

GASTON COUNTY
NORTH CAROLINA

COMMISSIONER'S COURT
JANUARY 28, 2010

The Gaston County Board of Commissioners (BOC) met in Regular Session on January 28, 2010 at 6:00 pm in the Commissioners Room, Gaston County Courthouse.

Chairman Mickey Price presided with Commissioners Allen R. Fraley, Vice-Chair; Joe D. Carpenter, and Donnie Loftis in attendance. Commissioner *John A. Torbett arrived at 6:55 pm.

Commissioner Tracy L. Philbeck was not in attendance; **Commissioner Tom Keigher joined the meeting via telephone at approximately 7:10 pm.

Others present included Jan Winters, County Manager; Charles L. Moore, County Attorney; and Martha M. Jordan, Clerk to the Board.

Upon request of Chairman Price, Commissioner Loftis led those assembled in the Invocation and Commissioner Carpenter led in the Pledge of Allegiance.

Public Hearing - Re: Application Request from the Gaston County Planning Board to Accept All of the Land Area Relinquished by the City of High Shoals in its Extraterritorial Jurisdiction (ETJ) into the Gaston County Zoning Jurisdiction

Chairman Price 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 Loftis and seconded by Commissioner Carpenter, the BOC unanimously entered into Public Hearings.

With a quorum of the Planning Board being in attendance, Chairman Price recognized Mr. Willie King, Senior Planner III, for explanation.

Mr. King explained that subject was a collaborative effort with the City of High Shoals; the City held several public meetings and voted in 12/2009 to relinquish the ETJ effective 1/1/2010; with BOC approval, the ETJ relinquishment and zoning would be effective 1/1/2010; cited Unified Development Ordinance (UDO) as more restrictive than the City's Zoning Ordinance; subject area involves about 2,500 acres involving 842 property parcels; area includes residential, church, vacant, agricultural, retail, industrial, service garage, office, special purpose and warehouse; the primary land use is residential zoning. Mr. King advised that if approved the most significant change would be the jurisdiction; zoning control would go from municipal to county; staff aimed to match the current zoning district with the proposed zoning district; area maps and zoning were reviewed; area is located in the north-central area of the Land Use Plan; consistent with the Comprehensive Plan; public notice was provided in accordance with County policy; received seven calls for information.

Mayor Dan Weekley, City of High Shoals, spoke in favor of the application; reviewed the City's zoning and ETJ history; indicated that municipalities with zoning early on had the distinct advantage of

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planning orderly growth; ETJ residents have no elected representation in municipalities although under city regulations; City looked at County's UDO zoning; County has necessary and capable staff to administer zoning regulations in order to insure orderly and planned growth; adoption would allow for a smooth transition with ample time for notification and advertisements; the City feels this application is in the best interest of all concerned; City staff is working with County staff to develop a version of the UDO for possible adoption by the City.

Mrs. Gail Clark, 530 Plonk Road, asked for clarification on parcel 27423; Lincoln County parcel with taxes being paid there; have a Gaston County parcel 211850 with a value of zero in the tax district of High Shoals; property was relinquished to Lincoln County with the recent Gaston/Lincoln border issue; requested that the parcels be removed from Gaston County records.

Mr. William G. Robinson, 306 W. Puett Street, Dallas, advised of being granted a 1987 permit for an industrial building at 1222 Harding Road; the land was rezoned to R5 in 1989; understand that business zoning would remain R5 and could be sold to a similar business; not opposing the application; do want written assurance that it would remain zoned as is and could be sold to a similar business.

Mr. Chris Greason, 605 Georgia Trail and the Gallagher Trails HOA President, and representing about 120 parcels in the ETJ; most properties fall in RS20 zoning with some being more restrictive; asked: 1) If HOA current restrictions and covenants would be affected by the proposed change; 2) Who would be responsible for newly constructed roads being incorporated into State maintenance; 3) What the procedure would be for substandard structures already in existence? Mr. Greason concluded stating that the Gallagher Trails HOA supported the High Shoals relinquishment and favored proceeding with the zoning as it appears on the provided maps.

The County Attorney indicated "no" to #1.

Responding to #2 and #3, Chairman Price advised that the developer would build the roads to State specifications and make application to the State; individuals would contact Code Enforcement and request staff to come out and evaluate a certain location and make a report.

Chairman Price called for any comments from the Planning Board or the BOC, and with none being heard, recognized Mr. King.

Mr. King clarified that the City of High Shoals looked at the proposed relinquishment in November.

The County Manager relayed Commissioner Philbeck's strong support and appreciation to the Planning staff and the City of High Shoals for the work accomplished; related that the same zoning situation existed with other communities; should be no net change to relinquish the ETJ; State views the ETJ as urban; those wanting to do agricultural type work and have out buildings would not be eligible for an agricultural exemption within an ETJ; this action removes this hurdle.

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Mr. King clarified that Mr. Robinson's property was currently zoned residential and would be considered to be non-conforming; the non-conformity would run with the property; he can continue in that business, sell it to a like business, or seek a different re-zoning, if desired.

The County Manager asked Mr. King to put those comments in writing and send them to Mr. Robinson for his records.

With all comments being heard, Chairman Price excused the Planning Board to Room 2029 for deliberations.

Public Hearing - Re: Changes to the County's Current Scattered Site Housing Project

Chairman Price recognized Ms. Yvonne Gibbs, Grants Analyst, for a brief overview.

Ms. Gibbs advised that in 2008 the County received a CDBG Grant for Scattered Site Housing to provide full rehabilitation for seven homes as well as funding for urgent repair systems for additional homeowners; the BOC authorized a selection committee to make decisions regarding potential applicants; an initial application list was submitted in 2008; program changes occurred in the meantime; the Selection Committee reconvened on 1/7/2010 and recommended several changes. Noting that Benchmark CMR Services administers the Scattered Site Program on behalf of the County. Ms. Gibbs introduced the Benchmark representative, Ms. Alicia Broadway, for comments.

Ms. Broadway stated that the public hearing was a project requirement to present changes; advised that one unit was dropped from the program due to a foreclosure; another person became ineligible due to legal blindness and was moved up in the project and received service; this person replaced the foreclosure slot; eight homes have been selected this cycle; one of the eight may not be funded this cycle and would serve as the backup unit as required by the program; the backup unit would be considered next cycle. Ms. Broadway stated that after the feasibility visit that one other unit was not able to receive full rehabilitation and was moved to the emergency repair section of the grant for service.

Chairman Price called for any citizen comments, any from the BOC and with none being heard, called for a motion which was received as follows:

2010-002 Commissioner Carpenter - Budget/Purchasing - To Approve Changes to the Current CDBG Scattered Site Housing Project Recipient List as Recommended by the Selection Committee

On motion introduced by Commissioner Carpenter and seconded by Commissioner Fraley, the BOC unanimously approved changes to the current CDBG Scattered Site Housing Project Recipient List as recommended by the selection committee.

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Public Hearing - City of Kings Mountain - Planning & Zoning Board ETJ

Chairman Price reported that one position was available on subject Board; an application was received from Mr. John Houze, as recommended by the Kings Mountain City Council, to serve as an extraterritorial jurisdiction representative to the board. The Chairman called for any additional applications, any citizen or BOC comments, and with none being heard, called for a motion to approve.

On motion introduced by Commissioner Fraley and seconded by Commissioner Carpenter, the BOC unanimously reappointed Mr. John Houze to the **Kings Mountain Planning & Zoning Board** to serve as ETJ representative to a term ending December, 2012.

Public Hearing - City of Lowell - Planning & Zoning Board ETJ & the Zoning Board of Adjustment ETJ

Chairman Price reported that one position was available on each board; an application had been received from Mr. Harold Sprinkles, as recommended by the Lowell City Council to serve on both boards. The Chairman called for any additional applications, any citizen or BOC comments, and with none being heard, called for a motion to approve.

On motion introduced by Commissioner Carpenter and seconded by Commissioner Loftis, the BOC unanimously reappointed Mr. Harold Sprinkles to the **Lowell Planning & Zoning Board & the Lowell Zoning Board of Adjustment** to serve as ETJ representative to terms ending December, 2012.

On motion introduced by Commissioner Fraley and seconded by Commissioner Carpenter, the BOC unanimously closed Public Hearings.

Agenda Revision/Approval

- Moved/Commissioner Carpenter - County Manager - To Approve a Twenty Year Lease Agreement with Gaston Family Health Services, Inc. for Property Located at The Summit at Court Drive - VI.
- Moved/ Commissioner Price - Public Works - To Award a Construction Contract for the George Poston Park Dam to Hoopaugh Grading, Charlotte, NC (\$1,508,000) - VI.
- Inserted/ Commissioner Loftis - Finance - *To Award Bid for Financing of \$907,266 for Rolling Stock and Equipment to RBC Bank and Approve Attached Budget Change Request to Appropriate Funds for the Purchase - V., KK.*
- Added/ Commissioner Keigher - BOC - *Proclamation - Catholic School Week - V., LL.*
- Added/ Commissioners Carpenter, Loftis, Philbeck - Discussion of a Tri-County (Gaston, Lincoln, Cleveland) Recycling Initiative - VIII., A.
- Added/ *Resolution Calling a Public Hearing on Whether the Board of Commissioners for the County of Gaston, North Carolina Should Approve a Proposed Installment Financing Agreement to Finance a Portion of the Cost of Certain Facilities to Collect and Convert Landfill Gas to Electricity and Providing for Certain Related Matters; 2) Resolution Amending and Supplementing a Resolution Designating a Recovery Zone and Providing for Certain Other Matters Relating to the Issuance of Recovery Zone Economic Development Bonds of the County of Gaston, North Carolina - X., C., 1.*
- Added/ Commissioner Carpenter - County Attorney - *To Authorize the Assignment of a Bid on Tax Foreclosure Property 143268 - X., C., 2.*
- Added/ Commissioner Loftis - County Attorney - *To Approve Assignment of Tax Foreclosure Bid - X., C., 3.*

On motion introduced by Commissioner Carpenter and seconded by Commissioner Loftis, the BOC unanimously approved the Agenda of January 28, 2010 with changes as noted above.

