

GASTON COUNTY
NORTH CAROLINA

COMMISSIONER'S COURT
SEPTEMBER 23, 2010

The Gaston County Board of Commissioners (BOC) met in Regular Session on September 23, 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, Tom Keigher, Donnie Loftis, and Tracy L. Philbeck in attendance.

Commissioner John A. Torbett was in attendance via telephone.

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 Map Change - Re: Parallel Conditional Use District Rezoning Application (PCUP) 10-02: Jonathan Lee Spargo (Applicant); Jonathan Lee Spargo and Jonathan Lee Spargo and Rhonda G. Spargo (Property Owners); Parcels 176487 and 201623 (portion) from R-1 (Single Family Limited) Zoning District within the Urban Standards Overlay (USO) to a CU - C-3 (Conditional Use - General Commercial) Zoning District within the USO

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

With a quorum of the Planning Board being in attendance, Chairman Price advised that a PCUP was a quasi-judicial process requiring sworn testimony of anyone wishing to speak to the issue. The Chairman asked if any Planning Board members or Commissioners would have any reason why they could not rule in the case; with none being heard, the Chairman then impaneled the Planning Board and Commissioners to hear the request and then called for any speaker(s) wishing to give testimony to stand at which time Chairman Price administered the oath to those standing.

Mr. Willie King, Senior Planner, explained the steps involved in a Parallel Conditional Use District Rezoning; cited property parcels 176487 and 201623 (.89 acre portion); 1.59 total acreage; recalled previous violations of the applicant for zoning noncompliance; UDO Text Amendment was approved by the BOC in 8/2010 and a slaughterhouse for wildlife was added to the UDO Use Schedule as Abattoir Class 1; the applicant withdrew his initial petition (10-01) at that time due to site plan issues. Mr. King advised that Application 10-02 was to rezone from an R1 to CU-C-3 District in order for the applicant to conduct a deer processing operation as allowed per the UDO Use Schedule; depicted subject property via aerial and ground maps as located off Helms Drive in the Riverbend Township and within the Urban Standards Overlay District; reviewed street layouts and neighboring zoning. Mr. King indicated discussions with the applicant involving: Site specific plan limits the use to Wildlife

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Abattoir Class 1; a second review for code consistency by the Technical Review Committee if adopted; governmental regulations to be met; disposal of waste products; hours of operation; signage required by ordinance; NC-DOT driveway permit; valid building permit within 24-month period from the date of issuance unless BOC approved the CUP with deviations; deviation from conditions could void approval; fire extinguishers required; security system; screening and fencing. Mr King stated that subject property was within the Northeast Small Area District and consistent with the Comprehensive Plan with development being encouraged within target areas 2 and 3; relayed citizen preferences for the area; reviewed photographs of the property including buildings and the process area; hunting season lasts about 3-1/2 months yearly; transportation information provided; notices in accordance with County Policy; staff received one phone call for information about the application.

An unidentified speaker asked if the applicant had a legal right-of-way into the property.

The Assistant County Attorney, Mr. Sam Shames, responded that a right-of-way to access the property existed on the map; no legal opinion was rendered concerning the validity of the right-of-way; that it would be a court matter.

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

Responding to Commissioner Philbeck, Mr. King indicated that one individual had made contact for additional information.

Chairman Price called for the applicant's presentation.

Mr. Spargo, 215 Helms Drive, Mount Holly explained that the:

- Proposed development would not materially endanger the public health or safety if located where proposed and developed according to the plan: Woods surround to limit the view with some woods being in a flood zone and cannot be developed; 14' gate remains locked; have a security system; area is secluded and in the country
- Proposed development meets all required conditions and specifications: Have been meeting with Land Planning and Building Inspections to address all complying regulations; intend to do everything asked
- Proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity: Collection service will pick up all leftover hides, entrails twice per week; could trailer to landfill if need be; water runoff goes into a drain pit as required by the Health Department; traffic comes down Helms Drive which is a private drive; there is a demand for this type facility
- Location and character of the use, if developed according to the plan and approved: Will be in harmony with the area in which it is to be located and will be in general conformity with the County's Land Development Plan; Northeast location, Area 3, community issues included wildlife habitat; deer population is out of control; facility works hand-in-hand with the Wildlife Commission; serve as a Wildlife Tech Agent (432A)
- Conditions set forth by applicant; Hours of operation will be 8:00 am - 8:00 pm; installed access

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gate for entrance to property, a multi camera system, and three fire extinguishers; encouraged BOC to approve in order to open his deer processing business.

Chairman Price called for questions from the Planning Board and the BOC and with none being heard, then called for public comment.

