

ADOPTED

494

OCT 22 2019

**Gaston County Board
of Commissioners**

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

SEPTEMBER 24, 2019

The Gaston County Board of Commissioners (BOC) met in Regular Session on September 24, 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, Bob Hovis and Ronnie Worley in attendance.

Commissioners Allen R. Fraley and Tom Keigher were not 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 Hovis led those assembled in the Invocation and Commissioner Chad Brown led in the Pledge of Allegiance.

Public Hearing – Zoning Map Change: (Z19-12) Clayton Homes (Daniel Douglass) (Applicant); Property Parcel: 138821, Located at Chapel Grove Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-3) Single Family General Zoning District with (US) Urban Standards Overlay

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

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

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

Mrs. Penley advised subject request is to rezone parcel 138821 located in the 4600 block of Chapel Grove Rd., Gastonia, NC, from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-3) Single Family General Zoning District with (US) Urban Standards Overlay; the property owner is Tommy W. Krotz, Jr. who is represented by the Applicant, Daniel Douglas, of Clayton Homes; 1.69 acres is requested for rezoning; the current use is vacant.

She reviewed vicinity, aerial, zoning and adjoining property owners maps which depicted the site as follows: site location - on the border of Crowders Mountain and Gastonia Townships in southwest area of the County, south and west of Gastonia city limits and south and east of Kings Mountain city limits; vacant property with some residential structures on adjoining properties and other vacant properties adjoining subject site; area zoning consisting of R-1 with US Overlay, RS-12 and C-1; adjoining property owners notified of the public hearing.

Mrs. Penley advised the property is located within the rural area of planning area 5: Scenic Gaston Southwest Gaston; 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); the request was advertised and notices were mailed per County policy.

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

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

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

Public Hearing – To Approve Renaming of Private Drive from Wills Way to Recore Ridge Road

Chairman Philbeck recognized Mrs. Kimera Seward-Coburn for comments.

Mrs. Kimera Seward-Coburn, GIS Specialist Planner, advised staff was presented with a property owner petition to rename Wills Way, a private drive, located in Bessemer City at intersection of Puetts-Chapel Rd. to Rainbow End Lane; Applicant owns all parcels effected by the name change of Wills Way to Recore Ridge Rd.; the road crosses one property that will not be impacted nor will access be impeded upon by the name change; Recore Ridge Rd. is a non-duplicating road name and is acceptable for E-911 purposes.

She reviewed a vicinity map depicting the street location for the name change, the three parcels the road goes through that are owned by the petitioners and surrounding structures.

She advised that notices were mailed out per County policy; staff has received no calls to date and recommends approval of the road name change since it fulfills the requirements set forth in the Addressing and Road Naming Ordinance.

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

Chairman Philbeck called for a motion to approve.

2019-248 Commissioner Fraley – Planning & Development Services - To Approve Renaming of Private Drive from Wills Way to Recore Ridge Road

On motion introduced by Commissioner Worley and seconded by Commissioner Jack Brown, the BOC unanimously approved **2019-248**, as follows:

WHEREAS, the Gaston County Planning Board is authorized to provide recommendations for Street Naming or Street Renaming of roadways in the unincorporated areas of Gaston County; and,

WHEREAS, the Gaston County Planning Board reviewed the street proposed for renaming and after consideration are recommending the change below.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners approve the road name change as follows:

Rename private drive from Wills Way to Recore Ridge Rd

BE IT FURTHER RESOLVED that the County Manager is authorized to make the necessary notifications to the appropriate State and local officials.

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

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

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

Agenda Revision/Approval

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Jack Brown, the BOC unanimously approved the Agenda of September 24, 2019.

Approval of Minutes

On motion introduced by Commissioner Hovis and seconded by Commissioner Jack Brown, the BOC unanimously approved the Minutes of the Regular Meeting of August 27, 2019.

Citizen Recognition

Ms. Linda Mooney with Life Chain of Gaston County, Clover, SC advised that Life Chain, a national pro-life prayer and witness event, will be held on October 6th at six locations in Gaston County. She cited pregnancy crisis resource information, provided financial statistics of Planned Parenthood and noted the new Planned Parenthood Center opened in June; more information is available at www.lifechaingaston.org, Facebook and Instagram. She presented a DVD of the movie *Unplanned* for the Chairman to review and to share with the BOC.

