

GASTON COUNTY

COMMISSIONER'S COURT

NORTH CAROLINA

AUGUST 12, 2010

The Gaston County Board of Commissioners (BOC) met in Rescheduled Session on August 12, 2010 at 6:35 pm, immediately following the Work Session, in the Commissioners Room, Gaston County Courthouse.

Chairman Mickey Price presided with Commissioners Allen R. Fraley, Vice-Chair; Joe D. Carpenter, Donnie Loftis, Tracy L. Philbeck and John A. Torbett in attendance.

Commissioner Tom Keigher was not in attendance.

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 Fraley led in the Pledge of Allegiance.

Public Hearing - Zoning Text Amendment Application to the UDO Chapter 2 Definitions, Section 2.7-1: Add the Following Terms with Definitions: Abattoir Class 1 and Abattoir Class 2. Chapter 7, Section 7.1-1 Table of Uses: Add the Following Uses: Abattoir Class 1 and Abattoir Class 2. Chapter 8, Section 8.3. Add the Following Supplemental Regulations: 8.3.19

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 Torbett and seconded by Commissioner Loftis, the BOC unanimously entered into Public Hearings.

With a majority of the Planning Board being in attendance, Mr. Willie King, Senior Planner, advised that the citizen initiated application was to include "abattoir for wildlife" in the existing UDO Use Table; the current UDO reference to "abattoir" cites domestic animals (livestock only); the entire zoning jurisdiction would be impacted upon adoption; in addition to the citizen's application, staff expanded the request and recommended two new abattoir classes as follows: (1) Abattoir Class 1 for "wildlife" via a Conditional Use Permit (CUP) in the R-3 Single Family General Zoning District with supplemental regulations with the same being allowed in the C-3 and I-2 Zoning Districts via CUP only; (2) Abattoir Class 2 to allow domestic and wildlife via CUP within the C-3 and I-2 Zoning Districts only; rezoning would be required via CUP if appropriate zoning was not already in place; public hearings would be required for both. Mr. King reviewed current definitions for "abattoir" in the UDO for domestic animals; presented comparison charts and tables depicting current and proposed amendments; pointed out supplemental regulations applying to Abattoir Class 1 and denoted that R-3 included a minimum lot size requirement of five (5) acres.

Chairman Price called for citizen recognition.

Mr. Matt Lovelace, Mount Holly, spoke in support; related that Mr. Spargo was trying to do a small

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business the right way; felt it would be an asset to the County.

Mr. Steven Walters, Mount Holly, spoke in support; a legitimate business with good service would be created and regulated to some degree; may deter people from doing this in their backyards.

Mr. Allen Cowick, Gastonia, spoke in favor; this takes away the brutality of people cutting up deer in their yards; will help to clean up creeks and roadsides where deer and other animal remains are deposited; will reduce rodents; service is good and facility is very clean.

Mr. Lee Spargo, Mount Holly, stated that 169,273 were killed in NC last year; 643 of those in Gaston County; checked in 100 of those as NC Cooperator Agent 432A; deer population is out of control; deer season has been increased by two weeks; rifle season by 3-1/2 weeks; can now hunt on Sundays; trying to help by providing this service and jobs.

Mr. Mickey Spargo, Mount Holly, agreed that the deer population was out of control; processing plant is needed; son runs a clean operation; see deer remains in ditches and woods; this attracts coyotes.

Chairman Price called for questions from the Planning Board and with none being received, called for questions from the BOC.

Commissioner Torbett questioned the five-acre minimum and recalled that building restrictions and codes already required setbacks; he proposed reducing five acres to two and one-half or three acres due to cost.

Mr. King responded that paint ball and wood waste grinding facilities required five acres which the staff carried on to "abattoir"; clarified that the five acres only applied to an R-3 District which also had supplemental regulations; there are no minimum size requirements for commercial or industrial in C-2 and I-3; the five-acre minimum creates some distance for protection in residential areas; helps to promote small businesses.

Chairman Price directed the Planning Board to take the size issue into consideration.

Clarifying for Commissioner Carpenter, Mr. King advised that the item under discussion was for a text amendment and not an application; any applications would be submitted in the future and would also require a public hearing.

Commissioner Loftis questioned if the text amendment was being reworked to include "wildlife"; asked if the Cherryville location was the only other abattoir and if there had been any complaints.

Mr. King responded that the Mount Holly site was not currently in operation; text would be reworked to include "wildlife"; Mr. Spargo, if applying, would have to comply with the zoning codes; not aware of any complaints regarding the Cherryville location which is under City jurisdiction; not aware its size.

Commissioner Philbeck indicated that if Mr. Spargo's facility was located in R1 and if the text

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amendment was adopted tonight that Mr. Spargo would not be included and would have to return to the BOC for rezoning; questioned the status of any businesses and/or homes surrounding the property.

Mr. Lee Spargo responded that the business on a two-acre site was started up 1-1/2 years ago; had a mobile home renter on the same lot; Code Enforcement advised that the mobile home and business could not be located on the same lot; the mobile home was removed; Code came back with other regulations; have continued to work with staff to get into compliance; business is surrounded by woods, tucked into a corner, and not visible from road; a mobile home park is located to the left of property; have installed 20' high Cyprus trees to block mobile home park view.

Commissioner Philbeck stated support for the two to three acre minimum as proposed earlier; denoted that all R1 areas were not the same; that staff may need to look at any exceptions as far as location.

The County Manager advised that the applicant did not apply for the text amendment change to include residential zoning; applicant looked only at the definition of "Abattoir" to expand it; Planning staff thought it could fit into residential and identified the 5-acre number as one that would be large enough to be rural rather than urban; regulations, 100' setback from the property line and 150' from any residential structure, are already in place to protect neighbors.

Chairman Price asked if there was any text that would address possible growth and expansion of Mr. Spargo's business and if acreage was not available, if the business had to shut down.

Mr. King responded that Mr. Spargo's interest was in changing the ordinance; the zoning district under discussion is not residential; more property would be required for his expansion; that would be a different review process.