Mr. Gene Pillow, 1503 Old NC27 Highway, spoke in opposition to the application indicating that he was an adjoining property owner at the back; questioned the right-of-way issue in that nothing had been signed by the property owner; cited carcasses being dumped for the past two years; applicant being in noncompliance; applicant firing a gun with no arrest being made by County Police; indicated that Commissioner Torbett had spoken to the detective.

Commissioner Loftis asked if anyone addressed the situation regarding carcass disposal.

Chairman Price recognized Chief Bill Farley, provided the oath, asked if there was any knowledge or record of statements made by Mr. Pillow regarding Mr. Spargo.

Chief Farley stated that he had no personal knowledge but would look into it.

Mr. John Lineberger, Planning Board member, asked if the applicant would be able to meet the setbacks if the zoning was approved.

Mr. King responded that setbacks could be met; explained that C3 district setbacks were 30' in the rear and 10' on the sides and not as restrictive as I-2; that requirements were reachable based on the site plan; the initial application was for I-2 which was withdrawn because site plan requirements could not be met.

An unidentified female asked if she was the person referred to earlier that had come by the Planning Office.

Mr. King responded that her visit regarded the initial text amendment application; not the rezoning application.

Referring to earlier comments by Mr. Gene Pillow, Commissioner Torbett clarified that he had not spoken with a detective; that he did speak with the Fire Marshal about the issue and that the Fire Marshal assured him that what the citizen had addressed with him was incorrect.

Mr. Spargo responded that the neighbor opposing the application owned the pillow store on old NC27 which included a large sign saying, "Deer Processing Opening Soon"; that he had installed cypress trees to block the view; that there was enough deer processing business for everyone.

An unidentified male commented on bobcats and other wild animals in the area.

Chairman Price called for any other comments and with none being heard, excused the Planning

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Board to Courtroom 2029 for their deliberations.

Public Hearing & Adoption: Commissioner Fraley - Planning/Zoning - To Approve Road Name Change: Mauney Street (SR 1420) to Beatle Street (Located off Tryon Courthouse Road)

Ms. Sara Carpenter, GIS Specialist III, advised that the road was located in the Cherryville Township, within County jurisdiction and the Cherryville ETJ; property owners were notified in accordance per County policy; provided history of the proposed change; no contact from property owners to date; recommending a non-duplicating name with no objections coming from the Police Chief or Director of Communications; Planning Board approved the change in August.

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

2010-265 On motion introduced by Commissioner Fraley and seconded by Commissioner Philbeck, the BOC unanimously approved the road name change of Mauney Street (SR 1420) to Beatle Street and authorized the County Manager to make the necessary notifications to appropriate State and local officials.

Public Hearing - Re: Application to the NC Department of Commerce for a 2010 Scattered Site CDBG Housing Grant Under the NC Economic Recovery Category. The County Intends to Use the \$400,000 Grant to Rehabilitate 8 to 10 Dwellings for Low Income Home Owners)

Ms. Pat Laws, Grants Analyst, advised that the CDBG application was submitted last year and funded with recovery money; County did not receive the \$400k applied for last year; thirty-six applicants reapplied this year and received \$400,000; NC Department of Commerce set aside \$21M for additional rehab for low income families; homeowners have been selected from a waiting list as selected last year; November 1 deadline for grant application.

Chairman Price called for citizen comment, questions from the BOC, and with none being heard and no action being required in regard to the application, called for a motion to close the public hearings.

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

Agenda Revision/Approval

- Revised Budget Change Request/ Commissioner Carpenter - EDC - To Authorize Appropriation of IDF Reimbursement for FY 10 Expenditures from Fund Balance to a Miscellaneous Revenue Account for Use in Future Capital Improvement Projects Administered by the Economic Development Commission (\$22,278) - VI., C.
- Revised By-laws Pgs. 19-20/ Commissioners Carpenter, Fraley, and Philbeck - Gaston County Environmental Review Board - Adoption of Gaston County Environmental Review Board By-laws - VI., D.
- Revised Pg. 43/ Commissioners Carpenter, Fraley and Philbeck - Natural Resources - To Adopt Changes to the Soil Erosion and Sedimentation Control Ordinance Program (SESCO) and to Appropriate Funding from Fund Balance to Continue the SESCO Program - \$51,000 - VI., E.
- Commissioner Loftis - Proclamation - Employer Support of the Guard and Reserve Week - VI., N. (Moved to 10/28 Agenda)
- Revised Budget Change Request/ Commissioner Philbeck - Animal Control - Acceptance and Appropriation of Reimbursed Monies from State of North Carolina as of 08/25/10 to be Used for Funding the Low Cost Spay/Neuter Program for Gaston County (\$3,755) - VI., Q.
- Revised Budget Change Request/ Commissioner Philbeck - Budget/ Purchasing & Public Works - To Accept a NC Department of

