

# 185

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

APRIL 22, 2010

The Gaston County Board of Commissioners (BOC) met in Regular Session on April 22, 2010 at 6:00 pm in the Commissioners Room, Gaston County Courthouse.

Chairman Mickey Price presided with Commissioners Allen R. Fraley, Vice-Chair; Tom Keigher, Donnie Loftis and Tracy L. Philbeck in attendance.

Commissioners Joe D. Carpenter and John A. Torbett were not in attendance.

Others present included Jan Winters, County Manager; Sam Shames, Assistant County Attorney; and Martha M. Jordan, Clerk to the Board.

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

## Public Hearing - City of Belmont - Belmont Board of Adjustment ETJ

Chairman Price announced the Public Hearing as advertised, explained procedures to be used and called for the motion to enter into Public Hearing.

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

On motion introduced by Commissioner Loftis and seconded by Commissioner Keigher, the BOC unanimously appointed Mr. Ken Taylor to the **Belmont Board of Adjustment** to an unexpired term ending August 2011.

## Public Hearing - Town of McAdenville - McAdenville Planning Board/Board of Adjustment ETJ

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

On motion introduced by Commissioner Keigher and seconded by Commissioner Loftis, the BOC unanimously appointed Mr. Ricky Floyd to the **McAdenville Planning Board/Board of Adjustment** to an unexpired term ending May 2012.

Chairman Price called for the motion to close the Public Hearings.

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

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**Agenda Revision/Approval**

- Added/ Commissioners Loftis & Keigher - BOC - *To Recognize the City of Gastonia's May 4, 2010 General Obligation Bond Referendum Seeking Issuance of \$32,000,000 in Debt Financing for Transportation and Parks Improvements - V., S.*
- Added/ Commissioner Philbeck - BOC - *Legislative Request: To Establish a Pilot Program in Gaston County to Require Those Persons Appearing Before a Magistrate for the Purpose of Marriage to Have Premarital Counseling - VI., L.*
- Deleted/ Finance - Finance - *Resolution Approving Certain Documents and Approving and Authorizing Certain Actions in Connection with Financing a Portion of the Cost of Certain Facilities to Collect and Convert Landfill Gas to Electricity - VII., B.*

On motion introduced by Commissioner Keigher and seconded by Commissioner Loftis, the BOC unanimously approved the Agenda of April 22, 2010 with changes as noted above.

**Approval of Minutes**

On motion introduced by Commissioner Loftis and seconded by Commissioner Keigher, the BOC unanimously approved the Minutes of the Regular Meeting of March 25, 2010.

**Citizen Recognition**

Mr. Ken Gant, Cherryville, commented regarding student scholarships; volunteers; fiduciary responsibilities; small business regulations, and expanding the manufacturing base.

Mr. Phil Stanford, representing Carolina Tractor, commented on the Gaston County Landfill Power Generation Facility; explained that Caterpillar gave a viable bid option which was \$658k lower than the proposed low bidder, Jenbacher; cited frustration about the outflow of local tax dollars for out-of-state equipment purchases and European purchases of engines not manufactured stateside; requested a delay in the BOC to discuss viable local options.

Mr. Luther Mise, Mount Holly, asked the Commission to be good stewards of the tax money and for a fair opportunity; encouraged looking at all issues and having open discussion.

Ms. Tracy LeRoy, Attorney, K & L Gates and representing Carolina Tractor, stated that Carolina Tractor received limited information throughout the bid process, certain requirements were considered being outside the bid document, the lack of County response to formal correspondence from Carolina Tractor, and questioned if the bid process satisfied the letter and spirit of the law. She supported the delay in voting request to grant due diligence and allow communications to go forward; cited portions of State Statutes; asked if the alternate bid process resulted in crucial NCGS language being written out; indicated that federal recovery funds may be used in whole or part for the project; that the Recovery Act required construction materials incorporated into a public works project to comply with buy America requirements; that Jenbacher generators would be fully manufactured in Austria, made of non U.S. components and imported into the County fully assembled requiring only simple installation by the site contractor without undergoing substantial transformation as required by the Federal Recovery Act.

Chairman Price thanked the speakers.

**Consent Agenda**

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

**2010-109 Commissioner Carpenter - Public Works - Authorized a Surplus Auction for the Disposal of Surplus Equipment/Furniture Under the NCGS 160A-266 as follows:**

Gaston County Surplus Property Inventory			
Amount	Equipment	Amount	Equipment
7	Light Posts	1	Oil Filter Crusher
67	Chairs	2	Auto Claves
36	Desks	3	Printer Stands
17	Tables	2	Pallets of Surplus Radio Parts
6	Televisions	14	Boxes of Black Uniform pants
5	Exam Stands	3	Racks of Radio Equipment
3	Wooden Shelve Units	1	Printer
2	Treadmills	1	Pallet of Computer Parts
1	Exam Table	1	Pallet of Radio Equipment
6	Typewriters	7	Recliners
1	Basketball Goal	2	Sofas
7	File Cabinets	3	Exam Lights
4	Metal Shelve Units	5	Scales
3	Pallets of Shelve Parts	1	Blood Pressure Machine
4	Desk Calculators	2	Projectors
1	Copier	1	TV Stand
2	Plotters	1	Video Tripod
5	Sets of Sectional Seating	1	Pallet of Miscellaneous Desk parts
17	Library Book Shelves	1	Pallet of Lawn Equipment
1	Exercise Frame with Cables	1	Floor Machine
1	Air Compressor	2	Sections of Fencing
2	Washing Machines	3	Tire Changing Machines
3	Dryers	1	Transmission Stand