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Approval of Minutes

On motion introduced by Commissioner Loftis and seconded by Commissioner Fraley, the BOC unanimously approved the Minutes of the Regular Meeting of December 10, 2009, the Minutes of the Organizational Meeting of December 10, 2009 and the Minutes of the Special Meeting of January 14, 2010.

Citizen Recognition

Mr. Wes Hunter, Hunter Construction, stated that on 1/12/2010 Hunter submitted a bid on the Construction Contract for the George Poston Park Dam and was the lowest responsible, responsive bidder for the full base bid; addendums were posted asking for additional prices prior to bid for erosion control and grinding which were submitted by Hunter; the bid instructions indicated that the award should be off the full base or alternate bid; that the additional items may be included later, meaning that the bid had already been awarded to the lowest responsible, responsive bidder; Hunter contends to be the lowest responsible, responsive bidder based off the bid instructions.

Chairman Price advised that the issue would be taken up later in the meeting.

Mr. Randy Neill, Cherryville Rescue Squad Chief and President of the Rescue Ambulance Association, recalled a \$75 across the board fee increase for rescue calls in an effort to increase membership and put on paid squads; Cherryville squad membership did increase and is abiding by the contract, squads have come together overall, improved and data would show that more are abiding by the contract; letter forwarded by the County Manager to the squads was discussed at the Ranlo meeting as to various things squads could and could not do; one Chief indicated the squad did not want the money; the remaining squads did not agree; the Association did not take a vote to bring it back to the BOC. Mr. Neill expressed concern about the 80% call quota, who would monitor for the \$75/transport reimbursement, and asked the BOC to revise Agenda Item Q. to increase the fee back up rather than putting it on the \$45 tier level.

Commissioner Loftis advised that a formal vote was not taken by the Rescue Squad Association; changes stemmed from the lack of response and predictability time; encouraged allowing the program to work until budget; feel the BOC is open to tweaking it later if needed; intent was to reward those that were responding.

Consent Agenda

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

2010-003 Commissioner Carpenter - Public Works - Authorized Public Works to Adopt & Implement the Code of Ethical Conduct & Formal Bid Protest Procedures Required by The American Recovery & Reinvestment Act (ARRA) of 2009 and the

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Energy Efficiency and Conservation Block Grant Program Which Will be Included with All Projects Funded by the ARRA/EECBG as filed with the Clerk to the Board.

2010-004 Commissioner Carpenter - Budget/Purchasing - Accepted and Appropriated a 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) for the Sheriff's Office County Police Department per Budget Change Request:

2009 Justice Assistance Grant (County Police)	10-4310-4310-223-521		(\$30,019)
2009 Justice Assistance Grant (Sheriff)	10-4315-4315-223-521		(\$30,019)
2009 Justice Assistance Grant (County Police)	10-4310-4310-620-000	10327-0001	\$30,019
2009 Justice Assistance Grant (Sheriff)	10-4315-4315-620-000	10328-0001	\$30,019

2010-005 Commissioner Carpenter - Budget/Purchasing - Corrected Budget Change Request for Sheriff's Office Domestic Violence Unit Grant per Budget Change Request:

ARRA Funded VAWA Grant Match	10-4315-4315-298-000	10209-0002	\$76,000
Sheriff's Civil Processing Fee Revenue	10-4315-4315-298-000	10209-0001	(\$76,000)

2010-006 Commissioner Carpenter - Budget/Purchasing - Awarded Five Housing Rehabilitation Contracts Plus a 10% Change Order Allowance (\$174,662) for the 2009 NC Housing Finance Agency Single Family Housing Rehabilitation Grant as follows:

200 Payne Street, Mount Holly, NC 28120

<u>Contractor</u>	<u>Bid Amount</u>
Larry Clark Builders	\$36,260
Pat Smith Builders	\$39,898
D&L Remodeling	\$40,585
Guilsyth Construction	\$40,700
Johnson & Associates	\$41,682
CD Concepts	\$44,305

123 Ben Carpenter Road, Cherryville, NC 28021

<u>Contractor</u>	<u>Bid Amount</u>
C.D. Concepts, Inc.	\$29,905
D&L Remodeling	\$30,844
Guilsyth Construction	\$30,920
Pat Smith Builders	\$35,215
Johnson & Associates	\$38,485

41 3rd Street, Cramerton, NC 28032

<u>Contractor</u>	<u>Bid Amount</u>
D&L Remodeling Company	\$29,062
CD Concepts	\$33,697
Johnson & Associates	\$36,612
Pat Smith Builders	\$39,045

248 Rankin Road, McAdenville, NC 28101

<u>Contractor</u>	<u>Bid Amount</u>
D&L Remodeling Company	\$33,145
CD Concepts	\$36,143
Guilsyth Construction	\$37,495
Pat Smith Builders	\$38,115
Johnson & Associates	\$39,692

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77 Walnut Avenue, Gastonia, NC 28054

<u>Contractor</u>	<u>Bid Amount</u>
D&L Remodeling	\$30,411*
Johnson & Associates	\$30,411
Pat Smith Builders	\$35,575
CD Concepts	\$35,997
Guilsyth Construction	\$36,120

*Declined by D&L Remodeling due to workload issues, accepted by Johnson Homes, the second lowest bidder, at the price proposed by D&L Remodeling

2010-007 Commissioner Fraley - Tax Collections - Tax Refunds authorized to said persons and/or firms in the amounts stated with such funds coming from Account 10- - - 2301- 01 pursuant to GS 105-381 (b) as follows:

TAXPAYER NAME	OWNER NAME	AMOUNT
January 15, 2010 (Real Estate)		
ADP-GS_Check Returns		\$121.44
American General Finance		\$601.61
Anderson, Christian Gyan		\$3,395.00
BAC Countrywide Tax Service		\$500.00
BAC Countrywide Tax Service	Austin, Diane Wright	\$621.05
BAC Countrywide Tax Service	Guin, Michael	\$1,284.07
Bank of America NA		\$114.90
Beegle, Johnny L., Jr.		\$127.11
Black, Roy W.		\$1,163.37
Bright, Walter		\$125.13
Butler, Courtney E.		\$1,177.95
Byers, Rebecca H.		\$100.02
Cherryville Savings & Loan	Young, Charles V.	\$776.77
Cook, Deborah W.		\$110.71
Duncan, Paul Life Estate		\$414.79
First American R/E Tax Service	Wade, Edward & Sandra	5349.63
First American R/E Tax Service	Gingles, Betty M.	\$1,524.16
First American R/E Tax Service		\$931.46
First American R/E Tax Service		\$512.05
First American R/E Tax Service	McMahan, Robert Jr.	\$989.80
First American R/E Tax Service	Rutkowski, William & Kristy	\$910.82
First American R/E Tax Service	Toomer, James & Dorma	\$614.25
First American R/E Tax Service		\$2,517.73
First American Tax Service	Wylie, Claude	\$244.52
Flitt, Erin Ashely		\$4,071.03
FMC Corporation		\$587.62
FMC Corporation		\$921.68
FMC Corporation		\$590.76
FMC Corporation		\$926.54
Gabriel Home Improvement		\$131.99
Gale, Nichole		\$206.14
Gosnell, Thomas B.		\$297.39
Gunter, Eugene & Margaret		\$122.44
Hudson Comers LLC		\$1,965.22
Hudson Comers LLC		\$2,191.40
Hudson Comers LLC		\$1,950.59
Ingle, Justin L.		178.47
Jefferies, Ruby W.		\$215.74
Kennedy, Daniel L.		\$873.56
Kirk, Mary J.		\$628.87
Local Government Employee	Martin, Richard	\$1,233.82
Lutz, James Carl		\$893.97
MacDonald, Scott		\$291.60
Miller, Dale		\$384.52
Miller, Janet S.		\$714.98

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Mode, Lucy Goforth		\$522.27
Mortgage Distribution	Hill, Robert L. Sr.	\$100.00
RBC Bank (USA)	Byrum, Richard M., Jr.	\$1,637.50
Robert T. Sumner, PA		\$1,577.99
Ross, Juanita		\$135.12
Settlemyre, Walter		\$116.43
Shaw Law Firm	Neighborhood's at Rhyne's	\$367.40
Shivers Trading & Operating Co.	Fairway Outdoor	\$6,067.96
Smith, Michael Edmond Jr.		\$460.13
Stanford LLC		\$705.57
State Employees Credit Union	Tapy, Patricia L.	\$767.23
State Employees Credit Union	Martin, Jimmie E.	\$1,844.37
State Employees Credit Union	Deese, Randolph	\$675.12
State Employees Credit Union		\$159.66
Thornburg, Michael Todd		\$2,422.65
Walls, Christina Morgan		\$1,803.51
Wells, Kirk E.		\$2,422.64
Wise, Bradley Russ		\$156.20
Wise, Bradley Russ		\$158.82
		\$65,707.24
January 15, 2010 (Vehicles)		
Berry, Kathy Denise		\$101.84
Britton, Donald Ray		\$158.68
Carpenter, Adrian Daniel		\$159.08
Conner, Thomas		\$105.02
Crawford, Robert Lee		\$238.11
Ellis, Raymond Leroy		\$158.51
Enterprise Leasing Co.		\$115.14
Fifth Third Auto Leasing		\$374.04
Garza, Roberto Salinas		\$206.87
Hallman, Eddie Dean		\$217.86
Hallman, Eddie Dean		\$198.00
Hicks, Regina Barton		\$124.13
Hudson, Jack		\$150.53
Hutson, Betsey P.		\$176.20
HVT Inc./Trustee for Honda		\$137.05
Johnson, Patricia Crenshaw		\$203.08
Jones, Clifford Bowden		\$243.33
LH Utility & Transportation		\$154.10
Long, Katina Vassil		\$179.95
McKenney Chevrolet		\$196.74
Mehaffey, Dennis Ray		\$151.14
Oates, Miguel Lamar		\$346.10
Sturm, Jeffrey Allen		\$274.62
Warren L. Tadlock	Hogsed, Jody Max	\$207.03
Warren L. Tadlock	Lineberger, Monta Gail	\$123.37
Wilson, Antigone Houser		\$138.60
Xtreme Services		\$237.75
		\$5,076.87

2010-008 Commissioner Keigher - DSS - Corrected Action to Transfer \$25,549 Between Temp Accounts per Budget Change Request:

Temp Help/FC-CWKR Visits	20-5300-5310-393-001	(25,549)
Temp Help SVCS: Econ Stimulus	20-5300-5310-393-003	25,549

2010-009 Commissioner Keigher - DSS - Commended Ms. Melissa A. Hovis upon her retirement for 30 years of dedicated service.

