

CLEVELAND COUNTY BOARD OF COMMISSIONERS

January 6, 2004

The Cleveland County Board of Commissioners met in a regular session on this date, at the hour of 6:00 p.m., in the Commission Chamber of the Cleveland County Administrative Offices.

PRESENT: Mary S. Accor, Chairwoman
Ronald J. Hawkins, Vice-Chair
Tom Bridges, Commissioner
Willie B. McIntosh, Commissioner
Jerry L. Self, Commissioner
R. L. Alexander, County Manager
David Dear, Assistant County Manager/Finance Director
Bob Yelton, County Attorney
Wanda Crotts, CMC, County Clerk
Patricia D. Spangler, Deputy Clerk
Raymond Hamrick, Sheriff
Eddie Bailes, Human Resources Director
Bill McCarter, Planning Director
Andie Brymer, Kings Mountain Herald
Joy Scott, The Star
Jennipher Hammerstein, Cleveland Headline News
Donna Huie-Brooks, Cleveland Headline News
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Accor called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Vice-Chairman Hawkins provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and adopted by a unanimous vote of the Board, to ***adopt the agenda as presented by the County Clerk.***

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the minutes of **December 1, 2003, December 2, 2003** and **December 15, 2003** motion was made by Tom Bridges, seconded by Willie McIntosh, and unanimously adopted by the Board, to **approve** the minutes as written.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #014)

ACTION: Tom Bridges made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to **approve the following**

budget amendments.

| <u>Account Number</u> | <u>Department/Account Name</u> | <u>Increase</u> |
|-----------------------|----------------------------------|-----------------|
| | <u>Decrease</u> | |
| 010.438.4.800.00 | SHERIFF/Miscellaneous Rev. | \$ 530. |
| 010.438.5.210.00 | SHERIFF/Departmental Supply | 530. |
| 010.441.4.800.00 | SHERIFF/Miscellaneous Rev. | 200. |
| 010.441.5.340.00 | SHERIFF/Maintenance Bldg/Grounds | 200. |
| 010.441.4.810.00 | SHERIFF/Contributions-Donations | 2,000. |
| 010.441.5.790.00 | SHERIFF/Donations-Contributions | 2,000. |
| 010.441.4.410.15 | SHERIFF/Donations-Canine | 5,578. |
| 010.441.5.790.15 | SHERIFF/Donations-Canine | 5,578. |

Explanation:

- 438) Department received \$530 rebate from the purchase of Nikon camera that was purchased through Mobile Crime Lab grant (grant ended 9-30-03)
- 441) Department received \$200 for participating in drug survey from the University of Delaware.
- 441) Department received \$2,000 donation to be used to thank the Sheriff's Office staff for their efforts in serving and protecting the community.
- 441) K-9 officers held fundraiser during fair to raise money for their program.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #015)

ACTION: Tom Bridges made the motion, seconded by Willie

McIntosh, and unanimously adopted by the Board, to **approve the following**

budget amendments.

| <u>Account Number</u> | <u>Department/Account Name</u> | <u>Increase</u> |
|-----------------------|---|-----------------|
| <u>Decrease</u> | | |
| 012.530.4.350.00 | GENERAL/State Government Grants | \$66,445. |
| 012.530.5.211.00 | GENERAL/Controlled Property Exp. | 9,445. |
| 012.530.5.230.00 | GENERAL/Medicine & Supplies | 4,000. |
| 012.530.5.310.00 | GENERAL/Travel | 3,000. |
| 012.530.5.910.00 | GENERAL/C.O. Equipment | 50,000. |
| 012.531.4.410.00 | AIDS/Local & Other Grants | 1,500. |
| 012.531.5.311.00 | AIDS/Educational Expense | 1,500. |
| 012.539.4.350.00 | FAMILY PLANNING/State Gov't Grant | 48,052. |
| 012.539.5.210.00 | FAMILY PLANNING/Departmental Supplies | 5,000. |
| 012.539.5.211.00 | FAMILY PLANNING/Controlled Pty Exp. | 3,000. |
| 012.539.4.230.00 | FAMILY PLANNING/Medicine & Supplies | 4,000. |
| 012.539.5.230.01 | FAMILY PLANNING/Prescription Drugs | 25,052. |
| 012.539.5.340.00 | FAMILY PLANNING/Main. Bldg & Grounds | 5,000. |
| 012.539.5.513.00 | FAMILY PLANNING/Hospital & doctors fees | 6,000. |