**2010-110 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
April 12, 2010 (Real Estate)		
Baldwin, Pamela H.		\$200.00
Barber, Tammy M.		\$105.85
Buff, David Jenkins		\$117.71
BZT Investments, Inc.		106.47
Calhoun, Charles Douglas		\$128.03
Davis, Martha G.		\$120.73
Davis, Martha Greene		\$106.75
Dixon, Donnie R.		\$160.00
Echols, Purser & Glenn PLL		\$1,417.25
First American R/E Tax Service		\$240.00
First American R/E Tax Service	McKnight, Marie Elizabeth	\$302.06
First American R/E Tax Service	Smith, William Reagan	\$523.34
First American R/E Tax Service	Boling, Ron & Joann	\$800.00
First American R/E Tax Service		\$699.43
Gitsco		\$376.12
Habitat for Humanity		\$240.10
Hamrick, Bradley D.		\$129.91
Harkey, Roger Dale		\$216.96
Harkey, Roger Dale		\$214.03

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Harkey, Roger Dale	\$346.02
Harkey, Roger Dale	\$344.12
Harkey, Roger Dale	\$344.12
Hester, Oran Wayne	\$106.79
Huffstetler, Nola R.	\$360.30
Hyde, Mark R.	\$1,046.11
Jackson, Robert Lee Life Estate	\$115.82
Jenkins, Kathryn L.	\$220.70
Jordan, Cathy Leathco Life Est.	\$150.00
Klocke, Kelly Griffin	\$107.59
Locklear, Daterly	\$108.98
Martin, Eunice Collett	\$413.26
McCorkle, Geraldine	\$100.02
McMahon, Kimberly Dawn	\$263.00
Messer, Harry E.	\$250.00
Miranda, Genaro	\$200.65
Mount Holly Family Practice	\$3,611.95
Neeley, Frances Conrad	\$167.90
Newman, Wanda Gunter	\$173.26
Odom, Amy	\$118.72
Ogu, Chinwe	\$187.95
Penticuff, Clarence M.	\$610.41
Penticuff, Clarence M.	\$617.28
Putman, Sharon Q.	\$189.48
Randall, Tracy Glenn	\$196.13
Randall, Tracy Glenn	\$103.18
Reynolds, Peter Quentin	\$170.31
Smith, Dwight Lyndon	\$173.44
Smith, Jeffrey Scott	\$110.00
Smith, Steven V.	\$102.15
Stout, Mark A.	\$308.94
Tench, Ralph Glenn	\$412.86
Thompson, Susan W.	\$142.00
Walsh, Genevieve M.	\$122.53
Warren L. Tadlock	\$105.94
Warren Moss Realty, Inc.	\$183.72
Willis, Justin	145.08
Wolford, Glenn A.	\$390.75
Zinna, Joseph M.	\$314.46
	\$19,340.66
April 12, 2010 (Vehicles)	
Adams, Darlene Allison	\$112.40
Adams, Joseph	\$387.85
Albright, Sharon Lynn	\$136.34
Allen, Matthew Scott	\$115.44
Anderson, Christopher Shane	\$122.95
Anderson, Debbie Annette	\$859.75
Anderson, Melinda	\$104.87
Aschmann Media Group LLC	\$157.86
Ashe, Bryan Lee	\$329.25
Automotive Rentals, Inc.	\$274.63
Automotive Rentals, Inc.	\$274.63
Badger, Teresa Thomas	\$123.05
Ballard, David Raymond Jr.	\$111.49
Barker, Michelle Beck	\$121.50
Bell, Erica	\$108.49
Bell, Erica	\$150.70
Bell, Tamesha Yvette	\$183.85
Bell, William Travis	\$116.69
Berg, Tiaffani Marie	\$136.79
Berrier, Casey Miles	\$125.04
Black, Andrew Ryan	\$141.51
Bolder, Nettie Mackins	\$146.66

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Boyd, Brenda White	\$292.97
Boyles, Leana	\$158.49
Boyles, Misty	\$258.00
Breakfield, Cori Lorraine	\$139.73
Breakfield, Melvin Lee Jr.	\$114.18
Brice, Maranda Albertina	\$282.47
Brooks, Nicholas Shane	\$125.03
Brown, Edgar Noland	\$100.44
Brown, James E.	\$100.36
Brown, Jessica Leigh	\$153.89
Brown, Steven Christopher	\$117.24
Brown, Steven Christopher	\$122.76
Bullard, Kenneth Owen	\$154.84
Bumgardner, David Ronald Jr.	\$179.76
Burnett, Kenneth Ray II	\$113.12
Busshart, William Patrick	\$249.01
Butler, Tracie Stone	\$145.95
Caldwell, Chad Everette	\$121.50
Caldwell, David Llewellyn	\$365.73
Campos, Jose Valeriano	\$121.50
Carpenter, Douglas Lee	\$132.57
Carter, Daniel Ray	\$115.51
Chalin, Eugene Dieudonne J.	\$498.60
Chewning, Roy Steven Jr.	\$118.95
Childers, Amy Lynn	\$119.20
Clark, Robin Elvis	\$106.06
Clawson, Laura Elizabeth	\$114.33
Clemmer, Kristian Lewis	\$173.79
Coleman, Jimmy Lynn	\$212.23
Collins, Lisa Marie	\$104.68
Costa, Sheena Ree	\$564.15
Cozart, Robert Anthony	\$183.55
Craig, Giles Edward	\$154.57
Creech, Jennifer W.	\$253.71
Dalton, Brad Jason	\$160.12
Davidson, Richard Paul	\$250.78
Digitrol, Inc.	\$459.30
Dimmer, Deanna Lee	\$264.43
Dixon, Eric Lynn	\$106.87
Dockery, Scott Charles	\$185.41
Donaldson, Adam Dale	\$345.81
Duff, sharese	\$275.95
Duncan, William Max	\$110.27
Dyer, Fred McCorkle III	\$172.57
Evans, William Edward Jr.	\$349.64
Falls, Norman Eugene Jr.	\$314.14
Farley, Sheila Teru	\$130.72
Formica, Charles George	\$247.80
Gantt, Brian Jason	\$198.92
Gaston County EMS	\$109.53
Gaston County EMS	\$199.39
Gaston County Interfaith	\$238.38
Gill, Donieta Louise	\$110.87
Goins, Justin Walton	\$215.71
Gossett, Joseph Eric	\$119.43
Graham, Rosalind Crawford	\$108.31
Grier, Jerry Lane	\$320.59
Guadarrama, Guillermo A.	\$403.17
Hager, Brent Joshua	\$140.00
Hamrick, Bradley Douglas	\$130.39
Harris, Archie III	\$108.50
Haselmyer, Carlos Randolph	\$171.88
Henderson, Michael Wayne	\$107.98