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2010-110 Commissioner Keigher - DSS - Accepted and Appropriated Additional Smart Start Funding per Budget Change Request:

Smart Start – State	20-5850-320-542		(97,680)
Special Programs/Smart Start	20-5850-5856-298-000	10252-0001	97,680

2010-011 Commissioner Keigher - DSS - Accepted and Appropriated Additional Crisis Intervention Program (CIP) Funding per Budget Change Request:

Crisis Intervention Program – Federal	20-5400-5481-221-506		(97,909)
Crisis Intervention Program	20-5400-5481-475-000		97,909

2010-012 Commissioner Keigher - DSS - Accepted and Appropriated \$8,619 for Foster Care Caseworker Visits per Budget Change Request:

Foster Care Caseworker Visits – Federal	20-5867-223-515		(8,619)
Temp Help/FC-CWKR Visits	20-5300-5310-393-001		8,619

2010-013 Commissioner Keigher - Finance - Appropriated NC Department of Juvenile Justice and Delinquency Prevention Grant Funds Out of Fund Balance in Order to Refund the State for Overpayment of Funds in Fiscal Year 2008/2009 per Budget Change Request:

Juvenile Crime Prevention Council	10-5830-699-028	09214-0001	255
		09218-0001	390
Fund Balance Appropriated	10-9900-991-500		(645)

2010-014 Commissioner Keigher - Finance - Appropriated Accumulated Investment Earnings from October 1, 2009 through December 31, 2009 per Budget Change Request:

Interest : Installment Purchase – Arlington			
Elementary	40-8300-491-506		(85)
Arlington Replacement	40-5911-580-003	03239-0001	85
Investment Earnings – CDBG Income	40-8300-491-518		(2)
CDBG Program Income	40-4932-4932-590-000	08315-0001	2
Gaston College Bond Interest	40-8300-493-505		(5,751)
Gaston College 2007 Bonds	40-5921-580-001	08252-0001	5,751
Interest: 3/08/06 GO Public Improvement Bonds	40-8300-491-516		(96)
Buildings, Structures, Improvement	40-4920-4922-580-000	01344-0001	24
EDC: Tech Park Road	40-4920-4923-580-000	06262-0001	72
Interest on Investments	10-8300-491-500		(92)
Special Grants	10-4310-4310-620-000	10303-0001	13
Special Grants	10-4310-4310-620-000	10304-0001	49
Special Grants	10-4310-4310-620-000	10305-0001	2
Special Grants	10-4310-4310-620-000	10306-0001	4
Special Grants	10-4310-4310-620-000	10307-0001	1
Special Grants	10-4310-4310-620-000	08250-0001	4
Special Grants	10-4315-4315-620-000	09281-0001	1
Special Grants	10-4315-4315-620-000	10308-0001	15
Special Grants	10-4315-4315-620-000	10308-0002	1
Special Grants	10-4315-4315-620-000	10308-0003	2
Interest: USUB Police	26-8300-491-513		(70)
Controlled Substance Abuse Tax	26-4310-4310-511-002	50112-0001	69
Controlled Substance Abuse Tax	26-4310-4310-298-000	07300-0001	1
Interest: USUB Sheriff	26-8300-491-514		(9)
Controlled Substance Abuse Tax	26-4315-4315-511-002	02192-0001	9
Interest – Police Treasury / Justice	25-8300-491-502		
Drug Forfeitures – US Treasury	25-4310-4310-511-000	10002-0001	(86)
Drug Forfeitures – Justice	25-4310-4310-511-001	50113-0001	82

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Interest – Sheriff Treasury	25-8300-491-505		(34)
Drug Forfeitures – US Treasury	25-4315-4315-511-000	04243-0001	34
Interest: ROAP \$ (Access)	10-8300-491-510		(676)
Transportation of Clients	10-4520-4521-315-000		676
Interest: ROAP \$ (Work First)	20-8300-491-511		
Work First Transportation	20-5521-5523-315-008		(117)
			117
Interest: Tourism – Visitor Center	22-8300-491-504		(12)
Visitor Information Center – Construction	22-4921-580-000	02154-0001	12
Investment Earnings – School Bonds	40-8300-493-501		59
Investment Earnings – School BAB 09	40-8300-493-506		(39,351)
School Bonds – 06/01/01	40-5911-580-001	01452-0001	55
School Bonds – 06/01/02	40-5911-580-001	02205-0001	53
School Bonds – 03/01/04	40-5911-580-001	04277-0001	400
School Bonds – 10/01/06	40-5911-580-001	07269-0001	8,090
School Bonds – 08/18/09	40-5911-580-001	10294-0001	9,221
School Bonds – 08/08/09	40-5911-580-001	10296-0001	21,473

2010-015 Commissioner Loftis - Finance - Bid Awarded for the Purchase of Vehicles as follows:

	Unit Price	<u>Total Price</u>
Item 1: Twenty-one (21) marked cars for Police		
Ilderton Dodge	\$20,925.00	\$439,425.00
Earl Tindol Ford	\$21,575.00	\$453,075.00
McKenney Dodge	\$23,922.00	\$502,362.00
Abemathy Chevrolet	No Bid	No Bid
Item 2: Three (3) marked cars for Sheriff		
Ilderton Dodge	\$20,925.00	\$ 62,775.00
Earl Tindol Ford	\$21,575.00	\$ 64,725.00
McKenney Dodge	\$23,922.00	\$ 71,766.00
Abemathy Chevrolet	No Bid	No Bid
Item 3: One (1) ¾ Ton Truck for Animal Control		
Earl Tindol Ford	\$19,740.00	\$ 19,740.00
Ilderton Dodge	\$21,482.00	\$ 21,482.00
Abemathy Chevrolet	\$25,879.30	\$ 25,879.30
McKenney Dodge	No Bid	No Bid

2010-016 Commissioner Loftis - GEMS - Approved the Budgeted Purchase of Three Type 2 (High Top Van Body for Rescue Squad Units) Ambulances (\$82,873 each), with Change Orders for the \$845 Addition of DriveCams Each, at a Total Cost of \$251,154, from Northwestern Emergency Vehicles in Jefferson, NC, Based on Previous Year Awarded Bids Which are Still in Effect for Pricing.

2010-017 Commissioner Loftis - GEMS - Approved the Purchase of 22 Each Lucas 2 CPR Devices for GEMS from Sole-source Vendor, Physio-Control, Inc., Redmond, WA per Budget Change Request:

Lease-Purchase equipment	10-4370-434-000	\$(33,000)
Fund balance	10-9900-991-500	\$(166,369)
Equipment	10-4370-540-000	\$199,369

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2010-018 Commissioner Loftis - GEMS - Formalized Revised Rescue Squad Reimbursement Methodology to \$75/Transport for Squads Covering 80+% of the Time, and \$45/Transport for Squads Covering Less Than 80% of the Time, Effective December 1, 2009.

2010-019 Commissioner Philbeck - BOC - Commended Mrs. Cathy M. Cloninger for her excellent and dedicated work as Coordinator of The Shelter of Gaston County.

2010-020 Commissioner Philbeck - Animal Control - Accepted and Appropriated Reimbursed Monies from the State for Funding the Low Cost Spay/Neuter Program per Budget Change Request:

NC S/N Reimbursements	10-4380-323-503		[\$12,909]
Special Programs	10-4380-298-000	04291-0001	\$12,909

2010-021 Commissioner Philbeck - Board of Education - Approved Project Application for Public School Building Capital Funds for the 2009-10 Technology Project.

2010-022 Commissioner Philbeck - Public Works - Approved Bid Award and the Purchase of a Track Loader from Carolina Tractor, Hickory, NC (\$246,282) as follows:

	INITIAL PURCHASE PRICE	REPAIR EXP. FOR 5 YEARS	GUARANTEED MINIMUM REPURCHASE	NET BID
<u>VENDOR</u>	<u>(A)</u>	<u>(B)</u>	<u>(C)</u>	<u>(D)</u>
Carolina Tractor	\$246,282	\$33,345	\$80,000	\$199,627
James River Equipment	\$275,000	\$65,000	\$68,750	\$271,250
Stafford Equipment	No Bid	No Bid	No Bid	N/A
Linder Industrial Machinery Company	No Bid	No Bid	No Bid	N/A

2010-023 Commissioner Philbeck - Public Works - Approved a Bid Award and Purchase of an Articulated Dump Truck from Carolina Tractor, Hickory, NC (\$319,535) as follows:

	INITIAL PURCHASE PRICE	REPAIR EXP. FOR 5 YEARS	GUARANTEED MINIMUM REPURCHASE	NET BID
<u>VENDOR</u>	<u>(A)</u>	<u>(B)</u>	<u>(C)</u>	<u>(D)</u>
Carolina Tractor	\$319,535	\$28,759	\$100,000	\$248,294
Linder Industrial Machinery Company	\$324,200	\$6,800	\$50,000	\$281,000
James River Equipment	\$364,900	\$30,000	\$110,000	\$284,900
Stafford Equipment	No Bid	No Bid	No Bid	N/A
ASC Construction Equipment	No Bid	No Bid	No Bid	N/A

2010-024 Commissioner Philbeck - Public Works - Approved a Bid Award and the Purchase of a Hydraulic Excavator from Carolina Tractor, Hickory, NC (\$242,783) per Budget Change Request as follows:

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VENDOR	INITIAL PURCHASE PRICE (A)	REPAIR EXP. FOR 5 YEARS (B)	GUARANTEED MINIMUM REPURCHASE (C)	NET BID (D)
Carolina Tractor	\$242,783	\$26,730	\$90,000	\$179,513
Linder Industrial Machinery Company	\$222,550	\$7,500	\$40,000	\$190,050
James River Equipment	\$260,750	\$48,000	\$87,500	\$221,250
Stafford Equipment	No Bid	No Bid	No Bid	N/A
ASC Construction Equipment	No Bid	No Bid	No Bid	N/A
Solid Waste Fund Balance		60-9900-991-500		(\$30,000)
Heavy Equipment Purchase – LEADER Grant		60-4720-510-000	10318-0001	\$30,000

