 9 (General Provisions): Section 9.3; Chapter 5 (Permit and Modification Procedures): Section 5.11.2(C)(5); Chapter 2 (Definitions): Table 2.7-1

Acting Chairman Hovis introduced Mr. Juan Garcia for comments.

Mr. Juan Garcia, Planning GIS Data Analyst, advised subject request is to consider text amendments to Chapter 9 (General Provisions), Chapter 5 (Permit and Modification Procedures), and Chapter 2 (Definitions); the proposed text amendments enhance existing text incorporating the traffic impact analysis (TIA), policies and procedures in alignment with local jurisdictions within the County and adjacent communities; the Planning Board reviewed the amendments at its May 28th meeting and recommended moving them to the public hearing.

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

Public Hearing - Parallel Conditional Use Permit (PCUP): PCUP19-05, Jeff Smith (Applicant); Property Parcel: 194355 (part of), Located at 2810 Rufus Ratchford Rd., Gastonia, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard

Acting Chairman Hovis advised that a PCUP is a quasi-judicial process requiring sworn testimony of any speakers; asked if any Planning Board members or Commissioners had any reason not to

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rule in the case; with none being heard, Acting Chairman Hovis then impaneled the Planning Board and Commissioners to hear the request.

Mr. William Sain, Planning Board member, advised he may have a potential conflict. He explained that Attorney John Russell from his law firm is presenting on behalf of the Applicant but does not think that will affect his ability to make an impartial decision.

In response to the Acting Chairman, the County Attorney concurred that it did not pose a conflict.

Commissioner Jack Brown advised he could not participate in the hearing because he was not physically present.

The County Attorney nodded in the affirmative and noted that he would be recorded as abstaining from the case.

Acting Chairman Hovis called for any attendees wishing to give testimony on the Parallel Conditional Use Permit (PCUP) case to stand; he then administered the oath to those standing and provided additional directions for the procedure.

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

Mrs. Penley advised subject request is to rezone a portion of parcel 194355 located at 2810 Rufus Ratchford Rd., Gastonia from (R-1) Single Family Limited Zoning District with the (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use/General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to allow a contractor's office/equipment storage yard; the property owner is Jeffrey L. Smith and Joshua Lee Springs; the applicant, Jeff Smith, has a representative present tonight; 1.5 of a 15.13 acre tract is presented for rezoning; the current use is vacant and residential.

She reviewed zoning, aerial and adjoining property owners maps depicting site as follows: location of property - southeast area of County, south and east of Gastonia and Cramerton and southwest of Belmont; portion to be rezoned and boundary of the total parcel; area zoning - R-1, R-2, C-1 and C-3 zoning districts; adjoining property owner's notified of public hearing and listing of addresses. She reviewed the revised site plan and advised the only difference between the initial and revised site plan was to note the easement will be gravel and not asphalt as originally indicated; only the first 15' of the easement will be pavement; staff did not have any special circumstances or recommendations for the property.

Mrs. Penley advised the property is located within the rural area of Planning Area 4: The Garden Gaston/Southeast Gaston (Belmont, Cramerton and surrounding area); based on the goals and objectives and zoning district pattern in the overall vicinity it is staff's opinion that this request is consistent with the Comp Plan; the request was advertised, notices were mailed out per County policy and staff received several calls for general information and clarification.

Acting Chairman Hovis asked the Applicant or representative to present the request.

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Attorney John Russell, Mullen Holland and Cooper PA, 301 S. York St., Gastonia and Applicant's representative, advised the Applicant owns Choice Landscaping and has been in business nineteen years; Applicant is seeking to rezone a portion of his 15-acre tract for a contractor office/equipment yard; has met with Mrs. Penley and others in Planning and Zoning on a technical review process to make sure the site plan meets specifications, is consistent with the C-3 request and all setbacks and lot sizes are met. He asked the BOC to make their written responses a part of the record.

He advised the proposed use will not materially endanger the public health or safety if located where proposed and developed according to the site plan; Applicant has an office on Union-New Hope Rd. but had no location to keep out-of-season trucks and some equipment that will be stored inside a metal building built on site; the only activity on site will be picking up equipment a couple days each week; the proposed use meets the required conditions and specifications of the ordinance and Comp Plan; there have been no comments from the TRC or concerns regarding setbacks, lot size, etc.; the C-3 rezoning request is conditional and not every C-3 usage will be allowed; the only use that will be allowed on the property is what is on the site plan; any future owner looking to expand the use would have to appear before the Planning Board for approval of an additional use.

Attorney Russell presented a slide presentation which included excerpts from the Comp Plan and advised the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; the area to be rezoned is set back off of the road; the 1.5 acres for the contractor's office is a wooded lot and will not be visible from the roadway; PID 195355 (a marina) and PID 194388 (Golf Care Evolution) are C-1 properties; compared tax values of properties next to the commercial businesses and got similar prices per square foot as backup data; some limited commercial activity; will not materially injure any surrounding property from a financial standpoint; the location and character of the use will be in harmony with the area and in conformity with the Comp Plan. He reviewed slides depicting excerpts from Comp Plan and advised it calls for green rolling hills and plenty of open space, farmstead style housing and agri-business (farming, landscaping, associated nurseries). He advised a similar project (contractor's office/storage yard) was approved in another part of the County earlier this year under a parallel conditional use plan in a general residential area; there is precedence that this is not an unusual or unreasonable request by the Applicant.

He concluded his remarks by stating the proposed contractor's office/storage yard will provide the Applicant some needed additional space; this type of project is envisioned by the Comp Plan; Mr. Smith is the primary landowner around the rezoning area; the Applicant would not impair the value of his remaining 15 acres; it will not change the nature and character of the area and the office/equipment yard will not be visible due to the wooded lot.

He advised the Applicant was available for questions and requested an opportunity for a rebuttal depending on the comments from the public.

Acting Chairman Hovis called for questions from the Planning Board and BOC.

Commissioner Keigher recalled details of an older case that was denied by the Commission. He asked if commercial zoning could be put in an R-1 district again and asked for clarification on how that could be considered consistent with the Comp Plan.

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Mr. David Williams, Director of Planning and Development Services, advised the Comp Plan is a dynamic document and is meant to be changed and updated accordingly as new conditions arise or things change; he explained that you can have scenic in a residential or commercial district; the conditional use process allows a property owner to request the updated use; any reference to the Comp Plan is an opinion based on what staff sees in the area.

Acting Chairman Hovis asked if there was any additional testimony or information to be given on the PCUP.

Mr. Thomas Picarsic, 2824 Rufus Ratchford Rd., Gastonia, speaking on behalf of five property owners, advised he owns the closest property to the rezoning area; voiced concerns about where the Applicant would do maintenance on vehicles, store oil, fertilizers, etc., the size of equipment and trailers, increased traffic and impact on scenic view and value of homes since the 2019 revaluation did not show any substantial changes in the current C-1 zoning district based on external factors; opposes the parallel conditional use rezoning due to the impact on health and safety from traffic on Rufus Ratchford Rd.

Ms. Lisa Collins, 815 Cypress Pond Ln, Gastonia, advised she lives across the road from the location of the proposed asphalt/graveled road; she has lost fences and trees due to two blind curves on Rufus Ratchford Rd.; residents petitioned the State and got the speed limit reduced from 55 mph to 45 mph and there are still traffic accidents at the location; voiced concerns about traffic, multiple bus stops in the blind curves and large equipment/vehicles navigating the curves.

Mr. Jerome Watson, 2809 Rufus Ratchford Rd., Gastonia, advised his fence was also damaged and voiced concerns about the traffic.

Mr. Andrew Picarsic, 2207 Hearthstone Dr., Gastonia, and a NC State Certified Residential Appraiser, advised the rezoning request is creating an external obsolescence situation (a factor that reduces the value of an improvement because of something external to the property itself); the methodology is more complex than simply looking at tax values from the reappraisal process; recommend that a petitioner seek a professional certified or general appraiser to determine the external obsolescence against the remaining properties.

Mr. Shawn Saylors, 2700 Rufus Ratchford Rd., Gastonia, advised his property borders the property in question; the road should have a 35 mph speed limit sign instead of 55 mph; called and questioned County Staff and was told the property would be fenced in, and would have surrounding tree buffers and a paved drive going in; supports the proposed rezoning.

Acting Chairman Hovis advised the BOC will hear a rebuttal from the Applicant's representative (Attorney Russell).

Attorney Russell stated there will be no storage of oils, chemicals or fertilizers; all major maintenance for trucks and equipment is contracted out and any small vehicle repairs will be done inside the metal building and will not create noise or be unsightly; traffic will consist of picking up and returning equipment and trucks at the beginning and end of day – essentially two trips; it is a limited business that will store four or five trucks and equipment inside the metal

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building; Applicant describes the size of the equipment as one-ton large pickup trucks (not large tractor-trailers) used in landscaping business and for hauling off trees and brush; applied separately for driveway permit; NCDOT reviewed and approved the permit and from their standpoint it is a safe and appropriate location for the driveway.

Acting Chairman Hovis asked Attorney Russell to respond to the property value impact question.

Mr. Russell advised that the burden is not proving what the value is going to be or the specific increase or decrease; the ordinance requires proving that the use will not substantially injure the value of adjoining or abutting property; the case law does not require expert witnesses to present on values; the question is whether there is evidence before the Planning Board and BOC that the proposed use will substantially injure the value; looked at the most recent data (2019 revaluation) and compared properties in the area, compared properties that adjoin or abut existing commercial properties to similar properties in the area; clearly no substantial injury point as a result of the project; the evidence meets what is required under the Ordinance and North Carolina law in that issue.

Acting Chairman Hovis asked if the Planning Board had any other questions.

Mr. Roger Hurst, Planning Board member, asked Mr. Russell to speak about the buffer.

Attorney Russell reviewed the site plan and advised that 1.5 acres is proposed for rezoning; will only develop less than a .899 acre and grade one acre; there will be trees on outside of surrounding property.

Mr. Hurst asked if a hazardous material plan had been submitted since oil, antifreeze, diesel fuel and gas can leak and if there were any plans for the containment of those type chemicals.

