

ADOPTED

SEP 24 2019

449

Gaston County Board of Commissioners

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

AUGUST 27, 2019

The Gaston County Board of Commissioners (BOC) met in Regular Session on August 27, 2019 at 6:00 p.m., in The Harley B. Gaston, Jr. Public Forum, Gaston County Courthouse.

Chairman Tracy L. Philbeck presided with Commissioners Chad Brown, Vice-Chairman; Jack B. Brown, Allen R. Fraley, Bob Hovis, Tom Keigher and Ronnie Worley in attendance.

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

Upon request of Chairman Philbeck, Commissioner Keigher led those assembled in the Invocation and Commissioner Jack Brown led in the Pledge of Allegiance.

Public Hearing - Zoning Map Change: (Z19-09) MRJ Investment LLC (Ray Hamam) (Applicant); Property Parcels: 143462 and 143464, Located at 3610 & 3612 Little Mountain Rd., Gastonia, NC, Rezone from the (I-2) General Industrial Zoning District to the (RS-8) Single Family 8,000 sq ft Zoning District

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

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

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

Mrs. Sarah Penley, Development Services Planner, advised subject request is to rezone parcels 143462 and 143464 located at 3610 & 3612 Little Mountain Rd., Gastonia, NC, from the (I-2) General Industrial Zoning District to the (RS-8) Residential 8,000SF Zoning District; the property owner and Applicant is MRJ Investment LLC; the Applicant is represented by Mr. Ray Hamam (in attendance); .41 acres is requested for rezoning; the current use is residential and vacant.

She reviewed vicinity, aerial, zoning and adjoining property owners maps which depicted the site as follows: site location south of the city limits of Gastonia; similar residential structures and one industrial use building to the north of the site; area zoning consisting of RS-8, I-2, R-1, I-3 and other commercial uses in the area; adjoining property owners notified of the public hearing.

Mrs. Penley advised the property is located within the suburban development 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 overall vicinity, it is staff's opinion the request is consistent with the Comprehensive Land Use Plan (Comp Plan); notices were mailed per County policy; staff received one call for general information.

Chairman Philbeck called for citizen comment.

Mr. Ray Hamam, representing Town Home Investment, advised their interest in the parcels is to construct a single family home; he displayed a model of the home to be built.

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

Commissioner Jack Brown asked if a business was located next to the parcels on the map.

Mr. Haman responded the warehouse behind the parcels is a business; there are three homes beside each other; all of the parcels in the front are single family homes.

Public Hearing - Zoning Map Change: (Z19-10) BEATY and UNION LLC (Applicant); Property Parcel: 212549 (part of), Located at 4531 Beaty Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited and (C-3) General Commercial Zoning Districts w/ (CH) Corridor Highway and (US) Urban Standards Overlays to the (C-3) General Commercial Zoning District w/ (CH) Corridor Highway and (US) Urban Standards Overlays

Chairman Philbeck recognized Mrs. Penley for comments.

Mrs. Penley advised subject request is to rezone a portion of parcel 212549 located at 4531 Beaty Road, Gastonia, from the (R-1) Single Family Limited and (C-3) General Commercial Zoning Districts with (CH) Corridor Highway and (US) Urban Standards Overlays to the (C-3) General Commercial Zoning District with (CH) Corridor Highway and (US) Urban Standards Overlays; the property owner and Applicant is Beaty and Union, LLC, (representative present); 3.14 of 13.56 acres are requested for rezoning; the current use is residential and vacant.

She reviewed vicinity, aerial, zoning and adjoining property owners maps which depicted the site as follows: site location at the corner of Beaty Road and Union Road in southeast portion of County, south and east of City of Gastonia and west of City of Belmont with the area for rezoning located in northwest portion of the parcel; area zoning consisting of C-3 and R-1 abutting a satellite annexation of City of Gastonia (she noted the zoning is still consistent with some commercial and single family limited zoning); adjoining property owners notified of the public hearing.

Mrs. Penley advised the property is located within the suburban development and rural center 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 overall vicinity it is staff's opinion the request is consistent with the Comp Plan; the request was advertised and notices were mailed out per County policy; staff received several calls for information.

Chairman Philbeck called for citizen comment.

Mr. Vibhuti Patel, 2125 Southridge Dr., Belmont, NC and owner of Beaty and Union LLC, advised he wants the residential property rezoned commercial for a storm water system, etc. because he had to install a sewer system which goes behind the property.

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

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Public Hearing - Zoning Map Change: (Z19-11) Todd Pierceall (Applicant); Property Parcels: 202079, 210367, and 139805, Located at Neal Hawkins Rd., Gastonia, NC, Rezone from the (RS-12) Single Family 12,000 sq ft Zoning District to the (RMF) Residential Multi Family Zoning District

Chairman Philbeck recognized Mrs. Penley for comments.

Mrs. Penley advised subject request is to rezone parcels 202079, 210367, and 139805 located at Neal Hawkins Rd., Gastonia from the (RS-12) Residential 12,000SF Zoning District to the (RMF) Residential Multi Family Zoning District; the property owners are Pioneer Land Development, Inc., Jimmy Gillespie and William Gillespie, Jr.; the Applicant is Todd Pierceall; total acreage of the property is 12.82 acres; the current use is vacant.

She reviewed vicinity, aerial, zoning and adjoining property owners maps which depicted the site as follows: site location is outside city limits of Gastonia to the north and immediate east, east of the 321 corridor, and west of Union Road; residential neighborhood location to the left and right; surrounding vacant property to the north; area zoning consisting of RS-12, conditional residential multifamily to the north and other conditional zonings; surrounding city limits of Gastonia; adjoining property owners notified of the public hearing.

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

Chairman Philbeck called for citizen comments.

Mr. Todd Pierceall (Applicant), 1402 W. Mauney, Gastonia, NC, advised the rezoning request is for marketing purposes; there are no current plans for the property; there is an existing multifamily property behind this property; the 12-acre property has a future dedication to extend Forbes Rd. and utility line easements making the actual usable acreage considerably smaller; marketing the property as residential single family is difficult because of the easements; it is just a marketing strategy to help the property owner sell this property.

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

Commissioner Jack Brown asked if there were easement problems there for single family homes.

Mr. Pierceall responded the easements make the usable acreage significantly less and limits what you can build; the current owner does not think it is financially feasible to construct single family dwellings.

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Public Hearing - Zoning Map Change: Conditional District (CD19-02) T & L Grading & Hauling (Terry Whitesides) (Applicant); Property Parcel: 226767, Located at 1225 Old Providence Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited Zoning District w/ (US) Urban Standards Overlay to the (CD/C-2) Conditional District / Highway Commercial Zoning District w/ (US) Urban Standards Overlay, in order to allow Landfill/Land Clearing (Inert Debris), Major

Chairman Philbeck recognized Mrs. Penley for comments.

Mrs. Penley advised subject request is to rezone a portion of parcel 226767 located at 1225 Old Providence Rd., Gastonia from the (R-1) Single Family Limited Zoning District w/(US) Urban Standards Overlay to the (CD/C-2) Conditional District/Highway Commercial Zoning District w/(US) Urban Standards Overlay, in order to allow Landfill/Land Clearing (Inert Debris), Major; the Applicant is T&L Grading & Hauling; the owner is T & D Whitesides Properties, LLC; both are represented by Terry Whitesides (in attendance); only 10.6 of 32.10 acres are being considered for rezoning; two acres are currently in use as an active LCID (Landfill/Land Clearing and Inert Debris) minor as allowed by right within the existing zoning district and the remaining acreage is vacant.

She advised the purpose of the CD/C-2 request is to allow certain uses that, because of their nature or scale, have particular impacts on the immediate area and the community as a whole; the Applicant is proposing a landfill, land clearing, inert debris major to have 10 acres of his property incorporated with the use of the existing site; the remaining 21.50 acres will stay in the current R-1 zoning district with U.S. Overlays; the Applicant will forfeit his right to use the other uses allowed in the C-2 district if the LCID Major request is approved; as required by the conditional district rezoning process, the Applicant conducted two community input meetings on August 12 and 13.

She reviewed vicinity, aerial, zoning and adjoining property owners maps which depicted the site as follows: site location in southwest area of the County; west of 321 corridor, south and west of city limits of Gastonia, and east of city limits of Kings Mountain; adjoining zoning is single family limited with some commercial, R-2 and RS-12; adjoining property owners notified of the public hearing.

She advised the Applicant kept a list of attendees at the community input meetings, staff mailed them notices and the notification area was expanded to a 500' buffer.

She advised the Applicant's revised/current site plan was submitted to BOC and Planning Board; referenced an affixed note on the bottom of the site plan regarding permitting or permit renewal; the State and County are on different permit renewal schedules and if approved, the request is to combine the renewal process at 5-year permit renewals as opposed to staggering the renewal process between the two agencies.

She cited the conditions recommended by staff and advised the first three conditions are standard; staff added a 4th condition that the Applicant *arrange an onsite pre-operational meeting to include the NC Department of Environmental Quality and Gaston County Zoning Office before any acceptance of waste is allowed*; staff added a 5th condition that *the property owner is not allowed to bring anything offsite to the property to burn, no burning is permitted on the LCID site*

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for a three-year time frame period; affords the property owner the same rights and privileges the neighbors have in the County to burn that does not involve the LCID site.

She advised the property is located within the rural small area of Area 5: Scenic Gaston/Southwest Gaston (Crowders Mountain State Park, Gastonia, and surrounding area); key issues of citizens in area include preservation of open space, road improvements and better connectivity to other areas of County and preservation of existing conditions while allowing low to moderate growth; it is staff's opinion the request, presented as a conditional district with one allowable use, would be appropriate with the Comp Plan designation; if the BOC approves the request, staff recommends adopting the attached conditions designed to mitigate some of the effects of the proposed site; the request was advertised, notices were mailed out per County policy and staff received several calls related to the Public Hearing.

Chairman Philbeck called for comments from the Applicant.

Mr. Brandon Whitesides, 1618 Long Creek Rd., Kings Mountain, NC and T&L Grading Operations Manager, advised the company has been in business in Gaston County since 1993; specialize in land clearing and earth work; due to nature of business and increase in new development in the County, they realized the need for a site to dispose of land clearing and inert debris between Kings Mountain and west Gastonia; they currently operate a minor LCID landfill with a two-acre fill area at the Providence Road site.

He advised land clearing and inert debris include yard waste, trees, limbs, stumps, branches, untreated or unpainted wood and uncontaminated earth and concrete; they began accepting debris in May 2018 after receiving a zoning permit from the Planning Department; have State-approved erosion control measures in place to catch runoff; the trees, natural earth and berms along property lines act as natural buffer yards; per state guidelines the fill area is covered with soil on a monthly basis.

Mr. Whitesides reviewed pictures depicting the site east and west on Old Providence Rd., natural buffer of trees, fill activities concealed by natural berms of materials to be buried and views from the roadway; advised the CD/C-2 rezoning was requested to be reclassified as a major LCID landfill; their proposal is to increase the fill area size from two acres to 10.52 acres to utilize the existing swell on property; expect fill operations to last between 10-15 years until site is full; LCID landfill permits are reviewed by state and local agencies every five years for five-year phases of operation; the site is beneficial because it aides in new development, discourages illegal dumping of land clearing/inert debris on west side of County, saves space in County's landfill and provides a place to dispose of storm debris generated by inclement weather.

He advised when fill operations are completed in 10-15 years the land will be replaced with a grassy slope; the former fill area will be suitable for livestock grazing or recreational use and the parcel will be suitable for single family homes or other approved uses; reviewed site plan depicting the projected future grade of the finished site.

Mr. Whitesides advised they held two informational meetings and addressed concerns about flare-ups from burning debris in dry conditions and high humidity when Crowders Mountain State Park cleared off five acres to expand its parking area; this was a one-time occurrence; the

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material was contained and was at no time a wildfire; no more burning will occur in the rezoned fill area per state law and rezoning conditions; cited condition #4 for the proposed rezoning and requested to retain the right to burn on the rest of property in accordance with state and local law with proper permits; state secondary roads are built to support traffic and vehicles up to 80,000 pounds per NCDOT; weight of vehicles entering the landfill is between 30,000-50,000 pounds which is below the roadway maximum load capacity; Old Providence Rd. and Chapel Grove Rd. were resurfaced last year and are capable of handling traffic into landfill; tax values of adjoining properties increased on average 25.22% from 2018-19 per GIS tax values; there is no evidence the landfill has had a negative impact on the tax values.

He advised the site has been in operation since May 2018 without any fill operations complaints; it is a temporary site with a 10-15 years life expectancy; debris will be covered with soil monthly; the site will be capped over with a minimum of one foot of clean soil and stabilized with vegetation when the fill operation is completed; the closed fill area will be recorded with the Registrar of Deeds to prevent any future building; the community will be left with a permanent open space.