2010-025 Commissioner Philbeck - Public Works - Approved the Purchase of a Replacement Baler for the Gaston County Recyclables Facility per Budget Change Request:

Solid Waste Fund Balance	60-9900-991-500			(\$63,500)
Office Furniture/Equipment	60-4720-510-000			\$63,500

2010-026 Commissioner Philbeck - Public Works - Awarded a Construction Contract for Unit II, Phase 1, Subcells 1C and 2A at the Gaston County Landfill Totaling \$1,462,457 to Sargeant Corporation, directed the County Attorney to draft all necessary documents and directed the County Manager to execute said documents in an amount not to exceed \$1,462,457 per Budget Change Request as follows:

CONTRACTOR	BID AMOUNT			
Sargeant Corporation, Fredericksburg, VA	\$1,462,457			
T & K Construction, Inc., Vinemont, AL	\$1,643,067			
Clary Hood, Inc., Spartanburg, SC	\$1,856,150			
Thalle Construction Co, Inc., Hillsborough, NC	\$2,064,750			
Morgan Corporation, Charlotte, NC	\$2,908,280			
Solid Waste Fund Balance	60-9900-991-500			(\$1,462,457)
Cell Expansion Construction	60-4720-590-000	10329-0001		\$1,462,457

2010-027 Commissioner Price - Emergency Management - Gaston County Emergency Operations Plan and the Nuclear Response Plan for Catawba and McGuire Nuclear Stations: To Approve Modifications to the Previous Edition as filed with the Clerk to the Board.

2010-028 Commissioner Price - Emergency Management - Accepted and Approved the Hazard Mitigation Plan Annual Report as Information as filed with the Clerk to the Board.

2010-029 Commissioner Price - Health - Accepted and Appropriated Grant Funds from Community Health Partners for the Transition to e-Prescribe, a Web-based Prescription Service per Budget Change Request:

Other Grants	11-5100-5113-5120-890-512			(\$3,000)
Special Programs	11-5100-5113-5120-298-000	10326-0001		\$3,000

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- 2010-030 Commissioner Price - BOC - Commended South Point High School "Red Raiders" as the 2009 State 3AA Football Champions.**
- 2010-031 Commissioner Price - Health - Accepted and Appropriated Grant Funds from the Children and Youth Branch of the NC Division of Public Health for Strengthening Families Program per Budget Change Request:**
- | | | | |
|--------------------|---------------------------|------------|------------|
| State Health Grant | 11-5100-5112-5119-320-505 | | [\$99,243] |
| Special Programs | 11-5100-5112-5119-298-000 | 10330-0001 | \$99,243 |
- 2010-032 Commissioner Price - Parks & Recreation - Approved Recent Changes in Gaston County Parks and Recreation Advisory Board By-laws as filed with the Clerk to the Board.**
- 2010-033 Commissioner Price - Parks & Recreation - Accepted and Appropriated Sponsorship and Fees for Gaston County Senior Games per Budget Change Request:**
- | | | | |
|------------------|-----------------|-------------|---------|
| Donations | 10-6130-840-501 | | (\$900) |
| Special Programs | 10-6120-298-000 | #10311-0001 | \$900 |
- 2010-034 Commissioner Price - Public Works - Authorized the County Manager to Execute Three Purchase Orders Totaling \$159,135.95 to Furnish the Highland Health Center, Currently Under Construction. Furnishing Expenses will be Funded Through Medicaid Cost Settlement Funds, authorized the County Attorney to draft the necessary contract documents and the County Manager to sign said documents for the furniture purchase as follows:**
- | | | | |
|-------|----------------------------|---------------|---------------------|
| Lot A | MacThrift Office Furniture | Charlotte, NC | \$ 38,500.42 |
| Lot B | MacThrift Office Furniture | Charlotte, NC | \$ 2,608.60 |
| Lot C | MacThrift Office Furniture | Charlotte, NC | \$ 18,401.53 |
| Lot D | John Miller Associates | Charlotte, NC | \$ 6,588.62 |
| Lot E | Meadows Office Furniture | Charlotte, NC | \$ 64,061.15 |
| Lot F | MacThrift Office Furniture | Charlotte, NC | \$ 20,040.04 |
| Lot G | John Miller Associates | Charlotte, NC | \$ 5,550.31 |
| Lot H | Meadows Office Furniture | Charlotte, NC | \$ 3,385.28 |
| | TOTAL ALL LOTS: | | \$159,135.95 |
- 2010-035 Commissioner Torbett - BOC - Commended the Stanley Optimist "Blue Devils" Division II Junior Pee Wee Football Team - 2009 Pop Warner National Super Bowl Football Champions.**
- 2010-036 Commissioner Torbett - County Police - Rejected Bids for the Lease of an E911 Phone System from the following vendors:**

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<u>VENDOR</u>	
AT&T	Asheville, NC
Century Link	Hickory, NC
InterAct Public Safety	Winston-Salem, NC
ModUcom	North Hollywood, CA
PlantCML	Temecula, CA
Positron Public Safety	Atlanta, GA
Power Sales	Raleigh, NC
Radio Communications Company	Cary, NC
Wireless Communications	Huntersville, NC
Zetron, Inc.	Corinth, MS

2010-037 Commissioner Loftis - Finance - Awarded Bid for Financing of \$907,266 for Rolling Stock and Equipment to RBC Bank and Approved Attached Budget Change Request to Appropriate Funds for the Purchase as follows:

<u>Bidder</u>	<u>36 months Rate</u>	
RBC Bank	2.42 %	
Suntrust	2.425%	
Wachovia	2.45 %	
BB&T	2.66 %	
Fidelity Bank	3.04 %	
Local Government Credit Union	4.00 %	
Motor Vehicles	10-4310-4310-540-000	309,087
Lease-Purch Vehicles-Princ	10-4310-4310-433-000	39,801
Lease-purch Vehicles-Inter	10-4310-4310-433-001	2,988
Motor Vehicles	10-4310-4328-540-000	32,536
Lease-Purch Vehicles-Princ	10-4310-4328-433-000	4,190
Lease-purch Vehicles-Inter	10-4310-4328-433-001	314
Motor Vehicles	10-4315-4315-540-000	48,803
Lease-Purch Vehicles-Princ	10-4315-4315-433-000	6,289
Lease-purch Vehicles-Inter	10-4315-4315-433-001	472
Motor Vehicles	10-4372-540-000	205,750
Lease-Purch Vehicles-Princ	10-4372-433-000	20,869
Lease-purch Vehicles-Inter	10-4372-433-001	1,567
Motor Vehicles	10-4380-540-000	17,942
Lease-Purch Vehicles-Princ	10-4380-433-000	1,974
Lease-purch Vehicles-Inter	10-4380-433-001	148
Fund Balance Appropriated	10-9900-991-500	214,536
Proceeds:Inst Purch Agrmt	10-8300-912-000	(907,266)

2010-038 Commissioner Keigher - BOC - Proclaimed Catholic School Week for January 31, 2010 - February 6, 2010.

*Commissioner Torbett arrived.

2010-039 Commissioner Price - Public Works - To Award a Construction Contract for the George Poston Park Dam to Hoopaugh Grading, Charlotte, NC (\$1,508,000)

Regarding Mr. Hunter's earlier statements, the County Attorney advised that the contract plus the two addenda was provided to bidders prior to bid opening with the indication that the addenda may possibly be added as a part of the base bid by the BOC; each bidder was given the opportunity to compete on the alternates; Public Works recommended that the bid be awarded to Hoopaugh Grading at the full price including addenda for a total of \$1,508,000; assured the BOC that procedures

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were followed properly and that *Addendum 1 to Bid* was forwarded to bidders during the bidding process to give all bidders a fair opportunity to respond and compete for the business.

Responding to commissioners questions, the Public Works Director, Mr. Ray Maxwell, advised that the award was for the entire project including addenda for erosion control and grinding of stumps/debri which had been omitted in the initial bid, addenda was written after the base specifications and submitted to bidders during the bid process for prices; bids were opened on 1/12; the Hunter bid without the addenda was the low bid by approximately \$30k; the low bidder became Hoopaugh Grading at \$41k lower than Hunter with addenda included; base specifications cited how the County would select the low bidder; Hunter's bid protest contended that base specifications discussed how the County would select the low bidder for the project and that the addenda was issued after the specifications were written; Hunter contends that the award should be based on the base bid irrespective of the pricing for the addenda. Mr. Maxwell cited the 12/13/2009 public advertisement in the *Charlotte Observer* and Bid Specifications, Section 19.6.; advised that Hoopaugh became the low bidder when the addenda was added; the addenda was issued separately during the bidding process; Hunter contends saying that 14.1 of the Specifications says that "the bids shall be based on a lump sum price basis for the base contract and the following alternates"; there was another alternate specified initially as part of the bidding process; Hunter also questioned a statement in the addenda that read "Gaston County requests bidders price for the following items to possibly be included under the selected bidders award." Mr. Maxwell stated that the work had to be performed irregardless of what the base bid; the bid protest had to do with the language that was issued in the addenda of the last section; it was the County's intention that those items had to be performed and included as part of the price; in this case, it switched the low bidder from one company to another and prompted the questions.

Chairman Price asked in years past if the low bid had been accepted including the addenda or were bids accepted on base.

The County Attorney stated that bids had probably been awarded either way.

Mr. Maxwell stated that the specific language - "that the County reserves the right to award in any way deemed in the best interest of the citizens" - was inserted for that reason; explained the various types of addenda.

The County Manager stated that the "best interest of the citizens" would be the lowest total cost for projects; the total cost on this project includes the addenda.

Chairman Price asked Commissioner Keigher if he had any questions and no response was heard.

Commissioner Fraley called the question.

Chairman Price called for a motion.

