

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**October 3, 2006**

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:** Ronald J. Hawkins, Chairman  
Jerry L. Self, Vice-Chairman  
Mary S. Accor, Commissioner  
Johnny Hutchins, Commissioner  
David C. Dear, County Manager  
Robert Yelton, County Attorney  
Wanda Crotts, County Clerk  
Kerri Melton, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Chris Crepps, Finance Director  
Bill McCarter, Planning Director  
Joe Cherry, Electronics Engineer  
Lindsey Allen, Cleveland Headline News  
Pete DeLea, *The Star*  
Other individual names on file in the Clerk's Office

**ABSENT:** Willie B. McIntosh, Commissioner

**CALL TO ORDER**

Chairman Ronald J. Hawkins called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Robert Miller provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following additions:*

- (1) **Planning Department: Zoning Map Amendment** (David Dear)
- (2) **Planning Department: Zoning Map Amendment** (David Dear)
- (3) **Composite Bond Program: Safety Test & Equipment** (Bob Yelton)

**CITIZEN RECOGNITION**

***Ron Shaffer*** requested Commissioners reconsider and repeal the tarp ordinance, stating he feels it will have "unintended consequences" in that litter will become more of a problem along roadsides and illegal dumping.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions or deletions to the minutes of *September 5, 2006*, motion was made by Mary Accor, seconded by Jerry Self, and unanimously adopted by the Board, to *approve the minutes as written.*

**RESOLUTION: CHANGE IN REGULAR MEETING PLACE – OCTOBER 17, 2006**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following Resolution.*

NUMBER 20-2006

**CHANGE IN REGULAR MEETING SCHEDULE OF THE  
CLEVELAND COUNTY BOARD OF COMMISSIONERS**

WHEREAS, Cleveland County Commissioners have decided that it is appropriate to change the meeting place for their regular meeting of **Tuesday, October 17, 2006** from the Commission Chamber in the Charles F. Harry - Cleveland County Administrative Building to meet at the Boilings Springs Town Hall, Council Chamber, 145 South Main Street, Boiling Springs, NC. The meeting will begin at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, THAT, the Cleveland County Board of Commissioners will change the meeting place of said meeting and notify the public of their decision in accordance with the mandates of NCGS153A-40. The regular meeting schedule as adopted by the Board will resume after this meeting.

ADOPTED THIS 3rd DAY OF OCTOBER 2006.

**HISTORIC PRESERVATION COMMISSION: JOHN LATTIMORE HOUSE (Schedule public hearing for November 7, 2006)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to schedule the public hearing as requested to consider the John Lattimore House, located at 4112 Five Points Road, for possible designation for Historic Landmark status.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #011)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, 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>
012.537.4.310.00	Child Health/Federal Grants	\$13,750.	
012.537.5.213.00	Child Health/Office Supplies	2,250.	
012.537.5.310.00	Child Health/Travel	2,000.	
012.537.5.311.00	Child Health/Education Expense	4,500.	
012.537.5.490.00	Child Health/Professional Services	4,500.	
012.537.5.491.00	Child Health/Board Meeting Expense	500.	

*Explanation of Revisions: Budget to increase in Connect-the-Dots funds for Child Care consultant activities. Funds have been increased for this FY.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #012)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following budget amendments:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.546.4.991.00/02200-5120	Carolina Access/Fund Balance Approp.	\$39,032.	
012.546.5.121.00/02200-5120	Carolina Access/Salaries-Regular	27,563.	
012.546.5.131.00/02200-5120	Carolina Access/Social Security	1,709.	
012.546.5.132.00/02200-5120	Carolina Access/Retirement	449.	
012.546.5.133.00/02200-5120	Carolina Access/Hospital Insurance	2,608.	
012.546.5.134.00/02200-5120	Carolina Access/Dental Insurance	104.	
012.546.5.135.00/02200-5120	Carolina Access/Employer 401-K	459.	
012.546.5.136.00/02200-5120	Carolina Access/Medicare Insurance	400.	
012.546.5.210.00/02200-5120	Carolina Access/Departmental Supply	116.	