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Worley, the BOC unanimously accepted the DVD as information.

Mr. Jeff Weidman with Gaston Unleashed, Gastonia, NC, spoke in support of a new anti-tethering measure for dogs and an ordinance to balance well-crafted reactive enforcement mechanisms and proactive efforts to prevent tragedies before they occur; noted the USDA issued a statement in June 1996 against tethering; in 2009 the Association of Sheltered Veterinarians Standards and Guidelines for Care in Animal Shelters stated tethering is an unacceptable method of confinement for any animal and has no place in humane sheltering. There are currently no ordinances in the County for anti-tethering; cited effects of tethering including aggression, barking, exposure to extreme weather conditions, strangulation and lack of basic care. He concluded that the Animal League of Gaston County and Humane Society of the United States look forward to working with the BOC on this issue.

Ms. Stephanie Roush, Gastonia, NC and representing The Animal League of Gaston County, urged the BOC to consider reasonable limitations on tethering to help make the lives of dogs more humane and compassionate; advised the Animal League started a program to remove chains from dogs that have been on chains all of their life.

Chairman Philbeck advised that several people in the community have raised this topic; the Animal Care and Enforcement Advisory Board will take up this issue and provide their findings to the BOC.

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

Consent Agenda

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

2019-249 Commissioner Hovis - BOC - Proclamation - To Commemorate the Events of September 11, 2001

2019-250 Commissioner Jack Brown - BOC - Proclamation - To Proclaim September 17-23, 2019 as Constitution Week

2019-251 Commissioner Keigher - BOC - Proclamation - To Proclaim October as Long-Term Care Residents' Rights Month

2019-252 Commissioner Philbeck - BOC - To Change the Time of the Gaston County Board of Commissioners November 12th Combined Work Session and Rescheduled Regular Meeting from 6:00 pm to 4:00 pm as follows:

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby revises the meeting time of its November 12th Combined Work Session and Rescheduled Regular Meeting to 4:00 pm.

2019-253 Commissioner Keigher - County Attorney - FIRST READING - To Amend Chapter 11 - Offenses and Miscellaneous Provisions, Article I., Section 11-1 of the Gaston County Code of Ordinances to Permit the Consumption of Alcohol at Certain County or Certain Not-For-Profit Corporation Sponsored Events at County Facilities - *Required Second Reading October 22, 2019*

2019-254 Commissioner Worley - Budget/Purchasing - To Approve an Interlocal Agreement Between the County of Gaston and the City of Gastonia Accepting the Receipt and Distribution of 2019 Byrne Justice Assistance Grant (JAG) Program Award Funds per Budget Change Request:

Account Description	Account Number	Amount
2019 JAG Grant: Police	010-02-4310-4310-425042-20538	(\$9,359)
2019 JAG Grant: Police	010-02-4310-4310-560000-20538	\$9,359
2019 JAG Grant: Sheriff	010-02-4315-4315-425042-20539	(\$15,882)
2019 JAG Grant: Sheriff	010-02-4315-4315-560000-20539	\$15,882

2019-255 Commissioner Philbeck - Cooperative Extension - To Accept and Appropriate Donated Funds from the Community Foundation for Extension Master Gardener Greenhouse (\$5,000) per Budget Change Request:

Account Description	Account Number	Amount
Donations	010-07-4950-4950-415001	[5,000]
Master Gardner Program	010-07-4950-4950-560000-17243	5,000

2019-256 Commissioner Philbeck - County Manager - To Accept Departmental Budget Change Requests as Information as follows:

EFF DATE	DEPT	ACCOUNT	DR/CR	AMOUNT
08/06/2019	Elections	010-01-4170-0000-540002-	C	\$2,796