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On motion introduced by Commissioner Loftis and seconded by Commissioner Fraley, the BOC unanimously approved 2010-039 awarding a Construction Contract for the George Poston Park Dam to Hoopaugh Grading, Charlotte, NC (\$1,508,000), directing the County Attorney to draft all necessary contract documents, and authorizing the Manager to execute said documents in an amount totaling \$1,508,000, as follows and per the following Budget Change Request:

<u>Bidder</u>		<u>Bid Amount</u>	
Hoopaugh Grading, Charlotte, NC		\$1,508,000.00	
Hunter Construction, Mooresville, NC		\$1,549,114.68	
Hall Contracting, Charlotte, NC		\$1,628,811.00	
Scurry Construction, Cornelius, NC		\$1,654,450.00	
Blythe Construction, Charlotte, NC		\$1,706,538.35	
Blythe Development, Charlotte, NC		\$1,762,078.25	
Ike's Construction, Concord, NC		\$1,794,400.00	
TK Browne Construction, Charlotte, NC		\$1,963,482.06	
United Construction, Charlotte, NC		\$1,971,640.15	
T&K Construction, Vinemont, AL		\$2,080,125.48	
Wayne Brothers Inc., Kannapolis, NC		\$2,160,541.00	
Showalter Construction, Charlotte, NC		\$2,757,920.00	
Poston Park Development	40-6120-599-000	07019-0001	(\$15,216)
Poston Park Development	40-6120-599-000	08033-0001	(\$268,646)
Poston Park Development	40-6120-599-000	09061-0001	(\$500,000)
Poston Park Development	40-6120-590-000	10082-0001	\$783,862

2010-040 Commissioner Carpenter - County Manager - To Approve a Twenty Year Lease Agreement with Gaston Family Health Services, Inc. for Property Located at The Summit at Court Drive

Commissioner Carpenter introduced the motion for approval and Commissioner Price provided the second.

Commissioner Fraley recalled the previous vote on subject issue; noted his support stating that 1) The property would be leased; 2) local contractors could be used to create badly needed jobs; 3) the facility would benefit citizens requiring services; 4) no County tax dollars would be used.

Advising that there would be no program expansion, the County Manager stated that existing programs would be transferred from a leased space to the County owned property relieving the County of the existing lease payment; subject facility would be built by Federal dollars.

Chairman Price acknowledged that **Commissioner Keigher had joined the meeting and called for the vote and the BOC approved a twenty year lease agreement with Gaston Family Health Services, Inc. for property located at The Summit at Court Drive as follows:

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

1. The Chairman of the Gaston County Board of Commissioners is authorized to execute all documents necessary to convey a leasehold interest to a 2.243 acre tract of land located at The Summit Crossing Phase III, on Court Drive in Gastonia more particularly described as follows: (see survey attached hereto as Exhibit A)
2. The consideration for the conveyance is the following set of conditions, covenants, and restrictions, which shall be incorporated in the lease given by the County to GFHS:

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- a. GFHS will design, construct, and furnish a building located on the property, in accordance with general plans submitted to the County by GFHS and incorporated as a part of this resolution. GFHS will expend at least \$1,000,000.00 in this construction project, and will complete this work by October 30, 2010,
 - b. Once the construction project is complete, GFHS will operate a health clinic in the building, offering programs for the benefit of eligible citizens of the County.
3. The lease given by the County to the 2.243 acre tract of land shall be for a period of 20 years. The parties may extend the lease at that time, or should the lease be terminated, title to the building shall be transferred to Gaston County. The lease of the property shall terminate if at any time during the next 20 years GFHS shall cease to use the property to operate a health clinic.
 4. The County Clerk shall publish a notice summarizing the contents of this resolution, and the lease may be executed at any time after 10 days after publication of the notice.

The motion carried as follows:

AYES: Commissioners Carpenter, Fraley, Price, Torbett, Keigher (via phone)
 NAY: Commissioner Loftis
 ABSENT: Commissioner Philbeck

2010-041 Commissioner Price - Planning/Zoning - Request to Accept the Relinquished Land Area by the City of High Shoals in its Extraterritorial Jurisdiction (ETJ) and Accept Zoning of Subject Area. ETJ Relinquishment 2010-01: Gaston County Planning Board (Applicant); Various (Property Owners); Property Parcel(s) (See List); from City of High Shoals Municipal Zoning in its Extraterritorial Jurisdiction to Gaston County Zoning Jurisdiction: R1 (Single Family Limited), R2 (Single Family Moderate), RS-20 (Single Family 20,000 Square Feet), C2 (Highway Commercial), C3 (General Commercial), I-2 (General Industrial), and I-3 (Exclusive Industrial) to be effective Monday, February 1, 2010

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

On motion introduced by Commissioner Torbett and seconded by Commissioner Carpenter, the BOC unanimously approved 2010-041 after consideration of the application, public hearing comment and Planning Board recommendation:

- 1) the request is consistent with the County's approved Comprehensive Plan and 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.
- 2) the request for property parcel (numerous) be approved effective with the passage of this resolution.
- 3) the County Manager is authorized to make necessary modifications in this matter to appropriate parties.

Appointments

On motion introduced by Commissioner Fraley and seconded by Commissioner Loftis, the BOC unanimously appointed Miss Kamryn Loftis to the **Juvenile Crime Prevention Council (JCPC)** to a term ending July 2010.

On motions introduced and seconded, the following individuals were unanimously reappointed to the **SARA Local Planning Committee (SARA)** to terms ending January 2013:

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<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>
Commissioner Fraley	Commissioner Carpenter	Ms. Margaret Royster
Commissioner Loftis	Commissioner Price	Mr. Wilson Forbes, Jr.
Commissioner Carpenter	Commissioner Loftis	Mr. Tim Gause
Commissioner Price	Commissioner Carpenter	Mr. Randy Graham

On motions introduced and seconded, the following individuals were unanimously reappointed to the **Health Board** to terms ending January 2013:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>
Commissioner Fraley on behalf of Commissioner Keigher	Commissioner Loftis	Mr. Scott Beam
Commissioner Loftis	Commissioner Price	Dr. Martin Murphy
Commissioner Torbett	Commissioner Carpenter	Ms. Peggy Webb
Commissioner Loftis	Commissioner Fraley	Commissioner Mickey Price

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

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Loftis	Commissioner Price	Mr. Charles Moore	December 2010
Commissioner Loftis	Commissioner Price	Mr. Robert Jackson	December 2011

On motion introduced by Commissioner Torbett and seconded by Commissioner Carpenter, the BOC unanimously reappointed Mr. Duane McCallister to the **Economic Development Commission** to a term ending January 2013.

On motion introduced by Commissioner Torbett and seconded by Commissioner Carpenter, the BOC unanimously appointed Mr. Brian Weyeneth to the **Planning Board** to a term ending February 2011.

On motion introduced by Commissioner Price and seconded by Commissioner Carpenter, the BOC unanimously reappointed Ms. Sheila Merrill to the **Nursing Home Community Advisory Committee** to a term ending January 2013.

On motion introduced by Commissioner Price and seconded by Commissioner Loftis, the BOC unanimously reappointed Commissioner John Torbett to the **Charlotte Regional Partnership** to a term ending January 2011.

On motion introduced by Commissioner Carpenter and seconded by Commissioner Torbett, the BOC unanimously appointed Ms. Alicia Denlinger to the **Quality of Natural Resources Committee (QNRC)** to a term ending November 2010.

On motion introduced by Commissioner Loftis and seconded by Commissioner Price, the BOC unanimously appointed Mr. Ted Morris to the **Lake Wylie Marine Commission** to a term ending September 2014.

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Commissioners Carpenter, Loftis, Philbeck – Discussion of a Tri-County (Gaston, Lincoln, Cleveland) Recycling Initiative

Commissioner Carpenter stated that subject had been prompted by a recent Elected Officials Seminar; interest had been shown in developing a recycling program involving economies of scale rather than individual programs; need input from all program participants from the very beginning.

Commissioner Torbett suggested paralleling the effort with EDC in attracting companies that would use the recyclables at the Energy Park; do not want program cost to exceed cost of reclaiming recyclables.

Commissioner Loftis advised that the program must be convenient and reasonably priced to entice participants; greater cost savings may be realized by tying it to the municipalities and other counties; include landfill life span, clean water, etc. when factoring program savings.

The County Manager suggested curbside recycling; indicated that commodity prices vary greatly; would need to factor in the cost of more future landfill space, installing cells, etc.; would create job opportunities within the Energy Park next to the landfill; converting landfill gases to electricity would generate a revenue stream unrelated to the General Fund; would allow assistance to municipalities for curbside recycling.

The Solid Waste & Recycling Administrator, Ms. Marcie Smith, advised of the need to capture recyclables from surrounding counties that transfer garbage through Gaston via the I-85/321 corridor for possible cost offsets; would need municipalities to buy in at ground level to properly size the facility; would need to identify waste stream resources coming in to be used by future businesses at the Energy Park.

Commissioner Carpenter suggested a meeting with elected municipal officials, staff and the business community to encourage moving forward together on the project; would require more waste material than produced in Gaston.

Commissioner Torbett suggested contacting the other two counties; dealing with the elected officials first, apprising them of the proposed program, and seeing if they would be receptive prior to involving staff participation.

Chairman Price directed the County Manager to continue working on the recycling initiative, and work toward scheduling a meeting with commission representatives from the other two counties for discussion purposes.

Commissioners Committee Reports

Chairman Price congratulated Commissioner Carpenter on his election as Chairman of the MPO; reported attendance to GFHS meeting where the audit was accepted; will be changing pharmacy

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purchase order and approval process to be in place within the next 60 days. The Chairman advised that the Annual Planning Session had been canceled due to incoming inclement weather; will reschedule at a later date.

County Manager's Report

No report.