Explanation of Revisions:

- 530) *Budget NC DHHS bioterrorism funds for computers, medical supplies, travel and purchase of two electronic signs, satellite downlink for public health continuing education and refrigerator/freezer for pharmacy to store vaccine.*
- 531) *Budget funds received from HIV/AIDS Consortium for continuation of HOPE Team efforts.*
- 539) *Budget one-time Family Planning Outreach funds for departmental/medical supplies, prescription drugs, furniture repair and clinician fees.*

BOARD OF ELECTIONS: BUDGET AMENDMENT (BNA #017)

ACTION: Tom Bridges made the motion, seconded by Willie

McIntosh, and unanimously adopted by the Board, to **approve the following**

budget amendments.

| <u>Account Number</u> | <u>Department/Account Name</u> | <u>Increase</u> |
|-----------------------|--------------------------------|-----------------|
| <u>Decrease</u> | | |
| 010.418.4.991.00N | BOE/Fund Balance Appropriated | \$22,000. |
| 010.418.5.211.00 | BOE/Controlled Property Exp. | 22,000. |

Balance Sheet Entries:

010.3.996.00 Unres Undesignated FB \$22,000 (dr)

010.3.991.54 Unres Designated FB 418 \$22,000 (cr)

Explanation of Revisions: To purchase 44 used Optech III-P optical scan voting machines from Catawba County at \$500 each. These machines are the next upgrade from the current voting equipment Board of Elections now has in use.

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **November 2003**. The monthly grand total of tax abatements was listed as (\$15,786.78); and, the monthly grand total for tax supplements was listed as \$32,092.17.

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during **November 2003** (copy found on Page _____ of Minute Book 27).

**SHERIFF'S OFFICE: REQUEST TO REMOVE SERVICE
REVOLVER FROM COUNTY INVENTORY AND ISSUE TO
RETIRING OFFICER SGT. KENNETH A. SMITH**

ACTION: Tom Bridges made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***delete from inventory Glock revolver, Model 21, .45 Caliber, serial number FLU-890 and allow Sheriff Hamrick to present this weapon to Sgt. Smith upon his retirement.*** Sgt. Smith has served eight years with the department and retired December 31, 2003.

HEALTH DEPARTMENT: REQUEST BY RODNEY M. MCGEE TO ADDRESS COMMISSIONERS REGARDING CLEVELAND COUNTY HEALTH DEPARTMENT

Mr. McGee was not present.

REQUEST BY CLEVELAND COUNTY HISTORICAL PRESERVATION TASKFORCE TO ADDRESS COMMISSIONERS REGARDING PRESENTATION TO THE COUNTY A COPY OF THE ARCHITECTURAL PERSPECTIVES OF CLEVELAND COUNTY, NORTH CAROLINA BOOK

_____ Brownie Plaster stated, "I'm here to present you a copy of our long awaited architectural survey book of Cleveland County . . . this whole process came out of the Cleveland Tomorrow study in 1993. We had citizens from around the county. . . . we (*the committee*) were appointed by the Economic Development Commission at the time to see if we could do what the Cleveland Tomorrow study said, which was see if our county could become what is called a Certified Local Government. The first thing we had to do was to find out what that meant and it means that if our county reaches that designation, then we can receive certain grants that we would be ineligible to receive otherwise. The State requires that we have a survey, so we had to document every structure in the county over 50 years old so we raised money privately, we got State grants, the Commissioners were kind and supportive with some matching funds and Brian Eades who came and lived in our county for eighteen months. He traveled all the roads. . . . met wonderful people along the way . . . and learned unique elements that reflect our history."