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

Commissioner Jack Brown recalled the Applicant's statement regarding property values not decreasing during revaluation on the small acreage used for burning; noted the addition of 10 acres could change the scenario since the Applicant was quadrupling the area.

Mr. Whitesides responded he did not see how increasing the fill area would have any negative impact on surrounding property values; he is basically continuing the current operation for an extended period of time; do not believe there would be any effect because the fill activity is contained; the required minimum setbacks are 100' from each property line and 300' from nearest principal residence; have met all of those requirements; fill activities are not visible to most passersby because of the natural buffer, trees and berms.

Commissioner Jack Brown advised that the effect will not be known until it is done.

Mr. Whitesides responded the fill material is inert debris and yard waste that will not create any nuisances; it is a temporary site; the land is currently unusable; when land was purchased the timber had been harvested; it was rough and unused; aesthetically it will be a big improvement when finished.

Commissioner Worley asked how many trucks enter and exit the landfill daily.

Mr. Whitesides responded 10-15 on busy days or none at all; the landfill is not staffed full-time.

Commissioner Worley asked if the expansion was to extend the life of the landfill and not to increase the tonnage coming in.

Mr. Whitesides responded "that is correct".

Commissioner Chad Brown cited condition #5 and stated Applicant obtained a permit to burn this time; asked if Applicant could legally get a permit in this case.

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Mrs. Penley responded that if it is a stated condition and is approved, and Applicant was able to obtain a permit from other agencies to burn, that would be a breach of the conditional use but it might not be illegal; that is a question for legal.

Commissioner Chad Brown addressed Mr. Whitesides and stated a permit should not be requested to burn in dry conditions and high humidity to prevent forest fires, etc.

Mr. Eric Hendrix, Fire Marshal, advised land debris burns involve larger piles than the County deals with; those are beyond its jurisdictional area for a residence; if it is 100' or less from a residence it goes to Fire Marshal's Office; if it is greater than 100' it goes to NC Forestry; staff will work with State if it involves land clearing debris since the Fire Marshal's Office deals with local burn permits; a permit from the NC Forest Service Office is required for land clearing debris burns and will not be issued if environmental conditions are not favorable.

Commissioner Chad Brown asked the Fire Marshal to be diligent of environmental conditions when issuing burn permits.

Commissioner Keigher asked if the only point of entrance or exit is off of Old Providence Rd.

Mr. Whitesides responded "yes"; the access is where Chapel Grove Road ends and Lewis Road begins.

Chairman Philbeck asked if the landfill is open to the public or is just for the company.

Mr. Whitesides responded the company primarily serves contractors under their general supervision; it is not open to the general public; burning of solid waste in a landfill is prohibited per state law and they could not legally obtain a permit to burn in the area under consideration for rezoning.

Chairman Philbeck called for citizen comment.

Mr. James Scruggs, 138 Sandy Creek Dr., Gastonia, NC, distributed pictures of his 18x36 swimming pool affected by ash from the burns; voiced concerns about burning, smoke, quality of life, health issues and the worsening effect if the rezoning was to be approved; he stated the burn in question lasted for a month.

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

Chairman Philbeck asked if Mr. Scruggs only had a problem with the burning and if so, would he be agreeable to adding a condition that no burning is allowed.

Mr. Scruggs responded "yes, sir" and indicated "on any of the land the applicant bought".

Ms. Veronica Danko, 1109 Old Providence Rd., Gastonia, NC advised she lives two sites away from landfill site (approximately 300 yards); was not affected by smoke; went to both information

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meetings; is a clean site; spoke in support of the rezoning and controlled burns in the rezoned area.

Mr. Robert Oakley, 4920 Chapel Grove Rd., Gastonia, NC advised his property adjoins the landfill; spoke in support of the rezoning.

Mr. David Jackson, 170 Sandy Creek Dr., Gastonia, NC advised he lives a quarter of a mile from the landfill downwind; voiced concerns about the burns and health issues and the impact the burn had on his wife's health; supports the proposed condition that no burning be allowed.

Chairman Philbeck deferred to Mr. Whitesides to address comments.

Mr. Whitesides apologized to Mr. Scruggs for the inconvenience; advised they tried to make things right by paying him approximately \$200 for pool chemicals, \$400 for a vacuum for pool and offering to pressure wash his house, which he declined; regarding condition #4, does not want to concede rights to burn on the remaining property; wants to retain the same rights as every other citizen in County.

Chairman Philbeck responded he understands that Applicant wants the same right as every resident in the unincorporated areas. He surmised that if the BOC grants the right to burn, the Applicant can burn as much as he wants in those other areas.

Mr. Whitesides asked if he was talking about the areas outside of the area under consideration; but is fine with the condition if talking about the area under consideration.

Chairman Philbeck advised the Applicant cannot burn in the area under consideration for at least three years via an application to burn.

Mr. Whitesides responded even after the three-year period they would not be able to burn in that area.

Chairman Philbeck reiterated that the Applicant could burn as much as he wanted on the other parts of the property.

Mr. Whitesides advised under the current law and with proper permits, they could have up to two burn piles 20' in diameter; do not intend to do any burning on that scale; promised to exercise the utmost caution with current weather conditions and that any future burning will not be taking place any time soon.

Public Hearing - Zoning Text Amendment: (ZTA19-04) Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 4 (Administrative Agencies/Functions): Table 4.1-1; Chapter 5 (Permit and Modification Procedures): Section 5.2, 5.3, 5.5, 5.7, 5.8, 5.9, 5.11, 5.16; Chapter 7 (Use and Building Lot Standards): Table 7.1-1, Section 7.1(B); Chapter 9 (General Provisions): Section 9.9

Chairman Philbeck introduced Mrs. Penley for comments.

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Mrs. Penley advised subject text amendments reflect changes to the site plan submittal process involving developers, the addition of cargo containers as accessory uses, and clarification language expanding upon conditional districts; a copy of the proposed changes, as highlighted and italicized, were provided in BOC and Planning Board packets.

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

Chairman Philbeck called for questions from the BOC.

Chairman Philbeck asked about the changes regarding the shipping containers.

Mrs. Penley advised the changes were located under Chapter 9, Section 9.9 Accessory Structures, B.

Public Hearing - Zoning Text Amendment: (ZTA19-05) Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures): Section 5.16.4

Chairman Philbeck introduced Mr. David Williams for comments.

Mr. David Williams, Director of Planning and Development Services, advised subject text amendment is to remove the Parallel Conditional Use Permit (PCUP) rezoning process in Chapter 5 of the Unified Development Ordinance (UDO); retaining the process is also an option but removal of the process will reduce the County's liability; staff recommends that BOC approve the removal of the PCUP rezoning process from the UDO.

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

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

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

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

Agenda Revision/Approval

- ADDED/ Commissioner Chad Brown - DHHS (Social Services Division) - To Authorize Bid Awards for Temporary Staffing Services, In-Home Aide and Adult Day Care Aide Services, IV., AA.
- ADDED/ Commissioner Chad Brown - Police Department - To Approve Appropriation of Drug Asset Forfeiture Funds for the Purpose of Purchasing Motorola 800mhz Mobile, Hand Held Radios, and the TDMA Operation Software for Viper Radio System (\$460,626), VI., B.

On motion introduced by Commissioner Hovis and seconded by Commissioner Worley, the BOC unanimously approved the Agenda of August 27, 2019 with changes as noted above.

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Approval of Minutes

On motion introduced by Commissioner Hovis and seconded by Commissioner Chad Brown, the BOC unanimously approved the Minutes of the Regular Meeting of June 25, 2019, the Closed Session of June 25, 2019 NCGS 143-318.11(a)(3); the Regular Meeting of July 23, 2019; the Closed Session of August 13, 2019 NCGS143-318.11(a)(5) and NCGS143-318.11(a)(3); the Special Meeting of August 13, 2019.

Citizen Recognition

None.

Consent Agenda

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

2019-214 Commissioner Jack Brown - BOC - To Approve a Resolution of Support Endorsing Realignment Alternative 6 of the Realignment and Relocation Study for the Gastonia Municipal Airport as follows:

WHEREAS, the City Council for the City of Gastonia previously agreed to participate in an analysis for the potential realignment of the runway at the Gastonia Municipal Airport and Talbert, Bright and Ellington performed a study for the possible location of a new airport site in Gaston County, which included twenty-nine (29) relocation options and six (6) realignment alternatives; and,

WHEREAS, at a presentation to the City Council on May 7, 2019, the Consultants presented their recommendation to select Realignment Alternative 6; and,

WHEREAS, the Consultants have represented that Realignment Alternative 6 provides for a runway of 5,000 feet; and,

WHEREAS, the Consultants are seeking endorsement of Realignment Alternative 6 in order to proceed with the next phase of preparing an Airport Layout Plan pursuant to FAA Advisory Circular 150/5070-6B, Airport Master Plans; and,

WHEREAS, the Airport Layout Plan will include analyses of operational, environmental, and financial impacts, and an airport layout plan drawing set, all of which will refine the plan and confirm or refute the assumptions regarding the feasibility of Realignment Alternative 6; and,

WHEREAS, Talbert, Bright and Ellington will work with the City of Gastonia to develop a project phasing timeline, identify funding sources and hold public outreach meetings; and,

WHEREAS, the Gaston County Board of Commissioners understands the runway extension of 5,000 feet is important for economic development in Gastonia and Gaston County; and,

WHEREAS, the Gaston County Board of Commissioners, by adoption of this Resolution, elects to favorably support and endorse Realignment Alternative 6.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby endorses Realignment Alternative 6, as presented by the Consultants to the Commission at its August 13, 2019 Work Session, with the understanding that an Airport Layout Plan will be the next phase of planning for runway realignment at the Gastonia Municipal Airport.

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2019-215 Commissioner Worley - Budget and Purchasing - To Accept and Appropriate a Edward Byrne Memorial Justice Assistance Grant (JAG) Funds from the Governor's Crime Commission for Gaston College Campus Police (\$24,000) per Budget Change Request:

Account Description	Account Number	Amount
2018 GCC JAG: College Police	010-01-4131-0000-425042-20535	(\$24,000)
2018 GCC JAG: College Police	010-01-4131-0000-560000-20535	\$24,000

2019-216 Commissioner Worley - Budget and Purchasing - To Accept and Appropriate a Edward Byrne Memorial Justice Assistance Grant (JAG) Funds from the Governor's Crime Commission (GCC) for the Sheriff's Office (\$23,371) per Budget Change Request:

Account Description	Account Number	Amount
2018 GCC JAG: Sheriff	010-02-4315-4315-425042-20534	(\$23,371)
2018 GCC JAG: Sheriff	010-02-4315-4315-560000-20534	\$23,371

2019-217 Commissioner Worley - Budget and Purchasing - To Accept and Appropriate a Edward Byrne Memorial Justice Assistance Grant (JAG) Funds from the Governor's Crime Commission for the County Police Department (\$24,257) per Budget Change Request:

Account Description	Account Number	Amount
2018 GCC JAG: Police	010-02-4310-4310-425042-20533	(\$24,257)
2018 GCC JAG: Police	010-02-4310-4310-560000-20533	\$24,257

2019-218 Commissioner Chad Brown - Building Inspections - To Amend the Current Gaston County Fee Schedule to Remove the Nuisance Abatement Fee of \$150**2019-219 Commissioner Philbeck - County Manager - To Accept Departmental Budget Change Requests as Information as follows:**

DEPT	ACCOUNT	DR/CR	AMOUNT
Fleet	010-01-4265-4250-510107-	D	\$6,240
	010-01-4265-4250-520017-	C	\$6,240
Landfill	060-08-4720-0000-540002-	C	\$50,000
	060-08-4720-0000-540002-20034	D	\$50,000
	060-08-4721-0000-540002-	C	\$29,834
	060-08-4721-0000-540002-20022	D	\$29,834
	060-08-4720-0000-530015-	C	\$3,120
	060-08-4720-0000-510107-	D	\$3,120
	060-08-4721-0000-530015-	C	\$2,080
	060-08-4721-0000-510107-	D	\$2,080
Public Works	010-01-4265-4265-520011-	C	\$320
	010-01-4265-4265-510003-	D	\$320
	010-01-4265-4250-510002-	C	\$296
	010-01-4265-4250-510003-	D	\$296
	010-01-4265-4260-520011-	C	\$295
	010-01-4265-4260-510003-	D	\$295
Fire Marshal	010-02-4330-4330-530010-	C	\$4,625
	010-02-4330-4330-520001-	C	\$700
	010-02-4330-4330-540001-	D	\$3,825
	010-02-4330-4330-510105-	D	\$1,500
Public Works	060-08-4720-0000-530015-	C	\$500
	060-08-4720-0000-510003-	D	\$500
GEMS	010-02-4372-0000-540001-	C	\$3,000
	010-02-4372-0000-520016-	D	\$3,000