2010-042 Commissioner Carpenter - Tax Refunds Less Than \$100 accepted as information as follows:

Gaston County - Listing of Property Tax Refunds Less Than \$100.00 For Real Property			
Taxpayer Name	Amount	Taxpayer Name	Amount
Abernathy, Tommy	18.64	Layel, Joyce	27.05
Adcock, Gloria	34.98	Lewis, Paula	13.39
Armstrong, Henry	1.72	Liles, Christine	1.76
Arnold, Denise	15.64	Lingeberger, Dan	5.19
Banks, Howard	5.31	Lingerfelt, Tyree	5.76
Banter, Brenda	56.03	Marion H Davis and Associates	6.15
Beane, Amy	3.25	Mayne, Nancy	1.49
Blanton, Lewis	6.97	Medlin, Leigh	77.34
Brown, Lavinia	23.31	Miller, Janet	47.69
Caldwell, Tracy	8.97	Morrow, Charles	4.91
Carriage House Antiques	1.52	NC Dept Of Revenue	70.40
Castle, Peggy	13.27	NEO Consulting, Inc	30.00
Catawba Lands Conservancy	4.26	Neunzig, Robert	19.48
City of Gastonia	92.45	Neunzig, Robert	19.38
Clemmer, Joann	2.76	Neunzig, Robert	19.38
Cloninger, Jody	94.83	Newton, Kelly	89.51
Cloninger, Jody	96.58	Norton, Christina	15.48
Crain, John	26.84	Obrien, Joyce	12.13
Crawford, Bobby	36.75	Parton, Tommy	7.72
Davis, William	43.50	Patterson, Dwight	58.24
Dealmeida, Luzimar	23.66	Peeler, Angela	45.86
Di Giovanni, Vincent	5.48	Pena, Pablo	14.78
Dial, Melvina	9.44	Piner, Delores	48.30
Duncan, Kim	90.09	Price, Gabriel	3.54
Eaker Dairy	19.75	Price, Terry	1.44
Edwards, Lena	71.99	Quilliams, Lois	57.08
Ewing, Michael	6.73	R & N Fabric House	29.28
Federal Credit Union	35.50	Ramsey, Marshall	14.69
First American Tax	14.98	Rankin, Barbara	47.93
First American Tax	5.53	Reeves, Mary	20.26
First American Tax	89.64	Reeves, Mary	28.89
First American Tax	77.00	Reeves, Mary	20.26
First American Tax	38.36	Richard Mitchell Trustee for Houses Of The Soul	64.38
First American Tax	76.60	Richmond, Barry	4.31
First American Tax	71.66	Rickard Fence & Pool	10.38
First American Tax	49.95	Robert Sumner, PA	23.89
First American Tax	80.13	Roberts, Donald	49.29
First American Tax	44.26	Robinson, John	33.12
First American Tax	60.11	Robinson, Matthew	8.40
First American Tax	93.36	Rodriguez, Edgar	3.79
Gale, Nichole	74.48	Shivers Trading	79.22
Gardin, Dennis	13.90	Sigmon, Mary	36.13
Gardner, Ray	59.48	Signature Electric	2.11
Glenn, Lee	25.03	Smith, Elwood	2.00

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Griffin, Hubert	25.49	Spain, Johnny	1.68
Griffin, Robin	4.71	Thomas, Shawn	23.33
Griffith, Sarah	44.18	Thornburg, Billy	4.63
Hall, Anita	6.51	Todd, Jonathan	61.00
Heavner, Jay	7.88	Vining, Owen	10.00
Hensley, Barbara	4.86	Watts, Avis	8.00
Holbert, Deborah	51.92	Weeks, Carrie	11.28
Honda Lease Trust	79.70	Weeks, Carrie	18.30
Hooper, Virginia	71.25	Wells Fargo	48.11
Hovis, Clarence	70.88	Wells Fargo	7.12
Hovis, Clarence	71.27	Wells Fargo	29.74
Howard, Leonard	76.26	Wheeler, Kimberly	62.87
Howell, Joe	6.43	Whitener, Justin	30.75
Hungate, Thomas	1.23	Wiggins, James	36.86
Jenkins, Walter	3.21	Willis, Jack	37.88
Johnson, Patricia	12.76	Wilson, Micah	43.35
Jones, Harold	81.62	Wood, Deborah	36.00
Jones, Sarah	10.79	Xtreme Services	18.45
King, James	7.70	Xtreme Services	49.51
Lail, Ray	30.78	ZC Sterling	13.33
Lail, Ray	10.42	ZC Sterling	25.88
		ZC Sterling	\$4,164.39

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

Taxpayer Name	Amount	Taxpayer Name	Amount
Adams, Debbie	63.51	Kirkpatrick, Deana	44.77
Adams, Johnny	10.16	Kosak, Robert	9.22
Addison, Brenda	95.06	Lail, Ray	47.27
Albayati, Mazin	10.47	Lark, Robert	12.12
Alexander, Malia	92.88	Laws, David	36.07
Allen, Harvey	1.22	Laws, David	18.69
Anderson, Bobbi	1.95	Laws, Jimmy	1.16
Arton, Tonya	31.51	Layel, Jack	12.66
Arton, Tonya	50.49	Lazenby, Larry	25.75
Ballard, James	1.45	Lazenby, Larry	55.24
Barrett, Monica	56.44	Leagon, Kenneth	6.34
Barretts Home Furnishings	46.99	Leatherman, Rebecca	8.00
Barth, Kristin	1.82	Ledford, Ralph	9.92
Battiste, Vincent	1.03	Leonhardt, William	4.00
Baucom, Nelson	62.18	Lester, Robert	12.98
Baucom, Nelson	10.03	Lewis Custom Services	66.94
Baxley Verinda	25.22	Lingerfelt, Sandra	1.03
Beam, James	37.62	Lockridge, Billy	1.19
Beegle, Johnnie	49.01	Lone Star Contractors	1.17
Bell, Nancy	1.45	Long, Doris	3.19
Benavides, Letty	1.71	Looks Great Services	9.35
Benchmark	1.93	Love-Nivens, Melody	3.77
Bentley, Audrey	57.08	Lubert, Elizabeth	1.15
Berrier, Robert	12.18	Mac Management	1.05
Beutler, Sue	3.09	Malcomn, Lou-Anne	35.07
Bhalla, Harpreet	41.53	Manns, Jacqueline	1.97
Biddix, Benny	9.78	Mantooth, Jerry	20.42
Birch, Camilla	17.45	Mares, Luis	6.33
Black, Joyce	2.79	Marion H Davis Jr	1.29
Black, Seth	10.00	Marrero, Edgar	31.66
Black, Seth	10.00	Martin, Terrell	2.70
Blair, Christopher	1.87	McCollough Shawn	2.22
Blanton, Glenn	1.56	McKoy, Shirley	79.42
Blanton, Holly	1.05	Meadows, Kenneth	19.00
Blue, Julius	84.50	Meeler, Reginald	2.35
Booth, Clarence	35.15	Melton, Cindy	1.26
Bowen, Andrea	29.46	Melton, Hattie	3.95

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Bowlin, William	1.76	Miller, Jaime	18.66
Boyce, John	88.71	Millwood, Jerry	39.57
Boyles, Anthony	31.26	Moore, Revon	1.14
Branan, Jerry	34.95	Morgan, Jann	15.60
Branan, Jerry	36.04	Morris, Shannon	7.09
Brenway, Inc	2.87	Morrison, Charles	24.57
Brigantty, Angel	38.80	Moses, Jody	39.26
Brigantty, Angel	54.73	Mott, Beulah	42.52
Brigantty, Angel	52.15	Myers, Gene	43.86
Brittain, Carolyn	8.88	Nations, Maxine	69.50
Brooks, April	48.97	Newcombe, Joann	27.96
Brooks, April	2.83	Nfforris, David	9.55
Bryan, Robert	6.19	Nichols, Jonathan	1.94
Bupp, Michele	5.01	nikkari, Matthew	3.37
Burden, Melson	1.13	Norris, Tony	22.67
Burgess, Kenneth	67.53	Olmes, Martha	40.00
Burrell, Donald	1.35	Oneal, Jeffrey	50.00
Byrd, Doris	80.27	Overman, Mark	1.76
Caldwell, Charles	5.16	Parkhurst, Bernice	2.36
Camp, Billy	13.25	Patterson, Charles	51.43
Camp, Billy	93.93	Patterson, Charles	26.95
Cantrell, Sharon	2.74	Pearson, Fred	4.26
Carpenter, Joyce	10.02	Peeler, Tracy	4.29
Carter, Angela	14.33	Pelton, Mark	6.65
Carter, Ezra	25.57	Pena, Pablo	17.62
Carter, James	18.12	Perkins, Richard	39.72
Cartledge, John	2.00	Pierce, Henrietta	39.87
Champion Powder	44.36	Plemmons, Randy	1.14
Clinton, Larry	1.74	Precious Moments Child Care	42.68
Clinton, William	28.17	Precise Power	15.31
Clinton, William	59.08	Prophet, Amy	52.37
Cloninger, Bonnie	10.09	Pruett, Max	10.69
Coleman, Jason	39.84	Putnam, Dale	3.76
Coleman, Jason	23.57	Quinn, Brenda	1.62
Conrad, Barbara	43.16	Ratliff, Bobby	1.78
Cooper, Kathleen	76.16	Reel, Charles	13.16
Corbin, James	56.40	Reeves, Esaiiah	63.41
Costner, Constance	4.57	Reiman, Conrad	45.60
Cox, Charles	10.92	Rhyne, Carolyn	28.75
Crank, Brian	1.27	Rice, Tony	9.35
Crawley, Melody	36.16	Ross, Stefanie	3.58
Crisp Printers, Inc	82.95	Rutledge, Robert	1.18
Cunningham, Debbie	4.80	Scales, David	1.38
Cunningham, Thomas	50.00	Scates, Ernest	1.10
Davis, Marvin	29.28	Scates, Jodi	31.14
Dawn Processing Company	1.27	Scheitler, John	23.97
Dealmeid, Luzimar	3.88	Schenck, Veronica	5.25
Delaney Construction	20.10	Schenck, Veronica	2.44
Deltex Systems	23.20	Schmid, David	1.62
D'Happart, Christina	1.06	Schmidt, Andrew	2.30
Diggs, Julie	1.74	Seagle, Steven	29.94
Dills, Donald	3.62	Seagle, Steven	7.03
Dills, Donald	6.43	Seagle, Steven	4.29
Dover, Barbara	1.28	Seagle, Steven	3.84
Dunlap, Cheroy	32.50	Seaman, Donna	42.71
Dunlap, Cheroy	78.53	Sellers, Travis	1.29
Edgerton, Tricia	1.75	Shannon, Alden	2.00
Edison, John	35.77	Shivers Trading	59.57
Ellison, Tressa	1.93	Shivers Trading	33.47
Evaega, Julie	10.84	Shivers Trading	82.34
Evanega, Julie	43.63	Shivers Trading	56.40
Evans, Carla	41.80	Shivers Trading	56.84