Mrs. Plaster said, "What is the value of this? Well, historic preservation has an important value in economic development. It brings educated people, travel, what they're calling heritage tourism now, they

want to see the past . . . another aspect is all the statistics now in economic development, as you all well know, companies can locate anywhere, but we're learning that companies who are creative and are going to be involved in the higher tech industries, these folks do not like what's called generic America."

Mrs. Plaster explained tours of structures included in the book will continue to be scheduled and the books are on sale at different locations throughout the county.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT PUBLIC HEARING - JOHN HUSKEY (400 MT. SINAI CHURCH ROAD; CASE 03-13)

Bill McCarter, Planning Director, reviewed that Mr. Huskey has submitted a petition to rezone approximately 0.7 acres from Residential (R) to Neighborhood Business (NB). He said a convenience store has been located on this property for many years and this rezoning would allow additional commercial uses to develop on this property. Surrounding land use is predominately residential and future land use for this property is designated as "expanding residential." Cleveland County Sanitary District serves this area with a six-inch water line and streets in the area are not classified as a "collector or thoroughfare by NCDOT.

Mr. McCarter reviewed the following recommendations from the Cleveland County Planning Board and the Planning Consultant.

Chuck Nance, Planning Consultant, Isothermal Planning Commission: Deny

All of this area is zoned Residential, and it is my opinion that this proposal might be considered spot zoning, in that this property would benefit from relief of the restrictions of the adjoining property. I would recommend not approving this proposal.

It should be noted that David Owens, of the Institute of Government, in his book Legislative Zoning Decisions defines spot zoning as follows: *A zoning amendment, which singles out and reclassifies a relatively small tract, owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected.*

In this case the word “relative” has to do with where the request is and the size of the parcel. In towns and cities this may pertain to parcels of less than an acre. In counties “relative” may pertain to tracts of many acres.

Cleveland County Planning Board: Approve

The Board supports this request since the building has been used as a convenience store for many years. The Neighborhood Business (NB) zoning will accommodate the existing use without further impact to the neighborhood. The Board disagreed with the consultant, stating that the purpose of Neighborhood Business zoning was to provide a small commercial area to serve the surrounding residential area, therefore this request does not constitute spot zoning.

Conforms with the Land Use Plan: This area is indicated as “Expanding Residential” on the 2005+ Projected Land Use Plan.

Surrounding Properties: Adjoining properties are predominately residential. No support was indicated.

Non-Conforming Uses: The building is currently being used as a convenience store, which is a non-conforming use in the Residential (R) zoning district. The owner would like to add another business to the property.

Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board to open the public hearing. (*Public notice of this hearing was conducted in accordance with NCGS 153A-343, with legal advertisements published in the Star on December 26, 2003 and January 2, 2004.*)

John Huskey, the petitioner, addressed Commissioners stating he wants to open a retail store there and that he has been selling cars there since 1986.

Hearing no further comments, Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to close the public hearing.

ACTION: Tom Bridges made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to **approve the rezoning as requested** (copy of Ordinance found on Page _____ of Minute Book 27).

ZONING MAP AMENDMENT: PUBLIC HEARING - ROGER SPANGLER (NC 180 North Post Road; Case 03-14)

Mr. McCarter advised that Mr. Spangler's initial petition was to rezone three tracts containing approximately 45-acres from Restricted Residential (RR) to General Business (GB). However, Mr. Spangler has reduced the total acreage from 45 to 28.55 acres. He reviewed the following background information on this property.

Existing Land Use: Businesses are located on two of the tracts and this rezoning would allow additional commercial uses to develop on the larger tract. Surrounding land use is predominately residential.

Future Land Use: Expanding Residential.

Utilities: CCSD has a 6" water line available along NC 180.

Transportation: NC 180 is classified as a major thoroughfare with a capacity of 6,500 vehicles per day, this segment is projected to be over capacity in 2020 with approximately 12,500 vehicles per day.

Mr. McCarter also reviewed the following recommendations of the Planning Consultant and the Cleveland County Planning Board:

Chuck Nance, Planning Consultant, Isothermal Planning Commission:

Deny

Although this is larger request with several parcels included, I would recommend that the Planning Board consider whether or not to reclassify the future land use before considering this request. If the future land use is to stay expanding residential, then the request needs to be denied.