Mr. Russell advised a decision had not been made on the storm water and erosion control; it is his understanding that hazardous materials also fall under the County's Erosion and Control Department; they have the request but have not asked for supplemental information; however, Applicant will certainly comply if necessary. He pointed out that one of staff's standard conditions is that the development meet all state, local and federal requirements and have proper permitting; can do the hazardous materials plan if staff requires it.

Mr. Thomas Picarsic advised his property (located 30' from the proposed storage yard/office) will be impacted in the summer and especially the winter when no leaves are on the trees; some of the trees will be cleared for the right-of-way.

Attorney Russell advised the Applicant wants to be a good neighbor and wants to be sensitive to the issues; wants to do a nice building and nice project but cannot satisfy every concern or development around the subject project but that is not the standard that must be met; the question is does the Applicant meet the four required burdens and is it consistent with the Comp Plan, and would submit that the project meets both requirements.

Acting Chairman Hovis excused the Planning Board to Room 2029 for deliberations.

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Acting Chairman Hovis recessed the meeting at 7:23 pm and reconvened the meeting at 7:34 pm.

Public Hearing - Re: Commissioner Worley - Budget/Purchasing - To Authorize the Preparation and Submission of a Community Development Block Grant-Neighborhood Revitalization (CDBG-NR) Application to the NC Department of Commerce for up to \$750,000 for the Purpose of Rehabilitating 15 Owner-Occupied Homes and to Make Appointments to an Ad Hoc Community Development Block Grant Neighborhood Revitalization Housing Selection Committee as a Part of the Requirements for the Community Development Block Grant Application Process (Contingent upon Grant Approval)

Acting Chairman Hovis introduced Mrs. Pat Laws, Grants Administrator, for comments.

Mrs. Laws provided the following statement for the record: *This public hearing will provide an explanation and description of the FY2019 North Carolina Department of Commerce Community Development Block – Neighborhood Revitalization Program. This is the second of two public hearings held to discuss the Gaston County 2019 CDBG-Neighborhood Revitalization Program funding application for Scattered Site Housing Rehabilitation. The purpose of the public hearing is to obtain citizen's views and to allow response from the public to funding proposals and to answer any questions posed by citizens.*

CDBG funds must be used for projects that meet the federally identified National Objectives. Project must meet one of the three National Objectives: (1) benefiting low-and-moderate income (LMI) persons; (2) preventing or eliminating slum or blight; and (3) meeting other community development needs that are deemed to be urgent because of existing conditions that pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet the need.

The purpose of the CDBG NR grant program is:

- *To benefit a residential area 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 provide displacement assistance as necessary.*
- *The range of housing activities covered by the CDBG-NRP funds for the Neighborhood Revitalization includes: Rehabilitation, including substantial rehabilitation and reconstruction, disposition, acquisition, demolition, clearance, relocation, and emergency repair.*
- *Gaston County is seeking an amount in CDBG-NRP funds not to exceed \$750,000 for the Gaston County Community Development 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 and qualifying participants will be chosen on a rated first come first serve basis. Applications for home repairs will be available in*

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the Grants Department, Gaston County Administration Building, 128 W. Main Avenue.

A total of 100% of the CDBG NRP 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 - NRP grant, it will adhere to all federal procurement requirements and other federal regulations.

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

On motion introduced by Commissioner Worley and seconded by Commissioner Fraley, the BOC unanimously approved **2019-167** Authorizing the Preparation and Submission of a Community Development Block Grant-Neighborhood Revitalization (CDBG-NR) Application to the NC Department of Commerce for up to \$750,000 for the Purpose of Rehabilitating 15 Owner-Occupied Homes and Appointments to an Ad Hoc Community Development Block Grant Neighborhood Revitalization Housing Selection Committee as a Part of the Requirements for the Community Development Block Grant Application Process (Contingent upon Grant Approval) as follows:

WHEREAS, the Gaston County Board of Commissioners have previously indicated its desire to assist in community development efforts for housing within the County; and,

WHEREAS, the Board of Commissioners held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit Gaston County Community Development Scattered Site Housing Project; and,

WHEREAS, the first Public Hearing was held on May 28, 2019 to receive public comments; the second Public Hearing was held on June 25, 2019; and,

WHEREAS, the Board of Commissioners wishes the County to pursue a formal application for Community Development Block Grant funding to benefit the Gaston County Community Development Scattered Site Housing Project; and,

WHEREAS, the Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program; and,

WHEREAS, a local unit of government applying for a CDBG-NR Grant must organize a Housing Selection Committee and ensure that the Committee is formed and administered appropriately. The CDBG-NR Housing Selection Committee (members serve a term beginning upon award of the Grant and extending through the 30-month Grant implementation period); and,

WHEREAS, the Committee is responsible for determining, developing and implementing a process for selecting houses to be rehabilitated with grant funds. The Committee must hold meetings and maintain meeting minutes as part of the selection process. Meeting minutes must be adopted and maintained as part of the beneficiary selection process; and,

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WHEREAS, the Committee is charged with assessing the current and future Scattered Site Housing Program recipients based on the rated and ranked list of applicants that is prepared on behalf of the project to ensure that the County assists citizens based on needs. The Committee serves as an advisory body to Gaston County on all matters related to the County's selection process for the CDBG-NR – Scattered Site Housing Program. The Committee members consist of Gaston County representatives, representatives from local jurisdictions within Gaston County, and representatives from organizations that currently assist low and moderate income persons within the County.

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners that the County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for the North Carolina Neighborhood Program to benefit the Gaston County Community Development Scattered Site Housing Project.

BE IT FURTHER RESOLVED that the Gaston County Board of Commissioners hereby establishes the Community Development Block Grant Neighborhood Revitalization Housing Selection Committee (contingent upon grant approval), authorizes the Clerk to the Board to make the necessary revisions to the County Appointment Records and approves the appointment of the following members, namely:

Name	Municipality	Title/Position
Jeff Hawkins	Cherryville	Zoning Administrator
Tiffany Faro	Dallas	Development Services Director
Melissa Lockamy	Belmont	Community Planner
Vincent Wong	Gastonia	Director of Community Services
Josh Watkins	Cramerton	Planning Director
Mikel Graham	Bessemer City	Intern
Brian DuPont	Mount Holly	Assistant Planning Director

Adopted this the 25th day of June, 2019 in Gaston County, North Carolina.

Public Hearing – Re: City of Bessemer City – Bessemer City Planning Board/Board of Adjustments ETJ

Acting Chairman Hovis reported that one position was available on subject board; an application was received from Ms. Charlene Hill as recommended by the City of Bessemer City to serve on the Bessemer City Planning Board/Board of Adjustments as an extraterritorial jurisdiction representative, and called for any additional applications or comments. With none being heard, called for a motion to approve.

On motion introduced by Commissioner Keigher and seconded by Commissioner Fraley, the BOC unanimously reappointed Ms. Charlene Hill to the **Bessemer City Planning Board/Board of Adjustments** to a term ending June 30, 2022.

Public Hearing – City of Cherryville – 1) Cherryville Planning Board ETJ; 2) Cherryville Board of Adjustment ETJ

Acting Chairman Hovis reported that three positions were available on subject boards; applications were received from Mr. Mark E. Mauney, Mr. Larry Gunnell and Mr. Patrick Kelly, as recommended by the City Council, to serve as extraterritorial jurisdiction representatives to both boards. The Acting Chairman called for any additional applications or citizen comment and with none being heard, called for BOC comment, hearing none, called for a motion to approve.

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On motion introduced by Commissioner Fraley and seconded by Commissioner Keigher, the BOC unanimously reappointed Mr. Mark E. Mauney, Mr. Larry Gunnell and Mr. Patrick Kelly to the ***Cherryville Planning Board*** and the ***Cherryville Board of Adjustment*** to terms ending June 30, 2022.

Acting Chairman Hovis called for a motion to close the Public Hearings.

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

Agenda Revision/Approval

Acting Chairman Hovis called for a motion to approve the Business Agenda.

Commissioner Keigher introduced the motion to approve and Commissioner Worley provided the second.

Acting Chairman Hovis called for discussion.

Hearing none, he noted that under discussion he would like to see as a policy for the Board, to include all of the minutes for previous meetings in the Consent Agenda going forward, and we can pull them if we have questions. He asked the County Attorney if that would be a problem and the Attorney indicated "no" by shaking his head. Acting Chairman Hovis stated if there was no objection, the Board would look at doing that.

Acting Chairman Hovis called for the vote, and the BOC unanimously approved the Agenda of June 25, 2019.

Approval of Minutes

On motion introduced by Commissioner Worley and seconded by Commissioner Fraley, the BOC unanimously approved the Minutes of the Regular Meeting of May 28, 2019, Special Meeting of June 10, 2019, Closed Session of June 10, 2019, Special Meeting of June 11, 2019, Special Meeting of June 14, 2019, Closed Session of June 14, 2019 and Special Meeting of June 20, 2019.

Citizen Recognition

No requests.

Consent Agenda

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

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2019-168 Commissioner Philbeck - BOC - To Approve the Appointment of Gaston County Tax Director, Assessor and Collector as follows:

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

1. The Gaston County Board of Commissioners hereby appoints Jimmy Tanner as Tax Director for a term ending on the 11th day of July, 2019.
2. The Gaston County Board of Commissioners hereby appoints David Turbyfill as Interim Tax Director for a term beginning on the 12th day of July, 2019 and expiring immediately upon the appointment of a permanent Tax Director.