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Henderson, Michael Wayne	\$156.71
Henderson, Sylvia Diane	\$109.17
Hendrix, Tammy Lynn	\$216.08
Henning, Brittany Dawn	\$106.89
Hester, Kenneth Edwin	\$210.12
Heustess, Robert Branch	\$102.76
Hilton, Jessica Lee Anne	\$160.34
Hinson, Teddie Timothy	\$202.55
Hooper, Penny Owen	\$138.73
Hulsey, Paul Jesse Jr.	\$207.33
Humphrey, Ralph Calahan	\$148.46
Hunt, Rokia Deshawn	\$217.70
Ingle, Kemp Michael	\$262.00
Ivester, Harold Dean	\$146.30
Jeffress, Jennifer D.	\$201.52
Johnson, Douglas George	\$326.56
Johnson, Michael Scott	\$233.81
Johnstone, Paul Howard Jr.	\$107.28
Jones, Jason William	\$152.83
June, Robert Edward	\$249.94
June, Robert Edward	\$193.98
Keirn, Roy A.	\$153.16
Kernea, Douglas Howard	\$176.33
Lawing, Gene Dale	\$106.26
Lawing, William Edward	\$209.41
Ledford, Timothy Ray	\$150.24
Loftis, Donnie	\$196.41
Lomick, Rufus Jay Jr.	\$118.12
Long, Elizabeth Hill	\$135.58
Lopez, Cynthia Monserrat	\$103.77
Lopez, Cynthia Monserrat	\$111.20
Lowery, Claudette Moore	\$191.00
Lyles, William Edward	\$152.42
Mack, Courtney Dion	\$212.76
Mackey, Paul Gilbert Jr.	\$245.93
Marlow, Laura Ann	\$142.65
Marr, Charles Donald	\$153.63
Martin, Kimberly Susan	\$114.42
Martinez, Jesus Garcia	\$103.72
Mason, Margaret Garmon	\$133.70
McCorkle, Lisa Michelle	\$103.05
McCraw, Danielle Paige	\$143.79
McKenzie, James Dale	\$142.99
McKinney, Veronica	\$111.19
McNeil, Sabrina Jeneen	\$213.66
McPherson, Michael Thomas	\$170.80
McWilliams Center	\$157.32
Meeks, Ernest James	\$180.14
Meeks, Teresa McGee	\$237.48
Mena, Fabiola De Jesus	\$120.00
Meza, Jesus Bravo	\$184.32
Middleton, Phillip Dean	\$232.36
Miller, Robert Christopher	\$118.14
Mize, Jonathan Adam	\$162.74
Mobley, Rex Arnold	\$148.37
Moore, Sandra Kay	\$235.41
Morison, Josephine Phillip	\$303.05
Morris, Benjamin Micah	\$273.04
Moss, Jessica Allen	\$108.59
Mullins, Michelle	\$133.51
Myers, Christopher Gene	\$104.95
Neely, Valerie Moore	\$167.27
Nicholson, Franklin Lee	\$254.28