Chairman Price indicated that the BOC wanted small businesses to grow and prosper and several commissioners concurred.

Commissioner Philbeck clarified that Mr. Spargo was not supporting the overlay in which he resides.

Mr. Spargo concurred; business only operates about four months out of the year; only growth may involve a cooler to store more deer meat; not much growth to it.

The County Manager related that Mr. Spargo was looking at commercial which only required two acres.

Commissioner Carpenter questioned that with the setbacks already in place what difference acreage would make; supported using the setbacks already in place; future applications still must come before the BOC.

With all being heard, Chairman Price moved to the next item of business.

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Public Hearing - Zoning Map Change - Parallel Conditional Use Application (PCUP) 10-01: Jonathan Lee Spargo (Applicant); Jonathan Lee Spargo, and Jonathan Lee Spargo and Rhonda G. Spargo (Property Owners); Parcels: 176487, 201623 (portion) and 176486 (portion) through Parallel Conditional Use Application (PCUP 10-01) from the R-1 (Single Family Limited) Zoning District within the Urban Standards Overlay (USO) to a CU-1-2 (Conditional Use - General Industrial) Zoning District within the USO

Mr. King reported that PCUP 10-01, applicant Mr. Lee Spargo, had requested a hearing continuance in order to modify his proposed plan; requested a public hearing to be scheduled for 9/23/2010; that request would be dependant upon the outcome of the text amendment later in the meeting.

Chairman Price ordered that upon adoption of the text amendment that subject item would be scheduled for the 9/23/2010 BOC Meeting.

Public Hearing - Re: Proposed Rural Operating Assistance Program (ROAP) Application to be Submitted to the North Carolina Department of Transportation (NC-DOT) No Later Than August 31, 2010 & Adoption of **Commissioner Loftis - ACCESS - Permission to Apply to the North Carolina Department of Transportation Rural Operators Assistance Program (ROAP) Application FY 2010-2011**

Mrs. Margaret Darby-Taylor, ACCESS Transportation Director, reported that annually the NC-DOT provides an opportunity to counties to apply for ROAP; the program contains three parts; \$371,582 to be used by the County for additional transportation.

Chairman Price called for citizen comment, questions from the BOC, and with none hearing heard, called for a motion to approve.

2010-236 On motion introduced by Commissioner Torbett and seconded by Commissioner Loftis, the BOC unanimously granted permission to apply to the North Carolina Department of Transportation Rural Operators Assistance Program (ROAP) Application for Elderly and Disabled (\$100,219), Workfirst (\$28,553), and Rural General Public (\$79,125) transports, for a subtotal of \$207,897, and also included in this year grant application supplemental grant funds for Elderly and Disabled (\$57,768), Workfirst (\$35,812), and Rural General Public (\$70,105), and the total amount that could be allocated to Gaston County is \$371,582.

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

On motion introduced by Commissioner Torbett and seconded by Commissioner Philbeck, the BOC unanimously closed the Public Hearings.

Agenda Revision/Approval

- *Inserted/ Commissioner Loftis - Commendation - Mr. Mike Kromis - V., I.*
- *Added/Commissioner Price - Planning/Zoning - To Support the Sustainable Communities Initiative (SCI) Regional Planning Grant - V., V.*

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- Added/ Commissioner Loftis - County Manager - To Approve Funding for Part 1 of Phase III of the Utility Consolidation Study with Black and Veatch (\$40,000) - V., W.
- Moved to 9/23/2010 Agenda/ Commissioner Torbett - Planning/Zoning - Jonathan Lee Spargo (Applicant) Under Application (PCUP10-01) Property Parcels: 176487, 201623 (portion) and 176486 (portion) to be Rezoned from the (R-1) Single Family Limited Residential Zoning District within the Urban Standards Overlay (USO) District to a Parallel Conditional Use District - Conditional Use—General Industrial (CU-I-2) Zoning District within the USO District and the issuance of Parallel Conditional Use Permit (PCUP) for an Abattoir for Wildlife classified in the UDO as Abattoir Class 1 - VI., A., 2.
- Added/ Commissioners Loftis & Carpenter - County Manager - To Consider Allowing Twin-trailer Trucks on US 321 in Gaston County - VI., C.
- Moved /Commissioner Loftis - County Manager - To Approve Funding for Part 1 of Phase III of the Utility Consolidation Study with Black and Veatch (\$40,000) - VI. B.
- Moved/ Commissioner Price - Planning Board - To Accept the Planning Board By-Laws per 2009-313 dated 9/29/09 - VI. B.

On motion introduced by Commissioner Torbett and seconded by Commissioner Philbeck, the BOC unanimously approved the Agenda of August 12, 2010 as noted above.

Approval of Minutes

On motion introduced by Commissioner Torbett and seconded by Commissioner Fraley, the BOC unanimously approved the Minutes of the Regular Meeting of July 22, 2010.

Citizen Recognition

No request.

Consent Agenda

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

2010-237 Commissioner Carpenter - Cooperative Extension - Approved and Allocated \$91,340 in PFCLG Grant Funding for the Cooperative Extension Parent Education Program per Budget Change Request:

Special Projects	10-4950-4950-298-000	11221-0001	\$91,340
Smart Start Program – State	10-4950-4950-322-510		[\$91,340]

2010-238 Commissioners Carpenter & Philbeck - Proclaimed Small Business Week for August 30 - September 3, 2010.

2010-239 Commissioner Price - Parks & Recreation - Accepted and Appropriated a Health Promotion/Disease Prevention Grant from the Centralina Council of Governments Area Agency on Aging per Budget Change Request:

Health Promotion/Disease Prevention Grant	10-6130-221-516		(\$12,099)
Special Programs	10-6130-298-000	#110150001	(\$1,344)
Health Promotion/Disease Prevention Grant	10-6130-298-000	#11220-0001	\$13,443

2010-240 Commissioner Carpenter - Parks & Recreation - Restored Funding for Chapel Grove Optimist Park Utility Services.