2019-169 Commissioner Philbeck - BOC - To Revise the Gaston County Board of Commissioners' Regular Meeting Schedule for July, 2019 to Cancel the July 9, 2019 BOC Work Session**2019-170 Commissioner Fraley - BOC - Approval of a Resolution to Endorse an Application to the U.S. Department of Transportation's 2019 Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grants Program for the Lineberger Connector Project as follows:**

WHEREAS, the U.S. Department of Transportation's ("USDOT") Better Utilizing Investments to Leverage Development Transportation Discretionary Grants Program ("BUILD") provides funding for capital investments in surface transportation infrastructure; and,

WHEREAS, the Lineberger Connector Project was identified as a regional project in the Franklin Boulevard Corridor Access and Alternative Development Mobility Strategy, completed in August 2016 by the City of Gastonia and the City of Lowell; and,

WHEREAS, the Cities of Gastonia and Lowell, in partnership with Gaston County, seek to apply for grant funding to construct the Lineberger Connector Project, which will extend Lineberger Road north of I-85 to connect to NC Highway 7, and provide direct access to more than 450 acres of property that is ripe for local and regional development; and,

WHEREAS, this is the first phase of implementing a broader plan to provide connectivity from Franklin Boulevard north to I-85 through new collector/distributor roads between Exit 21 and Exit 22; and,

WHEREAS, traffic in the area surrounding the project is experiencing significant congestion and delay, with many intersections performing at a Level of Service F during peak periods; and,

WHEREAS, this proposed project presents a unique opportunity to provide accessibility to an area that could produce significant economic development and job creation along Interstate 85; and,

WHEREAS, the area in which the Lineberger Connector Project is located has been recommended by the NC Department of Commerce to be certified as an Opportunity Zone, which could bring a much-needed infusion of investment dollars for economic development into the most distressed rural and urban areas of our state; and,

WHEREAS, the Franklin Boulevard Corridor Access and Alternative Development Mobility Strategy showed that the Lineberger Connector Project would improve congestion and delay in the study area and accommodate new development; and,

WHEREAS, the project will exemplify a strong public-private partnership involving multiple partners in both the public and private sectors, including collaboration among neighboring jurisdictions to achieve both local and regional benefits.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby declares its endorsement of the Lineberger Connector Project, and urges USDOT to fund the grant application.

COMMISSIONER'S COURT

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GASTON COUNTY, NORTH CAROLINA

2019-171 Commissioner Worley - BOC - Commendation - To Recognize the Mount Holly Truck Manufacturing Plant of Daimler Trucks North America, LLC Upon its 40th Anniversary in Gaston County

2019-172 Commissioner Worley - BOC - Commendation - To Commemorate the Centennial Celebration of the Mayworth School Upon its 100th Anniversary

2019-173 Commissioner Worley - Budget/Purchasing - To Accept and Appropriate an Award Amount of \$100,000 for the 2019 NC Housing Finance Agency Urgent Repair Program and to Adopt Required Policies (the 2019 Procurement and Disbursement Policy and the 2019 Assistance Policy) That Must Accompany the Post-Approval Documentation (PAD) per Budget Change Request:

Account Description	Account Number	Amount
2019 Urgent Repair Program Grant	010-07-4935-0000-560000-19579	\$100,000
2019 Urgent Repair Program Grant	010-07-4935-0000-420001-19579	(\$100,000)

2019-174 Commissioner Keigher - Cooperative Extension - To Accept and Appropriate \$12,662 in Extension Fees and Donations (Registration - \$9,601; Donations - \$3,061) per Budget Change Request:

Account Description	Account Number	Amount
4-H Local Programs	010-07-4950-4952-410009-16276	[5,127]
4-H Programs	010-07-4950-4952-560000-16276	5,127
Fee Based Prog:Food/Supplies	010-07-4950-4950-415013-15226	[3,924]
Fee Based Prog:Food/Supplies	010-07-4950-4950-560000-15226	3,924
Something Pumpkin	010-07-4950-4950-415013-17272	[3,061]
Something Pumpkin	010-07-4950-4950-560000-17272	3,061
Healthy Harvest	010-07-4950-4950-415013-18134	[550]
Healthy Harvest	010-07-4950-4950-560000-18134	550

2019-175 Commissioner Philbeck - County Attorney - To Approve a Town of Dallas Water Easement Over Dallas Park for the Installation of Water Lines

2019-176 Commissioner Philbeck - County Manager - To Accept Departmental Budget Change Requests as Information as follows:

EFF DATE	DEPT	ACCOUNT	DR/CR	AMOUNT
05/01/2019	Comm/911	010-02-4311-0000-510002-	D	\$100,000
05/01/2019		010-02-4311-0000-510001-	C	\$100,000
05/01/2019	County PD	010-02-4380-0000-510001-	C	\$2,000
05/01/2019		010-02-4380-0000-510102-	D	\$2,000
05/03/2019	Bldg Insp	012-02-4350-0000-510001-	C	\$1,130
05/03/2019		012-02-4350-0000-530021-	D	\$130
05/03/2019		012-02-4350-0000-520010-	D	\$1,000
05/06/2019	Parks	010-01-4261-0000-530023-	C	\$70
05/06/2019		010-01-4261-0000-530021-	D	\$70
05/06/2019	Sheriff	010-02-4315-4315-530021-	D	\$600
05/06/2019		010-02-4315-4315-530023-	C	\$600
05/06/2019	Parks	010-01-4261-0000-530023-	C	\$1,497
05/06/2019		010-01-4261-0000-530004-	D	\$1,497
05/06/2019	GEMS	010-02-4370-0000-520012-	D	\$450
05/06/2019		010-02-4370-0000-520001-	C	\$450
05/06/2019		010-02-4370-0000-520011-	D	\$2,556
05/06/2019		010-02-4370-0000-530000-	C	\$2,556
05/06/2019	Sheriff	010-02-4315-4315-540001-18606	D	\$2,730
05/06/2019		010-02-4315-4315-540002-18606	C	\$2,730

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05/06/2019	T&T	022-07-4921-0000-530030-	D	\$70
05/06/2019		022-07-4921-0000-520001-	C	\$70
05/07/2019	Museum	010-04-6141-0000-530023-	C	\$500
05/07/2019		010-04-6141-0000-530020-	D	\$500
05/07/2019	Public Works	010-01-4265-4230-530023-	C	\$100
05/07/2019		010-01-4265-4230-530020-	D	\$100
05/08/2019	Sheriff	010-02-4315-4323-530023-	C	\$10,000
05/08/2019		010-02-4315-4315-530029-	C	\$15,000
05/08/2019		010-02-4315-4315-530030-	C	\$5,000
05/08/2019		010-02-4315-4315-530021-	D	\$30,000
05/08/2019	Fire Marshal	010-02-4340-0000-530030-	C	\$742
05/08/2019		010-02-4340-0000-530020-	D	\$742
05/08/2019	Planning	010-02-4910-4911-520010-	C	\$250
05/08/2019		010-02-4910-4911-520011-	C	\$800
05/08/2019		010-02-4910-4911-520013-	C	\$50
05/08/2019		010-02-4910-4911-530021-	D	\$1,100
05/08/2019	Landfill	060-08-4720-0000-530023-	C	\$20,000
05/08/2019		060-08-4720-0000-530030-	D	\$20,000
05/09/2019	Manager	010-01-4120-0000-520011-	C	\$2,500
05/09/2019		010-01-4120-0000-530015-	D	\$2,500
05/09/2019	Elections	010-01-4170-0000-520014-	C	\$5,000
05/09/2019		010-01-4170-0000-530041-	D	\$5,000
05/10/2019	County PD	010-02-4310-4310-510001-	C	\$23,000
05/10/2019		010-02-4310-4310-530020-	D	\$23,000
05/10/2019	Health	011-05-5110-0000-520014-	C	\$14,000
05/10/2019		011-05-5110-0000-530015-	C	\$5,000
05/10/2019		011-05-5110-0000-530030-	C	\$4,000
05/10/2019		011-05-5110-0000-530000-	D	\$23,000
05/10/2019	Public Works	060-08-4720-0000-540006-16182	C	\$150,000
05/10/2019		060-08-4720-0000-540002-17162	C	\$41,000
05/10/2019		060-08-4720-0000-540006-19031	C	\$44,000
05/10/2019		060-08-4720-0000-540004-19001	D	\$235,000
05/10/2019	Parks	010-01-4261-0000-530023-	C	\$16,300
05/10/2019		010-01-4261-0000-530004-	D	\$16,300
05/10/2019		010-04-6120-0000-530023-	C	\$16,214
05/10/2019		010-04-6120-0000-540001-	D	\$16,214
05/15/2019	Nat Res	010-07-4960-0000-540001-	C	\$600
05/15/2019		010-07-4960-0000-530021-	D	\$600
05/15/2019		010-07-4960-0000-540001-	C	\$500
05/15/2019		010-07-4960-0000-520011-	D	\$500
05/15/2019		010-07-4960-0000-540001-	C	\$400
05/15/2019		010-07-4960-0000-520010-	D	\$400
05/15/2019	Sheriff	010-02-4315-4323-530010-	C	\$26,530
05/15/2019		010-02-4315-4323-520005-	D	\$26,530
05/17/2019	Planning	010-02-4910-4910-530010-	C	\$3,700
05/17/2019		010-02-4910-4910-540001-	D	\$3,700
05/15/2019	Bldg Insp	012-02-4350-0000-510001-	C	\$500
05/15/2019		012-02-4350-0000-520011-	D	\$500
05/16/2019	DSS	020-05-5640-0000-540001-	C	\$50
05/16/2019		020-05-5640-0000-530003-	D	\$50
05/16/2019		020-05-5650-0000-530023-	C	\$200
05/16/2019		020-05-5650-0000-530003-	D	\$200
05/20/2019	Reg of Deeds	010-01-4180-0000-510104-	D	\$1,409
05/20/2019		010-01-4180-0000-520001-	C	\$1,409
05/21/2019	Finance	010-01-4130-0000-510003-	D	\$500
05/21/2019		010-01-4130-0000-510100-	D	\$500
05/21/2019		010-01-4130-0000-530010-	D	\$13,000
05/21/2019		010-01-4130-0000-510001-	D	\$31,000