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Elections	010-01-4170-0000-530041-	C	\$1,300
	010-01-4170-0000-540001-	D	\$1,300
Fire Marshal	010-02-4330-4340-520002-	C	\$486
	010-02-4340-0000-540003-19070	D	\$486
Health	011-05-5112-5115-510001-	C	\$56,866
	011-05-5112-5115-510100-	C	\$4,351
	011-05-5112-5115-510101-	C	\$5,090
	011-05-5112-5115-560000-205NP	D	\$66,307
Elections	010-01-4170-0000-530041-	C	\$600
	010-01-4170-0000-540001-	D	\$600
IT	010-01-4210-0000-560000-InfRe	C	\$15,000
	010-01-4210-0000-540002-	D	\$15,000
	010-01-4210-0000-560000-InfRe	C	\$10,000
	010-01-4210-0000-530030-	D	\$10,000
DSS	020-05-5491-0000-510001-	C	\$5,000
	020-05-5491-0000-520011-	D	\$5,000
Sheriff	010-02-4315-4315-560000-19061	D	\$6,200
	010-02-4315-4315-530010-	C	\$3,100
	010-02-4315-4315-520007-	C	\$3,100
DSS	020-05-5582-0000-560000-08162	C	\$12,500
	020-05-5582-0000-530013-	D	\$12,500

2019-220 Commissioner Chad Brown - DHHS (Health Division) - To Accept and Appropriate Funds from Frontier Nursing University for the Public Health Clinics (\$314) per Budget Change Request:

Account Description	Account Number	Amount
Preceptorship Fund	011-05-5115-0000-415024-	(\$314)
FY 16 CHS Preceptor Program	011-05-5115-0000-560000-16266	\$314

2019-221 Commissioner Chad Brown - DHHS (Health Division) - To Accept and Appropriate Grant Funds Received from the Community Foundation of Gaston County for the Let Me Run Program (\$500) per Budget Change Request:

Account Description	Account Number	Amount
Other Grants	011-05-5112-5115-430000-	(\$500)
CF Run for the Money - LMR	011-05-5112-5115-560000-17208	\$500

2019-222 Commissioner Chad Brown - DHHS (Health Division) - Commendation - To Commemorate the Retirement of John B. Carpenter, Jr.

2019-223 Commissioner Fraley - DHHS (Health Division) - Commendation - To Commemorate the Retirement of James "Doc" Thompson

2019-224 Commissioner Chad Brown - DHHS (Health Division) - To Accept and Appropriate Funds from Community Foundation for the DHHS Scholarship Program (\$2,000) per Budget Change Request:

Account Description	Account Number	Amount
Other Grants	011-05-5110-0000-430000-20537	(\$2,000)
Community Foundation Scholarship	011-05-5110-0000-560000-20537	\$2,000

2019-225 Commissioner Chad Brown - DHHS (Social Services Division) - To Accept and Appropriate Additional Funds from the Glenn Foundation in the Amount of \$12,500 to Promote Foster Home Recruitment per Budget Change Request:

Account Description	Account Number	Amount
Foster Care Donations	020-05-5867-0000-415001-	(12,500)
Glenn Foundation- FC Recruitment	020-05-5867-0000-560000-20035	12,500

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2019-226 Commissioner Chad Brown - DHHS (Social Services Division) - To Accept and Appropriate the WIOA Business Services Funds Granted Through the Division of Workforce Solutions in the Amount of \$75,000 per Budget Change Request:

Account Description	Account Number	Amount
2018 Business Services Grant	020-05-4810-0000-420000-20531	(75,000)
2018 Business Services Grant	020-05-4810-0000-560000-20531	75,000

2019-227 Commissioner Chad Brown - DHHS (Social Services Division) - To Accept and Appropriate Additional FY2019-2020 Home and Community Care Block Grant Funding (HCCBG) for the Nutrition Services Incentives Program (NSIP) in the Amount of \$47,193 per Budget Change Request:

Account Description	Account Number	Amount
Comm Food Subsidy	020-05-5622-0000-425017-	(47,193)
Nutrition- Other Services	020-05-5622-0000-530015-	47,193

2019-228 Commissioner Chad Brown - DHHS (Social Services Division) - Proclamation - To Proclaim the Month of August 2019 as Child Support Awareness Month in Gaston County

2019-229 Commissioner Philbeck - DHHS (Social Services Division) - To Approve the Revised Workforce Development Board By-Laws

2019-230 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 - \$3,008.63; HB20 Refunds - \$581.68; Gap Refunds - \$393.79; NCVTS Refunds - \$3,190.01; Vehicle Refunds - \$4,165.48) as follows:

Gaston County, North Carolina – Listing of Property Tax Refunds Less Than \$100.00 for Real Property
To be Reported at the August 27, 2019 Board Meeting

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
Abernathy, Nancy H	75.95	Kirkpatrick, James Franklin	2.79
Abernathy, Nancy H	32.90	Lineberger, Tracy Dawn	8.92
Alexander, Ricky	32.45	Lloyd, Jeffrey Scott	1.30
Benavides, Rosario	5.13	Martin, Richard James	15.52
Bickley, Janet	1.23	Mason, Roxanne	21.84
Bishop, Clarence Watson Jr.	17.14	May, Dana Melissa	9.30
Blayton, Raleigh Jr.	28.82	McConnaughey, Lonell	25.00
Bolding, Lisa E	69.27	McKinney, Matthew Ryan	16.07
Broome, William K	62.57	MHR of Gastonia NC	3.59
Buchanan, Robin M	65.13	Monk, Ronald Allan	27.77
Caldwell, Victoria S	14.20	Neesmith, Daniel	56.75
Campbell, Neal	57.79	Page, Judy Brooks	65.81
Craft, Cynthia Bess	53.99	Payseur, James Lee Jr	97.92
Crisco, Angela	38.71	Peeler, Michael Wayne	78.67
Currence, Darrell	7.77	Pope, Mindy Lauren	94.95
Currence, Darrell M	3.75	Pratt, Tina R	27.18
Dannelley, Donette Yvonne	91.56	Quintero, Eucaris Zapata	58.35
Deason, Hazel L	50.00	Quintero, Eucaris Zapata	4.20
Edwards, Roger G	29.59	Rodriguez, Jorge Martinez	85.36
Falls, Randy M	12.30	Samples, Brian	98.74
Floyd, Ivory	61.70	Samples, Brian	82.47
Francis, Justin Matthew	8.54	Samples, Brian	72.63
Gardner, Doris Wilson	47.88	Samples, Pamela S	99.83
Gardner, Doris Wilson	29.00	Santana, Angel Lynn	7.65

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Gardner, Doris Wilson	27.50	Sherrill, John Avery	2.22
Gardner, Doris Wilson	25.38	Shipton, John Thomas	23.27
Gardner, Doris Wilson	21.80	Wachs Energy Services	2.55
Gaston County Tax Collector (for Jonathan Love)	27.68	Walker, Casey Patrick	85.45
Hall, Warren C	99.00	Walls, Robert Matthew	33.18
Hicks, Bryant T	5.86	Walls, Robert Matthew	7.85
Hill, Tony	53.25	Warren Tadlock, Chapter 13 Trustee	58.39
Hill, Tony	51.35	Warren Tadlock, Chapter 13 Trustee	35.90
Hill, Tony	47.91	Warren Tadlock, Chapter 13 Trustee	13.95
Hinson, Eric P	33.73	Warren Tadlock, Chapter 13 Trustee	7.30
Hopkins, Donna J	77.57	Webster, Zachery	45.63
Jackson, Elaine J	37.44	Williams, Terry M	93.02
James, Jesse L. dba Tee Time Golf	3.04	Wooten, Marjorie Crystal	71.57
Johnson, Sherry	56.86	Total Real Property Tax Refunds (July 2019)	\$ 3,008.63

**Gaston County, North Carolina – Listing of Property Tax Refunds Less Than \$100.00 for Vehicles
To be Reported at the August 27, 2019 Board Meeting**

TAXPAYER NAME	AMOUNT	TAXPAYER NAME	AMOUNT
HB20 Refunds			
Lyles, Chad Douglas	61.96	Huntsinger, Heather Elizabeth	2.28
Broome, Teresa Haskin	16.05	Miller, Derrick Lamont	56.75
Hatten, Sophia Antonett	18.50	Miller, Derrick Lamont	39.49
Hatten, Sophia Antonett	18.50	Miller, Derrick Lamont	55.53
Hatten, Sophia Antonett	17.75	Miller, Derrick Lamont	51.58
Hatten, Sophia Antonett	18.00	Miller, Derrick Lamont	50.11
Hatten, Sophia Antonett	18.00	Pressley, Jamie Glenn	32.28
Hatten, Sophia Antonett	18.00	Pressley, Jamie Glenn	44.40
Hatten, Sophia Antonett	18.50	Ramseur, Bryan Keith	8.00
Hatten, Sophia Antonett	18.50	Total HB20 Vehicle Tax Refunds (July 2019)	\$ 581.68
Hatten, Sophia Antonett	17.50		
GAP Refunds			
Bickford, Donald Alvin Jr.	36.83	Fuller, David Edward	64.56
Friday, Kevin Leron	72.64	Fuller, David Edward	13.96
Fuller, David Edward	71.10	Price, Daphane	19.26
Fuller, David Edward	51.36	Total GAP Refunds (July 2019)	\$ 393.79
Fuller, David Edward	64.08		
NCVTS Refunds			
Abercrombie, Joy Hoover	44.63	Kiser, William Henry II	23.81
Adams, Brittany Qashawn	67.34	Liner, Erich Lamar	26.03
Apicione, Stanislaw	43.03	Liner, Erich Lamar	25.01
Arn, Rhodenna Sue	61.64	Linsenmayer, Gary Jon	48.10
Barnes, Larry Ray	58.26	Lone, Bobby Ray Jr.	78.28
Beaty, John Lawrence	19.72	Martin, Gary Glenn II	29.46
Bentley, Michael Anthony	78.23	Mayhew, Amber Christine	71.29
Bollette, Destiny Lynn	81.97	Morgan, Charles Dean	18.71
Bradshaw, Chad Everette	7.15	Mutterspaw Joann Miller	36.09
Braun, Mary Ann	67.74	Odonohue, Barbara Plyler	7.47
Brown, Carl Eugene	89.27	Palmer, William Lewis	50.83
Costas, Laura Marie Barnes	59.55	Pendleton, Danny Ray	59.45
Costner, Dale Wayne II	14.06	Penley, Adam Lee	33.40
Cox, Shirley Hendricks	17.09	Penley, Adam Lee	52.64
Cox, Shirley Hendricks	60.76	Penley, Adam Lee	37.70
Cox, Shirley Hendricks	7.43	Quinn Sales, Inc.	20.80
Crosby, Terry Lee	33.55	Quinn Sales, Inc.	36.81
Curtis, Melody Diana	86.17	Reeves, James Nathan	15.64
Cypcar, Cara June Elyea	85.98	Russ, Christine Norwood	9.08
Davis, Billy Harmon	35.52	Russ, Gary Lee	15.76
Davis, Cornelia Hall	22.72	Schied, Robert Ivan	43.94
Enderle, Julie Anne	25.00	Seagraves, Roger Dale Jr.	64.83
Florez, Lorena	31.49	Shuford, Jerry Hester	71.60

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Fowler, Hershel Louie Jr.	6.71	Smith, Helen Parker	14.14
Franklin, Merle Holdscaw	17.33	Stalder, Andrew Ernest	38.02
Gillis, Willie Joe II	46.61	Stohman, Gerald Robert Jr.	45.15
Gilreath, John Hallman II	78.00	Strider, Randall Craig	52.49
Gonzalez, Joseph Anthony	83.89	Surrett, Jamie Galloway	74.49
Hall, Douglas Sligh	71.97	Sutton, Alex jerry	2.54
Hall, Sharon Beatrice	70.11	Thomas, Jerry Lee	18.97
Hansen, Paul Andrew	16.75	Thomason, Henry Clayton III	88.62
Hargett, Robert Harold Jr.	12.95	Tims, Sabrina Smith	33.59
Hart, Timothy Joseph	11.75	Vasiliou, Christopher	17.53
Holland, Jackie Ledford	53.87	Vasiliou, Christopher	16.79
Hollifield, Robbie Kiser	47.04	Ward, Terry Lawrence	14.81
Jarzynka, Stacey Anne	3.87	Wilson, David Jr.	40.32
Jenkins, Richard Scott Jr.	31.49	Young, Danny Williams	69.15
Justice, Steven Wayne	43.31	Zornow, Thomas George	80.01
Kincaid, Jason Wayne	12.71	TOTAL NCVTS REFUNDS	\$ 3,190.01
		TOTAL VEHICLE TAX REFUNDS	\$ 4,165.48

2019-231 Commissioner Philbeck - Human Resources - To Approve Revisions to the Gaston County Personnel Policy Manual Related to Holiday Pay, Sick Leave, Educational Reimbursement, Incidental Expenses, Misconduct and Tobacco Use in County Vehicles and to Approve the Safety and Risk Management Policy

2019-232 Commissioner Keigher - Parks & Recreation - To Accept and Appropriate the Health Promotion Disease Prevention Grant from Centralina Council of Governments Area Agency on Aging (\$2,925; County Match of \$325) per Budget Change Request:

Account Description	Account Number	Amount
HPDP	010-04-6130-0000-425020	(\$2,925)
Special Programs	010-04-6130-0000-560000-20001	(\$325)
HPDP Grant	010-04-6130-0000-560000-20500	\$3250

2019-233 Commissioner Philbeck - Planning & Development Services - Technical Correction to Resolution 2019-192, Approved 6/25/2019 for ZTA19-03 - Gaston County Planning Board (Applicant) - Text Amendment to the Unified Development Ordinance (UDO): Chapter 9 (General Provisions) as follows:

WHEREAS, Chapter 5 of the Gaston County Unified Development Ordinance (UDO) sets forth Amendment procedures in Chapter 5, and a joint public hearing by the Planning Board and Commission, was conducted on June 25, 2019 to take public comment on, and consider approval of ZTA19-03 (Gaston County Planning Board – Applicant); and,

WHEREAS, the Board of Commissioners, based on the recommendation by the Planning Board, unanimously approved the Zoning Text Amendment request ZTA19-03; and,

WHEREAS, a technical correction is required to correct the Section number cited in ZTA19-03 pertaining to UDO Chapter 9 (General Provisions) **to reflect Section 9.26** instead of Section 9.3.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners, after consideration of the technical correction request, hereby amends Resolution 2019-192 to correct the Section number cited in Zoning Text Amendment ZTA19-03 - UDO Chapter 9 (General Provisions) to reflect **Section 9.26**.