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- Commerce, State Energy Office Renewable Energy Projects Grant Totaling \$200,000 for the Gaston County Solid Waste Landfill to Install Deployment Infrastructure for the Gaston County Renewable Energy Center (Landfill Power Generation Facility) - VI., T.*
- *Added/Commissioner Philbeck - Proclamation - Teen Court Month - VI., AA.*
 - *Added/Commissioner Carpenter - Budget/Purchasing - To Accept and Appropriate Grant Award in the Amount of \$464,766.00 from the Office of Justice Programs Grant Award "FY 10 Second Chance Act Re-entry Demonstration Program: Targeting Offenders with Co-occurring Substance Abuse and Mental Health Disorders" - VI., BB.*
 - *Add/ Commissioners Fraley, Philbeck and Torbett - Board of Education - In Accordance with North Carolina Statute 115C-426(f), Provide Purchase Price Approval of Eight Hundred, Fifty-nine Thousand, Nine Hundred and Five (\$859,905.00) Dollars for Approximately Three and Three Tenths (3.3) Acres of Land Owned by Wilkinson/Lakewood L.L.C. at the Intersection of Lakewood Road and Armstrong Road for the New High School in Cramerton - VI., CC.*
 - *Added/ Commissioner Price - Sheriff - Purchase of Harley Davidson Motorcycles from Sheriff's Controlled Substance Tax Fund - VI., DD.*
 - *Added/ Commissioner Price - Commendation - Judge Timothy L. Patti - VI., EE.*

On motion introduced by Commissioner Philbeck and seconded by Commissioner Loftis, the BOC unanimously approved the Agenda of September 23, 2010 with changes as noted above.

Approval of Minutes

On motion introduced by Commissioner Torbett and seconded by Commissioner Keigher, the BOC unanimously approved the Minutes of the Rescheduled Meeting of August 12, 2010, Closed Session of September 9, 2010 (Property Acquisition) and the Closed Session of September 9, 2010 (Personnel).

Citizen Recognition

Mr. Mark Painter, Belmont, questioned the interpretation of "dangerous and unmanageable animals" in the proposed resolution; opposed the use of carbon monoxide at Animal Control; encouraged setting a time to eliminate the use of carbon monoxide; supported equipment purchases and further training of personnel in handling "dangerous and unmanageable animals."

Ms. Terry Kenny, Gastonia, Gastonia Spay/Neuter Clinic Volunteer Director; thanked the Board for adopting differential licensing; noted the surge in spay/neuter cases which allows pet owners to purchase cheaper licenses; favored the proposed resolution to reduce carbon monoxide euthanasia although concerned that too many animals may still be euthanized via the chamber method; cited lethal injection as the preferred method by many associations; supported moving to total lethal injection for euthanasia; asked those in attendance to stand in support; urged the BOC to adopt the resolution.

Ms. Susan Boyer, Mooresville, presented documentation; supported euthanasia via lethal injection as the method of choice stating that it was a cheaper and a safer method for employees if used with proper equipment and tranquilized prior to lethal injection; urged BOC not to continue the use of carbon monoxide.

On motion introduced by Commissioner Price and seconded by Commissioner Loftis, the BOC unanimously accepted the documentation as information.

Dr. Robert Neunzig, Dallas, spoke in support of the proposed resolution; reviewed euthanasia guidelines indicating that the scientific community agreed that carbon monoxide and lethal injection

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were humane forms of euthanasia; costs would not be substantially different although euthanizing one animal at a time would be more labor cost intensive; opposed entirely eliminating the use of carbon monoxide at this time; expressed concern about employee safety due to wild, feral and dangerous animals; proposed resolution would not create a hardship on the Shelter; would still allow the Animal Control Director to make decisions to insure the safety of employees as well as humanely euthanizing animals entering the Shelter.

Consent Agenda

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

2010-266 Commissioner Carpenter - Budget/Purchasing - Accepted and Appropriated 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Funding per Budget Change Request:

2010 Justice Assistance Grant (City & County Police Revenue)	10-4310-4310-223-522		(89,132.00)
2010 Justice Assistance Grant (Sheriff Revenue)	10-4315-4315-223-522		(22,284.00)
2010 Justice Assistance Grant - County Police	10-4310-4310-620-000	11230-0001	19,100.00
City of Gastonia Police		11230-0002	70,032.00
2010 Justice Assistance Grant (Sheriff)	10-4315-4315-620-000	11231-0001	22,284.00