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Everhart, Ruth	76.60	Shivers Trading	61.63
Farrar, Rebecca	93.43	Shivers Trading	40.77
Fioritto, Amy	3.59	Shivers Trading	71.25
Fisher, Donald	5.75	Shivers Trading	59.81
Flowers, Philip	20.00	Shivers Trading	47.14
Fortenberry, Rebecca	5.49	Shivers Trading	28.10
Freeman, John	1.07	Shivers Trading	32.44
Gallardo, Juan	90.35	Shivers Trading	79.29
Gantt, Rodney	90.48	Shivers Trading	57.57
Garcia, Aladino	2.51	Shivers Trading	40.41
Germain, Christopher	41.80	Shivers Trading	97.77
Gibson, Michael	33.17	Shivers Trading	57.57
Gilmore, George	60.12	Shivers Trading	79.29
Gingles, Tara	68.83	Shivers Trading	49.76
Glazebrook, Janet	11.19	Shivers Trading	75.22
Glenn, Bobby	23.93	Shivers Trading	69.80
Gooden, Richard	14.40	Shivers Trading	52.61
Goodwin, Michaelle	15.18	Shivers Trading	40.09
Gordon, David	81.98	Shivers Trading	39.15
Graham, Nelson	81.82	Shivers Trading	63.60
Greene, Linda	1.79	Shivers Trading	82.48
Griffin, Brian	59.42	Shivers Trading	56.80
Grindle, James	1.52	Shivers Trading	46.13
Gunnings, Anna	38.57	Shivers Trading	35.51
Gutierrez, Alma	1.64	Shivers Trading	76.14
Hachat, Christy	4.62	Shivers Trading	75.98
Hadlock, Angela	54.08	Shivers Trading	82.22
Haekins, Adam	6.16	Shivers Trading	46.28
Hager, Joan	10.00	Shivers Trading	63.15
Hain, Keith	4.00	Shivers Trading	28.17
Hall, Catherina	1.62	Shivers Trading	42.69
Hall, Roger	3.66	Shivers Trading	26.85
Hall, Veronica	50.28	Shivers Trading	93.02
Hallman, Wendy	3.20	Shivers Trading	56.00
Hamilton, Palmer	20.19	Shivers Trading	41.55
Hamman, Paula	1.01	Shivers Trading	67.43
Hammer, Mary	1.30	Shivers Trading	93.84
Handsel, Mary	11.42	Shivers Trading	11.83
Hanks, Jerry	18.99	Shivers Trading	11.99
Harbinson, Lamona	5.05	Shivers Trading	68.73
Hardy, Dionna	49.52	Shivers Trading	50.58
Hardy, Dionna	89.31	Shivers Trading	55.42
Harrelson, Jason	1.26	Shivers Trading	50.86
Harrison Realty	3.79	Sigle, Suzanne	6.36
Harstin, Susan	5.95	Sikes, David	14.52
Harvey, Henry	17.01	Smith, Amanda	7.78
Hawkins, David	63.25	Smith, David	3.18
Hayes, Christine	22.57	Smith, Dewey	75.64
Heath, Aleshia	26.19	Smith, Freida	5.21
Heavner, Christopher	4.96	Smith, Merle	20.00
Heavner, Jay	21.48	Smith, Robin	2.36
Heffner, Peggy	25.72	Smith, Robin	5.00
Hefner, Sherry	7.51	Snipes, Nancy	7.18
Hegedus, Jane	40.32	Snuggs, Jeffery	5.97
Helton, Christina	42.61	Stamm, Martin	5.51
Hemby, Dawn	26.27	Standafer, Carol	14.35
Hemphill, John	1.33	Stevens, Elizabeth	1.68
Henderson, Brandon	63.92	Stillwell, William	2.23
Henley, James	34.09	Stinson, Ronnie	4.25
Henry, Patricia	99.89	Strikeleather, Thomas	4.71
Henson, Eddy	2.00	Stuck, Donald	44.57
Hercules, Yanira	16.04	Stuck, Donald	11.86

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Heustess, William	79.98	Stump, Robin	4.97
Hicks, Regina	11.32	Sturm, Jeffrey	1.77
Hicks, Regina	19.34	Taylor, Donna	8.19
Hicks, Regina	18.25	Taylor, Mary	14.25
Hicks, Regina	72.68	Tench, Ralph	2.07
Hill, Joann	10.48	Thomas, Kimberly	4.07
Hillman, Courtland	14.54	Thurber, Angela	20.37
Hillman, Courtland	70.83	Thurber, Angela	62.54
Hillman, Courtland	25.32	Todd, Naomi	1.17
Hilty, Colleen	2.14	Tomblin, Debbie	5.63
Holbert, Raleigh	1.60	Torres, Connie	2.60
Honda Lease Trust	39.07	Totherow, Danny	1.23
Honeycutt, Courtney	36.04	Townsend, Randy	1.59
Honeycutt, Courtney	6.70	Tracy, Erin	88.82
Hope, Carol	44.43	Tucker, Wesley	1.23
Hopkins, Rosalind	3.09	Tyler, James	8.71
Houck, David	13.34	Vandruff, Karla	1.12
Housemaster	2.05	Warlick, Deborah	2.00
Hovis, Paul	1.42	Warren L Tadlock Trustee For Malissa Beattie	74.99
Howard, Crystal	60.13	Warren Tadlock Trustee For Alice Bell	5.69
Howard, Crystal	60.10	Warren Tadlock Trustee For Monta Lineberger	23.70
Howze, Clay	93.14	Watson, Donna	25.69
Hudson, William	73.09	Wiggins, Virginia	4.70
Hull, Michael	97.50	Wilbanks, Teresa	2.69
Humphries, Debra	74.09	Williams, Christopher	15.53
Hunt, Johnny	77.50	Williams, Curtis	38.25
Hunter, Kermesha	1.02	Williams, Eric	37.13
Hutchins, Kenneth	1.50	Williams, Melissa	27.67
Hutchins, Kenneth	36.82	Williamson, Lorann	1.13
Irby, Charles	6.36	Williamson, Mary	6.56
Ivester, Linda	46.57	Wilson, Antigone	21.02
Jackson, Christopher	1.90	Wilson, Frederick	8.57
James, Jill	1.64	Wilson, Frederick	81.50
Jennings, Mark	1.51	Wilson, Shanon	5.21
Johnson, Kerry	54.86	Wincheter, Michelle	2.04
Johnson, Kerry	41.21	Winecoff, Annette	1.28
Johnson, Patricia	15.35	Wood, Deborah	28.24
Johnson, Sherry	32.35	Woodward, James	3.00
Johnson, Sherry	2.23	Wyatt, Marvin	8.02
Johnson, Tom	1.60	Xtreme Services	43.14
Jones, Cynthia	10.24	Xtreme Services	27.53
Jones, Jason	1.25	Xtreme Services	28.34
Khabbazi, Daniel	78.98	Xtreme Services	42.34
Kincaid, Dennis	12.14	Xtreme Services	8.97
			<u>\$11,223.60</u>

2010-043 Commissioner Price - Budget Transfers accepted as information as follows:

<u>Department</u>	<u>Account Number</u>	<u>Project #</u>	<u>Amount</u>
<u>#4120 County Manager</u>			
Mileage Reimbursement		10-4120-311-000	(300)
Postage		10-4120-325-000	(300)
Professional Services: Other		10-4120-199-000	600
<u>#4265 Public Works</u>			
Professional Services		10-4265-4265-199-000	(1000)
Advertising		10-4265-4265-370-000	1000
<u>#4380 Animal Control</u>			
Professional Services (Medical)		10-4380-193-000	(3965)
Equip/Furniture: \$250-\$4999		10-4380-530-000	3965
<u>#4380 Animal Control</u>			
Employee Development/Training		10-4380-395-000	(65)

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Legal Advertising	10-4380-391-000		65
<u>#4720 Solid Waste Department</u>			
Vehicle Maintenance – Parts	60-4720-253-000		17000
Repairs & Maintenance –	60-4720-352-000		2500
Equipment	60-4720-252-000		3000
Tires & Tubes	10-4720-251-000		(22500)
Motor Fuels & Lubricants			
<u>#4720 Solid Waste Department</u>			
Other Services	60-4720-399-000		(5000)
Miscellaneous Supplies	60-4720-299-000		5000
<u>#4800-4810 DSS</u>			
Board Member Expenditures	20-5520-4800-4810-170-000		(609)
Employee Development/Training	20-5520-4800-4810-395-000		609
<u>#4910 Planning</u>			
Clothing Allowance	10-4910-4911-185-000		(800)
Uniforms	10-4910-4911-212-000		800
<u>#4921 Travel & Tourism</u>			
Salaries	22-4921-121-000		(18200)
Temporary Help	22-4921-393-000		18200
<u>#4921 Travel & Tourism</u>			
Other Services	22-4921-399-000		(17)
Board Member Expenses	22-4921-170-000		17
<u>#5100 Health Department</u>			
Employee Development/Training	11-5100-5112-5119-395-000		(239)
Longevity	11-5100-5112-5115-127-000		196
Longevity	11-5100-5112-5119-127-000		43
<u>#5100 Health Department</u>			
Salaries	11-5100-5113-5123-121-000		(10048)
FICA	11-5100-5113-5123-181-000		(782)
Insurance	11-5100-5113-5123-183-000		(2629)
Special Programs	11-5100-5113-5123-298-000	10287-0001	13459
<u>#5582 DSS</u>			
Salaries	20-5582-121-000		(16000)
Temporary Help Services	20-5582-393-000		16000
<u>#6120 Parks and Recreation</u>			
Senior Center – Parking Facility	40-6120-590-000	08277-0001	(3929)
Park Renovations	40-6120-599-000	04032-0001	3929
<u>#6120 Parks and Recreation</u>			
Incentive Grant	40-6120-599-000	07018-0001	(289)
Engineering Fees for Park Construction	40-6120-599-000	09064-0001	289
<u>#6120 Parks and Recreation</u>			
Incentive Grant	40-6120-599-000	07018-0001	(6741)
Incentive Grant	40-6120-599-000	01054-0001	6741
<u>#6120 Parks and Recreation</u>			
Special Programs/Camp Sertoma	10-6120-298-000	10044-0001	(4600)
Special Programs/Misc. Programs	10-6120-298-000	10292-0001	4600

County Attorney's Report

2010-044 Resolution Calling a Public Hearing on Whether the Board of Commissioners for the County of Gaston, North Carolina Should Approve a Proposed Installment Financing Agreement to Finance a Portion of the Cost of Certain Facilities to Collect and Convert Landfill Gas to Electricity and Providing for Certain Related Matters; Resolution Amending and Supplementing a Resolution Designating a Recovery Zone and Providing for Certain Other Matters Relating to the Issuance

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GASTON COUNTY, NORTH CAROLINA

of Recovery Zone Economic Development Bonds of the County of Gaston, North Carolina

Chairman Price called for a motion and action was taken as set forth herewith and therein as follows:

A regular meeting of the Board of Commissioners for the County of Gaston, North Carolina, was held in the Commissioners' Room in the Gaston County Courthouse at 325 North Marietta Street, in Gastonia, North Carolina, the regular place of meeting, on January 28, 2010, at 6:00 P.M.