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2019-234 Commissioner Chad Brown - Police Department - Retirement Commendation - To Award the Service Side Arm and Badge to Retired Master Police Officer Ashley D. Wright

2019-235 Commissioner Keigher - Public Works - To Declare Unused Equipment as Surplus and Authorize a Surplus Auction as follows:

2019 County Surplus Property Listing

Equipment	Count	Equipment	Count
ADC 75 lb. Industrial Dryer (gas)	1	Motorola Intrac 2000 Test Panel (in case)	1
Barbell Bench Press Bench	1	Overhead Projector	1
Blueprint Rack	1	Pen Dosimeters	62
Carter Hoffman Stainless Steel Warming Food Cabinet	2	PRECOR Elliptical Exercise Machine	1
Carter Hoffman Stainless Steel Warming Food Carts	8	Pull Up Machine	1
Craftsman 675 Series 24" Power Vacuum	1	Radio Communication Equipment (boxes)	15
CRT Monitors	2	Recliners	4
Curl Bench	1	Residential Washing Machine	1
Curved Love Seat	1	Rolling Lab Stands	8
Delfield Industrial Double Refrigerator	1	Small Light Pods	6
Delfield Industrial Freezer	1	Sofa Chairs	3
Dorm Size Refrigerator	1	Tall Wooden Cabinets	2
Electric Mobility Scooter	1	Televisions	11
Ford F-150 Truck Bed Lids w/ hardware	2	TRUE Elliptical Exercise Machine	1
Garland Stainless Steel Double Oven (gas)	2	Various Cabinets	7
GBC 27" Laminator	1	Various Camera Equipment (large box)	1
GE Communication Radio Controller Cabinets with equipment	2	Various Filing Cabinets	23
Geiger Counters	4	Various Geiger Counter Equipment (box)	1
Health O Meter Professional Scales	2	Various Kitchen Pots/Pans/Accessories (Pallet)	1
Hi Bay Pedestal Lights	8	Various L Desks	7
High Bay 4 Bulb Light Fixtures	33	Various Office Chairs	137
Hobart Stainless Steel Feed Table	1	Various Overhead Desk Bins	15
Hobart Stainless Steel Industrial Dishwasher	1	Various Rolling Carts	6
IPSO 50 lb. Industrial Washer	1	Various Side Chairs	13
John Deere 1032 Snow Blower	2	Various Stacking Chairs	52
Kids Play Station	1	Various Style Desks	11
Large Compressor Motor	1	Various Tables	6
Large Metal Shelving Unit	1	VCR	3
Large Television Cabinet	1	Vertical Fans	3
Leather Side Chairs	7	Vulcan 50lb. Deep Fryer	1
Medical Exam Table	1	Wbox Walkthru Metal Detector	1
Medium Size Lab Freezer	2	Whirlpool Residential Refrigerator	2
Microwave	1	Wooden Kitchen Style Chairs	15

2019-236 Commissioner Chad Brown - Public Works - To Authorize Blossman Services, Inc. (Alliance Autogas) as the Sole Source Provider for the PRINS LPG Conversion System Parts and Installation (\$50,400)

2019-237 Commissioner Chad Brown - Tax - To Accept and Appropriate Miscellaneous Revenue Funds Received from Attendees of the Western Piedmont Tax Association (WPTA) Meeting (\$495) per Budget Change Request:

Account Description	Account Number	Amount
Miscellaneous Revenue	010-01-4140-0000-415000	(495.00)
Food and Provisions	010-01-4140-0000-520005	495.00

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2019-238 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the Listed Tax Refunds be Made. (Real Estate - \$7,319.95; Vehicles and ETC - \$129.35; VTS Refunds - \$5,191.41; Grand Total - \$12,640.71) as follows:

TAXPAYER NAME	OWNER NAME	AMOUNT
July 2019 REAL ESTATE		
Willis, Justin		\$112.32
Neesmith, Daniel		\$155.82
Wooten, Allen		\$343.01
May, Dana Melissa		\$193.26
Norcutt, Chris A		\$105.11
Hoggard, Hayden		\$303.04
Edwards, Roger G		\$186.69
Gaston County Tax Dept		\$363.01
Meredith, Victoria		\$266.43
Warren L Tadlock		\$670.54
Monk, Ronald Allan		\$192.79
Bowlin, Pamela Denis		\$230.51
Burris, Everett		\$133.52
Truong, Tam Van		\$3,134.22
Martin, Mary Ann		\$272.95
Sisk, Karen D		\$145.63
Neesmith, Daniel		\$154.05
Norcutt, Chris A		\$145.67
Samples, Brian		\$106.49
Dannelley, Donette Y		\$104.89
TOTAL		\$7,319.95
July 2019 VEHICLES & ETC		
Hoard Law P.C.		\$129.35
TOTAL		\$129.35
July VTS REFUNDS		
Ballard, Eric Bradley		\$109.78
Barton, William Dolph III		\$128.95
Byers, Nancy Long		\$135.93
Bynum, Rosalind Terell		\$170.81
Bynum, Rosalind Terell		\$148.96
Caudle, Kelly Sue		\$130.65
Chen, Kai		\$430.54
Colgate, James Thomas		\$187.68
Coyle, Joseph Phillip		\$125.79
Crockett, Michael Lynn		\$113.38
Draughn, David Gardner		\$100.16
Egya-Ansah, Peter Jr		\$143.35
Engle, Justin Earl		\$235.90
Ferdinand, Faustino		\$114.10
Gibson, Floree Woodard		\$141.51
Givan, Alexander Ross		\$125.98
Huffstetler, Palmer Eugene		\$157.68
Kasper, Bjorn		\$344.66
Leach, Demetris Chambers		\$110.13
Leclair, Janice Kay		\$152.99
McGinnis, Jackie McGee		\$161.29
McMahan, Paul Wayne		\$206.10
Salinas, Cesar Eduardo		\$146.02
Sawyer, George Thomas II		\$102.94
Thompson, Daniel Brett		\$122.25
TLC Group LLC		\$196.70

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Tuz, Juan Gabriel Peraza	\$266.00
Vance, Ellen Smith	\$147.32
Weikel, Robert Joshua	\$191.33
White, Dennis Ray	\$117.70
Whitener, David Glenn	\$109.56
Yarborough, Danny Eugene	\$115.27
TOTAL	\$5,191.41

GRAND TOTAL	\$12,640.71
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2019-239 Commissioner Chad Brown - Tax - Resolution to Relieve the Tax Collector of the Charge of Taxes on Classified Motor Vehicles Listed Pursuant to NCGS 105-330.3(a)(1) that are One or More Years Past Due as follows:

WHEREAS, the North Carolina General Assembly designated all motor vehicles as a special class of property in 1991 and enacted special procedures, contained in Article 22A of the Machinery Act, for levying and collecting taxes on classified motor vehicles which became effective in 1993; and,

WHEREAS, the unacceptable State-wide collection rate of registered motor vehicle taxes listed under N.C.G.S. 105-330.3(a)(1), prompted the General Assembly to enact HB 1779, which became effective in 2013, to fully integrate the registration and taxation of registered motor vehicles so property taxes must be paid at the time of vehicle registration; and,

WHEREAS, enforced collection remedies including attachment and garnishment of bank accounts and wages; the levy and sale of the property owned by the responsible taxpayer; unclaimed funds from State of North Carolina as well as the blocking of future registration renewals may be employed; and,

WHEREAS, the Gaston County Tax Collector has, with due diligence, utilized all reasonable means to enforce collections of the registered motor vehicles taxed under the provisions of N.C.G.S. 105-330.3(a)(1); and,

WHEREAS, N.C.G.S. 105-373(h) provides that the Board of County Commissioners, may, in its discretion relieve the Tax Collector of the charge of taxes on classified motor vehicles listed pursuant to N.C.G.S. 105-330.3(a)(1).

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners that the Gaston County Tax Collector be relieved of the charge for the registered motor vehicles listed pursuant to N.C.G.S. 105-330.3(a)(1) that are one year or more past due when it appears to the Board that the taxes are uncollectable.

BE IT FURTHER RESOLVED by the Gaston County Board of Commissioners that the relief from the charge of unpaid taxes on vehicles registered under N.C.G.S. 105-330.3(a)(1) be inclusive of the tax years 2008 through 2013 and shall include those taxes charged to the Tax Collector for municipal and special district taxes charged for the same period to be effective as of August 27, 2019.

2019-240 Commissioner Chad Brown - DHHS (Social Services Division) - To Authorize Bid Awards for Temporary Staffing Services, In-Home Aide and Adult Day Care Aide Services as follows:

- Awards are proposed to the following firms deemed to have the most advantageous proposals taking into account the evaluation criteria identified in the RFP's. Recommendation for approval are as follows:

Temporary Staffing for Specs #1, #2, #6, #7, #8, #9 – Nesco Resources, LLC - \$279,839
Temporary Staffing for Specs #3, #4, #5 – Vanguard Professional Staffing - \$370,000

Scores:

Proposers	Spec #1	Spec #2	Spec #3	Spec #4	Spec #5	Spec #6	Spec #7	Spec #8	Spec #9
Nesco	90	95	87.5	84	82	92.5	77	77	92.5
Vanguard	89.5	0	90.5	88	91.5	0	0	0	0

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Non-Consent**2019-241 Commissioner Chad Brown - DHHS (Social Services Division) - To Accept and Appropriate the Health Promotion Grant to Enhance the Health of Senior Adults in the Amount of \$3,900 (Federal Funds - \$3,510; 10% County Match - \$390)**

On motion introduced by Commissioner Keigher and seconded by Commissioner Hovis, the BOC unanimously approved **2019-241** per Budget Change Request:

Account Description	Account Number	Amount
Health Promotion Grant	020-05-5620-0000-425020-20530	(3,510)
Fund Balance Appropriated	020-99-9900-0000-490000-	(390)
Health Promotion Grant	020-05-5620-0000-560000-20530	3,900

2019-242 Commissioner Chad Brown - Police Department - To Approve Appropriation of Drug Asset Forfeiture Funds for the Purpose of Purchasing Motorola 800mhz Mobile, Hand Held Radios, and the TDMA Operation Software for Viper Radio System (\$460,626)

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

Chairman Philbeck called for discussion.

Commissioner Worley requested an explanation on purchasing the additional software.

Chairman Philbeck deferred the question to County Police Chief Ramey.

Chief Joe Ramey advised the original agreement was to spend about \$400,000 to purchase mobiles and handhelds; after the agreement, VIPER (Voice Interoperability Plan for Emergency Responders) and UASI (Urban Areas Security Initiative) decided all radios going on their system should have TDMA (Time Division Multiple Access) Operation Software; once the software is activated on the VIPER and UASI system, capacity could be doubled during hurricanes, tornados, traffic, etc. without adding tower capacity, microwaves, etc.

Chairman Philbeck called for the vote, and the BOC unanimously approved **2019-242** per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	025-99-9900-0000-490000	[460,626]
Drug Asset Forfeiture – Treasury	025-02-4310-4310-530043-10002	460,626

(Note: The Planning Board had not concluded its deliberations at this point in the meeting and Chairman Philbeck moved to the next item of business.)

Appointments

On motion introduced by Commissioner Hovis and seconded by Commissioner Jack Brown, the BOC unanimously appointed Ms. Lawanza F. Moore to the **Gaston Community Action Board of Trustees (GCA)** to a term ending October 31, 2021.