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

08/06/2019		010-01-4170-0000-540001-	D	\$2,796
08/14/2019		010-01-4170-0000-540001-	D	\$4,500
08/14/2019		010-01-4170-0000-530041-	C	\$4,500
08/15/2019	T&T	022-07-4921-0000-520015-	C	\$15,000
08/15/2019		022-07-4921-0000-530010-	D	\$15,000
08/16/2019	Elections	010-01-4170-0000-530041-	C	\$300
08/16/2019		010-01-4170-0000-540001-	D	\$300
08/23/2019	DSS	020-05-5640-0000-540001-	C	\$200
08/23/2019		020-05-5640-0000-520001-	D	\$200
08/23/2019		020-05-5650-0000-540001-	C	\$200
08/23/2019		020-05-5650-0000-520001-	D	\$200
08/26/2019	Elections	010-01-4170-0000-530041-	C	\$400
08/26/2019		010-01-4170-0000-540001-	D	\$400
08/30/2019	Public Works	010-01-4265-4230-540001-	C	\$88
08/30/2019		010-01-4265-4230-520006-	D	\$88

2019-257 Commissioner Philbeck - County Manager - To Approve the Appointment of Gaston County Tax Director, Assessor and Collector as follows:

WHEREAS, North Carolina General Statute §105-294 authorizes a County to appoint the office of County Assessor and North Carolina General Statute §105-349 authorizes the County to appoint the office of Tax Collector; and,

WHEREAS, on July 26, 2012, via Resolution 2012-235, the Gaston County Board of Commissioners found it to be in the best interests of the County to combine the appointed positions of County Assessor and Tax Collector into one title to be known thereafter as the Tax Director; and,

WHEREAS, James D. Tanner, Tax Director, retired on July 11, 2019 and David Turbyfill was appointed as Interim Tax Director, with a term expiring immediately upon the appointment of a permanent Tax Director.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby appoints Cecil Jackson as Tax Director, effective October 7, 2019, for a term ending on the 30th day of June, 2023.

2019-258 Commissioner Keigher - DHHS (Social Services Division) - Proclamation - To Recognize September 15-21, 2019 as National Adult Day Services Week in Gaston County

2019-259 Commissioner Chad Brown - DHHS (Social Services Division) - Proclamation - To Proclaim October as Domestic Violence Awareness Month

2019-260 Commissioner Chad Brown - DHHS (Social Services Division) - To Accept and Award Bid for Catering Services for the Adult Nutrition and Adult Daycare Meals

2019-261 Commissioner Chad Brown - EDC - Proclamation - To Proclaim September 30 - October 4, 2019 as Manufacturing Week in Gaston County

2019-262 Commissioner Worley - Library - To Accept and Appropriate \$5,500 from the LSTA: Ez Edge Grant for the Library per Budget Change Request:

Account Description	Account Number	Amount
LSTA: Ez Edge Grant (Rev)	010-04-6110-6112-425119-20532	(5,500)
LSTA: Ez Edge Grant (Exp)	010-04-6110-6112-560000-20532	5,500

2019-263 Commissioner Philbeck - Planning & Development Services - To Accept and Appropriate Funds Received by the Centralina Council of Governments Love

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

Where You Live Grant (\$500) per Budget Change Request:

Account Description	Account Number	Amount
Love Where You Live Grant	010-02-4910-4910-420001-20540	(\$500)
Miscellaneous Supplies	010-02-4910-4910-520007	(\$500)
Love Where You Live Grant	010-02-4910-4910-560000-20540	\$1,000

2019-264 Commissioner Keigher - Public Works - To Accept an Offer to Purchase a County Owned Surplus Parcel (PID 147403 located at 5168 Crawford Road, Gastonia) and Authorize Staff to Initiate the Upset Bid Process

2019-265 Commissioner Worley - Police Department - To Accept and Appropriate Pass Through Funds from the North Carolina Department of Public Safety, Adult Corrections and Juvenile Justice - JCPC Level II Dispositional Alternatives Funds for Therapeutic Foster Care in the Amount of \$87,133 per Budget Change Request:

Account Description	Account Number	Amount
JCPC Level II Dispositional Alternative	010-05-5830-0000-425141	(\$87,133)
JCPC Therapeutic Foster Care	010-05-5830-0000-560000-20541	\$87,133

2019-266 Commissioner Worley - Sheriff's Office - Retirement Commendation - To Award the Service Side Arm and Badge to Retired Captain Randall Newton