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Omeara, Paul Michael	\$361.33
Overbeck, Charles Wesley	\$229.88
Parkdale America LLC	\$118.19
Paychex	\$151.85
Paz, Cindy Renee	\$215.52
Pearson, Susan Weathers	\$100.49
Phifer, Jennifer Brooke	\$146.46
Place, Judith Durant	\$111.38
Plavocos, Adam	\$254.74
Pridgen, Samuel Eugene	\$145.34
Punch, George Alvin	\$309.81
Rhodes, Jerry Neil	\$158.65
Rickle, Layne Cary	\$119.01
Ross, Michael Anthony	\$102.35
Ryan, James Allen	\$194.45
Sanders, Monique Trovay	\$152.20
Sedillo, Gina Marie	\$120.04
Seely, David	\$322.79
Self, Cletus Dwayne	\$195.01
Self, Dennis Gary	\$211.39
Sellers, Wiley Michael	\$177.20
Shamblin, Daniel	\$179.54
Sherrill, Jeremy Wayne	\$152.81
Shirlen, Timothy Dwayne	\$148.55
Short, Travis Eugene	\$228.87
Silvers, Deborah Ray	\$125.12
Skinner, Michelle Jacobson	\$104.92
Smarr, Marion	\$150.46
Smith, Joseph Branch	\$114.14
Smith, Melissa Kaye	\$176.54
Smith, Sherry Rhyne	\$218.77
Snipes, Jordan Terrell	\$109.02
Starcher, Susan	\$114.18
Stewart, Brandi Nicole	\$100.23
Stokes, Michael Anthony	\$133.20
Superior Seeding, Inc.	\$376.72
Taylor, Gerald Lester	\$135.38
Teems, Phyllis Ward	\$129.77
Thompson, Susan Wilkinson	\$113.65
Tolbert, Thomas Ray	\$290.75
Torres, David	\$148.59
Townsend, James Orville Jr.	\$287.32
Truitt, Charlene Burtleson	\$134.36
Turner, Joel L.	\$305.90
Uribe, Jorge Ivan	\$196.87
Vanderpool, Kenneth Wayne	\$180.64
Walden, Tina Michelle	\$156.68
Walker, Gordon Bryant	\$118.75
Walker, Richard Franklin	\$159.64
Wallace, Dana Lynn	\$118.01
Wallace, Jonathan O'Neil	\$206.99
Warren L. Tadlock	\$107.69
Weaver, Joshua Shane	\$104.95
Williams, John Taylor Jr.	\$238.69
Williams, Kevin Lamont	\$295.13
Williams, Patsy Farris	\$156.34
Willis, Jo Ann Devins	\$184.77
Wilson, Julia Wilson	\$104.71
Wise, Randy Dale	\$128.89
Woodring, Julie Davenport	\$161.55
Woody, Angela Regina	\$176.32
Besser, Jay & Jennifer	





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- 2010-116 Commissioner Philbeck - BOC - Adopted Resolution In Memoriam of Mr. John Melvin Rayfield.**
- 2010-117 Commissioner Philbeck - Police - Approved Grant Funding Received from the NC Department of Crime Control and Public Safety/Homeland Security per Budget Change Request:**
- |  |              |         |            |             |
|--|--------------|---------|------------|-------------|
| Homeland Security Grant                            | 10-4310-4310 | 321-540 |            | [72,420.00] |
| Special Grants: Homeland Security Grant: Equipment | 10-4310-4310 | 620-000 | 10347-0001 | 72,420.00   |
- 2010-118 Commissioner Philbeck - County Police - Approved Sole-source Product to Implement "ProQA EFD" (Protocol System for Fire Dispatch).**
- 2010-119 Commissioner Price - Proclaimed Volunteer Week for April 18-24, 2010.**
- 2010-120 Commissioner Price - Proclaimed Public Safety Telecommunications Week for April 11-17, 2010.**
- 2010-121 Commissioner Price - Proclaimed Public Health Month for April 2010.**
- 2010-122 Commissioner Price - EDC - Accepted and Appropriated a One North Carolina Fund Grant for the Wilbert, Inc. Economic Development Project and authorized the Chairman to execute performance agreements related to the grant per Budget Change Request:**
- |                                |                      |  |            |            |
|--------------------------------|----------------------|--|------------|------------|
| One NC Grant: Wilbert Plastics | 40-4920-4929-322-536 |  |            | (\$82,000) |
| One NC Grant: Wilbert Plastics | 40-4920-4929-590-000 |  | 10346-0001 | \$82,000   |
- 2010-123 Commissioner Price - Proclaimed Law Enforcement Week May 9-25, 2010 & Peace Officer's Memorial Day for May 15, 2010.**
- 2010-124 Commissioner Price - Parks & Recreation - Accepted and Appropriated Fees and Sponsorships for Gaston County Senior Games per Budget Change Request:**
- |                        |                 |  |             |           |
|------------------------|-----------------|--|-------------|-----------|
| Senior Ctr: Event Fees | 10-6130-412-506 |  |             | (\$1,500) |
| Donations-Seniors      | 10-6130-840-501 |  |             | (\$650)   |
| Special Programs       | 10-6130-298-000 |  | #10311-0001 | \$2,150   |
- 2010-125 Commissioner Price - Health - Transferred Funds for the Purchase of Contraceptives and Program Supplies for the Family Planning Clinic per Budget Change Request:**
- |                                 |                      |  |  |            |
|---------------------------------|----------------------|--|--|------------|
| Professional Services - Medical | 11-5100-5130-193-000 |  |  | (\$80,000) |
| Employee Development/Training   | 11-5100-5130-395-000 |  |  | (\$3,000)  |
| Dues & Subscriptions            | 11-5100-5130-491-000 |  |  | (\$1,500)  |
| Program Supplies                | 11-5100-5130-237-000 |  |  | \$4,500    |
| Drugs                           | 11-5100-5130-238-000 |  |  | \$80,000   |
- 2010-126 Commissioner Torbett - Commended CaroMont Health as follows:**

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WHEREAS, Gaston Memorial Hospital, the 5<sup>th</sup> largest hospital in the Charlotte region, has been named to the "Thomson Reuters 100 Top Hospitals" - one of the twenty to be so named and the only hospital in the State of North Carolina to be named to the Reuters list; and,

WHEREAS, the twenty hospitals were evaluated on "mortality, medical complications, patient safety, average length of stay, expenses, profitability, patient satisfaction, adherence to clinical standards of care, and post-discharge mortality and readmission rates for acute myocardial infarction, health failure and pneumonia"; and,