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On motion introduced by Commissioner Worley and seconded by Commissioner Hovis, the BOC unanimously reappointed Mr. Jesse B. Caldwell, IV to the **Juvenile Crime Prevention Council (JCPC)** to a term ending June 30, 2021.

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Jack Brown, the BOC unanimously reappointed Mr. Mark Stephens to the **Economic Development Commission** to a term ending June 30, 2022.

Commissioners Committee Reports

Commissioner Hovis reported attendance to the **NC Association of County Commissioners (NCACC) Annual Conference** and advised Commissioners Worley and Keigher attended as well; new officers were elected for upcoming year; NCACC did a great job streamlining the presentations and learning series; Clerk to BOC was in attendance with the North Carolina Association of County Clerks; he noted Guilford County's EMS Director did a presentation on their response to the opioid issue and that half of the immediate care patients at Cone Hospital are there for opioid issues related to mental health reasons, which is alarming; spoke with Mr. Chris Peek, CaroMont Regional Medical Center President/CEO, about contacting the EMS Director; Guilford County is constructing two new 16-bed facilities, one for adults and one for juveniles, for mental health stability.

Commissioner Chad Brown reported attendance to the **NC Parks and Recreation Trust Fund** and advised that \$16M worth of applications were submitted for \$4M in grants; the County was ranked #14. He asked Mrs. Cathy Hart, Parks & Recreation Director, to provide comments.

Mrs. Hart advised Parks and Recreation received a \$250k PARTF grant; Parks & Recreation received monies a few years ago for some Phase 2 improvements that were not completed due to high bids; the \$250k grant will help build a splash pad, picnic shelter, shade structure for existing playground and a new playground and paved ADA walkway on the NCDOT side of the park.

Commissioner Chad Brown invited BOC to visit the park for a "before and after" review; advised the State Board has a new makeup and the County was one of 11 applicants that received funding this year.

Commissioner Keigher reported attendance to the **NCACC Annual Conference** and advised Mr. Kevin Austin is the NCACC President and Ms. Tracey Johnson is Second Vice President; **NC Community College Trustees Conference** - will provide report to BOC upon receipt from College President; **Joint Gaston County Board of Education (BOE)/Gaston College Board of Trustees Meeting** - The College and Schools are adding several new academic programs this year (*Academy Program* at Costner Elementary and six middle schools; for the high schools a *Career Academy* at Hunter Huss, *College Prep* at Forestview, *Leadership Academy* at North Gaston, *Health Sciences* at East Gaston, *Public Service Academy* at Cherryville, and *Technology and Industrial Engineering* at Bessemer City) and students throughout the County can apply for the programs but must provide own transportation.

Commissioner Keigher advised that at the NCACC Conference that a Cumberland County Commissioner and the District Attorney presented on the development of an expungement clinic; asked the County Manager to research the matter; noted he had recently requested information

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on recidivism and incarceration from the Sheriff's Office; noted Commissioner Kevin Austin of Yadkin County reported their only inmate that has been incarcerated about six months has cost them almost \$900k because of health reasons; the County needs to see what it can do to release more inmates; many are incarcerated for six to eight months for small crimes and for missing court dates which cost taxpayers an unbelievable amount of money; will provide information to the County Manager.

Commissioner Worley reported meeting attendance to **NCACC Annual Conference**.

Commissioner Chad Brown reported receiving some information from former Police Chief James Buie about school safety and ongoing issues that he shared with Chief Ramey; it involves circular buildings and curvature halls; long hallways are susceptible to shootings, etc.; will provide information for BOC to review for future building plans.

Commissioner Worley expressed appreciation to the County Police, Sheriff's Office, Cramerton Police, Belmont Police and First Responders and thanked them for their dedication to duty during the active shooter situation at Mayworth Apartments in Cramerton.

Commissioner Hovis advised the NCACC Conference *Youth Voice Program* had 110 youth participants that sat at their County's respective tables for dinner on Friday and breakfast on Saturday; Miss Hannah Vagnozzi, Gaston County's 4-H Club Representative, expressed her gratitude for the opportunity to represent Gaston County.

(Note: Chairman Philbeck recognized Commissioner Chad Brown for an additional appointment. See "Appointments" - Mark Stephens - Economic Development Commission.)

Commissioner Jack Brown recalled Commissioner Keigher comments about the expungement initiative and added that conversely, many Police Officers often complain about the "revolving door"; there is a fine line determining what can be done in those situations.

County Manager's Report

Dr. Kim Eagle, County Manager, directed the Board's attention to two handouts and presented as follows:

- **Re: 8/13/19 Economic Development Strategy Committee's Presentation:** The BOC directed the County Manager to engage a consultant to evaluate the County's economic development strategic approach; staff vetted five firms; looked at a combination of approach which included experience, time line and dollars; selected Economic Leadership, LLC, a company that is well-regarded in the State and nationally and can meet the County's time line; staff anticipates providing a report and sharing information at the November 12th meeting; County will have an Oversight Committee as part of the plan with the listed membership (three Commissioners, Mr. Robert Brown (EDC Chairman), Mr. Donnie Hicks, two Greater Gaston Development Committee (GGDC) members, Mr. Greg Botner, Mr. Joel Long and, Mr. Pat Mumford, GGDC Director; will keep BOC posted as staff progresses.

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- **Re: Key Capital Projects:** Referenced memo on key capital projects; staff is monitoring six critical projects very closely (Jail Infill, Animal Care and Enforcement Building, public safety radio project, Apple Creek Business Park, Bessemer City-Gastonia Water Interconnect and Belmont Middle School); the Animal Care and Enforcement Building is behind schedule and staff is assessing liquidated damages on the contractor; staff took pictures of the progress this week; anticipate work to be completed by December.

Chairman Philbeck directed staff to review the state of affairs and emergency readiness of Gaston County Emergency Management; directed the County Manager to provide an update to the BOC at the October Work Session.

The County Manager advised staff is looking into that area as a whole with the current vacancy (Emergency Management Director) and will provide the report per the BOC's timeline.

Commissioner Hovis requested that BOC be provided with a copy of the Emergency Management Director's job description to better understand the duties and requirements of the position.

County Attorney's Report

No report.

Zoning Matters from Public Hearings (Non-Consent)

2019-243 Commissioner Keigher - Planning & Development Services - Zoning Map Change: Z19-09 MRJ Investment LLC (Ray Hamam) (Applicant); Property Parcels: 143462 and 143464, Located at 3610 & 3612 Little Mountain Rd., Gastonia, NC, Rezone from the (I-2) General Industrial Zoning District to the (RS-8) Single Family 8,000 sq ft Zoning District

The County Attorney advised the Planning Board recommended approval by a unanimous vote; he introduced the following consistency statement for the record: *The property in question is in a future land use designation of Suburban Development. Suburban Development allows for residential development and commercial development to support the nearby residential uses. The use, going from I-2 to RS-8 will make the subject parcels primarily residential in nature, which is consistent with the Suburban Development designation and is in harmony with the uses of the surrounding neighborhood. The various overlays will also ensure that the property is developed according to higher standards.*

On motion introduced by Commissioner Keigher and seconded by Commissioner Worley, the BOC unanimously approved 2019-243 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 Land Use Plan. The property in question is in a future land use designation of Suburban Development. Suburban Development allows for residential development and commercial development to support the nearby residential uses. The use, going from (I-2) to (RS-8) will make the subject parcels primarily residential in nature, which is consistent with the Suburban Development designation and is in harmony with the uses of the surrounding neighborhood. The various overlays will also ensure that the property is developed according to higher standards.

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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 parcels: 143462 and 143464, 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.

2019-244 Commissioner Keigher - Planning & Development Services - Zoning Map Change: Z19-10 BEATY and UNION LLC (Applicant); Property Parcel: 212549 (part of), Located at 4531 Beaty Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited and (C-3) General Commercial Zoning Districts w/ (CH) Corridor Highway and (US) Urban Standards Overlays to the (C-3) General Commercial Zoning District w/ (CH) Corridor Highway and (US) Urban Standards Overlays

The County Attorney advised the Planning Board recommended approval by a unanimous vote; he introduced the following consistency statement for the record: *The property in question is in a future land use designation of both Rural Center and Suburban Development. Rural Center supports commercial development needed for the population living in the surrounding area. Suburban Development represents residential development and commercial development to support the residential uses. The use, going from R-1 and C-3 to exclusively C-3, with supplemental overlays, is consistent with the comprehensive plan since both future land use designations contemplates commercial development in such areas. The area to be rezoned abuts Union Road, a main road in Gaston County that makes commercial development appropriate.*

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Worley, the BOC approved **2019-244** 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 Land Use Plan. The property in question is in a future land use designation of both Rural Center and Suburban Development. Rural Center supports commercial development needed for the population living in the surrounding area. Suburban Development represents residential development and commercial development to support the residential uses. The use, going from (R-1) and (C-3) to exclusively (C-3), with supplemental overlays, is consistent with the comprehensive plan since both future land use designations contemplates commercial development in such areas. The area to be rezoned abuts Union Road, a main road in Gaston County that makes commercial development appropriate.

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: 212549 (part of), 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.

The vote carried as follows:

Ayes: Commissioners Philbeck, Chad Brown, Fraley, Hovis, Keigher, Worley
Nay: Commissioner Jack Brown

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2019-245 Commissioner Keigher - Planning & Development Services - Zoning Map Change: Z19-11 Todd Pierceall (Applicant); Property Parcels: 202079, 210367, and 139805, Located at Neal Hawkins Rd., Gastonia, NC, Rezone from the (RS-12) Single Family 12,000 sq ft Zoning District to the (RMF) Residential Multi Family Zoning District Appointments

The County Attorney advised the Planning Board recommended approval by a unanimous vote; he introduced the following consistency statement for the record: *The property in question is in a future land use designation of Suburban Development. Suburban Development represents residential development and commercial development to support the residential use. The proposed rezoning is from RS-12 to RMF, both which are residential zones. Suburban Development permits a multi-family development, and there are other multi-family zoned properties nearby.*

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Keigher, the BOC unanimously approved **2019-245** 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 Land Use Plan. The property in question is in a future land use designation of Suburban Development. Suburban Development represents residential development and commercial development to support the residential uses. The proposed rezoning is from (RS-12) to (RMF), both which are residential zones. Suburban Development permits a multi-family development, and there are other multi-family zoned properties nearby.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcels: 202079, 210367, and 139805, 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.

The County Attorney advised the Conditional District application had not been received from the Planning Board at this point in the meeting.

Chairman Philbeck recessed the meeting at 7:26 pm to allow the Planning Board to complete its deliberations on the application.

Chairman Philbeck reconvened the meeting at 7:36 pm.

2019-246 Commissioner Jack Brown - Planning & Development Services - Zoning Map Change: Conditional District CD19-02, T & L Grading & Hauling (Terry Whitesides) (Applicant); Property Parcel: 226767, Located at 1225 Old Providence Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited Zoning District w/ (US) Urban Standards Overlay to the (CD/C-2) Conditional District / Highway Commercial Zoning District w/ (US) Urban Standards Overlay, in order to allow Landfill/Land Clearing (Inert Debris), Major

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The County Attorney advised the Planning Board approved the zoning map change by a unanimous vote with the five conditions recommended by staff.

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

Chairman Philbeck called for discussion.

Commissioner Chad Brown introduced the following amendment to condition #5, *"at no time shall the property owner, Applicant or any designee engage in the burning of any material of any kind as related to the landfill and land clearing debris on the entire property for the life of the landfill"*.

The Chairman restated the motion and recognized the County Attorney for comments.

The County Attorney referenced the second sentence in condition #5 (*...Nor shall the property owner, applicant, and/or any designee engage in the burning of materials brought to the property from an offsite location....*). He stated it could be interpreted that they cannot burn fill materials on the property that is not included within this application; there is a problem with the County enforcing a rule that is relative to the property that falls outside of the permit being issued, if approved; if they go out into the margin of this property (off site of the permit) and attempt to burn and push fill material received onto the landfill site that would be a violation of the permit.

Chairman Philbeck advised currently the Applicant can burn two piles by right; asked if the condition would prevent that from occurring.

The County Attorney responded it is his position the intent of the recommended condition is to prevent that occurrence; they cannot engage in burning materials brought to the location from offsite; offsite means their greater property that is offsite to the permit.

Chairman Philbeck advised the Applicant could burn anything that is not offsite with the permit.

The County Attorney responded he is not sure what complaints people might have if it is burned ten miles down the road and dumped at the site; if it catches on fire afterwards that would be a problem; understand what the BOC is trying to do but there is a problem with trying to impose a condition on the remaining property because that is beyond the corners of the application.

Chairman Philbeck then advised he could not support the rezoning.

Commissioner Chad Brown advised the BOC is trying to protect everybody from the burnings, forest fires, etc.