2010-267 Commissioner Carpenter - EDC - Approved the Low Bid and Authorized the County Manager to Execute a Construction Contract for the Installation of 6,351 Linear Feet of 12-inch Sewer Line at the Gastonia Technology Park – Funds Available in Current FY 11 Budget (\$496,497.63) as follows:

Wesson Septic Tank Service - Shelby, NC	\$ 496,497.63
CK Contracting, Inc. - Kings Mountain, NC	\$ 500,492.62
State Utility Contractors - Monroe, NC	\$ 544,664.92
Davis Grading, Inc. – Shelby, NC	\$ 594,546.95
Neill Grading and Construction – Hickory, NC	\$ 660,504.40
Pioneer Utilities and Plumbing, Inc. – Gastonia, NC	\$ 690,477.40
Custom Paving Company – Gastonia, NC	\$ 696,539.28
Heren Construction Company, Inc. – Bostic, NC	\$ 699,665.43

2010-268 Commissioner Carpenter - EDC - Authorized Appropriation of IDF Reimbursement for FY 10 Expenditures from Fund Balance to a Miscellaneous Revenue Account for Use in Future Capital Improvement Projects Administered by the Economic Development Commission (\$22,278) per revised Budget Change Request:

FY 10 Fund Balance Appropriation	(40-9900-991-500)		(\$22,278.00)
Water/Sewer/Public Improvements	(40-4920-4920-590-000)	11236-0001	\$22,278.00

2010-269 Commissioners Carpenter, Fraley, and Philbeck - Gaston County Environmental Review Board - Adopted Gaston County Environmental Review Board By-laws, as revised, and on file with the Clerk to the Board.

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2010-270 Commissioners Carpenter, Fraley and Philbeck - Natural Resources - Adopted Changes to the Soil Erosion and Sedimentation Control Ordinance Program (SESCO) and Appropriated Funding from Fund Balance to Continue the SESCO Program, as revised, and authorized Natural Resources Department to reestablish and fill one Natural Resources Conservationist position per Budget Change Request:

Fund Balance Appropriated	10-9900-991-500	\$(51,000)
Salaries	10-4960-121-000	\$33,291
FICA	10-4960-181-000	\$2,547
Retirement	10-4960-182-000	\$2,081
Group Insurance	10-4960-183-000	\$8,287
Food & Provisions	10-4960-220-000	\$1,500
Education Materials	10-4960-231-000	\$1,000
Office Supplies	10-4960-260-000	\$2,000
Mobile Telephone	10-4960-321-010	\$294

2010-271 Commissioner Fraley - Awarded Service Side Arm and Badge to Retired Specialist Clyde E. Putnam for 29 years of dedicated service with the Gaston County Police Department.

2010-272 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
Sept. 13, 2010(Real Estate)		
CTIC-Servicelink		\$152.99
Davis, Brian A.		\$116.47
Duff, Darryl E.		\$209.04
Durham, Ray Jr.		\$485.00
Earth Farms LLC		\$2,392.83
Equity National Title		\$214.77
Equity National Title		\$154.68
Equity National Title		\$143.61
Falls, Carl Anthony		\$401.00
Graves, Michael L.		\$112.39
Heafner, Crystal R.		\$249.27
Jenkins, Mary Ellen Life Estate		\$304.01
Landry, David		\$310.57
Linear Title & Closing		\$335.92
Linear Title & Closing		\$265.03
Linear Title & Closing		\$257.73
McEntyre, Andrea		\$171.95
Mullis, Shannon Lamour		\$144.32
Pettus, Reverent Jr.		\$120.00
Robinson, Horace C Life Estate		\$100.00
Rowland, Michael R.		\$163.45
Rowland, Michael R.		\$161.07
Self, Rebecca S.		\$195.17
Simmons, Mark		\$190.44
Specialized Loan Servicing		\$415.03
Swartz, Robin		\$107.02
Title Source Inc.		\$227.92
Vanderbilt Mortgage & Finance		\$116.55
Warren L. Tadlock	Ross, Riley D.	\$720.41
Whitt, Robert C.		\$600.00
		\$9,538.64