2019-267 Commissioner Fraley - Tax Collections - Pursuant to G.S. 105-381, the Tax Collector Requests that the Listed Tax Refunds be Made. (Real Estate - \$15,457.59; Vehicles and ETC - \$334.36; VTS Refunds - \$9,839.15; Grand Total - \$25,631.10) as follows:

TAXPAYER NAME	OWNER NAME	AMOUNT
AUGUST 2019 REAL ESTATE		
Martin, Richard James		\$106.84
Muse, Michelle A		\$238.63
Bickley, Janet		\$216.80
Martin, Mary Ann		\$120.00
Neesmith, Daniel		\$142.13
Neesmith, Daniel		\$152.78
Mewhorter, Edward		\$141.40
Molihan, Zachary A		\$164.01
Cagle, Thomas J		\$186.43
Williams, Terry M		\$114.56
Alexander, Ricky		\$112.28
Hall, Warren C		\$108.28
Chen, Yifei		\$766.81
Yi, Bo		\$766.81
Yi, Bo		\$677.65
Yi, Bo		\$677.65
Eastwood, Renee Lynn		\$155.25
Abernathy, Nancy H		\$126.70
Alexander, Ricky		\$112.28
Alexander, Ricky		\$112.28
Alexander, Ricky		\$112.28
Alexander, Ricky		\$112.28

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

Christopher, Crystal	\$107.61
Cody, Harvey	\$111.86
Crisco, Angela	\$119.57
Friday, Kevin L	\$140.92
Hoggard, Hayden	\$303.04
Hoggard, Hayden	\$303.04
Hopkins, Donna	\$100.00
Hopkins, Donna	\$100.00
Payseur, James Lee	\$105.76
Underwood, Pamela	\$200.00
Williams, Terry	\$116.28
Yang, Li	\$3,765.97
Alexander, Ricky	\$112.28
Alexander, Ricky	\$162.81
Allison, Tamatha	\$151.55
Beaty, Roger Dale	\$235.25
Bowen, Kenneth Eugene	\$149.71
Dannelley, Donette	\$120.54
Davis, Karen	\$138.90
Friday, Kevin L	\$140.92
Hall, Warren C	\$108.28
Neesmith, Daniel	\$111.52
Neesmith, Daniel	\$151.80
Gaston County Tax	\$140.71
Grant Homes LLC	\$104.33
Hinson, Eric	\$118.95
Hoggard, Hayden	\$119.85
Johnson, Robert W	\$125.87
Payne, Priscilla	\$136.91
Alexander, Ricky	\$182.45
Gaston County Tax	\$137.48
Hawkins Real Estate	\$146.61
Leeper, Tamatha	\$226.14
Neesmith, Daniel	\$146.26
Sellers, Joel Eric	\$103.60
Yarborough, Anna G	\$711.90
Carpenter, Kristy L	\$192.43
Littlejohn, Vania	\$382.36
TOTAL	\$15,457.59

AUGUST 2019 VEHICLES & ETC

Hughes, Jerry Wayne	\$112.84
Friday, Kevin L	\$108.40
Warren L Tadlock	\$113.12
TOTAL	\$334.36

AUGUST VTS REFUNDS

Abromaitis, Sara Lauren	\$107.45
Allf, Jeanne Cooper	\$136.03
Barnes, Rebecca Phillips	\$156.67
Blalock, Christopher Ray	\$164.88
Cisneros, Genaro Adame	\$538.17
City of Bessemer City	\$358.98
City of Bessemer City	\$506.20
City of Bessemer City	\$623.94