012.546.5.211.00/02200-5120	Carolina Access/Controlled Prop. Exp.	1,609.
012.546.5.213.00/02200-5120	Carolina Access/Office Supplies	1,200.
012.546.5.310.00/02200-5120	Carolina Access/Travel	400.
012.546.5.311.00/02200-5120	Carolina Access/Education Expense	950.
012.546.5.321.00/02200-5120	Carolina Access/Telephone	585.
012.546.5.322.00/02200-5120	Carolina Access/Postage	250.
012.546.5.460.00/02200-5120	Carolina Access/Dues-Subscription	630.

*Explanation of Revision: Budget funds for PHN I (9-months) to provide case management services for clients with mental health diagnoses. Also, budget funds for operating expenses to support position. Funds should be moved from the Fund Balance Account #012.000.3.991.46.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #013)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, 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>
012.546.4.660.24	Carolina Access/Medicaid-Pharmacy	\$55,000.	
012.546.5.210.00	Carolina Access/Departmental Supply	820.	
012.546.5.211.00	Carolina Access/Controlled Prop. Exp.	1,609.	
012.546.5.310.00	Carolina Access/Travel-Training	2,071.	
012.546.5.322.00	Carolina Access/Postage	500.	
012.546.5.490.00	Carolina Access/Professional Services	50,000.	

*Explanation of Revision: Budget anticipated Medicaid revenue to initiate Pharmacy Management Services. Will contract with Doctor of Pharmacology (Pharm D) to provide medication management for Medicaid patients linked with the Local Community Care of North Carolina program.)*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #014)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, 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>
012.548.4.540.00	CODAP/Contracted Services	\$64,728.	
012.548.5.121.00	CODAP/Salaries-Regular	22,838.	
012.548.5.131.00	CODAP/Social Security	1,416.	
012.548.5.132.00	CODAP/Retirement	1,117.	
012.548.5.133.00	CODAP/Hospitalization Insurance	2,688.	
012.548.5.134.00	CODAP/Dental Insurance	104.	
012.548.5.135.00	CODAP/401K	1,142.	
012.548.5.136.00	CODAP/Medicare Insurance	331.	
012.548.5.210.00	CODAP/Departmental Supply	820.	
N012.548.5.211.00	CODAP/Controlled Property Exp.	1,609.	
012.548.5.213.00	CODAP/Office Supplies	500.	
012.548.5.310.00	CODAP/Travel	1,000.	
012.548.5.311.00	CODAP/Education Expense	31,163.	

*Explanation of Revision: Budget funds received from Pathways contract to provide substance abuse education, materials, etc. Will need to establish full-time PH Educator I position (effective 10/1/06) to provide services.*

**HEALTH DEPARTMENT: CONSIDERATION OF DISCONTINUATION OF BACK DOOR HOUSEHOLD GARBAGE PICK-UP SERVICE AND SERVICE RATE INCREASE BY GDS (Schedule public hearing for November 7, 2006)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously

adopted by the Board, *to approve scheduling the public hearing as requested.*

**B. E. S. T. STUDENTS RECOGNITION**

Commissioners presented Certificates of Recognition to the following students, who participated in the B.E.S.T. program recently held at Gardner-Webb University: Lekendra Gullatte, Arletta Rice, Ebony Marable, Shenee Smith, Whitney Woods, Jasmine McElwaine, Latoya Wright, and India Wright.

**RECOGNITION OF JOE CHERRY – RECIPIENT OF THE 2006 NORTH CAROLINA CHAPTER OF THE ASSOCIATION OF PUBLIC SAFETY COMMUNICATIONS OFFICIALS INTERNATIONAL**

Commissioners presented Mr. Cherry with a Certificate of Recognition and Mr. Dear highlighted “just a few” of the numerous ways Mr. Cherry has contributed to Cleveland County during his 32-year career as County Communications Engineer. Vice-Chairman Self stated, “I’ve talked with Mr. Cherry before to let him know we appreciate the good job he’s done here for the county for so many years. He is very knowledgeable, he has saved the county a tremendous amount of money, he’s the reason we’re in the forefront in terms of digital communications verses almost any other county in the State and he’s done it in a way – working with the people from the State, the Highway Patrol – such that the impact on the county taxpayers has been minimal. He is a very knowledgeable guy; he’s one of those true public servants. There is no way that the county or the taxpayer could pay him enough to compensate him for the advantage he has brought to the county. About the only thing we can do is what we’re doing here today, which is say thank you.”