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2010-241 Commissioner Fraley - Awarded Service Side Arm and Badge to Retired Sergeant Charles W. McCants upon his retirement from the Gaston County Police Department.

2010-242 Commissioner Fraley - Tax Collector - 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
August 2, 2010 (Real Estate)		
Amity Finance of Kings Mtn.		\$295.95
Beam, Henry Lee III		\$131.08
Garza, Roberto Salinas		\$210.35
Gaston County Tax Department		\$125.00
Houston, Michelle B.		\$194.14
Park, Sterling Bank		\$403.12
Reeves, Willena		\$100.00
Richard D. Laws, PA		\$155.28
Smith, Dewey L.		\$566.50
Ward, Violet T.		\$300.00
August 2, 2010 (Vehicles)		
Berry, Scott Lee		\$268.09
Blackburn, Ralph Eugene		\$111.51
Bolt, Holly Mull		\$112.36
Buckler, Angela Renee		\$101.38
Cape, Timothy Eugene		\$134.72
Chambers, Ketra Mekesha		\$420.93
Czerr, David William		\$145.25
Dodgens, Anne		\$193.82
Forbes, Adam Lee		\$150.96
Gundy, John M.		\$178.02
Kennedy, Jeremy Scott		\$122.92
Lopez, Jamie Renee		\$1,328.00
McCarn, Jarad Thomas		\$199.03
McCarn, Jarad Thomas		\$144.82
Melendez, Christian Omar		\$114.78
Morgan, Maltba Tammy		\$346.45
Nguyen, Kim		\$107.12
Ohland, Steven Bradley		\$143.11
Scott, Amy Elizabeth		\$440.90
Simpson, Robert Chad		\$239.00
Tileston, Christine Marie		\$132.15
Vo Phong, Trieu		\$132.87
VT Inc Trustee Wolt		\$247.63
Wilcox, Kerianne Judith		\$100.44
Wilson, Johnny Lee		\$168.46
Yeager, Cheryl Ann		\$223.53
		\$6,008.25

2010-243 Commissioner Keigher - DSS - Accepted and Appropriated Fourth Quarter Donations (\$77,310) from the Public Assistance Fund Balance to the DSS FY '10-'11 Budget per Budget Change Request:

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Public Assistance Fund Balance Appropriated	20-9900-991-500		(77,310)
Special Programs/Donations (Shelter)	20-5582-298-000	08162-0001	4,730
Special Programs/Child Care Prog. (Comm. Fdn.)	20-5582-298-000	09253-0001	16,000
Special Programs/Family Works (Comm. Fdn.)	20-5582-298-000	09320-0001	8,500
Special Programs/Unmet Client Needs (Comm. F.)	20-5582-298-000	10321-0001	7,512
Bldgs, Structures/Donations (Shelter Bldg. Fund)	20-5582-580-000	08321-0001	40,271
Special Programs/ Donations (Adult Services)	20-5600-298-000	08159-0001	282
Special Gifts/Franks-Waggoner Fund	20-5867-5441-621-000	96299-0002	5

2010-244 Commissioner Keigher - DSS - Accepted and Appropriated Department of Defense Funding (\$198,996) to Create and Equip 3 New Food & Nutrition Positions and to Add Supplemental Temporary Help per Budget Change Request:

F&NS/DOD – Federal	20-5300-5310-224-512		(198,996)
Salaries	20-5300-5310-121-000		62,283
Salaries - Overtime	20-5300-5310-122-000		62,136
FICA	20-5300-5310-181-000		9,519
Retirement	20-5300-5310-182-000		7,901
Group Insurance	20-5300-5310-183-000		18,225
Wellness Clinic	20-5300-5310-183-003		150
Special Programs – Digital Doc. Mgmt W.DOD	20-5300-5310-298-000	11219-0001	14,730
Temporary Help Services:DOD	20-5300-5310-393-005		21,112
Equipment & Furniture: \$250-\$4,999	20-5300-5310-530-000		2,940

2010-245 Commissioner Loftis - Commended Mr. Mike Kromis upon his retirement as a Assistant District Attorney.

2010-246 Commissioner Philbeck - Awarded Service Side Arm and Badge to Retired Police Officer Joe Bill Lineberger upon his retirement from the Gaston County Police Department.

2010-247 Commissioner Philbeck - Police - Awarded Animal Control Sergeant Larry R. Lingafelt, Retired, with his Service Side Arm and Badge upon his retirement from the Gaston County Police Department, Animal Control Section.

2010-248 Commissioner Philbeck - County Attorney - Approved an Interlocal Agreement with the Town of Ranlo for the Distribution of Local Option Sales Taxes.

2010-249 Commissioner Philbeck - Police - Approved Surplus and Trade of Court Awarded Firearms as follows:

	Trade Weapon	Serial Number	Model	Caliber	Barrel Length
1	Arms Corporation	A813586	AK47/22	22LR	
2	Bauer	44190	pocket	25ACP	
3	Beretta	A11956	New Puma	7.65	
4	Beretta	BER3064272	92 FSCent	9mm	
5	Charter Arms	17967	Bulldog Pug	44 SPL	2.5"
6	Charter Arms	284899	Bulldog Pug	44SPL	3"
7	Charter Arms	1126045	Off Duty	38	1.5"
8	Cobra	F5002582	FR380	380ACP	
9	Cobra	CAO20469	CB38	38SPL	2"
10	Colt	MS02165	MK4 80 Mustang	380	
11	CZ	V11211RID	52	762	
12	Davis	551166	Derringer	22Mag	2"
13	EAA	EA07146	Witness	45	