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

Coleman, Shirley Styers	\$121.14
Cunningham, Vivian Terry	\$302.82
Emery, Robert Joseph	\$130.24
Evans, John Benjamin Garfield	\$103.70
Fail, Ronald Brian	\$203.84
Fox, Wanda Barnes	\$130.52
Fuell, Linda Becks	\$104.93
Gastonia Industrial Realty Corp	\$322.63
Gnt Management LLC	\$744.60
Gulf Coast LLC	\$152.79
Harris, Samuel Jeremiah	\$125.64
Hill, Jeffery Dale	\$149.33
House, Matthew Douglas	\$195.79
Huskins, Betty Carolyn	\$136.32
Jakel, April Mary	\$113.64
Lincoln County Tax	\$311.82
Lockman, Danny Ralph	\$124.83
Morrow, Alonzo Arien II	\$101.49
National Coatings & Supplies JTW	\$143.85
Niemeyer, Charles John JR	\$134.42
Nolen, Danny Keith JR	\$215.35
Otuel, Boyce Maynard	\$270.18
Pender County Tax Collection	\$119.60
Perez, Jesus Luis	\$145.77
Pons, Sussan Parker	\$111.48
Ruffalo, Donald Edward	\$189.65
Sadler, Ronald David	\$347.66
Shrader, Steven Allen	\$151.94
Shrader, Steven Allen	\$115.00
Slater, Shelia Harrison	\$184.80
Snead, Michael Ray	\$111.95
Todd, Jason McDonald	\$450.07
Tolentino, Antonia Cardenas	\$176.36
Varela, Luis Manuel	\$672.90
Wheels LT	\$129.78
TOTAL	\$9,839.15
 GRAND TOTAL	 \$25,631.10

Chairman Philbeck – Re: Appointment of Gaston County Tax Director, Assessor and Collector

Chairman Philbeck cited the Resolution adopted under the Consent Agenda for the appointment of Mr. Cecil Jackson, the new *Gaston County Tax Director, Assessor and Collector* effective October 7th; invited Mr. Jackson and his wife, Christy, to the podium for comments; advised Mr. Jackson has more than 20 years of experience from Mecklenburg County most recently as a Real Property Appraiser Manager and welcomed him to Gaston County.

Mr. Cecil Jackson, Tax Director, advised he is excited to be here and is looking forward to the opportunity to serve as the Tax Director; reassured BOC and citizens there will be full transparency in the Tax Office; he will promote growth and education for staff and the community;

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

will build a strong community outreach program for tax relief programs for the elderly and those who qualify for the programs offered through the State. He thanked the BOC for inviting him and his family to be part of the community and introduced his wife, Mrs. Christy Jackson.

Mrs. Christy Jackson thanked the BOC for the opportunity and stated they look forward to getting to know the community.

Commissioner Chad Brown congratulated and welcomed them to Gaston County.

Zoning Matters (Non-Consent)

2019-268 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

Chairman Philbeck recalled that the BOC tabled the subject item at the August 27th Board Meeting after the Planning Board recommended approval on a unanimous vote with staff's original five conditions.

Chairman Philbeck entertained a motion to approve the Resolution with staff's revised recommended conditions.

The County Attorney clarified the first four were original conditions. The fifth condition was revised and three additional conditions were added.

Chairman Philbeck concurred and read the revised/added conditions into the record as follows:

- #5 - *The property owner shall be allowed to burn for the purpose of camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions, or for human warmth and comfort and which do not create a nuisance and do not use synthetic materials or refuse or salvageable materials for fuel on the entire parcel of land*
- #6 - *The property owner shall be allowed to burn for the purpose of land clearing, only after obtaining the proper burn permits and subject to the following requirements: (1) prevailing winds are away from the built up areas; (2) the location of the burn is at least 500 feet from any occupied structure; (3) the location of the burn is at least 250 feet from the edge of a roadway if the prevailing wind is toward the roadway; (4) only kerosene distillate, or diesel fuel is used to start the fire; (5) burning shall commence between 8:00 a.m. and 6:00 p.m. and no additional material is added other than during those hours. No fires may be initiated or vegetation added to existing fires when the North Carolina Forest Service has banned burning for that area. The property owner shall also comply with any and all other local and State regulations regarding open burning not explicitly expressed herein*
- #7 - *The property owner shall not engage in the burning of any materials brought to the property from an offsite location*
- #8 - *Any reported complaint of a fire-related nuisance deemed valid by the Gaston County Zoning Administrator and that violates the conditions associated with this district, shall nullify and void the approved Conditional District zoning and direct Planning staff to take necessary actions to revert the zoning back to its original district.*

Chairman Philbeck called for a motion to approve.