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Allardice, David Campbell	\$315.90
Barnes, Christopher Michael	\$107.79
Beach, Louella G.	\$137.06
Beam, Henry Lee III	\$120.06
Costner, Tracy David	\$104.83
Craig-Smith, Judith Britta	\$462.55
Florczyk, Judith A.	\$126.81
Frzier, Jonathan Eric	\$146.17
Gantt, Christine Carol	\$108.30
Hoyle, Judy Ham	\$157.28
Jones, David	\$118.64
Kendrick, Frank Jr.	\$289.51
Leone, Philip	\$143.31
Linkous, Jennifer Ann	\$126.15
McNeill, Jeffrey Lynn	\$212.59
Oakley, Micahel Lynn	\$127.61
Paradice, Jessie Adam	\$140.70
Payton, Sharron Dawn	\$147.32
Pillow, F.M.	\$352.84
Rollinson, Jerel Alymatric	\$113.21
Rose, Richard Darryl	\$137.61
Rosser, Craig M.	\$114.32
Sumpter, Luther Gordon	\$111.14
Whatley, Donna Brooks	\$101.48
Wheatley, William	\$351.31
Williams, Suzanne Etters	\$106.42
Wilson, Carolyn	\$113.14
Wray, David Alan	\$136.00
	\$4,730.05

2010-273 Commissioner Keigher - DSS - Commended Ms. Betsy J. Jefferies for 30 years of dedicated services to the Department of Social Services.

2010-274 Commissioner Keigher - DSS - Commended Ms. Donna E. Marion for 29 years of dedicated service to the Health Department and the Department of Social Services.

2010-275 Commissioner Keigher - DSS - Commended Ms. Selena P. McCarter for 30 years of dedicated service to the Department of Social Services.

2010-276 Commissioner Loftis - Emergency Management - Accepted Generator Transfer Switch Project Grant for Ashbrook High School per Budget Change Request:

Miscellaneous Revenue	10-4330-890-501		(\$25,600)
Special Project Account	10-4330-298-000	11228-0001	\$25,600

2010-277 Commissioner Loftis - Planning/Zoning - Commended 2010 Census Awareness individuals for their dedication in promoting the 2010 Census as follows: Darryl O. Barber, Reverend Rodney Barber, Donyel Barber, Angela Cunningham, Lisa Crawford, Bill Farley, Nicholas A. Garcia, Sebastian Garcia, Juan G. Garcia, Willie King, Jr., Leon McClain, Cindy Moose, LaVerne Partlow, Bonnie Reidy, Nancy Ross, Cynthia Stitt, Steve Wilkins, Cydney A. Williams, Courtney A. Williams, Cierra A. Williams, Melissa A. Williams, and David L. Williams.

2010-278 Commissioner Loftis - Emergency Management - Accepted Duke Energy Grant per Budget Change Request:

Revenue Account	10-4330-890-502		(\$35,500)
Special Programs	10-4330-298-000	11233-0001	\$35,500

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2010-000 **MOVED TO 10/28 BOC AGENDA/Commissioner Loftis - Proclamation - Employer Support of the Guard and Reserve Week**

2010-279 **Commissioner Philbeck - IT - Commended Mrs. Sheila D. Courtney** for 31 years of dedicated service to the Information Technology Department.

2010-280 **Commissioner Philbeck - Proclaimed Family Day - A Day to Eat With Your Children** on Monday, September 27, 2010.

2010-281 **Commissioner Philbeck - Animal Control - Accepted and Appropriated Reimbursed Monies from State of North Carolina as of 08/25/10 to be Used for Funding the Low Cost Spay/Neuter Program for Gaston County** per Budget Change Request:

<i>NC S/N Reimbursement</i>	10-4380-323-503		[\$3,755]
Special Programs	10-4380-298-000	04291-0001	\$3,755

2010-282 **Commissioner Philbeck - Parks & Recreation - Accepted and Appropriated Sponsorships for Parks and Recreation Programs** per Budget Change Request:

Donations	10-6120-840-507		(\$4,170)
Special Programs	10-6130-298-000	11014-0001	\$4,170

2010-283 **Commissioner Philbeck - Parks & Recreation - Commended Sgt. Steven D. Rhyne**, a member of the 422nd Civil Affairs Battalion Alpha Company, for his tour of duty in the United States Army Reserve in support of Operation Enduring Freedom in Afghanistan.

2010-284 **Commissioner Philbeck - Budget/Purchasing & Public Works - Accepted a NC Department of Commerce, State Energy Office Renewable Energy Projects Grant Totaling \$200,000 for the Gaston County Solid Waste Landfill to Install Deployment Infrastructure for the Gaston County Renewable Energy Center (Landfill Power Generation Facility)** per Budget Change Request:

Fund Balance Appropriated	60-9900-991-500		(\$200,000)
Other Improv. & Capital Outlay-Energy Park	60-4720-590-000	11139-0001	(\$359,780)
NCDENR Renewable Energy Project	60-4720-323-517		(\$200,000)
Other Improvements and Capital Outlay-NCDENR Renewable Energy Project	60-4720-590-000	11229-0001	\$759,780