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05/21/2019		010-01-4130-0000-530012-	C	\$45,000
05/22/2019	Planning	010-02-4910-4910-520007-	C	\$72
05/22/2019		010-02-4910-4910-520011-	D	\$72
05/23/2019	ACE	010-02-4380-0000-530023-	C	\$2,500
05/23/2019		010-02-4380-0000-520005-	D	\$2,500
05/23/2019	Health	011-05-5110-0000-520010-	D	\$500
05/23/2019		011-05-5110-0000-520001-	C	\$500
05/24/2019	Public Works	040-01-4265-4260-540005-19034	C	\$7,000
05/24/2019		040-01-4265-4260-540005-09241	D	\$7,000
05/28/2019	T&T	022-07-4921-0000-520011-	D	\$800
05/28/2019		022-07-4921-0000-520014-	C	\$800
05/29/2019	Sheriff	010-02-4315-4315-530023-	C	\$5,000
05/29/2019		010-02-4315-4315-520005-	D	\$5,000
05/29/2019	Bldg Insp	012-02-4350-0000-510001-	C	\$250
05/29/2019		012-02-4350-0000-520011-	D	\$250
05/29/2019	Parks	010-01-4261-0000-530030-	C	\$100
05/29/2019		010-01-4261-0000-520005-	D	\$100
05/29/2019	ACE	010-02-4380-0000-530015-	C	\$67
05/29/2019		010-02-4380-0000-530002-	D	\$67
05/30/2019	Sheriff	010-02-4315-4315-510001-18606	C	\$5,698
05/30/2019		010-02-4315-4315-540001-18606	D	\$5,698
05/30/2019		010-02-4315-4315-540002-18606	C	\$663
05/30/2019		010-02-4315-4315-540001-18606	D	\$663
05/30/2019	County PD	010-02-4310-4310-520007-	C	\$5,500
05/30/2019		010-02-4310-4310-520006-	D	\$5,500
05/31/2019	Reg of Deeds	010-01-4180-0000-520007-	D	\$1,286
05/31/2019		010-01-4180-0000-520001-	C	\$1,286
05/31/2019	IT	010-01-4210-0000-520012-	C	\$100
05/31/2019		010-01-4210-0000-520017-	D	\$100

2019-177 Commissioner Chad Brown - DHHS (ACCESS Division) - Approval of the Gaston County ACCESS Transportation-Specific Procurement Policy

2019-178 Commissioner Chad Brown - DHHS (Social Services Division) - Approval of FY 2019-2020 Home and Community Care Block Grant (HCCBG) Funding Plan (No Funding Appropriated Herein)

2019-179 Commissioner Chad Brown - DHHS (Social Services Division) - To Accept and Appropriate Third Quarter Donations for Various Programs within Social Services in the Amount of \$10,115 per Budget Change Request:

Account Description	Account Number	Amount
CAC: Donations	020-05-5585-0000-415001-	(235)
Employee Activity Donations	020-05-4790-0000-415001-18142	(300)
Adult Services: Donations	020-05-5600-0000-415001-	(1,883)
Nutrition: Donations	020-05-5622-0000-415003-	(1,372)
Adoptions: Donations	020-05-5471-0000-415001-19072	(750)
Special Programs: Donations CAC	020-05-5585-0000-560000-16282	235
Employee Activity Donations	020-05-4790-0000-560000-18142	300
Gastonia Adult Day Care	020-05-5600-0000-560000-15261	486
Special Programs: Donations- Adult Serv	020-05-5600-0000-560000-08159	1,397
Special Programs: Donations- Nutrition	020-05-5600-0000-560000-15259	1,372
Special Programs: Donations-Adoptions	020-05-5471-0000-560000-19072	750
Shelter Donations	020-05-5582-0000-415001-	(5,575)
Shelter Donations	020-05-5582-0000-560000-08162	5,575

COMMISSIONER'S COURT

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GASTON COUNTY, NORTH CAROLINA

2019-180 Commissioner Chad Brown - Emergency Management - To Accept and Appropriate NC Tier II Noncompetitive Grant FY2019 for LEPC Support in the Amount of \$1,000 per Budget Change Request:

Account Description	Account Number	Amount
FY 19 Tier II Non-Competitive Grant	010-02-4330-0000-425109-19577	(1,000)
FY 19 Tier II Non-Competitive Grant	010-02-4330-0000-560000-19577	1,000

2019-181 Commissioner Chad Brown - Emergency Management - To Accept and Appropriate a NC Tier II Competitive Grant FY2019, in the Amount of \$10,000, for Preparedness, Training and Exercises Conducted by Emergency Management per Budget Change Request:

Account Description	Account Number	Amount
FY19 Tier II Competitive Grant	010-02-4330-0000-425109-19578	(10,000)
FY19 Tier II Competitive Grant	010-02-4330-0000-560000-19578	10,000

2019-182 Commissioner Keigher - Finance - Appropriation of Accumulated Investment Earnings from May 1, 2018 Through April 30, 2019 (\$833,197) per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	040-02-9900-0000-490000-	(19,200)
Investment Earnings - School Bonds	040-03-8300-0000-412011-	(745,349)
School Bonds - 10/01/06	040-03-5911-0000-540100-07269	8,519
School Bonds - 5/24/16	040-03-5911-0000-540100-16283	59,239
SchoolBonds-9/22/17	040-03-5911-0000-540100-18137	29,094
School Bonds - 11/15/18	040-03-5911-0000-540100-19040	667,697
Fund Balance Appropriated	040-02-9900-0000-490000-	(5,291)
Investment Earnings - School Build America Bonds	040-03-8300-0000-412013-	(31,789)
School Bonds - 08/08/09	040-03-5911-0000-540100-10296	37,080
Fund Balance Appropriated	040-02-9900-0000-490000-	(627)
Gaston College Bond Interest	040-03-8300-0000-412012-	(3,948)
Gaston College 2007 Bonds	040-03-5921-0000-540100-08252	4,575
Fund Balance Appropriated	025-99-9900-0000-490000-	(3,025)
Interest - Police Treasury/ Justice	025-02-8300-0000-412002-	(18,801)
Drug Forfeitures - US Treasury	025-02-4310-4310-530043-10002	19,081
Drug Forfeitures - Justice	025-02-4310-4310-530044-50113	2,707
Drug lab Supplies	025-02-4310-4310-530048-	38
Fund Balance Appropriated	025-99-9900-0000-490000-	(144)
Interest- Sheriff Treasury/ Justice	025-02-8300-0000-412004-	(910)
Drug Forfeitures - US Treasury	025-02-4315-4315-530043-04243	1,054
Fund Balance Appropriated	026-99-9900-0000-490000-	(357)
Interest - USUB Police	026-02-8300-0000-412006-	(2,771)
Controlled Substance Abuse Tax	026-02-4310-4310-530045-50112	3,128
Fund Balance Appropriated	026-99-9900-0000-490000-	(59)
Interest - USUB Sheriff	026-02-8300-0000-412007-	(385)
Controlled Substance Abuse Tax	026-02-4315-4315-530045-02192	444
Interest -ROAP (Access)	010-01-8300-0000-412005-	(541)
Transportation of Clients	010-01-4521-0000-560001-	541

COMMISSIONER'S COURT

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GASTON COUNTY, NORTH CAROLINA

2019-183 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. (Real Property Tax Refunds- \$3,193.12; HB20 Refunds - \$877.02; Gap Refunds - \$90.67; NCVTS Refunds - \$3,552.99; Vehicle Refunds - \$4,520.68) as follows:

Gaston County, North Carolina - Listing of Property Tax Refunds Less Than \$100.00 for Real Property

To be Reported at the June 25, 2019 Board Meeting

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
Abernathy, Nancy H	52.73	Lindsay, Allen G	41.31
Abernathy, Nancy H	67.03	Lockamy, Mark	53.86
Abernathy, Nancy H	69.65	Lockamy, Mark	53.86
Abernathy, Nancy H	70.18	Love, Yolanda D	35.85
Alexander, Ricky	78.60	Lully, Philip David	64.04
Alexander, Ricky W	78.60	Marrow, Clemmie	16.03
Alexander, Ricky W	78.60	Maxwell, Mark S	49.00
Bacon, Randy D	61.18	McAbee, Danny Anderson	1.41
Ballard, Wanda	5.74	Montgomery, Anthony	3.01
Ballard, Wanda	10.34	New View Realty Group LLC	5.49
Ballard, Wanda	15.52	Nixon, Michael A	49.44
Beattie, Marsha Elaine	3.71	Nixon, Michael A	51.24
Berryhill, Donald D	46.81	Nixon, Michael A	51.97
Bess, Michael Keith	13.92	Nixon, Michael A	57.36
Blanton, Patricia Davis	6.86	Owens, Gary W	23.77
Carrington Mortgage Services	80.00	Packer, William C or Karen D	1.22
Cloninger, Robert Scott	3.56	Patterson, Ezra Lee	5.00
Corelogic, Inc	11.75	Robinson, Mike	21.75
Crawford, William H	54.00	Rozzelle, David C	85.28
Crumbley, Kathy Stroupe	78.20	Rozzelle, Preston A	40.21
Crumbley, Kathy Stroupe	78.20	Sayasith, Sichan	89.54
Crumbley, Kathy Stroupe	78.20	Sigmon, Gloria E	34.66
Crumbley, Kathy Stroupe	78.20	Sigmon, Gloria E	79.74
Dealmeida, Luzimar S	89.44	Southern Law Group	40.00
Detorres, Xzavier Clark	12.01	Steele, James R	36.96
Farrar, James D Jr	49.70	Steele, James R	36.96
Feimster, Harriett Cathcart	1.27	Tatman, Randy A	14.81
Fitzgerald, Yon Earnest	26.88	Termitech Inc	13.94
Franks, Charles Patrick	83.67	Thompson, Cheryl Armstrong	62.02
Godfrey, Debra M	59.29	Vallejo, Bernardino Hernandez	55.28
Gowan, Stephen Ray	27.90	Vongxay Law Firm, PLLC	7.25
Green, Alfred W	97.83	W W Culp, Inc	73.40
Hankin & Pack. PLLC	62.00	Warren L. Tadlock, Chapter 13 Trustee	15.16
Harrison, Scott William	85.00	Warren L. Tadlock, Chapter 13 Trustee	18.37
Hinson, Maria V	46.40	Warren L. Tadlock, Chapter 13 Trustee	20.08
Holden, Evelyn R	68.52	Wilson, Christine S Life Estate	52.36
REAL PROPERTY TAX REFUNDS (May 2019)		\$ 3,193.12	

Gaston County, North Carolina - Listing of Property Tax Refunds Less Than \$100.00 for Vehicles

To Be Reported at the June 25, 2019 Board Meeting

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
HB20 Refunds			
Jolly, Cortina Yvette	27.24	Hughes, Frantee Sheneke	60.48
Cavell, Mary Roberts	29.72	Jolly, Cortina Yvette	62.19
Lippard, Daniel Marvin	36.64	Wallace, Jennifer Nicole	74.83
Rhyne, Kelly Taylor	40.12	Rhyne, Kelly Taylor	81.21
Gowan, Stephen Ray	40.80	Jolly, Cortina Yvette	88.84
Miller, Derrick Lamont	41.97	Chapman, David Lee	89.77
Gowan, Stephen Ray	54.45	Hagans, Violet S	93.78
Pitts, Tamika Michelle	54.98	TOTAL HB20 REFUNDS (May 2019)	\$ 877.02