**PROCLAMATION: MINORITY BUSINESS MONTH – OCTOBER 2006**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to adopt the following proclamation, as presented by Richard Hooker and Robert Miller.*

NUMBER 05-2006

**PROCLAMATION**  
**MINORITY ENTERPRISE DEVELOPMENT WEEK**  
**October 15 – 21, 2006**

*WHEREAS*, the annual observance of “*Minority Enterprise Development Week*” has been proclaimed by the President of the United States since 1983 to highlight the important contributions minority business enterprises have made to our national and local economy;

*WHEREAS*, the 2006 celebration of Minority Enterprise Development Week will bring together business leaders, government officials, community agencies, financial and educational institutions, high school seniors and other community stakeholders to raise community awareness and honor the accomplishments minority business enterprises, individuals and other community partners who make a difference in the community they live;

*WHEREAS*, this year’s theme, “Charting a Course for Minority Business Enterprises into Future: Through Leadership and Achievement,” reflects the challenges and opportunities that confront minority businesses and organizations in an ever-changing global economy that demands critical knowledge, continuous improvements and the skills required to compete successfully in the workforce of the 21<sup>st</sup> century;

*WHEREAS*, the Cleveland County Business Development Center in collaboration with Cleveland Community Center, Alliance for Health, Minority Health Council, The Star, Edward Jones Investments, the Core Group, and Gardner-Webb University have teamed up to promote greater awareness, education, information, and strategies to improve the quality of life in Cleveland County;

WHEREAS, the annual Minority Health Conference on October 21 will focus on the importance of building a healthy, vibrant, and inclusive community by educating the community about preventive health initiatives that lead to eliminating health disparities, especially in the African American community and helping to improve the quality of life for all residents of Cleveland County.

NOW, THEREFORE, the Cleveland County Board of Commissioners, do hereby proclaim October 15 - 21, 2006 as "Minority Enterprise Development Week" in Cleveland County in recognition of the above organizations efforts to enhance the success of minority owned businesses and supporting institutions in Cleveland County.

ADOPTED THIS THE 3 DAY OF OCTOBER 2006.

**PERSONNEL ADVISORY COMMITTEE: BOARD APPOINTMENTS**

**ACTION:** Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint/reappoint the following to serve as members of the Cleveland County Personnel Advisory Committee.*

Jan Deviney (*Tax Listing*) – term expires on December 31, 2007  
Kim Ogle (*Finance*) – term expires on December 31, 2007  
Tim Tallent (*Maintenance*) – term expires on December 31, 2008  
Kathy Greene (*Register of Deeds*) – term expires on December 31, 2008  
Joyce King (*Health Department*) – term expires on December 31, 2007  
Jackie McCurry (*EMS*) – *Alternate* – term expires on December 31, 2007  
Alison Clark (*DSS*) – *Alternate* – term expires on December 31, 2008

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – CHAD WATTS (ROYSTER ROAD) (CASE #06-16) (Continued from September 5, 2006 meeting)**

Bill McCarter, Planning Director, stated that Mr. Watts, of Watts Perfections, Inc., had presented a petition to rezone a 13-acre tract along Royster Road, from Residential to Rural Agricultural-Conditional Use. He reviewed the information submitted to Commissioners during their September 5, 2006 meeting, at which time the Planning Board requested this case be continued to allow them time to meet further with Mr. Watts to clarify several questions. At the recommendation of the County Attorney, the public hearing was also continued until this date.

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

*Chuck Nance, Isothermal Planning Consultant*, recommended approval, stating, "Technically, this case could still be considered spot zoning. However, conditional zoning allows more flexibility. This new procedure will allow the governing board to make political decisions, and allows one use to be permitted, while giving the governing board authority to set additional restrictions. Although the area is currently zoned Residential (R), the predominant feature of the area is open and agricultural uses. By allowing conditional zoning, Commissioners can regulate not only the proposed use, but also hours of operation, acceptable noise levels, and future expansion. In our opinion, the county could rezone this property RA-CU."