WHEREAS, historically, the people of Gaston County share an intense pride in the Hospital, which was originally formed to be ". . . an adequate and perpetually useful memorial . . . to those Gaston County Veterans of World War II. . . ." In 1945 Gaston American Legion Post 23 and a group of leading citizens embarked on a project to provide more adequate hospital facilities. Funds for the project were contributed by citizens who gave one days pay as well as businesses of the County. A private group of owners used these funds to purchase the Old City Hospital on Highland Street and in 1946, Gaston Memorial Hospital was incorporated as a not-for-profit corporation. Throughout the next 64 years new agreements were formed, a new Hospital facility was constructed by Gaston County and new political and administrative leadership took the helm and Gaston Memorial Hospital/CaroMont continued to grow, prosper, and provide excellent health to people entering its doors; and,

WHEREAS, the success of Gaston Memorial Hospital/CaroMont has now reached national acclaim and the County Commission takes this opportunity to recognize and praise the Hospital's leadership and employees' dedication for aggressively providing excellent health care to the people of Gaston County and the surrounding region.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners commends the staff of Gaston Memorial Hospital/CaroMont, past and present, including its Chief Executive Officers, Administrators, Doctors, Nurses and Operating Staff for continuing to provide excellent healthcare for the County and the surrounding region and extends its sincere congratulations to them upon being named one of the

"Thomson Reuters 100 Top Hospitals."

BE IT FURTHER RESOLVED that this resolution is to be set forth in the Minutes of the April 22, 2010 County Commission meeting.

**2010-127 Commissioners Loftis & Keigher - BOC - To Recognize the City of Gastonia's May 4, 2010 General Obligation Bond Referendum Seeking Issuance of \$32,000,000 in Debt Financing for Transportation and Parks Improvements**

Commissioner Keigher reiterated that "property easements, including abandoned railway lines, will only be acquired from willing property owners and no condemnation will be used."

Commissioner Philbeck stated that NC-DOT had indicated they could install a culvert to save money; that the project would cost millions more if used for the Carolina Thread Trail (CTT); indicated that he wanted to make sure that the BOC was not supporting something that would take away from the vital I-85/321 corridor project.

Chairman Price questioned if there would be a problem with adoption this evening with comments posed by Commissioners Keigher and Philbeck.

The County Manager indicated "no"; the connection of the CTT from one area to another had not been designed as yet; no approval by NC-DOT; will work with the City of Gastonia and NC-DOT through the process in an effort to avoid the cost just mentioned.

**Legislative Requests**

On motion introduced by Commissioner Loftis and seconded by Commissioner Philbeck, the following Legislative Requests were prioritized as set forth herewith. Chairman Price called for the vote and

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the 2010 Legislative Requests were unanimously adopted as follows:

- 2010-128 Legislative Request: To Support the Preservation and Extension of the North Carolina 3J Tax Credits.**
- 2010-129 Legislative Request: To Fund Workforce Development for Gaston College.**
- 2010-130 Legislative Request: Modification of N.C.G.S. §159-8(b) to Allow Change in Local Government Fiscal Year.**
- 2010-131 Legislative Request: To Support an Act to Protect the Freedom to Choose Health Care and Health Insurance (House Bill Draft 2009-mg-85c [V.1] (01/20)).**
- 2010-132 Legislative Request: To Support State Funding for the Mountain Island Educational State Forest.**
- 2010-133 Legislative Request: To Support the Defense of Marriage Act.**
- 2010-134 Legislative Request: To Oppose Transfer of Secondary Road Program to Counties.**
- 2010-135 Legislative Request: To Oppose Tort Claims Bills (Senate Bill 1026 and House Bill 1476).**
- 2010-136 Legislative Request: To Support Senate Bill 32 and to Respectfully Request an Amendment.**
- 2010-137 Legislative Request: To Use Electronic Message Boards to Alert Motorist to be More Acutely Aware of the Dangers of Motorcyclists and to "Look Twice and Save a Life".**
- 2010-138 Legislative Request: To Encourage the State of North Carolina to Acquire Two Inholdings of 57.5 Acres for Inclusion within Crowders Mountain State Park.**
- 2010-139 Legislative Request: To Establish a Pilot Program in Gaston County to Require Those Persons Appearing Before A Magistrate for the Purpose of Marriage to Have Premarital Counseling.**
- 2010-140 Commissioner Philbeck - Public Works - To Authorize the County Manager to Execute a Construction Contract with Hickory Construction Company Totaling \$6,778,902 to Construct the Gaston County Landfill Power Generation Facility (*Recovery Zone Facility Bonds, Solid Waste Fund Balance*)**

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Commissioner Philbeck introduced the motion to approve. Commissioner Keigher provided the second.

The County Manager advised that the recommended bid consisted of three generators and was clearly the lowest bid.

The Public Works Director, Mr. Ray Maxwell, related that Hickory Construction submitted Alternate 1 with Catepillar supplying the generator equipment and Alternate 2 with GE-Jenbacher supplying the generator equipment; Alternate 1 provides two engines and generator sets; Alternate 2 provides three engines and generator sets; staff comparisons resulted in no difference; three generators would produce more electricity and more revenue for the County. Mr. Maxwell stated that the project was fully funded via the self supporting Solid Waste Enterprise Fund; revenue pays the debt service, maintenance, etc.; involves no property tax money; three engines would produce \$4.5M in additional revenue over a ten year period; some additional funds would be required to install the third generator set.