The County Attorney referenced the map outlining the area to be rezoned, which depicts the interior portion of a larger tract owned by the Applicant; advised the concern is that they could simply go out in the margin of that property and burn and push it into the landfill; advised it is his opinion that the intent of the referenced sentence is the Applicant will not engage in burning offsite of the permitted area.

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Chairman Philbeck asked if it was the County Attorney's legal opinion the condition would stop burning period.

The County Attorney stated if the County discovered the Applicant was burning debris on the property off the site, then yes, it would revoke the permit; that is my interpretation; the County might end up litigating that down the road.

Commissioner Keigher asked if BOC had the authority to place a condition of "no burning period on the whole property".

The County Attorney responded "no" because the BOC is applying conditions to 10.6 acres and not the greater parcel.

Chairman Philbeck advised he could support it if they could stop the burning on all of the property; the neighbors were there before the landfill; asked if the Applicant could make that part of the condition.

The County Attorney responded "yes" if Applicant recorded a covenant for the property; not sure how that would be enforced; do not think the County can enforce it.

Chairman Philbeck asked if it would be better for BOC to table the matter or to vote "no".

Commissioner Keigher advised he would rather table it.

The County Attorney advised the BOC can table it and search for an answer.

Commissioner Keigher introduced a motion to table and Commissioner Fraley provided the second.

Chairman Philbeck asked the Applicant to meet with Mrs. Penley to discuss options; must be mindful that the homeowners were there before the landfill; BOC wants to make sure there will be no burning that will affect the existing homeowners. He suggested the Applicant could get what he needs by being more creative.

Chairman Philbeck called for the vote on the motion to table which carried unanimously.

2019-247 Commissioner Philbeck - Planning & Development Services - Zoning Text Amendment: ZTA19-04, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 4 (Administrative Agencies/Functions): Table 4.1-1; Chapter 5 (Permit and Modification Procedures): Section 5.2, 5.3, 5.5, 5.7, 5.8, 5.9, 5.11, 5.16; Chapter 7 (Use and Building Lot Standards): Table 7.1-1, Section 7.1(B); Chapter 9 (General Provisions): Section 9.9

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

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On motion introduced by Commissioner Fraley and seconded by Commissioner Worley, the BOC unanimously approved Resolution **2019-247** as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances and as follows:

(Chapter 2 - Definitions)

TABLE 2.7-1 DEFINED TERMS		
Term	Use Table Subcategory*	Definition
Bona Fide Farm		<p>The production and activities relating or incidental to the production of crops, fruits, vegetables, sod, or ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market meeting one (1) of the present use value criteria:</p> <p>i) Agricultural land, consisting of at least ten (10) acres, or horticultural land, consisting of at least five (5) acres, both of which may be in one or more contiguous tracts that are in actual production. These tracts may be owned or leased by the operator and had a minimum sales of one thousand dollars (\$1000.00) for the three (3) years preceding January 1 of the year of application; or</p> <p>ii) A minimum of twenty (20) acres of forestland for which a woodland management plan has been prepared by the N.C. Forest Service.</p> <p><u>As defined by the North Carolina General Statutes starting in NC GS 153A-340</u></p>

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(Chapter 4 – Administrative Agencies / Functions - Table 4.1-1)

PROCEDURE	SECTION	ADMINISTRATOR	TECHNICAL REVIEW COMMITTEE	BOARD OF ADJUSTMENT	PLANNING BOARD	COUNTY BOARD OF COMMISSIONER
Text Amendment	5.17	A			E	D
Map Amendment	5.16	A	E		E	D
Zoning Permit	5.3	A; D		C		
Building Permit	5.4					
Site Plan	5.2	A; D	E ¹	C		
Major1 Subdivision Sketch Plan	13.9	A; D			C	C
Major2 Subdivision Sketch Plan	13.9	A	E		E	D
Major Subdivision Preliminary Plat	13.9.2	A	E		D	C
Major Subdivision Final Plat	13.9.3	A; D			C	C
Minor Subdivision	13.8	A; D	E		C	C
Temporary Use Permit	5.8	A; D		C		
Home Occupation/ Accessory Use Permit	5.9	A; D		C		
Vested Rights Certificate	5.10	A			E	A
Conditional Use Permit	5.11	A	E	D		
Special Exception	5.12	A		D		
Admin. Appeal	5.13	A		D		
Variance	5.14	A		D		
Minor Modifications to Standards	5.15	A; D		C		
Watershed Permit	15.5	A; D			C	
Watershed Variance / Appeal / High Density	15	A				
Flood Plain Development Permit	16.4	A; D			A	
Flood Plain Variance /	16.4.5	A		D		
Manufactured Home Park (pre-existing) Operating Permit	14.7	B			A; D	

KEY:

A = Receive Application;

B = Review;

C = Appeal Administrator's Decision or Planning Board Decision;

D = Final Decision;

E = Recommendation

¹= Site plan review by TRC is only required for items that must go to public hearing.

(Chapter 5 – Permit and Modification Procedures)

SECTION 5.2.2 PROCEDURE FOR PREPARATION

- A. Site plans or any portion thereof shall be prepared to scale. Due to the detail of the content required of a site plan drawing it is encouraged but shall not be required to be prepared by an engineer, architect, landscape architect or land surveyor who is authorized by the State of North Carolina to practice as such;
- B. Site plans shall be prepared to a scale of one inch equals fifty feet (1" = 50') or larger; that can be reviewed and the administrator can identify all requirements of this ordinance have been met. The administrator may request additional inset details or deem unreviewable and has the authority to deny the proposal and request revisions based on the following:
1. Drawing is not to scale or stated scale
 2. The drawing is drawn in such a way the scale is too small or too large.

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- C. A site plan may be prepared in one (1) or more sheets to show clearly the information required by this section and to facilitate the review and approval of the site plan; complete set of civil drawing may be submitted or individual sheet(s) that delineate, note, or label clearly the required standards of this ordinance to facilitate the review and approval of the site plan;
- D. All horizontal dimensions shown on the site plan shall be in feet; Decimal fractions of a foot to the closest one hundredth of a foot (0.00); and all bearings in degrees, minutes and seconds;
- E. ~~Every site plan shall show the name and address of the owner or developer, the north arrow and reference, the date, the scale of the drawing, and the number of sheets. In addition, it shall reserve a blank space three (3) inches wide by five (5) inches long for the use of the approving authority;~~
RESERVED
- F. The number of required copies or format of the site plan for submittal ~~shall~~ may vary depending on the use.

SECTION 5.2.3 REQUIRED INFORMATION ON SITE PLANS

- A. ~~Location of the tract on an insert map at a scale of not less than one inch equals two thousand feet (1"=2000') scale, the north arrow, and such information as the names and numbers of adjoining roads, streams, subdivisions, or other landmarks, sufficient to clearly identify the location of the property.~~
- B. Delineation of the tract boundary with distances. It is encouraged but shall not be required that a-A boundary survey of the tract by bearings and distances certified by a licensed land surveyor or engineer.
- C. ~~The location and dimensions of any sidewalks and curbs and gutters to be installed along public street frontages, parking lots, or buildings shall be clearly delineated to include the following type of information: width, length, depth, material type {impervious (include square footage) or pervious}, handicap access routes, structure ingress/egress landing or sidewalks, grading details (degree of finished slope).~~
- D. ~~All existing property lines; existing streets and easements; their names, numbers and widths; the location and size of existing sanitary and storm sewers, gas lines, water mains, culverts, and other utilities and their easements; existing buildings; existing watercourses; and any other prominent physical features on or adjoining the tract property features (labeled), such as: property lines, roads / easements, utilities, watercourses, buildings, sign, lighting, natural vegetation / landscaping, etc.~~
- E. Existing zoning (including any overlays) and zoning district boundaries on the tract and on adjoining properties.
- F. The present use of all adjoining properties: RESERVED
- G. ~~Existing topography with contours drawn at two (2) foot intervals. This requirement for topography information may be waived by the Administrator for developments smaller than one (1) acre in size and where he determines that there are insufficient topography changes to make such information necessary: RESERVED~~
- H. ~~Proposed changes in zoning, if any. RESERVED~~

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- I. All proposed buildings shall show / label: ~~The proposed~~ location, general use, number of floors and height, dimensions, and floor area ~~for each building~~ building number, ingress/egress locations; and where applicable, the number, size and type of dwelling units.
- J. All off-street loading spaces, parking and walkways indicating the type of surfacing, size dimensions, angle of stalls, width of aisles, pedestrian safety precautions / walkways, and a specific schedule showing the number of parking spaces provided.
- K. ~~All proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to City or other utility systems; all proposed gas lines and other utilities and their easements. Submit an approval letter, paperwork, or permit verifying the approval of services of water / sewer utilities (public or private).~~
- L. Proposed streets, alleys, driveways shall have delineated / stated: ~~The location, dimensions and character of construction of proposed streets, alleys, driveways; and the location, type and size of vehicular entrances to the site. Name (if applicable and per Appendix A), right-of-way widths, surface material, NCDOT approval (or submitted for approval), engineered stamped letter that design meets NCDOT standards (if private roadway), sight triangles, etc.~~
- M. ~~Proposed finished grading at two (2) foot intervals and / or by spot elevations. This requirement may be waived in the same manner as in Section 5.2.3G. NCDEHNR (local or higher level) approval letter for compliance with Storm Water and / or Erosion Control.~~
- N. ~~Provisions for the adequate disposition of natural and storm water indicating location, sized, types and grades of ditches, catch basins, pipes, and connections to existing drainage systems or suitable outlet. RESERVED~~
- O. ~~Provisions for adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction. Screening / Buffering / Landscaping shall be shown / labeled per Chapter 11.~~
- P. Delineation of any flood hazard areas as shown on the FEMA map.
- Q. Location, type, size, material and height of fencing, and retaining walls and screen planting where required under the provision of this or any other County, State or Federal ordinance.
- R. ~~The location of wooded areas on the property and the location of trees and wooded areas that will be retained. Outdoor lighting system location, orientation, height, and elevation detail.~~
- S. The location and dimensions of proposed recreation areas, open space and required amenities and improvements.
- T. The location, character, size, height and orientation of proposed signs ~~and outdoor lighting systems.~~
- U. Verify Thoroughfare dedication per section 9.19 if density credits are to be applied.

SECTION 5.2.4 COMPLIANCE WITH OTHER REGULATIONS

All features and elements of the site plan shall ~~in all respects conform to all other applicable provisions of this Ordinance and the standards of the Ordinances of Gaston County; and the standards and requirements~~

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~~of the NCDOT and the NC Department of Health and Environment, as regulated by those agencies. be in accordance with federal, state, and local ordinances / regulations including but not limited to:~~

- A. Gaston County Environmental Health Department
- B. Gaston County Natural Resources / NCDEHNR
- C. North Carolina Department of Transportation
- D. North Carolina Residential Code / Building Code

SECTION 5.2.5 PROCEDURE FOR PROCESSING

The Administrator shall review all site plans submitted to his office. The Administrator shall verify the completeness and compliance ~~of the site plan and circulate the site plan to the relevant County, City and State agencies for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval of the site plan is recommended. The reviewing agencies and officials may include, but not limited to those on the TRC.~~ with this zoning ordinance.

Except under abnormal circumstances, within ~~twenty-one (21)~~ fourteen (14) working days of the receipt of the site plan, the Administrator shall approve, subject to conditions, or disapprove the site plan and notify the applicant in writing of the action taken. In cases when the site plan approval is subject to conditions or when the site plan is denied approval, the Administrator shall set forth in writing any conditions or changes which might make the site plan acceptable.

SECTION 5.3 ZONING PERMIT

No building, sign or other structure (except as otherwise noted in this Ordinance) shall be erected, moved, extended or enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Administrator has issued a zoning permit for such work ~~in accordance with the fee schedule established by the Board of Commissioners.~~

- A. Expiration of Zoning Permit: Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.
- B. Records: The Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available upon request to interested parties.
- C. Conditions for Approval: Zoning permits issued on the basis of dimensional plans approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Chapter 18 of this Ordinance.
- D. Zoning Permit Not Required: Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:
 - 1. Street construction or repair.
 - 2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
 - 3. Sign, as indicated in Chapter 12 of this Ordinance.