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14	Enfield	7537c8497	#4 MK1 1942		
15	FEG	B53863	9HP	9mm	
16	FIE	AB17694	E22	22	
17	Glock	EFF464US	26	9mm	
18	Glock	GMZ113	26	9mm	3 rd g
19	H & R	AX461432	88 Topper	16ga	26"
20	H & R	AP6152	949	22	5.5-6
21	Helwan	1125115	Military	9mm	
22	Hi Point	472131	JHP	45	
23	Hi Point	OO1606	C	9mm	
24	Hi Point	PO52843	C	9mm	
25	H & K	24-13103	USP FS	9mm	
26	Imez / Baikal	BCK3936	1J70	380	
27	Lorcin	343916	L25	25	
28	Marlin	7390009	60	22lr	
29	Marlin	12081155	30AS	30-30	
30	Mossberg	J88195	500A	12ga	3"
31	Mossberg	R704093	500A	12ga	
32	Mossberg	P606896	500A	12ga	3"
33	Mossberg	K393083	500A	12ga	28vr
34	NAA	E102843	Derringer	22Mag	
35	Norinco	3094157	SKS	762x39	
36	Norinco	1705579	SKS	762x39	
37	Norinco	1605699K	SKS	762x39	
38	Norinco/Browning Copy	404608	Semi-Rifle	22	18"
39	Remington	B6236D55	700	7mm mag	
40	Remington	52626L	878	Auto Master	28"
41	Rohm	877851	RG10	22	3"
42	Rossi	230268		38	3"
43	Rossi	F112845	M971	357mg	
44	Ruger	314-63943	P89	9mm	
45	Ruger	310-13834	P89DC	9mm	
46	Ruger	87-38281	Super Black Hawk	44mag	7.5"
47	Ruger	311-04744	P95DAD	9mm	
48	S & W	12638	36	30spl	
49	S & W	484J15	36	38sp	3.5"
50	S & W	1K98717	15-3	38spl	
51	S & W	10712	Hand Ejector	32 S&W Long	1.5"
52	S & W	109902	39-2	9mm	
53	Verona	71102-02DKS02345	SX405 S12	12ga	
54	Springfield	N377945	Champion	45	
55	Springfield	NSN	1875	22	
56	Stevens	I282971	954	22lr	
57	Stevens	L255634	62	22lr	
58	Taurus	NOA36329	PT945	45acp	
59	Taurus	TSC28151	PT92ATS	9mm	
60	Taurus	TSD46019	PT92	9mm	
61	Taurus	TJK70591	PT99AF	9mm	
62	Taurus	TRJ68021	PT92AF	9mm	
63	Winchester	NSN	47	22lr	
64	Winchester	B965265		2	30v
65	Yugo	G44876	SKS	7.62x39	20.5"
66	Leupold Scopes (5)		Vari-X III	3.5x10.40	
	Assorted Ammo			Various	

2010-250 Commissioner Philbeck - Public Works - Accepted and Appropriated a North Carolina Department of Environment and Natural Resources Community Waste Reduction and Recycling Grant (\$28,992 State, \$8,700 Solid Waste Enterprise Fund) per Budget Change Request:

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NCDENR: Recycling Grant	60-4720-324-505		(\$28,992)
Misc. Services	60-4720-399		(\$ 8,700)
Other Improvements and Cap. Outlay	60-4720-590-000	11217-0001	\$37,692

2010-251 Commissioner Philbeck - Budget/Purchasing - Appropriated \$598,815 from the 911 Fund Balance to Purchase Laptops for Public Safety per Budget Change Request:

Fund Balance Appropriated (911 Fund)	24-9900-991-500		\$(598,815)
Equip/Furniture \$250 - \$4,999	24-4311-530-000		\$598,815

2010-252 Commissioner Price - Commended Mr. Bill Bradley and the Finance Department Staff - GFOA Certificate of Achievement for Excellence in Financial Reporting Award.

2010-253 Commissioner Price - Cooperative Extension - Approved the NC Seniors' Health Insurance Information Program (SHIIP) Grant Contract for 2010-2011.

2010-254 Commissioner Price - Health - Accepted and Appropriated Family Advisory Board Grant for the Girls on the Run Program per Budget Change Request:

Other Grants	11-5100-5112-5132-890-512		(\$2,700)
Special Programs	11-5100-5112-5132-298-000	11223-0001	\$2,700

2010-255 Commissioner Price - County Attorney - Approved an Interlocal Agreement Between the County and the City of Gastonia Concerning the Joint Use of Public Safety Interview IP Video System and Surveillance System.

2010-256 Commissioner Torbett - Police - Accepted the Donation of \$392.88 from Fred's Incorporated per Budget Change Request:

Donations	10 - 4310 - 4310	840 - 501		[393.00]
Special Programs	10 - 4310 - 4310	298 - 000	11087-0001	393.00

2010-257 Commissioner Price - Planning/Zoning - Supported the Sustainable Communities Initiative (SCI) Regional Planning Grant as follows:

Now, Therefore, Be It Resolved that Gaston County supports the submission to HUD of a Sustainable Communities Regional Planning Grant application, with CCOG as lead applicant, and agrees as a member of the Regional Sustainable Communities Planning Consortium (consortium agreement to be negotiated within 120 days of grant award) to participate in planning activities relevant to the geography of Gaston County and its planning jurisdiction.

BE IT FURTHER RESOLVED that Gaston County agrees to allow staff participation in planning efforts of the Sustainable Communities Regional Planning Grant, with such participation being proportional with other regional governmental agency partners, and counted as "in kind" contribution toward the HUD-required 20 percent leveraged resources.

2010-258 Commissioner Loftis - County Manager - To Approve Funding for Part 1 of Phase III of the Utility Consolidation Study with Black and Veatch (\$40,000)

Commissioner Loftis introduced the motion to approve, and Commissioner Carpenter provided the second.

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Commissioner Loftis explained that this was the first step in the process to reach a countywide consolidated system with municipal participation.

The County Manager advised that the County portion was \$40k; municipal portion was \$160k; each cities liabilities and assets would be used as a base to determine the rate structure.

Commissioner Torbett suggested not spending \$40k until confirmation was received from cities to spend \$160k; suggested a municipal up/down vote to move forward with a commitment to spend \$160k; would like that in hand prior to the County spending \$40k.