Responding to Commissioner Philbeck, Mr. Maxwell clarified that Alternate 1 for Hickory/Catepillar was \$658k lower than Alternate 2 for Hickory/GE-Jenbacher; all bidders were advised to bid Alternates 1 & 2 or be considered non-responsive; total equipment for Alternate 1 for Catepillar was \$2,536,000 or \$1,268,000/unit; Alternate 2 for GE-Jenbacher was \$3,194,000 or \$1,065,000/unit; bidders were provided with instructions on how to submit questions; all questions were responded to; a process was also in place to allow other manufacturers to submit their equipment for consideration; the County's bid process was to select the general contractor.

Mr. Patrick Wooten, representing GE-Jenbacher, stated that GE performs substantial transformation in the U.S.; provided locations; American Recovery Act (ARA) (Stimulus Funds) did not contain requirements as to where parts are sourced; it does contain requirements as to work/labor in regard to the final substantially transformed product in the U.S.; stated that the GE-Jenbacher product would muster "Buy America".

Responding to Commissioner Philbeck, the Assistant County Attorney assured that he had no reservations about the transaction; that having read some of the provisions of the Act that the product did meet "Buy America" requirements.

Commissioner Fraley asked if it didn't pass muster with "Buy America" if GE was going to step up financially to take care of costs.

Mr. Wooten responded "yes"; explained what GE would provide, advised that the three engine solution would be 4.2 megawatts of output and the two engines would be 3.2 megawatts; that the life cycle and maintenance costs would make a significant impact; that Nixon Energy had submitted that information on the proposal.

Mr. Maxwell reported that an indepth analysis of both Catepillar and GE equipment was accomplished prior to bid release including debt service based on bids from Bank of America, maintenance costs

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provided by both bidders on their specific equipment, County facility costs, labor, maintenance, and a replacement sinking fund to replace units without additional debt.

Citing the \$6.7M expenditure, the County Manager advised that Mr. Maxwell had visited West coast operators utilizing the GE engines; checked experiences, reliability, and maintenance costs; the initial plan was for two engines with a third being added in 4-5 years; tried the alternate for three engines; was surprised that the additional cost for the third engine made the numbers work for a \$4M savings over ten years which resulted in a change to three engines due to the large amount of savings; questioned manufacturers about qualifying for "Buy America;" was satisfied with being made whole due to any challenge or lost interest.

Responding to Commissioner Loftis, Mr. Maxwell related information about site visits with operators utilizing each manufacturer's equipment, checked out maintenance frequency, support capability, emissions, and air quality requirements; will have to measure facility emission once Title 5 Non-attainment is reached; checked ease of repair; availability of spare parts and delivery time involved; guaranteed maintenance pricing; staff ranked items on information provided; no major difference in the two products. Mr. Maxwell related that the financing for the project had been deleted from this Agenda; that this meeting would be recessed to the 5/13 Work Session in order to take up the financing; encouraged adoption of the Board Action to approve Hickory Construction Company; cited that it was time sensitive to get the facility up and running in order to meet the County's commitment with Duke Energy.

Mr. Phil Standford, Catepillar representative, advised that Catepillar was the only company that manufactured the engine in the U.S.; parts network is the same one feeding the County's landfill compactors; did not offer a three engine solution as the County had narrowed down, via consultants, and asked specifically for the 1600 kilowatt option; Catepillar provided preliminary pricing on what was asked for prior to going through the general contractors; the bid document says "lowest responsive bidder" and not unit price; this was the best option that Catepillar could provide that would be the lowest up front cost although there were other options; maintenance would outweigh anything paid up front for the equipment.

Responding to Commissioner Keigher, Mr. Maxwell related that the maintenance agreement costs were requested from both companies; those numbers were verified and plugged in; over the 10 year course, the costs ranged from \$700k to close to \$1M/year for Catepillar and from \$900k to a little over \$1M for GE; those numbers were factored in; bids specified 3200 kilowatts of production capacity for Alternate 1 and 4200 for Alternate 2; the County contracts with the general contractor not the supplier; contract calls for the general contractor to list who he would provide for Alternate 1 and for Alternate 2; not privy to the general contractor's bid information; just see the major suppliers; Hickory listed GE for Alternate 1 and Catepillar for Alternate 2.

Mr. Standford encouraged the County to nail down the maintenance indicating that Catepillar provided a budgetary price for maintenance; equipment would operate 8,000 hours/year; experience is that maintenance should be detailed.

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Mr. Bryan Phillips, President and CEO of Nixon Energy Solutions and the prevailing bidder, related that GE engines were substantially transformed in the U.S.; commented on the Buy America clause; stated that the closed bid process was entirely done by the numbers; suggested that vendors had been treated fairly.

Chairman Price asked if the six bidders could have used whatever engine they so chose.

Mr. Maxwell responded “absolutely” with the exception that each manufacturer had to be approved by the County’s consultants; all six bidders listed engines for Alternate 1 and Alternate 2; general contractor does not change regardless of bidder; County staff deals with the general contractor; maintenance categories were ranked numerically with weighted importance; have no equipment preference; it comes down to dollars and cents.

The County Manager stated that the County stretched itself financially going to three engines to capture the significant \$4M revenue increase; encouraged the BOC to approve the Board Action.

Responding to Chairman Price as to legalities, Mr. Shames stated that the County was absolutely okay.