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

On motion introduced by Commissioner Worley and seconded by Commissioner Jack Brown, the BOC unanimously approved **2019-268** after consideration of the map change application, public hearing comment received on August 27, 2019 and the Planning Board recommendation:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The subject property is in a future land use designation of Rural. Rural areas support residential housing on large lots and some business, particularly agriculturally-related businesses. The property rezoning is from (R-1) to (CD/C-2). The specific use of the property will be for landfill/land clearing for inert debris, referred to as an LCID. An LCID is not an intense development, and such use, along with the attached revised conditions (Exhibit A), will keep the rural nature of the general area.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcel: 226767, is hereby approved as conditioned, effective with the passage of this Resolution, this day, September 24, 2019.

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

Exhibit A – Conditions of Approval - CD19-02

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
2. If any of the conditions affixed hereto of any part thereof is held invalid or void, then this zoning district shall be void and no effect, and shall revert to the original zoning district prior to approval.
3. Development shall meet all local, state and federal requirements.
4. Arrange an onsite pre-operational meeting to include the North Carolina Department of Environmental Quality and Gaston County Zoning Office before any acceptance of waste is allowed.
5. The property owner shall be allowed to burn for the purposes of camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions, or for human warmth and comfort and which do not create a nuisance and do not use synthetic materials or refuse or salvageable materials for fuel on the entire parcel of land.
6. The property owner shall be allowed to burn for the purposes of land clearing, only after obtaining the proper burn permits and subject to the following requirements:
 - (1) prevailing winds are away from built up areas;
 - (2) the location of the burn is at least 500 feet from any occupied structure;
 - (3) the location of the burn is at least 250 feet from the edge of a roadway if the prevailing wind is toward the roadway;
 - (4) only kerosene distillate, or diesel fuel is used to start the fire; (5) burning shall commence between 8:00 a.m. and 6:00 p.m. and no additional material is added other than during those hours. No fires may be initiated or vegetation added to existing fires when the North Carolina Forest Service has banned burning for that area. The property owner shall also comply with any and all other local and State regulations regarding open burning not explicitly expressed herein.
7. The property owner shall not engage in the burning of any materials brought to the property from an offsite location.

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

8. Any reported complaint of a fire-related nuisance deemed valid by the Gaston County Zoning Administrator and that violates the conditions associated with this district shall nullify and void the approved Conditional District zoning and direct Planning staff to take necessary actions to revert the zoning back to its original zoning district.

2019-269 Commissioner Keigher - Planning & Development Services - Zoning Map Change: Z19-12 Clayton Homes (Daniel Douglass) (Applicant); Property Parcel: 138821, Located at Chapel Grove Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-3) Single Family General Zoning District with (US) Urban Standards Overlay

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

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Jack Brown, the BOC unanimously approved **2019-269** 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 is in a future land use designation of rural. Rural land use designations generally consist of large parcels with either residential or agrarian uses. The proposed rezoning is from R-1 to R-3 with an Urban Standards overlay. The general area is residential. Due to the large size of the parcel, the additional regulations of the Urban Standards Overlay District, and the property, if rezoned, will remain residential, a rezoning from R-1 to R-3 is consistent with the Gaston County Future Land Use Plan.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcel: 138821, 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.

Non-Consent

2019-270 Commissioner Fraley - BOC - Resolution Requesting Governor Roy Cooper Reverse His Veto of H370 "An Act to Require Compliance with Immigration Detainers and Administrative Warrants"

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Worley, the BOC unanimously approved **2019-270** as follows:

WHEREAS, protecting the public from criminal behavior by all persons within the borders of Gaston County is the responsibility of the Gaston County Government.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners respectfully requests Governor Roy Cooper reverse his veto of H370, "An Act to Require Compliance with Immigration Detainers and Administrative Warrants".