The County Manager advised of being unable to get city commitments since each cities requirements had not been determined yet; each cities analysis would be different; a city having recent upgrades would not have to pay the consultant for another analysis; some may choose not to join until a future date; any consultant study would be premature; Belmont and Mount Holly face State deadlines; they each would have to take a different direction and the consolidation would be lost if the process could not be moved along by year end. The Manager requested BOC approval with the caveat that no County dollars would be spent until letters of confirmation were received from major cities involved; felt that cities would be willing to pay for an analysis of their respective water/sewer systems with consensus on the governing structure; this would be conceptual as any dollar amounts would be premature; some mayors/managers have agreed that if the governing structure is worked out that they will be happy to pay their respective shares; time line would be 12/31/2010.

Commissioner Torbett reiterated that by 12/31/2010 if letters of confirmation had not been received that the \$40k should revert to County funds.

Commissioner Carpenter stated that this process was very significant and the County needed to move forward.

Commissioner Philbeck offered support stating that all the players were involved, that time was of the essence for Belmont and Mount Holly, and agreed with Commissioner Torbett's proposal.

Chairman Price called for a motion.

On motion introduced by Commissioner Loftis and seconded by Commissioner Carpenter, the BOC unanimously approved 2010-258 to Approve Funding for Part 1 of Phase III of the Utility Consolidation Study with Black and Veatch (\$40k), as amended, *with subject approval being contingent upon municipalities submitting letters of concurrence to the County by December 31, 2010, that no expenditures would be made from the \$40k prior to receipt of letters, and if letters were not provided, the \$40k would remit to the Public Works Professional Services Account.*

2010-259 Commissioner Price - Planning Board - To Accept the Planning Board By-Laws per Resolution 2009-313 dated 9/29/09

Commissioner Price introduced the motion for purposes of discussion and

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Commissioner Philbeck seconded the motion.

Commissioner Philbeck introduced an amendment to the section entitled, "*Appointment and Terms of Office*" stating that "should generally" should be "shall" reside in the same township as the appointing Commissioner unless an appointee cannot be found within 60-days."

Commissioner Torbett introduced an amendment to the section entitled, *Conduct of Meetings*. Paragraph 2, Item 9, to delete "The Planning Board rules of procedures may supplement these enumerations," noting that *Robert's Rules of Order* already allowed suspending the rules.

Assistant County Attorney, Sam Shames, indicated that it had been an effort to simplify the rules and concurred with the amendment to suspend the rules.

Chairman Price called for the vote to approve the Planning Board By-laws as amended.

With the movant and the seconder accepting the amendments, the BOC unanimously adopted 2010-259 approving the Planning Board By-Laws as amended by the BOC.

2010-260 Commissioner Price - Planning/Zoning - To Consider Text Amendments to the Unified Development Ordinance (UDO) Chapters 2, 7, and 8 (attached)

The County Attorney advised that the Planning Board recommended approval of the text change with no changes to the 5-acre lot size; the Planning Board indicated that it would be practically impossible to obtain the setback requirements and still have room to operate on anything less than five acres.

Commissioner Carpenter introduced the motion to approve for purposes of discussion and Commissioner Philbeck provided the second.

Commissioner Carpenter advised that one acre was 207'; two acres would be wider; questioned the reasoning behind the five-acre regulation.

Chairman Price asked the Assistant County Attorney, Mr. Sam Shames, for any discussion regarding setbacks during the Planning Board meeting; asked if anyone calculated a potential business on five acres of land.

Mr. Shames stated that an even five-acre square parcel would be 480' x 480'; it would be tight on a two to a three-acre site to meet the setbacks; Planning Board felt this type use was more suitable for a rural area when it comes to residential development.

Receiving clarification that the five-acre requirement only applied to R-3, Commissioner Philbeck agreed with Commissioner Carpenter stating that set backs and other regulations were already in place and indicated that he saw no need to have a five-acre requirement.

The County Manager advised that Mr. Spargo would not meet the setbacks of 100' from the property

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line and 150' from the nearest resident; that he was looking at commercial which required a different set of setbacks; clarified that the text amendment was a countywide regulation for cleaning game.

Responding to Chairman Price, the Planning Director advised that any R-3 applications not meeting the five-acre requirement would have to apply for a variance for less acreage; staff intent was to protect abutting subdivisions; industrial/commercial has no minimum lot size requirements due to economic development.

Commissioner Fraley advised of hearing no complaints regarding the Cherryville facility; property may be one-half acre.

Commissioner Carpenter offered support stating that the difficult economy would likely produce an increase in small business/cottage industry initiatives; restricting to five acres would prohibit some from pursuing new businesses.

Commissioner Fraley called the question.

The County Attorney advised that the 100' setback may not be maintained and would leave very little room for the operation itself.

The County Manager stated that it would depend on the configuration of the two acres; setbacks would afford protection.

Commissioner Carpenter introduced an amendment to read that it "meets the minimum setback requirements of 100' from the property line and 150' from another resident." Commissioner Philbeck provided the second.

Chairman Price restated the motion: *To approve the text amendment changes omitting the land requirement of any acreage.*

Chairman Price called for the vote, and the BOC unanimously approved 2010-260 after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the County Commission approved the text amendments, as amended *to omit the land requirement of any acreage*, to Chapter 2 Definitions, Section 2.7-1: Add the following terms with definitions: Abattoir Class 1 and Abattoir Class 2. Chapter 7, Section 7.1-1 Table of Uses: Add the following uses: Abattoir Class 1 and Abattoir Class 2. Chapter 8, Section 8.3. Add Supplemental Regulations: 8.3.19. in effect with the passage of this resolution.

2010-000 Commissioner Torbett - Planning/Zoning - Jonathan Lee Spargo (Applicant) Under Application (PCUP10-01) Property Parcels: 176487, 201623 (portion) and 176486 (portion) to be Rezoned from the (R-1) Single Family Limited Residential Zoning District within the Urban Standards Overlay (USO) District to a Parallel Conditional Use District - Conditional Use-General Industrial (CU-I-2) Zoning District within the

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USO District and the issuance of Parallel Conditional Use Permit (PCUP) for an Abattoir for Wildlife classified in the UDO as Abattoir Class 1

Chairman Price ordered subject item to be moved to 9/23 Agenda.