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4. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, doghouses, remodel, and accessory structures that do not require a Building Permit.
- E. In cases where a preexisting zoning violation has been cited in accordance with Section 18.1, a new zoning permit, for work not related to the violation, shall not be issued until the preexisting violation is brought into compliance.
- F. ~~All features and elements of the site plan shall in all respects conform to all other applicable provisions of this Ordinance and the standards of the Ordinances of Gaston County; and the standards and requirements of the NCDOT and the NC Department of Health and Environment, as regulated by those agencies. RESERVED~~

SECTION 5.5 ~~ZONING CERTIFICATE OF COMPLIANCE~~ RESERVED

5.5.1 ~~PURPOSE~~

- A. ~~No building or structure hereafter erected or structurally altered or changed in use shall be used or occupied until the Administrator has issued a zoning certificate of compliance. The zoning certificate of compliance shall state that the building or portion of a building or lot is in compliance with the provisions of this Ordinance.~~
- B. ~~Application for a zoning certificate of compliance can be made simultaneously with a certificate of occupancy.~~

5.5.2 ~~APPLICATION FOR A ZONING CERTIFICATE OF COMPLIANCE~~

~~A zoning certificate of compliance may only be issued after written application for same has been made in which the applicant must state that the building or structure erected or altered or use of the lot in question complies in all respects with this Ordinance and the zoning permit previously issued. An application for a zoning certificate of compliance shall include a scaled, dimensional drawing prepared and certified as accurate by a surveyor or engineer registered with the State of North Carolina which affirmatively shows that the building or structure was erected or altered, or that the lot in question is being used in compliance with this Ordinance and the zoning permit previously issued. Such scaled and certified drawing shall not be required under the following conditions:~~

1. ~~The certificate of compliance is for a change of use only with no new building expansions or construction.~~
2. ~~The certificate of compliance is for an accessory residential structure.~~
3. ~~The certificate of compliance is for a principal building construction or expansion and such expansion or construction is less than five hundred (500) square feet in area.~~
4. ~~The certificate of compliance is for a new or expanded single or two family dwelling (including manufactured homes) and the tract that the new or expanded dwelling is on is five (5) acres or greater in area, and the principal structure is located one hundred (100) feet or greater from any of the boundaries of the tract.~~
5. ~~Other situations where the Administrator deems that such drawing would serve no meaningful purpose and that there are other means for demonstrating compliance with the regulations contained in this Ordinance.~~

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SECTION 5.7 ~~SIGN PERMIT~~ RESERVED**5.7.1 ~~PERMIT REQUIREMENTS~~**

- A. ~~For any sign for which a permit is required (refer to Section 12.4), the following information shall be submitted to the Administrator in order for a sign permit to be issued:~~
- ~~1. An accurate and scaled depiction of the lot upon which the sign is to be located.~~
 - ~~2. Location of all buildings, driveways, and required landscaped / buffered areas on such lot.~~
 - ~~3. Location, type, size and height of all proposed signs.~~
 - ~~4. Location, type, size and height of all existing external signs. Wall signs shall be accompanied by a drawing showing the proposed location of the wall sign on the building.~~
 - ~~5. Other information deemed necessary by the Administrator to ensure that the sign(s) for which a permit is being requested, will be in compliance with all applicable sections of this Ordinance.~~
- B. ~~Notwithstanding the above, the Administrator shall have the ability to waive or modify any one of the above requirements when strict compliance would serve no practical or useful purpose.~~

5.7.2 ~~PERMIT REVIEW PROCEDURES~~

- A. ~~The Administrator shall endeavor to review the sign permit in an expeditious manner and will notify the applicant in writing if a decision on the sign permit cannot be rendered within twenty-one (21) working days of submittal.~~
- B. ~~The Administrator may issue a sign permit concurrently with site plan approval (refer to Section 5.2) and / or zoning permit approval (refer to Section 5.3) for the same development.~~

5.8.2 TABLE OF ALLOWED TEMPORARY USES

TABLE 5.8-1 ALLOWED TEMPORARY USES		
TEMPORARY USE	PERMIT NEEDED?	OTHER REGULATIONS
Real Estate Sales Office/Model Sales Home	Yes	5.8.4 (A)
Sale of Goods Other Than Agricultural Products	Yes	5.8.4 (B)
Sale of Agricultural Products Grown Onsite	No	5.8.4 (D)
Sale of Agricultural Products Grown Off-site	No Yes	5.8.4 (C)
Garage/Yard Sales	No	5.8.4(E)
Special Outdoor Event	Yes	5.8.4 (F)
Construction Trailers	Yes	5.8.4 (G)
Temporary RV's and Manufactured Homes	Yes	5.8.4 (H)
Temporary RVs for Workers for Construction Projects	Yes	5.8.4 (I)

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5.8.4 SPECIFIC REGULATIONS FOR CERTAIN TEMPORARY USES**C. Sales of Agricultural Products ~~Grown Off Site~~**

1. ~~Sales may occur on a vacant or developed lot in a Commercial or Office zoning district. Is exempt from permits if meeting the North Carolina General Statutes for exclusions. GS143-138 (b4)1b: Any structure used for the display and sale of produce, no more than 1,000 square feet in size, open to the public for no more than 180 days per year, and certified by the Department of Agriculture and Consumer Services as a Certified Roadside Farm Market.~~
2. ~~Receipt of a municipal "peddler's or business license" shall not exempt a merchant from needing to obtain a temporary use permit for such sales. If exemption is not met, the zoning and building permits will be required.~~
3. ~~Sales at any one (1) site are allowed a maximum of sixty (60) days during any calendar year. Sales of food products ~~for greater than sixty (60) days per calendar year~~ shall require the issuance of a conditional use permit per Section 5.11 of this Ordinance. All procedures contained in Section 5.11 shall be followed except that the following findings shall substitute for those found in Section 5.11.5(B):~~
 - a. ~~The proposed use will not endanger the public health, welfare or safety.~~
 - b. ~~The proposed use will not have a substantial negative effect on adjoining or nearby properties.~~
4. ~~Such sales shall be allowed from 8:00 AM to 10:00 PM, EST, only or, if there is a principal use on the lot, the same hours of operation as the principal use, whichever is more restrictive. The Administrator may allow exceptions to these regulations for lots that contain principal uses with limited hours of operations.~~

D. Sales of Agricultural Products Grown On Site RESERVED

1. ~~For purposes of this section the term "on site" shall mean the lot upon which the sales take place and any other lots in Gaston County owned by the party(ies) or leased (with a one (1) year minimum lease) upon which the sales occur.~~
2. ~~Sales may occur on any lot upon which agricultural products are grown, regardless of the underlying zoning district.~~
3. ~~Such sales shall be allowed during daylight hours only.~~
4. ~~Sales at any one (1) site are allowed a maximum of one hundred eighty (180) days during any calendar year. Sales of food products for greater than one hundred eighty (180) days per calendar year shall require the issuance of a conditional use permit per Section 5.11 of this Ordinance. All procedures contained in Section 5.11 shall be followed except that the following findings shall substitute for those found in Section 5.11.5(B):~~
 - a. ~~The proposed use will not endanger the public health, welfare or safety.~~
 - b. ~~The proposed use will not have a substantial negative effect on adjoining or nearby properties.~~

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- H. Temporary RV's and Manufactured Homes
2. Family Medical Needs
- a. On any lot containing an existing single-family dwelling or Class A, B or C Manufactured Home, a temporary use permit may be issued for not more than one (1) manufactured home or RV to be placed on a residential lot as an accessory use. ~~If located in the R-2 or R-3 district, The Administrator may grant the permit; in all other districts, a conditional use permit, per Section 5.11, shall be required.~~
 - b. Such permit shall only be granted where conditions exist requiring care for an immediate family member due to medical reasons. The temporary use permit may only be granted after the Administrator ~~or, the permitting agency, with respect to a conditional use permit,~~ has determined each of the following [NOTE: These findings shall substitute for those found in Section 5.11.5(B)]:
 - i. That the manufactured home or RV is an accessory use to a principal residential use;
 - v. That the manufactured home or RV will have adequate access to public water and sewer or a well and septic tank as verified by permits from the Gaston County Health Department;
 - vi. That the manufactured home or RV will be placed in the rear or side yard and will be no closer than twenty (20) feet from any property line.
 - vii. That the temporary residence is an RV or a manufactured home ~~used is a Class B or C manufactured home.~~
- I. Temporary RVs for Workers for Construction Projects lasting Greater than Six (6) Months
6. Only allowed in an approved space within an existing Manufactured Home Park or in a Camping/RV Park.

SECTION 5.9 HOME OCCUPATION PERMIT**~~5.9.1~~ PURPOSE**

A home occupation permit shall be required to ensure that a proposed home occupation is developed in accordance with all applicable provisions of this Ordinance. Lists of permissible customary and home occupations are found in Section 8.1.14 and 8.1.15.

~~5.9.2~~ APPLICATION PROCEDURES

- ~~A. An application for an home occupation shall be filed with the Administrator on a form so prescribed by the County. The form shall be complete and accompanied by a fee, in accordance with the most recently adopted fee schedule approved by the governing board, in order to be reviewed by the Administrator.~~
- ~~B. The Administrator shall endeavor to review the permit in an expeditious manner and will notify the applicant in writing if a decision on the permit cannot be rendered within fifteen (15) working days.~~
- ~~C. Failure to adhere to an approved permit shall be deemed a violation of this Ordinance.~~

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5.11 CONDITIONAL USE PERMIT**5.11.2 PROCEDURES**

B. The application shall be accompanied by a drawing or plan as outlined in Section 5.2.
~~, drawn to scale, that includes or is accompanied by the following:~~

- ~~1. Name, address and phone number of the property owner (or his agent) and the property identification number of the property. (Note: The property owner or his authorized agents are the only two parties who may initiate a request for a conditional use permit).~~
- ~~2. A boundary survey and vicinity map, showing the property's total acreage, general location in relation to adjoining streets, railroads and/or waterways, date and north arrow. The zoning classification of the property in question and contiguous properties shall also be shown. (In lieu of the boundary and survey maps, one (1) or more up-to-date tax maps depicting the area in question may be submitted. Any required drawing or depiction of the proposed development or use shall not appear on the tax maps but rather shall appear on the drawing or plan.)~~
- ~~3. The name and addresses of all owners, tax parcel numbers and existing land use(s) of all contiguous properties.~~
- ~~4. Proposed use of all land and structures including the number of residential units proposed, if any, and total square footage of nonresidential development.~~
- ~~5. Location of all proposed structures, their approximate area and exterior dimensions, height, and proposed number of structures.~~
- ~~6. A description of all screening and landscaping required by the UDO and/or proposed by the applicant; the delineation of any wooded, landscaped or grassed areas existing prior to development and proposed to remain on the property once the development is completed.~~
- ~~7. All existing easements, reservations and rights of way.~~
- ~~8. Proposed phasing, if any, and approximate completion time for the project.~~
- ~~9. Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) flood hazard boundary maps for Gaston County.~~
- ~~10. Traffic, parking and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.~~
- ~~11. A list, if any, of all additional development conditions or standards that differs from those that would normally apply to that use. Only conditions that exceed the UDO minimum standards can be considered and listed by the applicant, except those minor modifications listed in Table 5.15-1(B).~~
- ~~12. The Administrator reserves the right to waive the depiction of some or all of the information contained in paragraphs 5 through 10 above, when, in his opinion, such information would serve no meaningful purpose for the particular conditional use being requested. Notwithstanding, if either the Board of Adjustment determines that additional~~

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~~information as set forth in paragraphs 5 and 10 above of this subsection is needed to render a recommendation or decision on the application, they may require the applicant to submit such additional information.~~

- C. In the course of evaluating the proposed conditional use, the Board of Adjustment may request additional information from the applicant in order to assist in the review process. A request for such additional information shall stay any further consideration of the application by such agency. Such additional requested information may include (but shall not be limited to) the following:
- ~~1. Stormwater drainage plan.~~
 - ~~2. Existing and proposed topography at five (5) foot contour intervals or less.~~
 - ~~3. The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development.~~
 - ~~4. Proposed number, type, and location of signs.~~
- ~~5.~~ 1. A traffic impact 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.
 - 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.
- ~~6. Drawings of proposed building elevations.~~
- ~~7.~~ 2. An environmental impact statement that includes some or all of the following:
- a. A cover sheet that provides, in summary form, a description of the proposed project;
 - b. A statement of purpose and need of the project;
 - c. For projects proposed by public entities, a list of alternatives of the proposed project;
 - d. A succinct description of the environment affected by the project;
 - e. A discussion of short and long term consequences of the project on the environment including any adverse environmental impacts which cannot be avoided; and,
 - f. A list of means that could be employed to mitigate any negative effects on the environment caused by this project.

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- D. ~~Except as herein provided, no application shall be deemed complete unless it contains or is accompanied by all items listed in Section 5.11.2(B) and as may otherwise be required per Section 5.11.2(C) and a fee, in accordance with a fee schedule approved by the governing board for the submittal of conditional use permit applications. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the Gaston County or the State of North Carolina.~~ RESERVE

5.16.5 ZONING MAP AMENDMENTS – CONDITIONAL USE DISTRICTS (CD)

Conditional zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted land use plan and other long range plans. Furthermore, it should be interpreted as such that a conditional district zoning application be applicable in all underlying zoning districts and regulated uses where permitted by right or conditional use permit (CUP). When applying for a CD where a Conditional Use is listed in the Use Table, a Conditional Use Permit (CUP) is not required in addition to the CD.