2019-271 Commissioner Philbeck - Budget/Purchasing - To Appropriate \$15,000 from Fund Balance for the Economic Development Study

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

On motion introduced by Commissioner Hovis and seconded by Commissioner Philbeck, the BOC unanimously approved **2019-271** appropriating \$15,000 from Fund Balance for the Economic Development Study per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	010-01-9900-0000-490000	(\$15,000)
Professional Services	010-01-4120-0000-530010	\$15,000

2019-272 Commissioner Jack Brown - Travel & Tourism - To Approve the Appropriation of \$198,843 from Travel & Tourism's Fund Balance and Transfer to the General Fund for the Gaston County Welcome Signage Project

Commissioner Jack Brown introduced the motion to approve and Commissioner Hovis provided the second for the purposes of discussion.

Chairman Philbeck called for discussion.

Commissioner Worley inquired about the location of the twenty signs.

The County Manager advised there are some larger signs at the entry points to the County; some smaller signs at various other points; staff can provide those locations with more specificity if requested.

Commissioner Worley thanked the County Manager for making this a priority; advised neighboring counties and cities have updated their signs; these signs are a representation of the County and a good marketing tool.

Commissioner Jack Brown advised the funding came from Travel & Tourism funds and not the General Fund.

Chairman Philbeck called for the vote and the BOC unanimously approved **2019- 272** per Budget Change Request:

Account Description	Account Number	Amount
Fund Balance Appropriated	022-99-9900-0000-490000	(\$198,843)
Transfer to General Fund	022-98-9800-0000-580010-	\$198,843
Transfer from Tourism	010-98-9800-0000-480022-	(\$198,843)
Gaston Co. Welcome Signage	010-01-4265-4260-560000-20038	\$198,843

Appointments

On motion introduced by Commissioner Hovis and seconded by Commissioner Jack Brown, the BOC unanimously appointed Mr. Jacob (Tripp) Hord, III to the **Family Advisory Board** to an unexpired term ending April 30, 2021.

On motion introduced by Commissioner Hovis and seconded by Commissioner Jack Brown, the BOC unanimously appointed Ms. Daughtry Hopper to the **Transportation Advisory Board** to a term ending October 31, 2021.

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

On motion introduced by Commissioner Philbeck and seconded by Commissioner Chad Brown, the BOC unanimously appointed Ms. Heather Britton to the **Travel & Tourism Advisory Board** to an unexpired term ending April 30, 2021.

On motions introduced and seconded, the following individuals were unanimously reappointed to **Partners Behavioral Health Management "Partners BHM"**:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Chad Brown	Commissioner Hovis	Chief Joseph Ramey	September 30, 2022
Commissioner Chad Brown	Commissioner Hovis	Ms. Pam Poteat	September 30, 2022
Commissioner Chad Brown	Commissioner Hovis	Mr. Ben Coggins	September 30, 2022
Commissioner Chad Brown	Commissioner Hovis	Mr. Wil Neumann	September 30, 2022

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Hovis, the BOC unanimously appointed Mr. Brad Thomas to the **Lake Wylie Marine Commission** to a term ending September 30, 2022.

Commissioners Committee Reports

Commissioner Jack Brown reported meeting attendance to the **Family Advisory Board (FAB)** and advised FAB is in the process of working out details on allocations for the coming year; toured **The Center – Day Care Services for Adults** - the Center's volunteer group has done an excellent job; currently there is a center in Mount Holly and Gastonia and they are considering opening one in Cherryville which would provide complete coverage for the County; expect there will be more information in the coming months.

Commissioner Chad Brown invited the Travel & Tourism (T&T) Director to the podium; advised the County had a big weekend with Parks & Recreation (P&R) and T&T; they are working more cohesively together; asked the T&T Director to comment on the events at Poston Park.

Mr. Michael Applegate, T&T Director, thanked P&R, Public Works and everyone that helped put on a great event; advised that twelve months ago the County installed a Pump Track at Poston Park (a 10,000SF asphalt track of rollers and berms) with the intent of enjoying all things on wheels; the County booked the Red Bull Pump Track World Championship Qualifier and had 52 competitors competing for spots in the Pump Track World Championships in Switzerland; it was a great event and was coupled with Bikefest; P&R has done a great job growing the event and has been a great partner in helping T&T develop assets and provide facilities to book events that will draw out-of-town visitors; of the 52 competitors, there were two riders from Columbia, South America, one from Ecuador, South America, and people from Alabama, Texas, Utah and California; it was only one of two qualifiers in the United States this past year; T&T had a debrief with Vela Solutions who staged the event and Red Bull who sponsored the event; they all are very pleased and look forward to returning to the County.