COMMISSIONER'S COURT

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GASTON COUNTY, NORTH CAROLINA

Gap Insurance

Fuller, David Edward	65.04	Fuller, David Edward	25.63
		GAP INSURANCE (May 2019)	\$ 90.67

NC VTS Refunds

Albarran, Marie Dawn	86.13	McCloskey, James Chester	23.83
Arrowood, Dennis Jerry	50.00	McKinnish, Kenneth Wayne	28.52
Autry, Mark Jaemal	17.01	McKinnish, Kenneth Wayne	45.18
Ballard, Betty Laws	18.02	McKinnish, Kenneth Wayne	27.54
Baxter, Gena Padgett	26.05	McSwain, Tony Efford	46.55
Benson, Hannah Kaylynn	77.38	Messer, Roger Odell	64.89
Braswell, John Ray III	37.00	Mitchell, Holly Nicole	39.55
Brown, Donnie Allen	72.00	Mitchell, Janet Talbert	36.39
Brown, Shantia Somone	49.48	Norton, Taylor Elizabeth	68.87
Calloway, Doris Morris	38.46	Osborne, Daniel Kevin	74.07
Cantrell, John William Jr	83.37	Papworth, Angela Harrell	75.06
Christopher, Pamela McClure	45.39	Parker, Douglas William	20.68
Clary, Ashley Nicole	21.66	Partlow, Tony Lamar	64.43
Cloninger, Howard Lee Jr	55.37	Pearl, Robert Alan	53.90
Cloninger, Howard Lee Jr	40.26	Pichardo, Johanna Torres	56.07
Cloninger, Howard Lee Jr	72.84	Ray, Robert Arthur Jr	25.65
Corley, Monique Reshanea	42.21	Rice, Eric James	15.95
Cozart, Jerome Dean	81.42	Riley, Brian Scott	18.67
Crane, Steven Brett	74.81	Rogers, Eric Keith	35.35
Dean, Adam Drew	57.38	Rush, Bethany Joy	18.89
Dobbins, Sandra Gail	36.11	Scarborough, Debra Carpenter	69.01
Douglas, Laurane	39.18	Selimovic, Salmir	23.06
Duncan, Gail Crunkleton	37.48	Shepherds' Landscape Maintenance LLC	4.87
Ellinwood, Patricia Frances	81.38	Smith, Daniel Joel	29.68
Fazliu, Qemal	58.77	Stewart, Kimberly Dawn	28.14
Gallardo, Juan Manuel	73.40	Talluri, Harathi	75.28
Garcia, Shannon Bailey	49.02	The Wisconsin Revocable Living Trust	
Gernhardt, Roy Claude	58.72	Dated 1118 2015	57.97
Gilliam, Stephanie Ann	71.67	Tidwell, Rawlings David	90.29
Greater Hopewell Full Gospel Church, Inc.	44.00	Vernon, Lewis Wayne	38.68
Harrell, Angela Christine	67.40	Wallace, Suzanne Caldwell	41.25
Hill, Joseph Roger	5.10	Westbay, Stephen Wayne	19.52
Howell, William Edward III	34.95	Wilford, Louis Edward	31.68
Humphries, Gary Layne	49.63	Wilkinson, Michelle Elaine	57.49
Keitt, Franklin Louis II	7.92	Willis, Charles Edward Jr	55.20
King, Robert Ray	58.86	Willis, Charles Edward Jr	35.22
Lauffer, Miranda Leigh	51.98	Willis, Charles Edward Jr	0.19
Ledbetter, Kalisha Yvonne	23.38	Willis, Charles Edward Jr	0.21
Long, John Wesley III	61.98	Willis, Charles Edward Jr	0.24
Marosz, Bonnie Jean	24.64	Willis, Cynthia Jenkins	73.16
		TOTAL NCVTS REFUNDS (April 2019)	\$ 3,552.99

TOTAL VEHICLE TAX REFUNDS \$ 4,520.68**2019-184 Commissioner Worley - Library - To Accept and Appropriate \$15,580 from the Jean Marie Torrence Grant for the Library per Budget Change Request:**

Account Description	Account Number	Amount
Jean Marie Torrence	010-04-6110-6112-415001-19079	(15,580)
Jean Marie Torrence Fund	010-04-6110-6112-560000-19079	15,580

2019-185 Commissioner Worley - Library - To Accept and Appropriate a \$10,000 Gift from the Pearl Dixon Balthis Foundation to the Gaston County Public Library per Budget Change Request:

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Account Description	Account Number	Amount
Pearl Balthis Foundation Gift	010-04-6110-6112-415002-12234	(10,000)
Pearl Balthis Foundation	010-04-6110-6112-560000-12234	10,000

2019-186 Commissioner Chad Brown - Police Department - To Approve Interlocal Agreement Providing for Telecommunications Dispatch and Public Safety Computer Support for the Town of Cramerton (No Additional County Funds)

2019-187 Commissioner Philbeck - Public Works - To Accept a Grant from the North Carolina Department of Environmental Quality (DEQ) for a County Wide Educational Initiative to Increase and Enhance Best Practices for Recycling in Gaston County and Partnering Municipalities and Appropriate the Required Local Match Necessary to Complete the Project (State Grant - \$24,000; Local Match - \$6,000) per Budget Change Request:

Account Description	Account Number	Amount
FY20 CWRRG (Recycling Grant)	060-08-4720-0000-425097-20525	(24,000)
Other Services	060-08-4720-0000-530015-	(6,000)
FY20 CWRRG Recycling Grant	060-08-4720-0000-560000-20525	30,000

2019-188 Commissioner Fraley - Public Works - To Declare the Attached Vehicles Surplus, Approve the Sale of Said Vehicles to the Highest Bidder on GovDeals.com and Authorize Staff to Prepare the Necessary Documents in Accordance with North Carolina General Statute 160A-266 (No Additional County Funds) per Budget Change Request:

Account Description	Account Number	Amount
Surplus Property Sales	010-01-8300-0000-411014	(20,000)
Motor Vehicles	010-01-4199-0000-540003	20,000

Vehicles Surplus List

Veh #	Year	Model	Department	Current Mileage	Comments
218	2007	Ford E-350	ACCESS	215,132	Age, Mileage, Cost per mile
227	2009	Ford E-450	ACCESS	224,300	Age, Mileage, Cost per mile
230	2010	Ford E-450	ACCESS	225,383	Age, Mileage, Cost per mile
231	2010	Ford E-450	ACCESS	229,883	Age, Mileage, Cost per mile
232	2010	Ford E-450	ACCESS	195,566	Age, Mileage, Cost per mile
238	2010	Ford E-350	ACCESS	197,158	Age, Mileage, Cost per mile
239	2010	Ford E-350	ACCESS	212,109	Age, Mileage, Cost per mile
240	2010	Ford E-350	ACCESS	206,664	Age, Mileage, Cost per mile
243	2011	Ford E-350	ACCESS	156,521	Age, Mileage, Cost per mile
322	2018	Chevrolet Malibu	DSS	24,014	Total Loss (Accident 3.4.19)

2019-189 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the May Tax Refunds be Made. (Real Estate - \$17,006.13; Vehicles and ETC - \$2,414.11; VTS Refunds - \$7,893.14; Grand Total - \$27,313.38) as follows:

TAXPAYER NAME	OWNER NAME	AMOUNT
MAY 2019 REAL ESTATE Green, Alfred W		\$127.53

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Pruett, Melva M	\$100.06
Neesmith, Daniel	\$109.86
Montgomery, Anthony	\$101.77
Youngblood, Robert S	\$339.07
Montgomery, Anthony	\$157.30
Hudson, Pamela C	\$103.81
Herring, Andrew S	\$216.92
Pata, Joseph	\$362.17
Cook, Timothy Clark	\$303.29
Hower, Paulette L	\$192.67
Beaty, Charles D	\$132.26
Alexander, Ricky W	\$172.91
Neesmith, Daniel	\$128.65
Gillis, Lori Peeler	\$140.65
Henderson, Michael	\$214.00
Cleland, Christopher	\$116.19
Painter, Elissa C	\$211.29
Wallace, Lougene D	\$171.01
Neesmith, Daniel	\$194.71
Martin, Joy Wilkes	\$666.67
Williams, Sheila Ann	\$152.16
Conyers, Justin	\$252.39
Norris, James C	\$255.78
Lankford, Martin L	\$301.76
Rhew, Pete J	\$351.57
Oliver, Alicia M	\$458.99
Lankford, Martin L	\$487.24
Black, Donald R	\$188.23
Lewis, Jackie T	\$763.25
Jackson, Kimberly H	\$166.48
Lineberger, Allen	\$509.00
Williams, Sheila Ann	\$404.00
Pilkington, Gregg L	\$142.85
Patel, Yancey	\$318.50
Cooper, Xenophon L	\$251.74
Lindsay, Allen G	\$224.93
Davis, James Lewis	\$415.63
Montgomery, Anthony	\$118.48
McBride, Michael D	\$543.49
Lyman, Timothy L	\$683.41
Grier, Van J	\$320.00
Grindstaff, Darrin M	\$319.00
Anthony, Scotty S	\$335.69
Bowen, William G	\$176.76
Pata, Joseph	\$362.17
Westbay, Stephen	\$169.23
Westbay, Stephen	\$170.66
Westbay, Stephen	\$173.29
Westbay, Stephen	\$173.29
Davis, Lucia N	\$102.36
Herring, Andrew S	\$386.08
Anthony, Scotty S	\$112.44
Laskey, Andrew R	\$122.92
Martin, Joy Wilkes	\$666.67
Hoggard, Hayden M	\$303.04
Wilson, Antigone	\$151.89
Neesmith, Daniel	\$120.70
Ross, Jayne B	\$165.50
Cartee, Sherry C	\$145.00
Sherrill, Lisa Marie	\$295.00
Painter, Elissa C	\$169.38
Dye, Wesley G Jr	\$115.00

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Anthony, Scotty S	\$112.44
Payseur, James L	\$105.76
Lindsay, Allen G	\$176.15
Hoggard, Hayden	\$303.04
TOTAL	\$17,006.13