*The Planning Board* also recommended approval, and provided the following report: "The Planning Board met with the petitioner on September 26, 2006 and voted unanimously to recommend this rezoning. A site plan was completed which answered many of the questions previously raised by the Board. Mr. Watts indicated to the Board that engines were drop shipped to his location and he modified the engine and shipped it back out to the customer. His hours of operation are 9:00 am until 6:00 pm. He also assured the Board that no test track would be constructed on his property. The 2015 Land Use Plan shows this area is classified as Residential. Surrounding Properties are listed as rural low-density residential, with active agricultural. Background information was presented as follows: Chad Watts of

Watts Perfections, Inc. was advised by his insurance company to separate his business from his home. This business was originally permitted as a rural home occupation, but since it will no longer be located on the same property with his home, this parcel will need to be rezoned to a commercial district. The least intensive commercial district that will permit the rebuilding of motorcycle engines is RA district.”

David Morrow, a member of the Planning Board, told Commissioners he supported the rezoning, stating that it is a “good business” and a “good garage.”

Chairman Hawkins opened the public hearing. (*Notice of the public hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisements published in the Star on August 24 and 31, 2006.*)

**James McBrayer**, a “neighbor to the south” (3535 Fallston Road and 2518 Royster Road) spoke in opposition to the rezoning. Mr. McBrayer advised the 17-acres, on which he resides, has been in his family for years and he is concerned about the future. He expressed concerns that a “track” would be installed and noise would be a problem for this residential area. He had concerns about erosion, stating that the nearby creek already showed evidence of erosion due to actions taken on the property of Mr. Watts. He feared the “eco-system” would be harmed. He said the property is a “natural corridor” for wildlife and feared that if a dirt-bike track was installed, the wildlife would also suffer. He stated that eventually Mr. Watts would want to “show off” the bikes by developing a track of some sort.

**Chad Watts**, the petitioner, told Commissioner he “grew up on Royster Road” and moved to California when he was 16-years old to compete professionally in the dirt-bike circuit. He said he has “traveled for years, and I don’t want a dirt track in my yard.” He said he had spent \$80,000 on landscaping the area, picks up trash each week, keeps grass cut, had put in three sediment ponds and “the erosion in the creek mentioned by Mr. McBrayer comes from nearby turkey farms.” He said noise from his business would not be an issue, noting he hears noise from “Thunder Valley” race track every weekend.

Hearing no further comments, Chairman Hawkins declared the public hearing closed.

There was lengthy discussion regarding the specific restrictions for this conditional use, noting this would be zoned for the use indicated on the plat and if anything were changed, including the addition of a dirt track, Mr. Watts would be required to come back before the Board.

**ACTION:** Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the rezoning petition for 13.285 acres located at 2617 Royster Road, Shelby (map #3193-1-86) with the following limitations:*

- *Sign by road (4x8 ft) – 35 feet off white line;*
- *Building size (60x61 ft / 28 ft tall)*
- *Parking lot (48x88 ft) cement, with handicapped parking*
- *Five (5) parking spaces*
- *Gravel driveway*
- *Retail/commercial sales limited to hours of 9:00 a.m. – 6:00 p.m.*
- *No test track.*

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP**  
**2617 Royster Road – 13.3 Acres**  
**Residential (R) to Rural Agricultural Conditional District (RACD)**

WHEREAS, Article 18 of Chapter 153A of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, the applicant Chad Watts, has proposed to operate a business that will re-manufacture motorcycle engines; and

WHEREAS, the Cleveland County Planning Board recommended to approve the rezoning of this parcel on September 26, 2006, stating that the proposed use was reasonable for this rural area; and

WHEREAS, the 2015+ Future Land Use Plan provides for non-residential uses in rural areas including limited retail, commercial and agricultural-based industrial uses using the Conditional Zoning Districts; and

WHEREAS, said amendment will promote the health, safety, and welfare of the citizens of Cleveland County and said amendment is beneficial to the orderly growth of Cleveland County.

WHEREAS, notice of the Public Hearing was published in the Shelby Star on August 24, 2006, and August 31, 2006, notices were mailed to adjoining property owners on August 24, 2006 and a sign posted in the area on August 24, 2006; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by the Cleveland County Board of Commissioners to amend the Official Zoning Map following a Public Hearing on October 3, 2006; and

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Code, be amended to rezone parcel 58542, from Residential (R) to Rural Agricultural – Conditional District (RA-CD) as identified on the attached map designated “Rezoning Case 06-16”, being incorporated herein by reference and made part of this ordinance.