2010-285 **Commissioner Philbeck - Public Works - Executed a Construction Contract with Appling Boring Company Totaling \$219,555 and Hickory Construction Company Totaling \$540,225 to Complete the Gaston County Renewable Energy Center (Landfill Power Plant) Deployment Infrastructure Installation (NC State Energy Office \$200,000, Solid Waste Enterprise Fund \$559,780)** as follows:

Package A		
1. <i>Appling Boring Co., Inc.</i>	<i>Forest City, NC</i>	\$ 219,555.00
2. Hickory Construction Company	Hickory, NC	235,830.00
3. Foremost Pipeline Const. Co., Inc.	Gaston, SC	257,100.90
4. T&K Construction	Vinemont, AL	259,350.00
5. SCS Field Services	Long Beach, CA	328,020.00
6. Dawn Development Co., Inc.	Monroe, NC	328,440.00
7. Morgan Corporation	Charlotte, NC	447,415.50
8. Sargent Corporation	Fredericksburg, VA	489,929.99
9. InfraSource-A QUANTA Services Co.	Lawrenceville, GA	545,603.69

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Package B		
1. Hickory Construction Company	Hickory, NC	\$ 776,475.00
2. SCS Field Services	Long Beach, CA	998,911.20
3. InfraSource-A QUANTA Services Co.	Lawrenceville, GA	1,255,065.00

Package A & B		
1. Hickory Construction Company	Hickory, NC	\$ 996,555.00
2. SCS Field Services	Long Beach, CA	1,326,931.20
3. InfraSource-A QUANTA Services Co.	Lawrenceville, GA	1,787,018.69

2010-286 Commissioner Price - Cooperative Extension - Approved and Appropriated Carry-Forward of Grant Funds per Budget Change Request:

SHIIP: Sr Hlth Ins Info Pg	10-4950-4950-298-000	10293-0001	\$458.00
Other Grants	10-4950-4950-298-000	10361-0001	\$1,000.00
Fund Balance	10-9900-991-500		(\$1,458.00)

2010-287 Commissioner Price - Health - Accepted and Appropriated Additional Grant Funds from the NC Division of Public Health per Budget Change Request:

Health State Grant	11-5100-5112-5119-320-505		(\$1,100)
Special Programs	11-5100-5112-5119-298-000	11227-0001	\$1,100

2010-288 Commissioner Price - Health - Accepted and Appropriated Additional Federal Funds Administered through the State of North Carolina for the WIC Program per Budget Change Request:

Health - State Grant	11-5100-5140-5141-320-505		(\$3,578)
Special Programs	11-5100-5140-5144-298-000	11234-0001	\$3,578

2010-289 Commissioner Torbett - Proclaimed Long-Term Care Residents' Rights Week for October 3-9, 2010.

2010-290 Commissioner Torbett - Division of Forest Resources - Appropriated Funds for a Heavy Equipment Operator Position, Not to Exceed \$6,000 for FY2011 per Budget Change Request:

Fund Balance Appropriated	10-9900-991-500		\$(6,000)
Cooperative Agreements	10-4751-693-000		\$6,000

2010-291 Commissioner Philbeck - Proclaimed Teen Court Month for September 2010.

2010-292 Commissioner Carpenter - Budget/Purchasing - Accepted and Appropriated Grant Award in the Amount of \$464,766.00 from the Office of Justice Programs Grant Award "FY 10 Second Chance Act Re-entry Demonstration Program: Targeting Offenders with Co-occurring Substance Abuse and Mental Health Disorders" per Budget Change Request:

Department of Justice—2 nd Chance Grant	10-4199-224-513		(\$464,766.00)
	10-4199-606-002		\$464,766.00

2010-293 Commissioners Fraley, Philbeck and Torbett - Board of Education - In Accordance with North Carolina Statute 115C-426(f), Provided Purchase Price Approval of Eight Hundred, Fifty-nine Thousand, Nine Hundred and Five (\$859,905.00) Dollars for Approximately Three and Three Tenths (3.3) Acres of Land Owned by Wilkinson / Lakewood L.L.C. at the Intersection of Lakewood Road and Armstrong Road for

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the New High School in Cramerton.

2010-294 Commissioner Price - Sheriff - Purchased Harley Davidson Motorcycles from Sheriff's Controlled Substance Tax Fund per Budget Change Request:

Fund Balance Appropriation	26-9900-991-500		(17,598.00)
Sheriff's Control Substance Tax	26-4315-4315-511-002	02192	17,598.00

2010-295 Commissioner Price - Commended Judge Timothy L. Patti for 28+ years of service as and attorney and judge and upon his retirement as a Superior Court Judge for District 27-A in North Carolina.

2010-296 Commissioners Fraley, Torbett, Philbeck and Loftis - BOC - Establish Policy Re: Animal Euthanasia by Lethal euthanasia

Commissioner Fraley introduced the motion to approve the proposed policy and Commissioner Loftis provided the second.