MAY 2019 VEHICLES & ETC

Jolly, Cortina Y	\$116.09
Weddle, Willie	\$110.93
Adcock, Mark Alan	\$143.62
Schronce, Elizabeth	\$131.40
Adcock, Mark Alan	\$381.89
Ord, Daniel	\$193.23
Ward, Rhonda	\$122.25
Mathis, Thomas R	\$789.79
Sinyard, Laura Z	\$204.91
Lowery, Tommy Jack	\$220.00
TOTAL	\$2,414.11

MAY VTS REFUNDS

Abbott, Stephen G	\$173.90
Alvarez, Andres	\$137.29
Arredondo, Patricio Manuel	\$109.69
Babcox, Michael Steven	\$133.47
Baker Franklin, Meredith Lynn	\$103.95
Beck, Henry Louis	\$201.95
Belfiore, Kathleen Ann	\$190.49
Booker, William Jeffrey	\$121.29
Brown, Kyle Edward	\$120.49
Brown, Reynelda Marie	\$213.55
Brown, Ronnie Lee	\$170.85
Byrum, Reginald Lonnie	\$102.89
Chastain, Harold Odell Jr	\$210.08
Combs, Paul Daniel	\$103.44
Crawford, Kristin Michelle	\$112.16
Dukes, Patricia Ford	\$173.25
Farrar, James Daniel Jr	\$117.96
Franklin, Earl Kenneth Jr	\$113.98
Garris, Robert Logan	\$272.19
Hilton, James Coker	\$236.72
Hilton, James Coker	\$227.78
Huffstetler, Donald Tracy	\$244.13
Kessell, Robert Michael	\$491.26
Knight, Donald Frank	\$101.85
Lincoln County Tax Dept	\$141.97
Lincoln County Tax Dept	\$281.84
Lopez Ramos, Kristian Javier	\$167.35
Lopez, Elvis Orellana	\$175.54
Martinson, Hannah Danielle	\$158.67
Meadows, Jeffrey Wayne	\$201.51
Morey, Bret Alan	\$396.24
Newton, Glenda Creasman	\$186.54
Nguyen, Lily Ann	\$225.24
Ohare, Timothy James	\$221.25
Okonkwo, Virginia C	\$406.16
Peterson, Marva Williams	\$113.41
Poteat, Earl Allen III	\$219.43
Pressley, Evelyn Freeman	\$152.70
Putnam, Adam Timothy	\$209.50
Simmons, Curtis Anthony	\$451.18
TOTAL	\$7,893.14

GRAND TOTAL**\$27,313.38**

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2019-190 Commissioner Jack Brown - Travel & Tourism - To Accept and Appropriate \$30,000 from Atrium Health for the Third Annual Payment for the Zagster Bike Share Program per Budget Change Request:

Account Description	Account Number	Amount
Bike Share Program	022-07-4921-0000-415000-17271	(\$30,000)
Bile Share Program	022-07-4921-0000-560000-17271	\$30,000

**The Planning Board had not concluded its deliberations at this point in the meeting. Acting Chairman Hovis moved to the next item of business.*

Appointments

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

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Fraley	Commissioner Hovis	Mr. Chad Hawkins	June 30, 2021
Commissioner Fraley	Commissioner Hovis	Ms. Tara Conrad	June 30, 2021
Commissioner Fraley	Commissioner Hovis	Mr. Matthew Rhoten	June 30, 2021
Commissioner Worley (on behalf of Commissioner Philbeck)	Commissioner Keigher	Ms. Carol McManus	June 30, 2021
Commissioner Worley (on behalf of Commissioner Philbeck)	Commissioner Keigher	Mr. Curtis Hopper	June 30, 2021
Commissioner Fraley (on behalf of Commissioner Chad Brown)	Commissioner Keigher	Ms. Rebecca Jones	June 30, 2021
Commissioner Fraley (on behalf of Commissioner Chad Brown)	Commissioner Keigher	Mr. Chris Dobbins	June 30, 2021
Commissioner Fraley (on behalf of Commissioner Chad Brown)	Commissioner Keigher	Mr. Edgar Bogle	June 30, 2021
Commissioner Keigher	Commissioner Hovis	Mr. Gerald Mack	June 30, 2021
Commissioner Keigher	Commissioner Hovis	Sheriff Alan G. Cloninger	June 30, 2021
Commissioner Keigher	Commissioner Hovis	Judge Pennie M. Thrower	June 30, 2021
Commissioner Worley	Commissioner Keigher	Chief Joseph Ramey	June 30, 2021
Commissioner Hovis	Commissioner Keigher	Mr. Bryan Denton	June 30, 2021
Commissioner Hovis	Commissioner Fraley	Commissioner Ronnie Worley	June 30, 2021

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

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Fraley	Commissioner Hovis	Dr. Edward Smith	June 30, 2023
Commissioner Fraley	Commissioner Hovis	Mr. Robert S. Browne	June 30, 2023
Commissioner Worley (on behalf of Commissioner Philbeck)	Commissioner Keigher	Mr. Charles Martin	June 30, 2023
Commissioner Hovis	Commissioner Keigher	Dr. Sandra Farnham	June 30, 2023
Commissioner Hovis	Commissioner Fraley	Mr. Andrew Schrag	June 30, 2023

On behalf of Commissioner Chad Brown and on motion introduced by Commissioner Fraley and seconded by Commissioner Keigher, the BOC unanimously reappointed Ms. Taylor Drury to the **Family Advisory Board** to an unexpired term ending June 30, 2020.

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On motions introduced and seconded, the following individuals were unanimously reappointed to the ***Historic Preservation Commission***:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Fraley (on behalf of Commissioner Chad Brown)	Commissioner Keigher	Mrs. Suzanne Deal	June 30, 2023
Commissioner Keigher	Commissioner Hovis	Mrs. Lucy Penegar	June 30, 2023
Commissioner Worley	Commissioner Keigher	Mr. John Russell	June 30, 2023

On motion introduced by Commissioner Keigher and seconded by Commissioner Hovis, the BOC unanimously appointed Ms. Ann Stroupe to the ***Travel & Tourism Advisory Board*** to an unexpired term ending April 30, 2022.

On motion introduced by Commissioner Keigher and seconded by Commissioner Hovis, the BOC unanimously appointed Captain William Downey to the ***Community Child Protection Team (CCPT)*** to an unexpired term ending January 31, 2022.

On motion introduced by Commissioner Fraley and seconded by Commissioner Hovis, the BOC unanimously reappointed Mrs. Janie Peak to the ***Gaston College Board of Trustees*** to an unexpired term ending June 30, 2023.

On motion introduced by Commissioner Keigher and seconded by Commissioner Fraley, the BOC unanimously designated Commissioner Ronnie Worley as Voting Delegate and Commissioner Allen R. Fraley as Alternate to the ***2019 NACo Annual Conference***.

Commissioners Committee Reports

Commissioner Keigher reported meeting attendance to the ***Gaston College Board of Trustees*** and advised that a Community College President's Office representative provided a briefing to the Board of Trustees and a partial search committee was formed; hope to have the new College President search completed by January.

Acting Chairman Hovis advised he received an invitation to Dr. Skinner's Silver Anniversary and retirement event to be held on September 21st at the Gaston Country Club.

County Manager's Report

The County Manager presented:

- It has been a fairly momentous month; the County adopted its ***FY2020 Budget*** and ***selected its next County Manager (Dr. Kim Eagle)*** who will join the County on August 5th
- There were various activities associated with ***Emergency Medical Services Week***
- Have had a couple of meetings regarding a ***Potential Land Acquisition*** (580 acres) which borders Daniel Stowe Botanical Gardens and would connect to the Seven Oaks nature trails; the County has been involved in discussions with the Catawba Land Conservancy; they are willing to acquire and hold the property until the County can acquire it under the condition it remain more or less in its native condition with the addition of some trails, recreational facilities at one end, parking, etc.; this will be a

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tremendous asset considering the growth occurring in the southeastern quadrant of County; would complement existing properties in the area and allow for additional outdoor recreational opportunities; several senior staff have been involved in these discussions; looking forward to sharing information in greater detail with BOC in the near future.

County Attorney's Report

Closed Session Pursuant to NCGS 143-318.11(a)(3) – Consult with the Attorney

Acting Chairman Hovis called for a motion to enter into Closed Session.

The County Attorney advised the Closed Session is for the Attorney and Litigation Counsel for the pending case Mosk vs. Ivester.

On motion introduced by Commissioner Worley and seconded by Commissioner Keigher, the BOC unanimously entered into Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with the Attorney at 7:56 pm.

Acting Chairman Hovis called for a motion to re-enter Open Session.

On motion introduced by Commissioner Worley and seconded by Commissioner Keigher, the BOC unanimously re-entered Open Session at 8:40 pm.

Acting Chairman Hovis announced that no action was taken during the Closed Session.

Zoning Matters (Non-Consent)

2019-000 Commissioner Keigher - Planning & Development Services - Zoning Map Change: Z19-07 Ann Marie Wells (Applicant); Property Parcel: 143010, Located at 120 Sandy Creek Dr., Gastonia, NC, Rezone from the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay to the (C-3) General Commercial Zoning District with (US) Urban Standards Overlay

The County Attorney advised the Planning Board's recommendation to **DISAPPROVE** the zoning map change request passed by a unanimous vote. He read into the record the following consistency statement: *The property in question is in a future land use designation of Rural Community. Rural areas support residential housing on large lots and some businesses. The rezoning from R-2 with urban standards overlay to C-3 with urban standards overlay is inconsistent with the comprehensive plan because the C-3 district supports intense commercial developments. The immediate neighborhood appears to be all residential, and a C-3 use would be inconsistent with the nature of the area.*

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2019-191 Commissioner Philbeck - Planning & Development Services - Zoning Map Change: Z19-08 Clayton Homes (Applicant); Property Parcel: 207067, Located at 812 Dallas Spencer Mtn. Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay

The County Attorney advised the Planning Board recommended approval by a unanimous vote and read into the record the following consistency statement: *The property in question is in a future land use designation of Rural. Rural areas support residential housing and some businesses. The proposed rezoning, from R-1 with urban standards overlay to R-2 with urban standards overlay is consistent with the comprehensive plan because the surrounding area is mostly residential.*

On motion introduced by Commissioner Keigher and seconded by Commissioner Fraley, the BOC unanimously approved **2019-191** as follows:

WHEREAS, a County Zoning ordinance was adopted on April 24, 2008 and a joint public hearing held on June 25, 2019 by the County Commission and the Planning Board, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 207067
 Applicant: Clayton Homes
 Owner(s): Gary Clippard, Lynn Slawter
 Property Location: 812 Dallas Spencer Mtn. Rd.
 Request: Rezone Parcel 207067 from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay

public hearing comments are on file in the Commission Clerk's Office as a part of the minutes of the meeting; and,

WHEREAS, the Planning Board recommended approval of the map change for parcel: 207067, located at 812 Dallas Spencer Mtn. Rd., Dallas, NC, from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay on June 25, 2019 based on: the public hearing comment, staff recommendation, the request is reasonable and in the public interest. The property in question is in a future land use designation of Rural. Rural areas support residential housing and some businesses. The proposed rezoning, from R-1 with urban standards overlay to R-2 with urban standards overlay is consistent with the Comprehensive Plan because the surrounding area is mostly residential.