Commissioner Chad Brown commended P&R and T&T for their collaboration on these types of out-of-the-box events.

Mr. Applegate advised T&T appreciates the partnership and the collaboration and funding from the Poston Park Endowment interest and T&T Fund Balance in building the tract which is already paying dividends for the County.

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

Commissioner Worley asked for an estimate of participants and spectators in attendance.

Mr. Applegate responded that for both events there were between 1,000 and 1,500 people in attendance; Poston Park has natural grass seating on half of the track which was full; Bikefest was also well attended.

County Manager's Report

The County Manager directed the Board's attention to their handouts and presented an update on the ***Economic Development Study*** as follows:

- The Oversight Committee met on September 9th and affirmed their charge; interviews will be conducted from September 10th until October 11th and will include one-on-one, face-to-face, telephone and focus group interviews to cover all participating stakeholders; the Committee will meet on October 14th to discuss the preliminary information; Mr. Ted Abernathy, Consultant with Economic Leadership, LLC, is conducting data gathering and market analysis for the Committee's review in October; have calendared meetings for the Committee and will provide a report to the BOC at the November 12th meeting.

County Attorney's Report

County Attorney Charles Moore reported on the ***national opioid litigation cases*** specifically the efforts of the litigating counties/cities to have a Negotiating Class certified to negotiate settlements with various defendants; received notice on Friday morning that Judge Dan A. Polster has approved the Negotiation Class designed by the Special Master Group that was employed by the court; the County previously received a notice of the allocation of settlement funds if any were made available to the 2,200 litigating counties/cities; there are 35,000 local government entities in the country; the Negotiation Class is designed to take into account all the cities/counties in the country, 35,000 more or less.

He distributed a 2-page handout from the website (www.opioidsnegotiationclass.info/) that discusses the class and how funds would be distributed; advised for each \$1 billion gross settlement that might be made available, \$150M would be reserved for the Class Member's Special Needs Fund and \$100M will be reserved for a Private Attorneys' Fee Fund and \$750M for the initial Distribution to respective local government entities; the allocation formula is based on a number of factors including the amounts of opioids distributed in each locale, number of fatalities recorded in each locale, population and other factors.

Mr. Moore noted the allocation proposed for the County is \$726,423 per each \$1 billion of settlement that is made available in the cases; there are no funds on the table at this point; the County may have to see some cases tried to a jury verdict as in the one case in Oklahoma that resulted in a large verdict against Johnson and Johnson; Judge Polster is beginning the original opioid cases that were filed in Cleveland, Ohio, next month (which is why the multidistrict litigation is in his district).

He also noted that the wildcard will be the action of the Attorneys General (AG) of the respective states because there is a lot of money now at stake; they have presented the case before Judge Polster that they alone can represent the interests of local governments in a couple of the states

COMMISSIONER'S COURT

SEPTEMBER 24, 2019

GASTON COUNTY, NORTH CAROLINA

that appeared for the hearings. The County made the decision to get into this case because of the belief that funds should be distributed directly to the County and we should make decisions about how the monies are utilized to help our communities; remain hopeful that things will go well; staff has no timetable to report to BOC; BOC can visit the website cited in the handout to get more information.

In conclusion, he advised there will be a super majority required amongst the settling members to approve a settlement; first the County will have to contact its local cities/towns to let them know about it; spoke to the Gastonia City Attorney briefly yesterday to let him know he is going to be receiving a class notification as well as all the other cities and that County staff will try to answer any questions they have about it; it is an opt-out class and everyone is in it unless they opt-out; staff will keep BOC posted as things advance.

Other Matters

Chairman Philbeck announced that the November 12th combined Work Session/Rescheduled Regular Meeting will start at 4:00 pm.

Adjournment

Chairman Philbeck called for a motion to adjourn the meeting.

On motion introduced by Commissioner Chad Brown and seconded by Commissioner Jack Brown, the BOC unanimously adjourned the Regular Meeting of September 24, 2019 at 6:50 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