Chairman Price called for the vote and the motion carried unanimously to authorize the County Manager to execute a construction contract with Hickory Construction Company totaling \$6,778,902 to construct the Gaston County Landfill Power Generation Facility, per Budget Change Request as follows:

1. Hickory Construction Company	Hickory, NC		\$ 6,778,902
2. Century Contractors, Inc.	Matthews, NC		\$ 7,043,673
3. Crowder Construction Company	Apex, NC		\$ 7,342,307
4. Hall Contracting Corporation	Charlotte, NC		\$ 7,411,980
5. State Utility Contractors, Inc.	Monroe, NC		\$ 8,273,000
6. SCS Field Services, inc.	Long Beach, CA		\$10,084,005
Other Improve. & Capital Outlay	60-4720-590-000	10352-0001	\$402,786
Other Improve. & Capital Outlay	60-4720-590-000	10351-0001	\$6,778,902
Installment Loan Proceeds	60-8300-912-500		(\$5,800,000)
Issuance Cost	60-4720-199-006		\$100,000
Fund Balance Appropriated	60-9900-991-500		(1,481,688)

**DELETED Finance - Resolution Approving Certain Documents and Approving and Authorizing Certain Actions in Connection with Financing a Portion of the Cost of Certain Facilities to Collect and Convert Landfill Gas to Electricity (To be addressed in Recessed Meeting on May 13, 2010.)**

Appointments

On motion introduced by Commissioner Fraley and seconded by Commissioner Price, the BOC unanimously appointed Reverend Ronald Kinsey to the **Family Advisory Board** to a term ending

May 2012.

On motions introduced and seconded, the following individuals were unanimously reappointed to the **Women's Advisory Board**:

<u>Motion Introduced</u>	<u>Seconded</u>	<u>Appointee</u>	<u>Term Ending</u>
Commissioner Fraley	Commissioner Price	Ms. Debbe Arnette	April 2012
Commissioner Loftis	Commissioner Price	Ms. Ceretha Butler	April 2012
Commissioner Philbeck	Commissioner Price	Ms. Reesie Thomasson	April 2012

On behalf of Commissioner Carpenter and on motion introduced by Commissioner Philbeck and seconded by Commissioner Keigher, the BOC unanimously appointed Mr. William Fobell to the **Animal Control Task Force Advisory Board** to a term ending March 2011.

On behalf of Commissioner Carpenter and on motion introduced by Commissioner Philbeck and seconded by Commissioner Keigher, the BOC unanimously appointed Ms. Clara Lowery to the **Nursing Home Community Advisory Committee** to a term ending April 2011.

On behalf of Commissioner Carpenter and on motion introduced by Commissioner Philbeck and seconded by Commissioner Keigher, the BOC unanimously reappointed Mr. Robert Becker to the **Personnel Advisory Board** to a term ending April 2013.

On behalf of Commissioner Carpenter and on motion introduced by Commissioner Philbeck and seconded by Commissioner Keigher, the BOC unanimously appointed Mr. John Watts to the **SARA Local Planning Committee (SARA)** to a term ending January 2011.

On motion introduced by Commissioner Price and seconded by Commissioner Keigher, the BOC unanimously reappointed Mr. Jonathan App to the **Housing Appeal Advisory Board** to a term ending February 2013.

On motion introduced by Commissioner Loftis and seconded by Commissioner Fraley, the BOC unanimously reappointed Mr. David Williams to the **Lake Norman Rural Transportation Planning Organization (RPO)** to a term ending April 2012.

### Commissioners Committee Reports

Commissioner Loftis reported meeting with GEMS Director to discuss current rescue squad reimbursements, calls being run, and increase in personnel response rates resulting in fewer calls for certain squads to get the \$75 reimbursement; will meet again and provide BOC with a recommendation prior to budget deliberations; spoke to Commissioner Carpenter about P&N Railroad; \$500k County commitment; suggested contacting Mr. Westmoreland, NC-DOT, and asking for a voting seat regarding lease determinations; Commissioner Carpenter has indicated availability; needs to be done quickly due to two week window of opportunity; need to communicate this to Mr. Westmoreland.

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Chairman Price directed the Clerk to get with Commissioners Carpenter and Loftis and prepare a letter requesting BOC representation and if the seat is granted, Commissioner Carpenter will be available to serve.

Commissioner Philbeck reported meeting attendance to COG’s Economic Development Division along with Commissioner Carpenter; discussed *Reventure Park*; involves private investors in green industry technology; looking at Clariant in Mount Holly for a multimillion dollar project; *Brown Field Sites*: Two located in the County; regional grants are available via COG for clean up; *ETJ*: Staff met with City of Gastonia regarding relinquishment of its ETJ; ready to work; in City’s hands.

Commissioner Keigher advised that the *Gaston College* President had indicated that she had no authority to submit the College budget although already approved by the Board of Trustees; recommended that County Manager apply the appropriate percentages to reduce last years approved College budget; attended DSS Board meeting today; work continues on budget; requesting eleven new positions; would require \$250k +/- for fiscal year with federal/state monies; introduced Mrs. Cathy Cloninger, Shelter Director, for an announcement.

Mrs. Cloninger reported that the *Shelter had raised \$500k* toward its expansion; received \$187k donation from a family today.

Commissioner Keigher also announced the death of Marilyn Best, former Bessemer City Councilwoman; asked Wayne Massagee to convey BOC condolences to her family.

Responding to Chairman Price, Mrs. Cloninger announced the *Second Annual Walk the Course Against Domestic Violence* on Tuesday, April 27<sup>th</sup>, Quail Hollow County Club, by the PGA Tour Wives and Avon Foundation for Women.

Chairman Price reported attendance to 4/21 GFHS meeting; announced grand opening of the Highland Health Center on July 13, 4:00 pm; conducted Senior Games welcome at Belmont Abbey College last Saturday; 213 senior participants; top three winners in each category will move to State competition in Raleigh and on to the national competition in Kansas.