Motion: Vinson Second: Hurst Vote: Unanimous
 Aye: Ally, Attaway, Harris, Horne, Hurst, Sain, Vinson
 Nay: None
 Absent: Barber, Hollar, Houchard
 Abstain: None

NOW, THEREFORE, BE IT RESOLVED by the County Commission that 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. The proposed rezoning, from R-1 with urban standards overlay to R-2 with urban standards overlay is consistent with the Comprehensive Plan because the surrounding area is mostly residential.

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The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcel: 207067, is hereby approved, effective with the passage of this Resolution.

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

2019-192 Commissioner Chad Brown - Planning & Development Services - Zoning Text Amendment: ZTA19-03 Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 9 (General Provisions): Section 9.3; Chapter 5 (Permit and Modification Procedures): Section 5.11.2(C)(5); Chapter 2 (Definitions): Table 2.7-1

The County Attorney advised the Planning Board recommended approval by a unanimous vote and read into the record the following consistency statement: *The proposed text amendments are intended to help alleviate traffic issues, to the extent possible, by having a Traffic Impact Analysis for certain developments. Quality of life and traffic concerns are central themes in the Comprehensive Plan, as many communities without the County have such concerns. Therefore, the proposed amendment is consistent with the comprehensive plan.*

On motion introduced by Commissioner Worley and seconded by Commissioner Keigher, the BOC unanimously approved **2019-192**, to be set forth in the Gaston County Code of Ordinances as follows:

NOW, THEREFORE, BE IT RESOLVED that after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the Commission considers this action to be reasonable and in the public interest. The text amendment request is intended to help alleviate traffic issues, to the extent possible, by having a Traffic Impact Analysis for certain developments. Quality of life and traffic concerns are central themes in the Comprehensive Plan, as many communities without the County have such concerns. Therefore, the proposed the amendment is consistent with the Comprehensive Plan.

The Commission hereby approves the amendments to amend UDO Chapter 9 (General Provisions): Section 9.3; Chapter 5 (Permit and Modification Procedures): Section 5.11.2(C)(5); Chapter 2 (Definitions): Table 2.7-1.

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

Chapter 9 - General Provisions

SECTION 9.3 TRAFFIC IMPACT ANALYSIS (TIA) REQUIREMENTS

A. Introduction

The purpose of this section is to enhance and further support the implementation of the Traffic Impact Analysis (TIA) of the Gaston County, North Carolina Unified Development Ordinance (UDO). A Transportation Impact Analysis (TIA) provides information on the projected traffic expected from a proposed development. A Traffic Impact Analysis (TIA) is one of the tools Gaston County, NC employs to ensure development impacts are properly mitigated and the growth is manageable and sustainable. The Traffic Impact Analysis (TIA) will be used to inform decision makers regarding rezonings, preliminary plats, site plans, and some special exception applications.

Public policy makers, citizens, and developers all have a stake in understanding and responding to additional demands on the transportation network. A properly developed Traffic Impact Analysis (TIA) can provide the factual basis for more informed decision making and facilitate the timely implementation of effective mitigation measure.

The main purpose of the Traffic Impact Analysis (TIA) are:

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1. Identify existing traffic conditions within the study area boundary.
2. Detect volumes generated by the existing and proposed development on the parcel(s), including the morning peak, afternoon or evening peak, and average annual daily traffic levels.
3. Identify the distribution of existing and proposed trips through the street network.
4. Analyze capabilities of intersections located within the study area.
5. Make recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way.
6. Include other pertinent information, including but not limited to accidents, noise, and impacts on air quality and other natural resources.

A development application (rezoning, site plan, preliminary plat, and some other special exceptions) will not be deemed complete until a final approved Traffic Impact Analysis (TIA), if required, is received and approved by the Gaston County Planning and Development Services Director or designee. In addition, applicants should note that interagency and intergovernmental coordination is necessary for projects that impact transportation facilities maintained by State or Municipal Governments.

B. Traffic Impact Analysis (TIA) Process

The first step in the TIA process is the preparation of a scoping report. The report will include a site plan, quantitative description of the proposed development and land use along with a vicinity map. The scoping report will be used to determine if a TIA is needed and if there are any safety issues associated with the development. The County, a Transportation Consultant for the County, the Applicant, the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO), and NCDOT staff may participate in this initial step.

Traffic Impact Analysis (TIA) is required when a proposed development or redevelopment will generate one hundred (100) or more new peak hour trips or the total added volume is equal to one thousand (1,000) vehicles per day, based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, and that generally would have a significant impact on existing Level of Service (LOS).

The Traffic Impact Analysis (TIA) must be prepared by a qualified traffic engineer registered in the State of North Carolina and approved by Gaston County. The cost of the Traffic Impact Analysis (TIA) study shall be paid for by the applicant. Consultants completing the required TIA shall be selected from a list of qualified traffic engineer consultants established and approved by the Gaston County Planning and Development Services Director or designee on a biennial basis. Other consultants may be used with the advance written approval of the Gaston County Planning and Development Services Director or designee.

If the TIA scope for a proposed project includes roads or property within municipal limits, the municipality shall be provided with TIA drafts for courtesy reviews. For projects requiring a TIA, no plan approvals will be provided by Gaston County staff until the TIA is approved by all reviewing agencies. If a proposed project requires a Traffic Impact Analysis (TIA) that impacts a road or roads maintained by the North Carolina Department of Transportation (NCDOT), Gaston County staff shall not approve the Traffic Impact Analysis (TIA) until confirmation of approval of the project's general concept is received from the NCDOT staff.

The Traffic Impact Analysis (TIA) must conform to all the requirements in this section and shall be prepared in accordance with the NCDOT current Policy on Street and Driveway Access to North Carolina Highways manual. The Traffic Impact Analysis (TIA) report must describe and include:

1. The Study Methodology
2. The Data Used
3. The Study Findings
4. The Recommendations based on the results

If the results of a Traffic Impact Analysis (TIA) demonstrate that a proposed development may overburden the road system based on impacts to the general health, safety and welfare of the citizens of Gaston County, the Gaston County Planning and Development Services Director or designee may impose certain conditions to alleviate the negative impacts described by the Traffic Impact Analysis (TIA).

The following projects shall not be required to submit a Traffic Impact Analysis (TIA):

1. Developments (or phases of) that were approved prior to the effective date of the Traffic Impact Analysis (TIA) that have maintained valid planned development master plans, preliminary plats, major site plans or conditional use permits. Any additional phases need to be submitted according to the requirements of this section.
2. Where approved by the Gaston County Planning and Development Services Director or designee, redevelopment of any site on which the additional traffic at peak hour represents an increase of less than

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one hundred (100) trips from the previous development, where the redevelopment is initiated within twelve (12) months of the change of use of the previous project.

3. *Minor subdivision, as defined in Chapter 13.*

C. *Traffic Impact Analysis (TIA) Application Modification*

An applicant may modify an application to minimize the traffic-related effects identified in a Traffic Impact Analysis (TIA). The applicant may include:

1. *A reduction in the projected vehicle trips per day*
2. *The dedication of additional right-of-way*
3. *The re-routing of traffic and proposed access and egress points*
4. *Participation in the funding of traffic signals or intersection improvements*
5. *Utilization of Public Transit System*
6. *Emerging Technologies*
7. *Other modifications determined to be necessary*

All Traffic Impact Analysis (TIA) reports must include a statement of compliance with adopted transportation plans, programs, and policies adopted by Gaston County, Municipalities, NCDOT or GCLMPO for maintaining a safe, reliable, and efficient multi-modal transportation system.

D. *Traffic Impact Analysis (TIA) Appeal*

Final action on a Traffic Impact Analysis (TIA) may be appealed to the Gaston County Planning Board.

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

E. *Traffic Impact Analysis (TIA) Expiration*

If a proposed development does not commence in a timely fashion, fully built out within the proposed timeframe, or the market dictates a change in land use from what was approved within the Traffic Impact Analysis (TIA) document, changes or updates to a previously approved TIA may be required. To address these changes and other deviations from approved TIA scopes, these guidelines are provided to determine when a revised TIA is required.

An approved TIA will be considered valid unless:

1. *The build year date is exceeded by more than twelve (12) months.*
2. *Road improvements have been constructed within the study area and were not considered in the original TIA or change the distribution of traffic within the study area.*
3. *Road improvements considered in the original TIA that were needed to achieve the targeted Level of Service (LOS) and mitigate the impacts of the proposed development or change the distribution of traffic within the study area were not completed within the timeframe projected in the TIA.*
4. *Development occurs within the study area that is significantly greater than the anticipated background growth (from a rezoning, annexation, etc).*
5. *The developer of the site proposes to increase the number of residential units in developments approved to contain up to three hundred (300) units by ten percent (10%) or more, in development approved to contain three hundred (300) or more units by five percent (5%) or more, or to increase the commercial square footage of gross and leasable floor area by twenty percent (20%) or more.*
6. *A change in use or scale of the development is proposed that may result in an increase in trip generation, a change in traffic distribution, change in access points, or additional impact to a Level of Service (LOS).*

When a development's Traffic Impact Analysis (TIA) is considered to no longer be consistent with the previously approved scope for one or more of these reasons, additional development of the site shall not be approved by Gaston County Planning and Development Services Director or designee until a revised TIA is approved by all reviewing agencies.