BEGINNING at a point in Royster Road, thence following property lines, North 07-54-00 East 311.72 feet, North 85-36-00 West 444.75 feet, thence with the creek North 49-36-00 East 64.50 feet, North 11-47-00 West 321.00 feet, North 42-52-00 East 326.00 feet, North 42-21-00 West 300.00 feet, North 20-20-49 West 146.04 feet, thence with property lines South 51-14-14 West 1356.00 feet, thence with Royster Road South 27-12-00 West 75.14 feet, South 29-16-00 West 100.00 feet, South 35-19-00 West 100.28 feet, South 42-13-00 West 100.00 feet, South 52-31-00 West 100.82 feet, South 62-25-00 West 100.00, South 74-51-00 West 100.59 feet, South 81-10-24 West 61.02 feet, to the point of BEGINNING.

This Ordinance shall become effective upon adoption and approval.  
Adopted this 3th day of October, 2006 at 6:00 p.m.

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – GEORGE HAYS (Case #06-17)**  
**(1013 New Camp Creek Church Road)**

Mr. McCarter advised that Mr. Hays had presented a petition to rezone a 1.9-acre tract located at 1013 New Camp Creek Church Road from Restricted Residential to Neighborhood Business.

The existing use is the Woodbridge neighborhood pool, tennis courts and clubhouse; future land use is residential; public water is provided by CCSD; transportation – New Camp Creek Church Road is classified as a collector street.

Mr. McCarter advised both Mr. Nance, the planning consultant, and the Planning Board, recommended approval of the rezoning petition. He reviewed their recommendations as follows:

*Isothermal Planning* – Most of the surrounding property is zoned Restricted Residential, with the property across New Camp Creek Church Road and back towards the intersection with Stony Point Road being zoned General Business. We believe that his property could be rezoned to Neighborhood Business. Since there is already General Business in close proximity, the Neighborhood Business would offer a transitional cushion between the more intensive commercial uses.

*Planning Board* – The Planning Board voted unanimously to recommend this rezoning request. The Board agreed with IPDC that Neighborhood Business was a good transition zoning for this area. The 2015 Land Use Plan indicates this area is classified as Residential. This property adjoins the Woodbridge Golf course and pro shop, and the driving range across the street. New Camp Creek Church Road is classified as a collector street by NCDOT.

Chairman Hawkins opened the public hearing. (*Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on September 22 and September 29, 2006.*) Hearing no comments, Chairman Hawkins declared the public hearing closed.

**ACTION:** Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the rezoning petition.*

ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP  
1.9 acre tract at 1013 New Camp Creek Church Road  
Restricted Residential (RR) to Neighborhood Business (NB)

WHEREAS, Article 18 of Chapter 153A of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, the Cleveland County Planning Board recommended to approve the rezoning of this 1.9 acre tract on September 26, 2006, stating that this tract would be a good zoning transition since there is already General Business in close proximity, adjoining the Woodbridge Golf Course and Pro Shop, and the driving range across the street; and

WHEREAS, this property is located adjacent to a “Commercial Node” on the 2015+ Future Land Use Plan, and the Neighborhood Business zoning district will be consistent with the comprehensive plan for this area; and

WHEREAS, said amendment will promote the health, safety, and welfare of the citizens of Cleveland County and said amendment would be beneficial to the orderly growth of Cleveland County.

WHEREAS, notice of the Public Hearing was published in the Shelby Star on September 22, 2006, and September 29, 2006, notices were mailed to adjoining property owners on September 22, 2006 and a sign posted in the area on September 22, 2006; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by the Cleveland County Board of Commissioners to amend the Official Zoning Map following a Public Hearing on October 3, 2006; and

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Code, be amended to rezone parcel 14453 from Restricted Residential (RR) to Neighborhood Business (NB) as identified on the attached map designated “Rezoning Case 06-17”, being incorporated herein by reference and made part of this ordinance.