2010-261 Commissioner Loftis - ACCESS - Approval of the Gaston County ACCESS Safety System Program Plan with Signatures

ACCESS Director, Ms. Margaret Darby-Taylor, advised of a Safety Award received from the State of North Carolina.

On motion introduced by Commissioner Loftis and seconded by Commissioner Philbeck, the BOC unanimously approved the Gaston County ACCESS Safety System Program Plan.

2010-262 Commissioners Loftis & Carpenter - County Manager - To Consider Allowing Twin-trailer Trucks on US 321 in Gaston County

Commissioner Carpenter introduced the motion to approve and Commissioner Loftis provided the second.

Commissioner Carpenter spoke in favor indicating that 53' trailers were not allowed when US321 was built; in 2008 the NC Legislature designated the route within the National Truck Network (NTN) to allow single trailers; industry wants the ban lifted to allow use of twin trailers on US321; turning range on twin trailers is slightly better than singles; use certified drivers; have good safety records; with respect to the City of Gastonia, the local Metropolitan Planning Organization saw the value of having that permit for economic development and trucking industry operations; the City is pressing to get the traffic hazard cleared up at I-85-321 interchange.

Mr. Mark Stafford, NC-DOT, Division 12, accompanied by Mr. Jimmy Hamrick, NC-DOT Regional Traffic Engineer, advised that the I-85/US321 project was on the 2009-2015 Transportation Improvement Plan; rights-of-way are programed for 2013; mitigation in 2014; construction in 2015; NC-DOT has looked at safety of twin trailers and the capacity of US321 intersection which is built to State standards; section handles 53' trailers now; foresee no issues with the twin trailers; explained the differences of a 53' trailer; explained trailer designations from I-40 down to I-85/US321.

Agreeing with Commissioner Carpenter's comments, Commissioner Philbeck advised that the Economic Development Commission unanimously approved removing the ban on twin trailers at their 8/10/2010 meeting; he cited the economic importance of helping local businesses without adding additional operating costs.

Responding to Chairman Price, Mr. Rick Cates, Director of Safety and Security NC Trucking Association, reported that his office and NC-DOT filtered questions from drivers as to why the twins were not approved when 53' trailers were approved in 2008; he compared the turn radius and tracking

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of the twin and single trailers.

Mr. Stafford reported that Catawba and Lincoln counties were in support of the request; NC-DOT will hold public hearings in Lincoln and Gaston counties.

Mr. Hamrick advised that public hearings should be completed by the end of September; those comments will be taken into consideration; the process would then move along to upper management who would make the final decisions.

Commissioner Torbett stated that the I-85/US321 Interchange was of the utmost priority due to health risks; need to adopt this with due concern and consideration that the I-85/US321 project would be kept on track; related visual difficulties for southbound drivers during the late afternoon autumn sun.

Citing his Class A CEO 68' trailer driving experience in Iraq, Commissioner Loftis endorsed the twin trailers; confirmed that twins follow much better than 53' or 68' trailers; noted the tremendous cost of hauling freight from Statesville to Charlotte and back to Gastonia.

Chairman Price asked what impact there would be since the City of Gastonia did not favor the request.

Mr. Hamrick responded that since passage of the Senate Bill in 2008 that there may not be any.

Indicating that he had spoken with some City Councilmen, Commissioner Carpenter related that they were not objecting to the twin trailers but wanted to hold off on authorizing until the I-85/US321 Interchange had been improved; the MPO vote was unanimous with exception of the City of Gastonia.

Mr. Cates advised that fewer twin trailers would be seen on the roads during the day; 90% of twin trailers would move mostly at night between 6 pm and 9-10 am; trailers have reasonable access on US321 with exception of the Blowing Rock area due to construction and that they are off limits at the base of US421.

Chairman Price called for the vote, and the BOC unanimously approved 2010-262 allowing twin-trailer trucks on US321 in Gaston County.

Appointments

On motion introduced by Commissioner Loftis and seconded by Commissioner Torbett, the BOC unanimously appointed Ms. Kimberly L. Maguire to the **Transportation Advisory Board (TAB)** to an unexpired term ending November, 2010.

On motion introduced by Commissioner Loftis and seconded by Commissioner Philbeck, the BOC unanimously appointed Ms. Lina E. Davis to the **Women's Advisory Board** to a term ending April, 2010.

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On motion introduced by Commissioner Loftis and seconded by Commissioner Philbeck, the BOC unanimously appointed Mr. Wil Neumann to the **Mental Health/DD/SA Gaston-Lincoln-Cleveland Area Authority "Pathways"** to a term ending July, 2013.

On motion introduced by Commissioner Torbett and seconded by Commissioner Price, the BOC unanimously reappointed Mr. Josh Taylor to the **Parks & Recreation Advisory Board** to a term ending June, 2013.

On motion introduced by Commissioner Torbett and seconded by Commissioner Price, the BOC unanimously reappointed Commissioner Allen R. Fraley to the **Lake Norman Rural Transportation Planning Organization (RPO)** to a term ending August, 2012.

On motion introduced by Commissioner Philbeck and seconded by Commissioner Fraley, the BOC unanimously reappointed Commissioner John A. Torbett to the **Lake Norman Rural Transportation Planning Organization (RPO)** to a term ending August, 2012.

Commissioners Committee Reports

Commissioner Loftis reported attendance to the Highland Medical Clinic Grand Opening along with fellow commissioners.

Commissioner Torbett reported touring the construction project at The Summit.

Commissioner Price reported that he was passing along grateful appreciation from attendees at the new Mount Holly Adult Day Care Center.