Chapter 5 – Permit and Modification Procedures

5.11.2 PROCEDURES

- C. ~~5. A traffic impact analysis, if required, shall be in compliance with the requirements as defined in Chapter 9. study of the proposed development prepared by a qualified transportation or traffic engineer or planner. Information requested to be a part of the impact study may include:~~

- ~~a. Existing traffic conditions within the study area boundary.~~

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- b. ~~Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual daily traffic levels.~~
- c. ~~The distribution of existing and proposed trips through the street network.~~
- d. ~~Analyses of the capacities of intersections located within the study area boundary.~~
- e. ~~Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and~~
- f. ~~Other pertinent information, including but not limited to accidents, noise, and impacts of air quality and other natural resources.~~

Chapter 2 - Definitions

TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition
Level of Service (LOS)		<i>The Highway Capacity Manual (HCM) defines levels of service as "qualitative measures that characterize operational conditions within a traffic stream and their perception by motorists and passengers". Level of Service (LOS) is also a letter designation that describes a range of operating conditions on a particular type of road facility.</i>
Traffic Impact Analysis		<p><i>Also known as a Traffic Impact Study or Traffic Impact Assessment, is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. The report is produced by a qualified professional (a.k.a. Private Engineering Firms, Professional Engineer or Traffic Engineer) hired by applicant. A TIA is essential to determine required improvements to the State Highway System within the vicinity of the development necessary to mitigate potentially undesirable impacts. i.e. Transportation Engineer, Transportation Planner, Traffic Engineer, etc.), in association with subdivision plat approval that, at a minimum, addresses the following items in relationship to the proposed subdivision:</i></p> <ul style="list-style-type: none"> <i>a. An estimation of traffic generated;</i> <i>b. An estimation of trip distribution to and from the development;</i> <i>c. An analysis of the existing road system serving the development (to the nearest major intersections) and the effect of the development on that system;</i> <i>d. A listing of proposed improvements, both on and off-site, and their effect on the existing system.</i>
Trip Generation		<p><i>A forecast of the amount of trips associated with specific land uses. A trip generation report should include:</i></p> <ul style="list-style-type: none"> <i>• Total daily trips (unadjusted Average Daily Trips)</i> <i>• AM peak hour (enter/exit)</i> <i>• PM peak hour (enter/exit)</i> <p><i>A trip generation is used to provide a measure of the magnitude of the development and associated traffic impacts (unadjusted trips). Also forms the foundation of the Traffic Impact Analysis (TIA), and has a direct effect on the required mitigations.</i></p>

2019-193 Commissioner Worley - Planning & Development Services - Parallel Conditional Use Permit (PCUP): PCUP19-05, Jeff Smith (Applicant); Property Parcel: 194355 (part of), Located at 2810 Rufus Ratchford Rd., Gastonia, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning

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District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard

Acting Chairman Hovis explained the voting procedure for PCUP applications and called for the Planning Board's decision in the matter.

The County Attorney advised the Planning Board recommended approval of the zoning map change by a 6-0 vote with one member recused from voting. The County Attorney read into the record the following statement of consistency: *The property in question is in a future land use designation of Rural. Rural areas support residential housing and some businesses. The proposed rezoning, from R-1 to CU/C-3 with scenic view and urban standards overlays is consistent with the comprehensive plan because the conditions associated with the use will keep the rural characteristics of the general neighborhood. There are also commercially zoned properties in the neighborhood. The rezoning also represents only a portion of the much larger parcel of land the applicant has.*

Acting Chairman Hovis called for a motion to approve the zoning map change which passed unanimously as set forth in the Resolution below.

The County Attorney presented the Planning Board's affirmative recommendations on each of the four findings of fact and referred to the testimony of Attorney Russell to support findings 1-3; finding 4 was based on Attorney Russell's testimony and the documentation submitted by the Applicant.

The BOC found each finding in the affirmative and approved the fourth finding by a 3 to 1 vote with Commissioner Keigher casting the dissenting vote.

The County Attorney noted that a simple majority of the full Board eligible to vote is required, not just a majority of those present and voting. He explained that a "nay" vote on one of the findings would defeat the conditional use permit due to this voting requirement.

Commissioner Keigher requested a brief recess to confer with staff.

Acting Chairman Hovis recessed the meeting at 8:52 pm.

Acting Chairman Hovis reconvened the meeting at 8:57 pm and recognized Commissioner Keigher.

Commissioner Keigher advised that staff provided satisfactory clarification about the type and size of equipment that would be stored. He requested a motion to reconsider the fourth finding of fact.

The County Attorney advised a Board member, who cast a vote in the majority, could make a motion to reconsider.

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Acting Chairman Hovis introduced a motion to reconsider the fourth finding of fact. Commissioner Fraley provided the second and the vote carried unanimously.

On motion introduced by Commissioner Fraley and seconded by Commissioner Worley, the BOC unanimously approved the fourth finding of fact.

The County Attorney advised the Applicant agreed to the four conditions recommended by staff and the Planning Board recommended a fifth condition: *The Applicant will work in good faith and in a commercially reasonable manner to screen with evergreen plants the rezoned area of the property abutting parcels 202602 in addition to what is already required by code.*

Acting Chairman Hovis asked if the BOC wished to add, delete or modify any of the conditions.

Commissioner Keigher asked the Planning and Development Services Director to provide the typical height requirement for deciduous screening.

Mr. Williams responded the heights vary but would recommend 25'; part of the condition is the Applicant shall work with staff on a screening plan.

Commissioner Keigher asked the BOC to add the height requirement of 20' to 25' range (mature) as a condition.

Acting Chairman Hovis directed staff to add condition #6 - minimum height of 25' deciduous boundary.

Acting Chairman Hovis called for a motion to approve conditions one (1) through six (6).

On motion introduced by Commissioner Worley and seconded by Commissioner Fraley, the BOC unanimously approved the six recommended conditions.

The County Attorney advised that based on the four findings of fact being found in the affirmative, the Planning Board recommended approval of the conditional use permit, with stated conditions, by a 6-0 vote.

Acting Chairman Hovis called for the vote to issue the CUP with stated conditions.

On motion introduced by Commissioner Keigher and seconded by Commissioner Worley, the BOC unanimously approved **2019-193** after consideration of the Parallel Conditional Use Application, sworn testimony provided at the public hearing and the Planning Board recommendation as set forth herewith and therein as follows:

WHEREAS, Chapter 5 of the County Unified Development Ordinance set forth guidelines for consideration of a Parallel Conditional Use Permit zoned as a Conditional Use district, and a quasi-judicial joint public hearing by the County Commission and the Planning Board,

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- c. The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity, based on: public hearing testimony of applicant's representative Attorney John Russell.

Motion: Vinson Second: Horne Vote: 5-1
 Aye: Ally, Attaway, Horne, Hurst, Vinson
 Nay: Harris
 Absent: Barber, Hollar, Houchard
 Abstain: Sain

- d. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners, based on: public hearing testimony and documentation from applicant's representative Attorney John Russell.

Motion: Vinson Second: Horne Vote: Unanimous
 Aye: Ally, Attaway, Harris, Horne, Hurst, Vinson
 Nay: None
 Absent: Barber, Hollar, Houchard
 Abstain: Sain

WHEREAS, making all findings of fact in the affirmative, the Planning Board recommends approval of the Parallel Conditional Use Permit (PCUP) with the following proposed recommended conditions:

Parallel Conditional Use Application (PCUP19-05) Conditions

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
2. If any of the conditions affixed hereto of any part thereof is held invalid or void, then this permit shall be void and no effect.
3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.
4. Development shall meet all local, state and federal requirements.
5. The applicant will work in good faith and in a commercially reasonable manner to screen, with evergreen plants, the rezoned area of the property abutting parcel 202602, in addition to what is already required by the UDO.

Motion: Vinson Second: Horne Vote: Unanimous
 Aye: Ally, Attaway, Harris, Horne, Hurst, Vinson
 Nay: None
 Absent: Barber, Hollar, Houchard
 Abstain: Sain

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

- 1) Find the proposed map change for parcel 194355 (part of), from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard, is consistent with the County's Comprehensive Plan. The Commission considers this action to be reasonable and is in the public interest. The property in question is in a future land use designation of

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Rural. Rural areas support residential housing and some businesses. The proposed rezoning, from R-1 to CU/C-3 with scenic view and urban standards overlays is consistent with the comprehensive plan because the conditions associated with the use will keep the rural characteristics of the general neighborhood. There are also commercially zoned properties in the neighborhood. The rezoning also represents only a portion of the much larger parcel of land the applicant has. The map change is approved as follows:

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

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

- a) The proposed development will not materially endanger the public health or safety if located where proposed and developed according to plan, based on: public hearing testimony of applicant's representative Attorney John Russell.

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

- b) The use meets all required conditions and specifications, based on: public hearing testimony of applicant's representative Attorney John Russell.

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

- c) The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity, based on: public hearing testimony of applicant's representative Attorney John Russell.

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

- d) The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners, based on: Public Hearing testimony and documentation from the applicant's representative Attorney John Russell.

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

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

Parallel Conditional Use Application (PCUP19-05) Conditions

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
2. If any of the conditions affixed hereto of any part thereof is held invalid or void, then this permit shall be void and no effect.
3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.
4. Development shall meet all local, state and federal requirements.
5. The applicant will work in good faith and in a commercially reasonable manner to screen, with evergreen plants, the rezoned area of the property abutting parcel 202602, in addition to what is already required by the UDO.
6. The applicant shall incorporate tree types into the screened area abutting parcel 202602, that mature to a typical height of twenty five feet (25') with minimum of twenty five foot (25') deciduous boundary.

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

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

Other Matters

None.

Adjournment

Acting Chairman Hovis called for a motion to adjourn the meeting.

On motion introduced by Commissioner Worley and seconded by Commissioner Keigher, the BOC unanimously adjourned the Regular Meeting of June 25, 2019 at 9:05 pm.

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

Acting Chairman Bob Hovis
 Gaston County Board of Commissioners

Donna S. Buff
 Clerk to the Board

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