Commissioner Fraley spoke in favor indicating that this was a major step in the right direction; supported elimination of carbon monoxide at some point.

Commissioner Philbeck agreed indicating that this may not go far enough, but did leave something to work toward.

The County Manager advised that the cost of lethal injection was higher due to being more labor intensive; staff currently performs about 65% of euthanasia via lethal injections; cost difference to implement the resolution would be in the \$2,500 - \$4,000 range annually; reviewed statistics from other counties; cited cooperation among the Animal Control staff, rescue groups and animal rights supporters as factors in reducing euthanasia numbers; with all continuing to work together, there would be little cost impact.

Relating to formation of a citizens group, Commissioner Torbett suggested that criteria for dangerous animals be identified; cited the need to address the irresponsibility of pet and domestic ownership; that recommendations be brought forth for consideration.

Responding to question posed by Chairman Price, Mr. Reggie Horton, Animal Control Director, stated that all impounding employees were trained to identify wild animals and make official determinations on "aggressive" animals based on interaction while being impounded; a change in status could be identified by staff during shelter confinement leading to a change in designation and making the animal adoptable; multiple people make the final determination since euthanasia is a team operation.

Responding to Commissioner Fraley as to the 65% and increasing it to more lethal injections, Mr. Horton advised that Animal Control was committed to using lethal injection in as many cases as possible; wild and aggressive animals were included in the remaining 35%; would hope to add 5-10%; may be more problematic if much more than that.

Appointments

On motion introduced by Commissioner Fraley and seconded by Commissioner Loftis, the BOC unanimously reappointed Mr. Terry Moore to the **Animal Control Task Force Advisory Board** to a term ending September 2014.

On motion introduced by Commissioner Philbeck and seconded by Commissioner Price, the BOC unanimously appointed Ms. Cynthia Isenhour to the **Parks & Recreation Advisory Board** to a term ending June 2013.

On motion introduced by Commissioner Carpenter and seconded by Commissioner Keigher, the BOC unanimously appointed Reverend Teretha Young to the **Family Advisory Board** to a term ending May 2012.

On motion introduced by Commissioner Philbeck and seconded by Commissioner Fraley, the BOC unanimously appointed Mr. Chris Dobbins to the **Partnership for Children of Lincoln/Gaston Counties - Board of Directors** to an unexpired term.

On motion introduced by Commissioner Loftis and seconded by Commissioner Philbeck, the BOC unanimously appointed Ms. Pam Poteat to the **Horizons Board** to a term ending September 2014.

On motion introduced by Commissioner Loftis and seconded by Commissioner Carpenter, the BOC unanimously reappointed Mr. Smitty Hanks, Jr. to the **Lake Wylie Marine Commission** to a term ending September 2013.

On motion introduced by Commissioner Loftis and seconded by Commissioner Philbeck, the BOC unanimously appointed Mr. Jerry Campbell to the **Mountain Island Lake Marine Commission** to a term ending October 2013.

Commissioners Committee Reports

Commissioner Loftis reported 9/16 attendance to the Gaston-Lincoln-Cleveland Area Mental Health Board - audit was well received, Shelby facility is under construction and will house clients awaiting evaluation for up to ten days in order to reduce trips to State hospitals; 9/22 Faith Network; - teen pregnancy being one critical attention area, "Birds & Bees without the Butterflies" presentations available to groups of three or more; 9/12 Army National Guard 621 Engineer Detachment Welcome Home Ceremony accompanied by Commissioners Philbeck and Carpenter; 9/18 South Street Pedestrian Plaza Dedication.

Commissioner Philbeck announced that the movie "UP" would be shown on 10/2, 6:00 pm, Biggerstaff Park during family movie night; invited all citizens.

Commissioner Keigher reported 9/21 attendance to the Cramerton High School Groundbreaking; 9/23 DSS - \$8M+/- in state/federal funds projected for subsidized day care in 2011, 24% or 40,000

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residents receiving food stamps and numbers will continue to climb due to State changing the poverty level to 200%.

Commissioner Torbett reported attendance to the Cramerton High School Groundbreaking; commended the BOC for absorbing as much debt as possible without passing it all back to the citizens.

Commissioner Price reported attendance on 9/21 to the Cramerton High School Groundbreaking; 9/18 South Street Pedestrian Plaza Dedication.

County Manager's Report

Re: Health Director Position - Advised of meeting with Selection Committee for a new Health Director; position has been readvertised; Human Resources Director called numerous counties because no NC Health Directors applications had applied; have six or seven this time; will meet next week to interview four applicants and several staff applicants; top two or three will be recommended to meet with the full Board of Health.