Planning Board: Approve

In a split vote of 5-1, the Board recommended this request, since existing businesses were located on two of the tracts prior to county-wide zoning. The board also noted that the petitioner was willing to reduce the rezoning area to include only the northern portion abutting NC-180 and protect the residential subdivisions along New Prospect Church Road. The Corridor Protection (CP) overlay district and General Business (GB) zoning district will accommodate an existing diesel truck garage and a concrete contractor.

Conforms with the Land Use Plan: This area is indicated as "Expanding Residential" on the 2005+ Projected Land Use Plan.

Surrounding Properties: Adjoining properties are a mix of commercial uses along NC-180 and residential to the south along New Prospect Church Road and NC-18 to the west. No support was indicated.

Non-Conforming Uses: The existing businesses are considered a non-conforming use in the Restricted Residential (RR) zoning district. Rezoning would eliminate the non-conforming status.

Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to open the public hearing. *(Public notice of this hearing was conducted in accordance with NCGS 153A-343, with legal advertisements published in the Star on December 26, 2003 and January 2, 2004.)*

Tom Cook, Hopewell Church Road, stated he was interested in learning more about the proposed use of the land if rezoned and was concerned about what the General Business classification would allow. Mr. Cook was given a copy of the approved uses for this classification.

Roger Spangler, the petitioner, addressed Commissioners stating he wants to open a recreational vehicle (RV) park or campground. He distributed a notebook included a layout of the proposed park, rules and regulations to be enforced. He advised the first phase of the park would

include approximately 75 sites and would be rented on a daily basis with a 30-day maximum stay in any season. He said this would be a “four season” park, but has no intentions of it becoming “long-term rental.” He said this would go along with the county’s plan to encourage travel and tourism and feels this would provide a “family” campground for visitors to special events in the county.

Hearing no further comments, Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to close the public hearing.

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***approve the rezoning as requested*** (copy of Ordinance found on Page _____ of Minute Book 27).

ZONING MAP AMENDMENT: CLEVELAND COUNTY PLANNING DEPARTMENT (CASE 03-15; NC-198 NORTH OF EARL)

Mr. McCarter reviewed the Planning Department has presented a petition to rezone approximately 24 acres along NC-198 Blacksburg Road, north of Earl, from Residential (R) to Light Industrial (LI). He said there is support from the property owners for this change and it would eliminate the non-conforming status of existing businesses. Mr. McCarter said this was an oversight in the initial zoning plan. He reviewed the following background information:

Existing Land Use: Business are located on three of the four tracts and this rezoning would allow additional industrial uses to develop. Surrounding land use is predominately industrial.

Future Land Use: Expanding Residential.

Utilities: CCSD has a 6' water line available along NC-180.

Transportation: NC 180 is classified as a major thoroughfare with a capacity of 6,500 vehicles per day, this segment is projected to be over capacity in 2020 with approximately 12,500 vehicles per day.

He also reviewed the following recommendations of the Planning Board and the Planning Consultant:
Chuck Nance, Planning Consultant, Isothermal Planning: Approve
Since the land adjacent to this request is zoned both Light Industrial and Heavy Industrial, I would recommend the request be approved.

Planning Board: Approve

The Board supports this request since businesses are located on these tracts prior to county-wide zoning. The Light Industrial (LI) zoning district will accommodate an existing auto salvage business and manufactured home sales.

Conforms with the Land Use Plan: This area is indicated as "Expanding Residential" on the 2005+ Projected Land Use Plan.

Surrounding Properties: Adjoining properties are predominately industrial. No support was indicated.

Non-Conforming Uses: The existing businesses are considered a non-conforming use in the Residential (R) zoning district. Rezoning would eliminate the non-conforming status.

Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to open the public hearing. (*Public notice of this hearing was conducted in accordance with NCGS 153A-343, with legal advertisements published in the Star on December 26, 2003 and January 2, 2004.*) Hearing no comments, Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to close the public hearing.

ACTION: Ronnie Hawkins made the motion, seconded by Tom Bridges, and unanimously adopted by the Board, to ***approve the rezoning as requested*** (copy of Ordinance found on Page _____ of Minute Book 27).