5.16.5 H. Conditions for Approval of Petition

In approving a petition for the reclassification of a property to a CD district, the Planning Board may recommend, and the Board of Commission may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to County ordinances and officially adopted Comprehensive Land Use Plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of commission. In no instance shall any of these conditions be less restrictive than any requirements that would otherwise pertain to that particular development if it were located in a general or parallel conditional use zoning district unless otherwise approved by the Board of Commission in a CD rezoning application request. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development: (i) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commission deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the CD rezoning request.

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(Chapter 7 – Use and Building Lot Standards)

Table 7.1-1 : Table of Uses																								
X = Permitted use by right; C = Conditional Use Permit required; CD = Conditional Zoning required; E = Existing use subject to limitations; SP = Special Exception required; s = Supplemental regulations listed in addition to X, C, CD, E, SP																								
USE CATEGORY	RESIDENTIAL ZONING DISTRICTS								OFFICE DISTRICTS				COMMERCIAL DISTRICTS						INDUSTRIAL DISTRICTS				Suppl. Reqs. Ch. 8	Parking Reqs. Ch. 11
	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF	TMU	OLC	O-1	OM	CBD	UMU	GPX	NBS	C-1	C-2	C-3	I-1	I-2	I-3		
Industrial / General Manufacturing																								
Manufactured Goods, Class 2																					Cs CDs	Cs CDs		

SECTION 7.1 TABLE OF USES / USES NOT EXPRESSLY LISTED OR ADDRESSED

- B. Table 7.1-1 lists the allowed uses and in the zoning district in which they are permitted in accordance with the following letter designations:

X = Permitted use by right
 C = Conditional Use Permit required
 CD = Conditional Zoning required
 E = Existing use subject to limitations
 SP = Special Exception required
 s = Supplemental regulations listed in addition to X, C, CD, E, SP

Note: The supplemental regulations list more in depth how a use is allowed if a supplemental number is noted in the Table of Uses.

The Conditional District (CD) zoning designation is applicable in all underlying zoning districts and regulated uses, and therefore, may not be indicated throughout the entire Table of Uses but should be presumed allowable when permitted by right or conditional use permit (CUP).

(Chapter 9 – General Provisions)

SECTION 9.9 ACCESSORY STRUCTURES

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

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

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2019-248 Commissioner Philbeck - Planning & Development Services - Zoning Text Amendment: ZTA19-05, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 5 (Permit and Modification Procedures): Section 5.16.4

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

On motion introduced by Commissioner Fraley and seconded by Commissioner Worley, the BOC unanimously approved **2019-248** as filed with the Clerk to the Board to be set forth in the Gaston County Code of Ordinances as follows
(Chapter 5 – Permit and Modification Procedures)

5.16.4 ZONING MAP AMENDMENT PROCESS-PARALLEL CONDITIONAL USE DISTRICTS (PCUP)

A. Purpose

4. The parallel conditional use rezoning process allows particular uses to be established, but only in accordance with a specific development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and/or on the entire community that cannot be predetermined and controlled by general district standards or the criteria governing planned developments. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property and be consistent with the objectives of these regulations, the adopted land use plan, and other plans for the physical development of the County as adopted by the governing board. The review process established herein provides for the accommodation of such uses by a reclassification of property into a "parallel conditional use" district. *This process was formerly established to provide accommodations for such uses by reclassifying the property into a "parallel conditional use" district. With the adoption of Resolution 2019-248, parallel conditional use districts are no longer offered as an expedited means of review and/or approval of a zoning map amendment and issuance of a conditional use permit. Any and all PCUP's approved prior to the adoption of the aforementioned Resolution are to be considered valid zoning districts with binding conditional uses as specified with the respective case documents.*
- ~~2. The "parallel conditional use" district (PCUP) approval process is established to address those situations when a particular use may be acceptable but the general zoning districts which would allow that use would not be acceptable. Such zones may be approved or changed only by the Board of Commissioners in accordance with the regulations contained herein. (NOTE: Conditional Use Permits not associated with a Parallel Conditional Use District rezoning request may be issued by the Board of Adjustment. Refer to Section 5.11 for more information.)~~
- ~~3. In order for a property owner to secure privileges for developing property under the parallel conditional use process, a two step process must be followed. The property must first be rezoned by the Board of Commissioners to a parallel conditional use district. The Board of Commissioners must then approve a conditional use permit which may contain fair and reasonable conditions to assure conformance with this Ordinance, other plans adopted by the Board of Commissioners and compatibility with surrounding properties. Any use permitted under this process also must conform to the development regulations for the corresponding general zoning district. Thus, if a property were rezoned to a "CU / R-1" conditional use district, and a conditional use permit approved authorizing the development of a particular use, that use must: (i) be a use allowed in the R-1 district, (ii) meet all dimensional, screening and~~

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~~related requirements of the R-1 district, (iii) meet any listed supplemental requirements for that particular use in the R-1 zoning district, and (iv) meet any additional requirements placed by the Board of Commissioners on the conditional use permit.~~

~~4. Rezoning of property to any PCUP parallel conditional use district is a voluntary procedure on the part of the property owner and is intended for firm development proposals. A PCUP district application may not be initiated by the Board of Commissioners, Planning Board, administrative staff, or a third party with no ownership interest in the subject property. Furthermore, it is not intended or suited for securing early zoning for a tentative proposal that may be undertaken at some unknown time in the future.~~

~~5. In order for a property owner to secure development privileges in accordance with the regulations contained in this Chapter, the Board of Commissioners must first rezone said property to a particular PCUP district and then Board of Commissioners must issue a conditional use permit allowing the particular development to take place.~~

~~B. Reclassification Required~~

~~No (PCUP) parallel conditional use district and associated conditional use permit shall be established until the owner of the property in question (or his authorized agent) proposing the district has submitted an application for the rezoning of the property and issuance of a conditional use permit, and Board of Commissioners has approved such application in accordance with the procedures stated herein.~~

~~C. Plans and Other Information to Accompany Petition~~

~~1. Every application for the rezoning of property to a parallel conditional use district and issuance of a conditional use permit shall be accompanied by a site plan, drawn to scale containing all of the information outlined in Section 5.11.2(B) of this Ordinance.~~

~~2. Furthermore, no application shall be considered complete unless it is accompanied by a fee, in accordance with a fee schedule approved by the Board of Commissioners for the submittal of an application for rezoning to a PCUP district and issuance of a conditional use permit. Said fee shall be waived for any application submitted by any official or agency acting on behalf of Gaston County, or the State of North Carolina~~

~~D. Public Hearing Notification Requirements~~

~~1. Before any property is rezoned to a PCUP district and a conditional use permit issued, the Planning Board shall have had an opportunity to review and make a recommendation on the application. Such Planning Board review shall take place after a joint public hearing held by the Planning Board and the Board of Commissioners. Any complete application shall be submitted to the Administrator at least forty five (45) working days prior to the public hearing. Notification of the public hearing shall be as follows:~~

~~a. A notice shall be published in a newspaper having general circulation in Gaston County once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty five (25) days prior to the date established for the joint public hearing.~~

~~b. A notice of the proposed zoning map change shall be sent at least ten (10) days prior to the Planning Board/Board of Commissioners' public hearing by first class mail by the~~

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Administrator to the applicant and to owners of all adjacent properties as indicated on the most up to date records of the Gaston County Tax Department.

- ~~c. The Administrator shall post at least one notice on the site proposed for rezoning or an adjacent public street or highway right of way at least ten (10) days prior to the Planning Board/Board of Commissioners' public hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the case number, the public hearing date and time which it is to be held and contact telephone number. The notice shall be removed only after final action has been taken on the matter.~~

- ~~2. Any public hearing notice published or mailed shall state the nature of the public hearing, the date, time, and place at which the hearing is to occur, and who to call and/or see for more information.~~

~~E. Planning Board Review / Action~~

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

~~F. Final Action~~

~~1. Conduct of Public Hearing~~

- ~~a. The joint Planning Board and Board of Commissioners public hearing shall be held in a quasi-judicial manner. Once the public hearing is opened, it may be continued to a later date. Any such public hearing shall consider information relating both to the zoning of a piece of property to a PCUP district and the issuance of a conditional use permit. That notwithstanding, the decision to rezone property to a PCUP district shall be legislative in nature. The decision to issue a conditional use permit shall be quasi-judicial in nature. In approving an application for a conditional use permit, the Board of Commissioners may attach fair and reasonable conditions to the approval that are mutually approved by the County and the petitioner. Such conditions shall be limited to those that address the conformance of the development and use of the site to County ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners. In no instance shall any of these conditions be less restrictive than any requirements that would pertain to that particular development found in the zoning district in which the property is located. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development. Statements that: (i) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commissioners deems appropriate and (iii) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the PCUP rezoning request.~~

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2. ~~Parallel Conditional Use District Burden of Proof~~

- a. ~~The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions that Subsections b(ii) and b(iv) below require. If any person submits competent, material, and substantial evidence allegedly contrary to any of the facts or conditions listed in Subsections i and iii below, the burden of proof for overcoming such evidence shall rest with the applicant.~~
- b. ~~The Board of Commissioners may only issue a conditional use permit if it has evaluated an application and found each of the following findings of fact in the affirmative:~~
 - i. ~~The use will not materially endanger the public health or safety if located where proposed and developed according to plan;~~
 - ii. ~~The use meets all required conditions and specifications;~~
 - iii. ~~The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; and~~
 - iv. ~~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.~~

G. ~~Additional Review Criteria~~

~~In addition to the findings of fact listed immediately above certain uses require the consideration of additional review criteria. Before a conditional use permit may be issued for said uses, the findings of fact listed immediately above along with those pertaining to that individual use must each be found in the affirmative.~~

H. ~~Effect of Approval~~

- 1. ~~If a petition for a PCUP rezoning and conditional use permit are both approved as herein provided, the district that is established, the approved conditional use permit, and all conditions that may have been attached to the approval are binding on the property as an amendment to the Zoning Map. Subsequent development on the property in question shall be in accordance with the standards for the approved PCUP district, the conditional use permit, and any conditions attached to the approval. The applicant shall be responsible for all expenses involved in the dedication of rights of way when such dedication is a condition of the conditional use permit.~~
- 2. ~~Whenever a petition for PCUP zoning has been approved and a conditional use permit granted, the County shall file and record a copy of the PCUP in the office of the Register of Deeds for Gaston County.~~
- 3. ~~Following the approval of the petition for a parallel conditional use district, the subject property shall be identified on the zoning map by the appropriate district designation. A parallel conditional use district shall be identified by a general zoning district classification preceded by the letters PCUP (for example, "CU / R-1").~~

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I. ~~Binding Effect~~

1. ~~Changes to the approved PCUP petition or to the conditions attached to the approval shall be treated the same as an amendment to the zoning map and shall be processed in accordance with the procedures contained in Section 5.16.4.~~
2. ~~Except as provided below, any conditional use permit herein authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Board of Adjustment. However, minor changes in the detail of the approved application may be approved by the Administrator. A "minor change" to the approved conditional use permit shall be deemed to be a change which:~~
 - a. ~~Will not alter the basic relationship of the proposed development to adjacent property;~~
 - b. ~~Will not increase the gross floor area of any nonresidential use by the smaller of ten (10) percent or ten thousand (10,000) square feet (NOTE: Such limitations shall be cumulative and shall be based on the gross floor area of the conditional use permit as originally approved);~~
 - c. ~~Will not decrease the off street parking ratio below the minimum number of parking spaces required by this chapter or reduce the yards provided at the perimeter of the site by the lesser of ten (10) feet or ten (10) percent;~~
 - d. ~~Will not increase the height of any structure to the extent that additional usable floor space could be added;~~
 - e. ~~Will not result in an increase in the number of dwelling units constructed; or~~
 - f. ~~Will not alter the uses permitted.~~

J. ~~Period of Validity of Conditional Use Permit~~

1. ~~Unless the Board of Commissioners issues a parallel 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 (or certificate of compliance) within twenty-four (24) months from date of issuance of the parallel conditional use permit. If a building permit or certificate of compliance is not issued at the end of said time period, the parallel conditional use permit shall automatically expire and shall be deemed rescinded. Such rescission shall not occur if the applicant has secured the vesting of a site development plan (in accordance with Section 5.10) for a period of greater than two (2) years.~~
2. ~~If the parallel conditional use permit is rescinded, the County shall immediately take steps to rezone the property to a general zoning district.~~

K. ~~Application Submission Period~~

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

NOTE: All references to the PCUP throughout the UDO, will be removed and/or amended (when referencing applications that have been approved prior to the adoption of this amendment).

COMMISSIONER'S COURT

AUGUST 27, 2019

GASTON COUNTY, NORTH CAROLINA

Other Matters

None.

Adjournment

Chairman Philbeck called for a motion to adjourn the meeting.

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Hovis, the BOC unanimously adjourned the Regular Meeting of August 27, 2019 at 7:49 pm.

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

Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

Donna S. Buff
Clerk to the Board

SEAL