Present: Chairman Mickey Price, presiding, and Commissioners Joe D. Carpenter, Donnie Loftis, and John A. Torbett.

Absent: Commissioners Allen R. Fraley, Tom Keigher, Tracy L. Philbeck.

* * * * *

Commissioner Torbett introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION CALLING A PUBLIC HEARING ON WHETHER THE BOARD OF COMMISSIONERS FOR THE COUNTY OF GASTON, NORTH CAROLINA SHOULD APPROVE A PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF CERTAIN FACILITIES TO COLLECT AND CONVERT LANDFILL GAS TO ELECTRICITY AND PROVIDING FOR CERTAIN RELATED MATTERS.

WHEREAS, the County of Gaston, North Carolina (the "County") has determined to finance a portion of the cost of a project consisting of the acquisition, construction and installation of facilities with which to collect methane gas from the Gaston County Landfill and to convert such gas to electricity for sale to a utility (the "Project"); and

WHEREAS, the County is considering entering into an installment financing agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$5,800,000, with other available funds, for the construction and other accomplishment of the Project, and the County is authorized to do so only after a public hearing on such proposed agreement; and

WHEREAS, in order for interest with respect to such proposed agreement to be excludable from gross income of the recipients thereof for federal income tax purposes, the County must hold a public hearing on approving such proposed agreement in accordance with the provisions of the Internal Revenue Code of 1986, as amended;

WHEREAS, it is necessary to call a public hearing on such proposed agreement and to provide for certain related matters at this time;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County as follows:

Section 1. A public hearing shall be held at 6:00 P.M. on February 25, 2010 in the Commissioners' Room in the Gaston County Courthouse at 325 North Marietta Street, in Gastonia, North Carolina for the purpose of considering whether the Board of Commissioners for the County (the "Board") should approve such proposed agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$5,800,000, with other available funds, for the construction and other accomplishment of the Project. The County would secure the repayment by it of moneys advanced pursuant to such proposed agreement by granting a security interest in a portion of the Project and certain related property.

Section 2. The Clerk to the Board shall cause a notice of such public hearing to be published in The Gaston Gazette once at least 14 days before February 25, 2010, such notice to read substantially as follows:

NOTICE OF PUBLIC HEARING ON WHETHER THE BOARD OF COMMISSIONERS FOR THE COUNTY OF GASTON, NORTH CAROLINA SHOULD APPROVE A PROPOSED INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF CERTAIN FACILITIES TO COLLECT AND CONVERT LANDFILL GAS TO ELECTRICITY.

NOTICE IS HEREBY GIVEN of a public hearing to be held at 6:00 P.M. on February 25, 2010 in the Commissioners' Room in the Gaston County Courthouse at 325 North Marietta Street, in Gastonia, North Carolina for the purpose of considering whether the Board of

COMMISSIONER'S COURT

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GASTON COUNTY, NORTH CAROLINA

Commissioners for the County of Gaston, North Carolina (the "County") should approve a proposed installment financing agreement and certain related documents pursuant to G.S. § 160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$5,800,000, with other available funds, for the construction and other accomplishment of the Project hereinafter described. The County would secure the repayment by it of moneys advanced pursuant to such proposed agreement by granting a security interest in a portion of the Project and certain related property.

The Project consists of the acquisition, construction and installation of facilities with which to collect methane gas from the Gaston County Landfill and to convert such gas to electricity for sale to a utility. The Project is located at the Gaston County Landfill, 3155 Philadelphia Church Road, Dallas, North Carolina 28034, and includes a landfill methane gas power generation plant consisting of a building housing internal combustion engines and related switchgear, controls and other equipment that will be connected to the utility grid of the Rutherford Electric Membership Corporation. The County will be the initial owner and operator of the Project.

Any person may be heard at such public hearing regarding whether the County should approve such proposed agreement and the financing of the Project. Any person wishing to comment in writing on such matters should do so within 14 days after the date of publication of this notice to Mr. Bill Bradley, Gaston County Finance Director, P.O. Box 1578, Gastonia, North Carolina 28053-1578.

COUNTY OF GASTON, NORTH CAROLINA

Martha M. Jordan
Clerk to the Board of Commissioners
for the County of Gaston, North Carolina

Section 3. The County Manager, the Finance Director and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of such proposed agreement with the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with the negotiation of such proposed agreement and the development of the related financing; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 4. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed agreement under Article 8 of Chapter 159 of the General Statutes of North Carolina, as amended.

Section 5. The law firm of Robinson, Bradshaw and Hinson, P.A., Charlotte, North Carolina, is hereby confirmed as special counsel to the County in connection with such proposed agreement, and Davenport & Company LLC, Richmond, Virginia, is hereby confirmed as financial advisor to the County in connection with such proposed agreement.

Section 6. This resolution shall take effect immediately upon its passage.

Upon consideration of the foregoing resolution and motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Carpenter, Loftis, Price and Torbett.
Noes: None.

Thereupon Commissioner Torbett introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title: RESOLUTION AMENDING AND SUPPLEMENTING A RESOLUTION DESIGNATING A RECOVERY ZONE AND PROVIDING FOR CERTAIN OTHER MATTERS RELATING TO THE ISSUANCE OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS OF THE COUNTY OF GASTON, NORTH CAROLINA.

WHEREAS, the Board of Commissioners for the County of Gaston, North Carolina (the "County") passed on December 10, 2009 a resolution entitled: "RESOLUTION AMENDING AND SUPPLEMENTING A RESOLUTION DESIGNATING A RECOVERY ZONE AND PROVIDING FOR CERTAIN OTHER MATTERS RELATING TO THE ISSUANCE OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS OF THE COUNTY OF GASTON, NORTH CAROLINA" (the "Resolution"); and

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 1115) authorized recovery zone facility bonds to finance the construction, renovation or acquisition of depreciable property by the County as well as by a private taxpayer of a qualified business in a recovery zone; and

WHEREAS, the Board of Commissioners for the County (the "Board of Commissioners") has determined that it is in the best interest of the County and its citizens to amend and supplement the Resolution as hereinafter provided;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners as follows:

Section 1. Section 2 of the Resolution is hereby amended to read as follows:

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"Section 2. The County is seeking to finance the cost of a project that is hereinafter identified and the type of recovery zone bonds to be issued by the County pursuant to ARRA to finance the cost of such project will be recovery zone facility bonds, as described herein above (the "Bonds")."

Section 2. The officers of the County are hereby authorized and directed to file any Recovery Zone Bonds Request for Reallocation and to take any further actions that are necessary or appropriate in relation to the foregoing provisions of this resolution.

Section 3. This resolution shall take effect upon its passage.

Upon motion of Commissioner Torbett, seconded by Commissioner Loftis, the foregoing resolution entitled: "RESOLUTION AMENDING AND SUPPLEMENTING A RESOLUTION DESIGNATING A RECOVERY ZONE AND PROVIDING FOR CERTAIN OTHER MATTERS RELATING TO THE ISSUANCE OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS OF THE COUNTY OF GASTON, NORTH CAROLINA" was passed by the following vote:

Ayes: Commissioners Carpenter, Loftis, Price, and Torbett.
 Noes: None.

* * * * *

I, Martha M. Jordan, Clerk to the Board of Commissioners for the County of Gaston, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on January 28, 2010 as relates in any way to the matters described therein and that said proceedings are recorded in Minute Book No. 30 of the minutes of said Board, beginning on page and ending on page .

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Commissioners' Room in the Gaston County Courthouse at 325 North Marietta Street, in Gastonia, North Carolina, on the second and fourth Thursdays of each month at 6:00 P.M., has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this 29th day of January 2010.

Martha M. Jordan
 Clerk to the Board of Commissioners

2010-045 Commissioner Carpenter - To Authorize the Assignment of a Bid on Tax Foreclosure Property 143268

On motion introduced by Commissioner Torbett and seconded by Commissioner Loftis, the BOC unanimously authorized the assignment of a bid on tax foreclosure property on Parcel 143268, Thomas Leroy Perry, will be advertised for upset bid before finalization; it includes acceptance of a temporary easement.

2010-046 Commissioner Loftis - To Approve Assignment of Tax Foreclosure Bid

On motion introduced by Commissioner Loftis and seconded by Commissioner Carpenter, the BOC unanimously approved the assignment of tax foreclosure bid on Parcel 157450, Bobby G. Young.

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GASTON COUNTY, NORTH CAROLINA

Point of Personal Privilege: Commissioner Torbett extended grateful appreciation to retiring Master Sgt. Donnie Loftis for his service to the United States of America.

Adjournment

Chairman Price adjourned the Regular Meeting of January 28, 2010 at 7:30 pm.

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

Mickey Price, Chairman
Gaston County Board of Commissioners

Martha M. Jordan
Clerk to the Board

SEAL