**ZONING MAP AMENDMENT: PUBLIC HEARING - DAVID WRIGHT
(CASE 03-16; 1222 MARY'S GROVE CHURCH ROAD)**

Mr. McCarter explained that David Wright has petitioned to rezone approximately 1.5 acres located at 1222 Mary's Grove Church Road from Residential (R) to General Business (GB). Mr. McCarter advised the Planning Board has recommended the property be rezoned Neighborhood Business (NB), but he advised he has not been able to contact Mr. Wright to see if he agrees with the recommended change.

He reviewed the following background information on the property:

Existing Land Use: Currently being used for convenience store/gas station. Surround land uses are predominately residential.

Future Land Use: Expanding Residential.

Utilities: CCSD has a 6" water line available along Mary's Grove Church Road.

Transportation: This street is classified as a "Rural Local Road" by NCDOT, serving as the connecting street between local residential streets and the thoroughfare system.

He also reviewed the following recommendations of the Planning Consultant and the Planning Board:

Chuck Nance, Planning Consultant, Isothermal Planning: Deny

All of this area is zoned Residential, and it is my opinion that this proposal might be considered "spot zoning" in that this property would benefit from relief of the restrictions of the adjoining property. I would recommend not approving this proposal.

It should be noted that David Owens, of the Institute of Government, in his book Legislative Zoning Decisions defines spot zoning as follows: *A zoning amendment, which singles out and reclassifies a relatively small tract, owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected.*

In this case the word "relative" has to do with where the request is, and the size of the parcel. In towns and cities this may pertain to parcels of less than an acre. In counties "relative" may pertain to tracts of many acres.

Planning Board: Deny

The Board recommended denying this request. Members expressed concern about the lack of support from adjoining property owners, and spot zoning. Since the building was previously used as a convenience store, the board recommended rezoning to Neighborhood Business (NB). This will restore the original use without further impact to the neighborhood.

Conforms with the Land Use Plan: This area is indicated as "Expanding Residential" on the 2005+ Projected Land Use Plan.

Surrounding Properties: Adjoining properties are predominately residential. No support was indicated.

Non-Conforming Uses: The building is currently abandoned, but it appears that the previous use was a small general store. The store would have been a non-conforming use, but the status has expired, requiring that the property be rezoned in order to establish a new business.

Tom Bridges made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to open the public hearing. (*Public notice of this hearing was conducted in accordance with NCGS 153A-343, with legal advertisements published in the Star on December 26, 2003 and January 2, 2004.*) Hearing no comments, Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to close the public hearing.

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***deny the rezoning petition.***

CITY OF SHELBY: PUBLIC HEARING - EXTRATERRITORIAL JURISDICTION (ET) REPRESENTATIVE TO THE SHELBY PLANNING AND ZONING BOARD

Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to open the public hearing regarding the Shelby City Council request that Bob Cabaniss, 371

Magness Road, be appointed to a three-year term as ET representative to the Shelby Planning and Zoning Board. The term would expire June 2006. *(Public notice of this hearing was conducted in accordance with the mandates of NCGS 160A-362. Legal advertisement was published in the Star on December 26, 2003 and January 2, 2004.)*

Hearing no comments or additional nominations, Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to close the public hearing.

ACTION: Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***appoint Bob Cabaniss as recommended by the Shelby City Council.***
CLEVELAND COUNTY TAX ASSESSOR APPOINTMENT

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***reappoint Christopher L. Green to serve as Cleveland County Tax Assessor.*** The term of this reappointment is for a period of four years (reference NCGS 105-294), scheduled to conclude January 6, 2008. *(Reference Minutes of January 11, 2002 for record of initial appointment.)*

CLEVELAND COUNTY ASSISTANT TAX ASSESSOR APPOINTMENT

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***reappoint Jean S. Mayes to serve as Cleveland County Assistant Tax Assessor.*** The term of this reappointment is for a period of four years (reference NCGS 105-294), scheduled to conclude January 6, 2008. *(Reference Minutes of January 11, 2002 for record of initial appointment.)*

CLEVELAND COUNTY ECONOMIC DEVELOPMENT REPORT

_____ Stuart Gilbert, Chamber President, advised that Scott Darnell, Senior Vice-President with Economic Development, is out-of-town. Mr. Gilbert provided Commissioners with a brief update of economic development projects. He reviewed that on January 8 the Chamber will host their annual banquet and encouraged Commissioners to attend; noted that January 15 the Chamber will host a “legislative briefing, the first one the Chamber has ever held and the purpose of the briefing is to have input between the elected officials of our count and the Chamber . . . economic development and transportation the key topics.”