County Manager's Report

Re: Schools - Reported that with passage of the Jobs Bill that the schools would be able to hire 100 additional teachers who had previously been laid off; also reported the School bid on the new high school came in \$5-6M below engineers estimates; alternates are being reviewed; they have a 72-hour period for bidders to make changes or withdrawals; bid is not final yet; noted the favorable bidding climate of 8-10% savings.

2010-263 Commissioner Loftis - Tax Refunds Less Than \$100 accepted as information as follows:

Gaston County, North Carolina			
Listing of Property Tax Refunds Less Than \$100.00 For Real Property			
To Be Reported At The August 12, 2010 Board Meeting			
<u>Taxpayer Name</u>	<u>Amount</u>	<u>Taxpayer Name</u>	<u>Amount</u>
Acme of South Carolina	20.77	Gaston County Tax Office	14.00
Anderson, Rachel	37.00	Gaston County Tax Office	11.54
BB&T	4.54	Gaston County Tax Office	11.54
Boyd, Carlana	4.34	Gaston County Tax Office	22.33

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Bradshaw, Rita	14.10	Gaston County Tax Office	10.98
Clubb, Jonathan	6.92	Gaston County Tax Office	13.61
Core Logic Tax Real Estate	6.00	Gaston County Tax Office	17.29
Crawford, Stacy	40.29	Gaston County Tax Office	9.89
Dellinger, Dennis	8.51	Gaston County Tax Office	13.51
Falls, Judy	29.81	Gaston County Tax Office	20.42
Friday, William	85.63	Gaston County Tax Office	12.31
Gaston County Tax Office	9.02	Gleason, Carolyn	1.20
Gaston County Tax Office	34.10	Greer, Loretta	96.00
Gaston County Tax Office	15.49	Hayes, Odie	4.93
Gaston County Tax Office	17.29	Heffner, Vickie	3.27
Gaston County Tax Office	11.45	Holguin, Rodrigo	66.42
Gaston County Tax Office	14.31	Hooker, Mattie	56.83
Gaston County Tax Office	15.95	John Hazlehurst	9.73
Gaston County Tax Office	21.17	Mayberry, Patricia	27.36
Gaston County Tax Office	15.95	McCotter, Gary	34.42
Gaston County Tax Office	13.43	McCutcheon, Charles	98.73
Gaston County Tax Office	15.95	Pinson, James	41.12
Gaston County Tax Office	22.17	Reese, Tammye	13.88
Gaston County Tax Office	54.06	Simmons, Howard	38.00
Gaston County Tax Office	36.67	Sisk, Deann	51.96
Gaston County Tax Office	13.71	Thomas, Claude	14.25
Gaston County Tax Office	13.71	Warren Tadlock Trustee For Rachel Abernthy	20.61
Gaston County Tax Office	29.24	Warren Tadlock Trustee For Wanda Massie	54.34
Gaston County Tax Office	6.25	Williams, Joyce	81.42
Gaston County Tax Office	48.74	Woodard, James	60.11
Gaston County Tax Office	13.71	Worthy, Wilma	79.38
			<hr/>
			\$1,691.66

Gaston County, North Carolina
Listing of Property Tax Refunds Less Than \$100.00 for Vehicles
To Be Reported at the August 12, 2010 Board Meeting

<u>Taxpayer Name</u>	<u>Amount</u>	<u>Taxpayer Name</u>	<u>Amount</u>
AME Exterminating	41.27	Long, Robert	3.00
Andy Ratchfords Repair	2.35	Lowery, Tiffany	14.91
Angles, Orlando	6.62	Lowrance, Penny	44.32
Armstrong, Ronald	1.68	Mace, Deborah	2.12
Arnold, Homer	4.13	Maciel, Rafail	12.55
Arnot, Doris	1.02	Mahaney, Joseph	6.82
Baker, Merritt	10.21	Mangum, John	7.24
Barker, Bryan	12.79	Marr, Marty	10.04
Barr, Kenneth	3.40	Mauney, Clyde	21.63
Barr, Marty	8.67	Mayers, Cleophus	1.36
Barr, Marty	9.72	McAndrew, Don	97.50
Barr, Marty	11.90	McKee, Irika	1.56
Barr, Marty	28.77	McRee, David	56.19
Barr, Marty	23.04	Medlin, Frank	22.29
Barr, Marty	18.40	Miller, Bobbie	1.04
Barr, Marty	13.27	Mooney, Donnie	1.87
Bates, Julia	1.61	Moore, Jeremiah	7.42
Bennett, Dawn	1.16	Morgan, Lonnie	2.33
Biddy, Joy	51.32	Morrow, Bobby	6.74
Blake, Robert	2.26	Mousaw, Thomas	1.91
Brady, Cynthia	2.29	Mull, Rodney	6.28
Branigan, Joy	9.35	Nelson, Curtis	10.10
Briggs, Ralph	13.17	Ngo, Thanh	2.38
Brittain, Noah	1.10	Norris, Ashley	10.22
Brock, William	2.00	Nueman, Maria	90.74
Brooks, James	3.72	Odom, Andrea	2.34
Brooks, Joseph	55.25	Ormaza, Deborah	86.00
Brown, Deborah	1.51	Orr, Johnny	1.34
Brown, Edward	88.69	Owens, Larry	8.34
Buchanan, Clarence	1.06	Pace, Jerry	1.62