2010-298 Commissioner Price - Budget Transfers accepted as information as follows:

<u>Department</u>	<u>Account Number</u>	<u>Project #</u>	<u>Amount</u>
<u>#4124-4125 Public Information</u>			
Audio Visual Supplies	10-4124-4125-232-000		(136)
Software Rental & Lic Fee	10-4124-4125-422-000		136
<u>#4261 Parks & Recreation</u>			
Repairs & Maintenance: Equipment	10-4261-352-000		(1000)
Equipment / Furniture	10-4261-530-000		1000
<u>#4265 Public Works</u>			
Unscheduled Maintenance	10-4265-4260-351-000	11160-0001	(7300)
Lawn Maintenance	10-4265-4260-354-000		7300
<u>#4310 County Police</u>			
Communications Equipment Maint	10-4310-4310-356-000		(4092)
Software and License Fee	10-4310-4310-422-000		3550
Software and License Fee	10-4310-4328-422-000		542
<u>#4720 Solid Waste</u>			
Office Furniture/Equipment	60-4720-510-000	11143-0001	(6000)
Office Furniture/Equipment	60-4720-510-000	11224-0001	6000
<u>#4720 Solid Waste</u>			
Office Furniture/Equipment	60-4720-510-000		(9000)
Office Furniture/Equipment	60-4720-510-000		9000

Other Matters

Re: Animal Overpopulation and Owner Irresponsibility: Commissioner Loftis requested that the Animal Control Task Force Advisory Board (ACTFAB) be given a seat at the table and be made part of the discussions/decisions with the new Animal Control Focus Group (ACFG).

The County Manager advised that the Animal Control Director met with the ACTFAB Chairman and explained that it was necessary to get new eyes by expanding the group; definitely want to keep ACTFAB involved; they developed the differential license fees, etc.

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Commissioner Philbeck asked if the ACFG would consist of anyone that wanted to attend; added that it would be a collaborative effort to provide solutions and come up with action items.

The County Manager responded "absolutely"; getting fresh eyes with as much input as possible.

Re: 911 Surcharge - Commissioner Keigher requested the County Manager to provide the BOC with a brief history on the 911 surcharge over the last decade to current date.

Re: Firestone Mill/Loray Mill - Commissioner Keigher recalled BOC consensus to give subject project six more months about a year ago; was approved years ago and needs to be revisited/revamped; may want to dissolve what was committed to that effort.

Re: Carolina Thread Trail (CTT) - Commissioner Keigher stated that Mr. Don Barkley had spoken to him about subject; Commissioner Philbeck stated at the time of BOC resolution adoption that "unwilling property owners would be protected"; the actual resolution states that "property and easements including abandoned railway lines will only be acquired from willing property owners and no condemnation will be made." He advised that although Mr. Cable, CTT, answered "no" to the condemnation question, CTT had no authority to condemn land; the municipalities do have that authority; requested the County Manager to look into what potential there was for municipalities to condemn land; cited a Parks & Recreation Commission document that indicated that if an owner did not want the trail to go through their property that CTT may go around the property via a sidewalk or other means; requested a followup report on the issue.

Commissioner Philbeck recalled that the resolution was stating the County's support to CTT and that the County would not condemn land for a thread trail; County has no control over municipalities; personally would not support CTT crossing anyone's property; will work with Commissioner Keigher to send resolutions to municipalities stating that the County does not support condemnation for the CTT if the BOC needs too.

County Attorney's Report

Re: Gaston Mall - Target Corporation - The County Attorney advised that the developer has requested that the City of Gastonia and the County assign any agreed to payments under the reimbursement agreement directly to the Target Corporation or their parent corporation for development of improvements on that site; will bring the documentation forward to approve the assignment of payments to Target Corporation, if no objections; Chairman's signature will be required; document would become an amendment to the original agreement.

Closed Session Pursuant to NCGS 143-318.11(a)(1)(6)

Chairman Price called for the motion to enter into Closed Session to discuss personnel issues.

On motion introduced by Commissioner Keigher and seconded by Commissioner Loftis, the BOC unanimously entered into Closed Session. Commissioner Torbett remained in attendance via

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telephone for the Closed Session.

On motion introduced by Commissioner Keigher and seconded by Commissioner Carpenter, the BOC unanimously entered into Regular Session.

Chairman Price reconvened the open session; announced that evaluations were reviewed with the County Manager and the Clerk to the Board and announced that no action was taken.

Commissioner Torbett departed the meeting via telephone at 8:35 pm.

Adjournment

Chairman Price adjourned the Regular Meeting of September 23, 2010 at approximately 8:45 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