He reviewed that Golden Leaf has provided \$5,000 of funding for “our certified sites program” and that process is moving forward and “we hope that within the next number of months we will have the Cleveland County Industrial Park as a certified site.” He said a “visitation with the Economic Development Administration” is scheduled for next week. trying to obtain federal dollars for infrastructure. He reviewed there has been discussion regarding the “textile belt process” and the “Appalachian Regional Commission” adding Cleveland County to the ARC with activity on that legislative bill hopefully in March. He advised that discussion has been held to further clarify the role of the Economic Development Commission board since merger with the Chamber has been accomplished. He fills everyone now has a clearer understanding of the recruitment process and how everyone has an important role in that process.

CLEVELAND COUNTY LAND USE PLAN

Bill McCarter reviewed that Cleveland County has been seeking proposals from consultants to update the county Land Use Plan since October 2003. During this process six responses were received with a

range in estimated cost from \$55,000 to \$260,000. Mr. McCarter stated, “Of these six firms, we interviewed Centralina Council of Governments and Woolpert LLP. Both firms were very similar in costs and had excellent references, but Centralina offered more public input meetings for a slightly lower fee. Therefore, we are recommending the selection of Centralina Council of Governments to prepare the 2005-2015 Land Use Plan for a fee of \$66,968.”

Bids were listed as:

| | | |
|-----------|-----------------------------------|--------------|
| | CMR Services, Inc. | \$55,000 |
| | Centralina Council of Governments | \$66,968 |
| | Woolpert LLP | \$70,000 to |
| \$110,000 | | |
| | HDR Engineering | \$123,750 to |
| \$148,230 | | |
| | Land Design | \$230,000 to |
| \$260,000 | | |

Rebecca Yarbrough, representing Centralina, reviewed the Project Approach summary (*copy of Pages _____ of Minute Book 27*). There was discussion regarding various aspects of the project scope. Commissioner Self reported that he participated in the interview process and stated he supports Centralina due to the fact they tailored the plan to fit our county.

ACTION: Willie McIntosh made the motion (*which received no second*) to table a decision until the next Commission meeting in order to review different aspects of the plan. The motion failed by a majority vote, with votes recorded as Accor and McIntosh voting yes; and, Hawkins, Bridges and Self voting no.

ACTION: Tom Bridges made the motion (which received no second) to ***award the contract to Centralina Council of Governments in the amount of \$66,968.*** (*Copy of contract found on Pages _____ of Minute Book 27.*) The motion was adopted by a

majority vote, with votes recorded as Bridges, Self and Hawkins voting yes; and, Accor and McIntosh voting no.

LAKE NORMAN RURAL PLANNING ORGANIZATION ALTERNATE VOTING MEMBERS

Mr. McCarter reviewed that Tom Bridges serves as representative to the Transportation Advisory Committee. Both the member and alternate member must be an elected official. Mr. McCarter serves as representative to the Technical Coordinating Committee. There is no specific length of term for these appointments.

ACTION: Tom Bridges made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***appoint David Dear to serve as Technical Coordinating Committee alternate voting member; and, Jerry Self to serve as Transportation Advisory Committee alternate voting member.***

CLEVELAND COUNTY PLANNING BOARD APPOINTMENT

ACTION: Jerry Self made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***appoint Michael Greene to serve as a member of the Planning Board to complete the unexpired term of Myra Douglass (representing Township 11).*** The appointment is scheduled to conclude on December 31, 2004.