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Bullins, Michael	2.22	Pannill, Eugene	25.32
Bumgarner, Curtis	1.03	Peach, Jean	15.52
Byrd, Sharon	59.31	Pearson, Doris	1.02
Cab East	42.61	Pearson, Marsha	1.77
Cameron, Fairly	2.00	Pegus, Walter	4.79
Campbell, Dewey	1.20	Perry, Thomas	8.71
Campbell, Zenobia	4.00	Postell, Deborah	23.56
Carpenter, Brent	41.29	Poteat, Sheila	3.61
Carrillo, Augusto	8.46	Pratt, Evelyn	45.61
Cash, Brian	25.91	Precision Machine Products	20.57
Chastain, Harvie	8.39	Queen, Michael	2.36
Choren, Amanda	1.35	Rada, Maria	6.01
Coes, Toni	1.72	Ramsey, James	1.48
Coleman, Tina	7.41	Rector, Sylvia	17.14
Collins, Clarence	25.95	Reynolds, Ricky	1.82
Crain, Mark	4.61	Rhyne, Donna	13.17
Crawford, Terrial	76.18	Richardson, Johnsie	7.74
Crews, Daniel	1.88	Rippy, David	3.70
Currence, Angela	1.44	Rodriguez, Reina	8.60
Currence, Wanda	99.47	Rowland, Gary	2.39
Davis, Jimmy	1.14	Rutherford, Benjamin	84.74
Desmond, Carrie	15.67	Salgado, Francisco	21.80
Easter, Sirena	28.68	Salmon, Teresa	3.08
Eastwood, Renee	21.93	Sanders, Robert	6.85
Edwards, Joseph	14.42	Scarbrough, Raymond	30.48
Edwards, Katherine	1.30	Scism, William	50.14
Emory, Michael	22.04	Scism, William	2.83
Firestone Jewelry and Pawn	76.63	Seymour, Howard	76.35
Fisher, Gary	98.78	Shaw, Lori	6.80
Gagnon, David	64.23	Shepard, Sandra	21.93
Garrison, Kelly	13.57	Sigmon, Charles	64.12
Gibson, Thomas	1.45	Smith, John	9.52
Gilbert, Charles	1.02	Stevens, Allen	11.38
Gilbert, Fred	1.03	Stiwalt, John	67.59
GMAC	17.13	Stogner, James	1.68
Gray, Toni	65.16	Summey, Carroll	5.33
Greer, Brad	92.84	Summey, Jessica	1.03
Greer, Loretta	39.06	Swanson, Marvin	5.00
Hagan Kennington Oil	30.93	Tapp, Janice	2.38
Hardin, Michael	5.72	Tate, Annette	12.03
Harlow, Michael	35.32	Tate, Hattie	1.56
Harmon, Anthony	44.90	Tese, Janet	12.76
Harrelson, Lea	1.01	Thompson, Fred	1.51
Harvell, Pauline	1.05	Thompson, Lawrence	72.51
Haynes, Jo	1.78	Varnadore, Adam	27.96
Haynes, Mark	83.39	Vaul Trust	92.90
Heavner, Robert	2.30	Vaul Trust	56.84
Hedrick, Kristin	1.63	Walker, Angelia	65.19
Helms, Linda	66.13	Wallace, Barbara	5.21
Helton, Myra	1.82	Walsh, Juliane	33.54
Hendricks, Dale	3.91	Warlick, John	19.58
Hinson, Jessica	3.03	Warren Tadlock Trustee For Michael Denton	13.58
Hoffman, Brett	41.70	Watson Insurance	1.78
Hollar, Gwyn	39.14	White, Gregory	24.77
Honeycutt, Eddie	5.34	White, Mark	1.88
Howell, Dewey	1.09	White, Patty	42.38
Hunsinger, Melissa	17.23	White, Richard	15.77
Jackson, Carl	3.10	Williams, Elizabeth	21.35
Jennings, Vernon	78.41	Williams, Jamard	17.13
Johnson, Gary	65.66	Williams, James	64.85
Kee, Sybil	1.69	Williamson, Steven	26.83
Killiam, David	17.63	Willson, David	49.00
King, Mary	1.80	Wilson, Jack	2.28

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Kiser, James	3.00	Wilson, Johnny	76.61
Laird, Dennise	50.55	Winters, David	41.07
Lanford, Robert	43.07	Winters, Jada	43.80
Lanford, Robert	58.93	Witten, Erik	20.00
Lanier, Wayne	45.16	Woody, Jo	4.14
Lankford, Kathy	1.11	Wray, Albert	76.11
Ledford, Patricia	1.95	Wright, Joseph	3.28
Lemons, Richard	1.47	Wyatt, Marvin	12.20
Leonhardt, Monte	6.67	York, Rebecca	2.43
Liles, Christina	3.26	Younger, Elbert	15.76
Lineberger, Clenda	9.71	Zimmerman, Frank	80.00
Litaker, Darius	25.97		<u>80.00</u>
			\$4,519.51

2010-264 Commissioner Price - Budget Transfers accepted as information as follows:

FY 2009-10			
<u>Department</u>	<u>Account Number</u>	<u>Project #</u>	<u>Amount</u>
<u>#4131 Budget & Purchasing</u>			
Mileage Reimbursement	10-4131-4131-311-000		(296)
Overtime	10-4131-4131-122-000		296
<u>#4140 Tax</u>			
Temporary Help Services	10-4140-393-000		(500)
Employee Development/Training	10-4140-395-000		500
<u>#5300 Social Services</u>			
Employee Development/Training	20-5300-5310-395-000		(1000)
Office Supplies	20-5300-5310-260-000		1000
FY 2010-11			
<u>#4131 Budget & Purchasing</u>			
Janitorial Services	10-6130-358-000		(3000)
Janitorial Services	10-4370-358-000		3000
<u>#4265 Public Works</u>			
Water & Sewer Lines / High Shoals Sewer Easement Acquisition	40-4265-4260-596-000	11175-0001	(24700)
Water & Sewer Lines / High Shoals Interconnect	40-4265-4260-596-000	10286-0001	24700
<u>#4131 Budget & Purchasing</u>			
Heat/Lights/Water	10-4265-4260-331-000		(5686)
Janitorial Services	10-4170-358-000		5686
<u>#4950 NC Cooperative Extension</u>			
Program Supplies	10-4950-4953-237-000		(300)
Other Services	10-4950-4953-399-000		300
<u>#5100 Health</u>			
Program Supplies	11-5100-5140-5144-237-000		(550)
Mobile Telephone Usage	11-5100-5140-5144-321-000		550

County Attorney's Report

No report.

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Adjournment

Chairman Price adjourned the Rescheduled Meeting of August 12, 2010 at 9:15 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