Commissioner Keigher encouraged citizens to vote; can vote early at Citizens Resource Center and the Elections Board, 8:30 am - 5:00 pm.

**County Manager’s Report**

No report.

**2010-141 Commissioner Price - Budget Transfers** accepted as information as follows:

<u>Department</u>	<u>Account Number</u>	<u>Project #</u>	<u>Amount</u>
#4130 Finance			
Office Supplies	10-4130-260-000		(270)
Repairs & Maint: Equipment	10-4130-352-000		270
#4131 Budget & Purchasing			
Comm. Equip. Maint.	10-4310-4310-356-000		(7161)



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Comm. Equip. Maint.	10-4311-356-000		(374)
Comm. Equip. Maint.	10-4315-4315-356-000		(1603)
Comm. Equip. Maint.	10-4330-356-000		(53)
Comm. Equip. Maint.	10-4340-356-000		(321)
Comm. Equip. Maint.	10-4370-356-000		(1496)
Equip/Furniture \$5,000-\$99,999	10-4311-356-000		11008
<u>#4265 Public Works</u>			
Other Services	10-4265-4265-399-000		(1500)
Software Rental	10-4265-4265-422-000		1500
<u>#4310 County Police</u>			
Professional Services	10-4310-4310-199-000		(2000)
Professional Services	10-4310-4328-199-000		(1500)
Miscellaneous	10-4310-4310-299-000		(2169)
Miscellaneous	10-4310-4328-299-000		(1131)
Other Services	10-4310-4310-399-000		6800
<u>#4311 Communications</u>			
Employee Development	10-4311-395-000		(4000)
Professional Services	10-4311-199-000		4000
<u>#4380 Animal Control</u>			
Equipment Maintenance	10-4380-352-000		(5992)
Equipment/Furniture	10-4380-530-000		5992
<u>#4920 EDC</u>			
Printing	10-4920-4920-341-000		(1130)
Equip/Furn: \$250-\$4,999	10-4920-4920-530-000		1130
<u>#4920 EDC</u>			
Office Supplies/Materials	10-4920-4920-260-000		(377)
Equip/Furn: \$250-\$4,999	10-4920-4920-530-000		377
<u>#5100 Health Department</u>			
Salaries – Full	11-5100-5116-121-000		(5982)
FICA	11-5100-5116-181-000		(480)
Retirement	11-5100-5116-182-000		(294)
Special Programs	11-5100-5116-298-000	10021-0001	6756
<u>#5100 Health Department</u>			
Salaries	11-5100-5110-121-000		(21603)
FICA	11-5100-5110-181-000		(1653)
Retirement	11-5100-5110-182-000		(1056)
Other Services	11-5100-5110-399-000		24312
<u>#5100 Health Department</u>			
Salary	11-5100-5112-5115-121-000		(12634)
FICA	11-5100-5112-5115-181-000		(1025)
Retirement	11-5100-5112-5115-182-000		(618)
Insurance	11-5100-5112-5115-183-000		(2836)
Program Supplies	11-5100-5112-5115-237-000		3000
Special Programs	11-5100-5112-5115-298-000	10344-0001	2500
Special Programs	11-5100-5112-5115-298-000	10345-0001	11613
<u>#5100 Health Department</u>			
Program Supplies	11-5100-5113-5121-237-000		(750)
Mileage Reimbursement	11-5100-5113-5121-311-000		(1019)
Printing	11-5100-5113-5121-341-000		500
Professional Services – Medical	11-5100-5113-5121-193-000		1269
<u>#5100 Health Department</u>			
Program Supplies	11-5100-5150-5151-237-000		(1850)
Equipment Maintenance	11-5100-5150-5151-352-000		1850
<u>#5100 Health Department</u>			
Special Programs	11-5100-5116-298-000	10022-0001	(3063)
Special Programs	11-5100-5116-298-000	10021-0001	3063
<u>#5100 Health Department</u>			
Lab Supplies	11-5100-5113-5120-234-000		(2250)
Other Services	11-5100-5113-5120-399-000		2000
Equipment Rental	11-5100-5113-5120-432-000		250
<u>#5100 Health Department</u>			
Employee Development/Training	11-5100-5112-5119-395-000		(1000)
Program Supplies	11-5100-5112-5119-237-000		1000

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<u>#5400 DSS</u>		
E&T Food Stamp	20-5400-5383-186-000	(2500)
Food Stamps Admin. Expenditures	20-5400-5383-498-000	2500
<u>#6110 Library</u>		
Office Supplies & Materials	10-6110-6110-260-000	(15)
Mobile Telephone Usage	10-6110-6110-321-000	15
<u>#6120 Parks &amp; Recreation</u>		
Other Services	10-6120-399-000	(3000)
Professional Services: Other	10-6120-199-000	(2700)
Employee Training	10-6120-395-000	(1000)
Office Furniture & Equipment	10-6120-510-000	6700
<u>#6130 Senior Center</u>		
Professional Services	10-6130-199-000	(600)
Repairs & Maintenance	10-6130-351-000	600
<u>#6130 Senior Center</u>		
Professional Services	10-6130-199-000	(600)
Office Supplies	10-6130-260-000	600

**County Attorney’s Report**

No report.

**Adjournment**

Chairman Price recessed at 7:50 pm until May 13 at 6:00 pm.

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

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Mickey Price, Chairman  
Gaston County Board of Commissioners

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Martha M. Jordan  
Clerk to the Board

SEAL