LANDFILL: RESOLUTION FOR THE CONTINUED OPERATION OF THE CONSTRUCTION AND DEMOLITION LANDFILL ON TOP OF OUR CLOSED MUNICIPAL SOLID WASTE LANDFILL

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the resolution, with the addition of more specific information regarding number of jobs to be lost and impact on the county (following resolution is the final version).***

NUMBER 01-2004

RESOLUTION
FOR THE CONTINUING OPERATION OF THE
CONSTRUCTION AND DEMOLITION LANDFILL

ON TOP OF OUR CLOSED MUNICIPAL SOLID WASTE LANDFILL

_____ **WHEREAS**, Cleveland County is concerned with the environment and its effects on the citizens of Cleveland County;

WHEREAS, Cleveland County accepts and understands that unlined landfills will and do contaminate groundwater directly beneath and to some distance beyond the existing waste boundary before the groundwater is naturally attenuated;

WHEREAS, since 1998, Cleveland County has been permitted to dispose of construction and demolition waste on top of the closed municipal solid waste landfill;

WHEREAS, since 1998, the groundwater at Cleveland County's landfill has shown no additional contamination that can be attributed to placing construction and demolition debris on top of our closed municipal solid waste landfill;

WHEREAS, Cleveland County understands that new Solid Waste Rules may become effective July 1, 2004, that require Cleveland County to close the construction and demolition landfill that is on top of the closed municipal solid waste landfill by January 1, 2008;

WHEREAS, Cleveland County believes this would create a negative impact on economic development, both current and future projects, specifically our home builders and PPG. Our largest employer, PPG is at risk of losing in excess of 1,100 jobs if the cost of production is increased due to the increase in landfilling cost. PPG management has estimated an additional half-million dollars per year, based on present disposal tonnage, if disposal costs increased, causing them to possibly cease operation in Cleveland County if their product can be produced cheaper somewhere else;

WHEREAS, Cleveland County's engineering consultants have estimated the construction of a new construction and demolition landfill could cost upwards to \$60,000.00 per acre, which would create additional expenses for our home builders to the point of curtailing building in our county, causing some companies to stop building completely. It is impossible to determine the devastating economic impact this would create for our home builders and other businesses within our county, other than to say devastating is a gross understatement;

WHEREAS, if Cleveland County suffers further job loss in this time of high unemployment, the economic crisis continues to escalate due to the ripple effect

of tax revenue loss, retail sales revenue loss, loss of homes and personal property, not to mention the loss of heritage, quality of life, and self-esteem;

WHEREAS, Cleveland County believes that by being required to develop another construction demolition landfill by January 1, 2008, will create additional environmental (*groundwater*) contamination and cost to the citizens and businesses of the County that is not environmentally necessary at this time,

NOW, THEREFORE, BE IT RESOLVED that Cleveland County be allowed continue operation of the construction and demolition landfill, with existing conditions such as buffers and slopes, until it has reached its maximum capacity based on volume; and,

LET IT BE FURTHER RESOLVED, that in the future, Cleveland County be allowed to dispose of construction and demolition debris on top of other closed municipal solid waste landfills so that new contaminated areas will not have to be opened and the old municipal solid waste landfills can be monitored better.

ADOPTED THIS THE 6TH DAY OF JANUARY 2004.

(Original resolution was signed by each Commissioner and delivered by Commissioners to Raleigh and presented during a hearing on this issue.)

MUNICIPAL MEETINGS

In keeping with the goals set by Commissioners to attend the regular meetings of the municipalities and other organizations throughout the county, Vice-Chairman Hawkins reported that he had attended the Upper Cleveland Chamber meeting on January 5, along with Commissioner Self. Chairwoman Accor advised she had visited the Grover Town Council meeting on January 5.

ADJOURN

There being no further business to come before the Board at this time (*7:45 p.m.*), Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to adjourn the meeting. The next regular meeting of the Board is scheduled for **Tuesday, January 20, 2004, at 6:00 p.m.**

Chairwoman
COMMISSIONERS

Mary S. Accor,
CLEVELAND COUNTY BOARD OF

Wanda Crotts, CMC, Clerk
CLEVELAND COUNTY BOARD OF COMMISSIONERS