BEGINNING at an existing iron pin in the western edge of the right-of-way of New Camp Creek Church Road (NC State Road 2044), said beginning point being the southeastern corner of lot 448, Section 4, Phase 4 of Woodbridge Subdivision of record in Plat Book 12, Page 99 of the Cleveland County Registry, and running thence with the edge of the right-of-way of said road: south 43-54-18 west 50.04 feet; south 44-39-48 west 49.94 feet; south 38-45-48 west 50 feet; south 36-29-12 west 50 feet; south 33-44-18 west 50 feet; south 31-37-42 west 50 feet; south 27-34-34 west 112.79 feet to an iron pin set in the edge of the right-of-way of State Road 2044; running thence (leaving the road); north 63-32 west 177.03 feet to an iron pin set; thence north 32-10 east 209.75 feet to an iron pin set; thence, north 51-45-12 east 115.69 feet to an existing iron pin, in the southwestern corner of lot 448, section 4, Phase 4 of Woodbridge Subdivision of record in Plat Book 12, Page 99 of the Cleveland County Registry; thence with the southern line of said lot, south 42-44 east 180.54 feet to the place of BEGINNING.

This Ordinance shall become effective upon adoption and approval.

Adopted this 3rd day of October 2006 at 6:00 p.m.



**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – STEVEN BOWEN (Case #06-18) (US-74 West) (Schedule public hearing for October 17, 2006)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve scheduling a public hearing regarding this petition for October 17, 2006 (at the Boiling Springs Town Council Chamber).*

**PLANNING BOARD: ZONING MAP AMENDMENT – JOHN BARKER (Case #06-19) (636 Belwood-Lawndale Road) (Schedule public hearing for November 7, 2006)**

**ACTION:** Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve scheduling the public hearing on this petition for November 7, 2006.*

**COMPOSITE BOND PROGRAM: SAFETY TEST & EQUIPMENT COMPANY, INC.**

Bob Yelton, County Attorney, provided Commissioners with a written overview of the Composite Bond Program. He explained, “These bonds are going to be issued by the North Carolina Capital Facilities Finance Agency and are very similar to Industrial Revenue Bonds that our local Industrial Revenue Bonding Facility issues on a local basis. The biggest advantage to this composite bond program is that in the regular industrial revenue bonds that comes through our authority, basically for it to be economical, the business has to be issuing bonds probably \$5-6 million up . . . by using the composite program, the State is being able to bring in smaller businesses . . . people who don’t need capital expenditure of \$5-10 million, to issue one big issue with several smaller components to it and therefore it is shared expenses and it makes it economically feasible for someone, like in this case, issuing bonds for \$1.7 million . . . The company asking for this to be done is Safety Test and Equipment Company. They are asking for revenue bonds in \$1,700,000 and even though our authority is not issuing the bonds, approval has to be obtained by a local board of county commissioners before the State has a public hearing on it. It is being brought to you tonight to ask for your approval in principle on this project for Safety Test and Equipment Company.”

*Drew Beam*, President of Safety Test and Equipment, 107 Cherryville Road, told Commissioners the business just purchased adjoining property for the expansion and renovation of this company which has been located here since the 1960’s. Mr. Beam said the facility is “out-of-date” and they became aware of this program this summer. He explained they “manufacture safety equipment for utility companies” primarily in North and South Carolina. The new facility will be 24,000 square feet and their workforce will be increased by “up to 30 new employees.”

Mr. Yelton clarified, “We do not have to have a public hearing, you approve in principle and the State will have a public hearing in Raleigh and notice of that hearing will be published in the local press and Wake County . . . they hope to issue these bonds in November of this year.” Regarding any financial responsibility of the county, Mr. Yelton said, “These are just like the local Industrial Revenue Bonds that we issue, we do not have any financial obligation on those bonds, the bond purchaser is looking strictly to the industry and the property of the industry to secure the bonds.” Mr. Beam said, “The bonds are

secured with a letter of credit from a financial institution, which this one happens to be RBC, and they charge a certain percent to write a letter of credit for the bonds. If the bonds went into default, RBC backs it up and then they come to us.”

**ACTION:** Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to the *approval in principle of industrial project for Safety Test & Equipment Company, Inc. and the financing thereof with Industrial Development Revenue Bonds in the principal amount of up to \$1,700,000* (reference Page \_\_\_\_\_ for copy of the full document).

### **MISCELLANEOUS BUSINESS**

#### **Commissioner Accor:**

- Reported that she recently toured Kings Mountain Hospital’s new emergency room facility, which is nearing completion.
- The Social Services Board of Directors discussed mental health reform. The Board is trying to determine what steps they should take as a Board.
- Spirit of Women – an upcoming event sponsored by Cleveland Regional Medical will recognize Breast Cancer awareness.
- Cleveland County Fair - attended the opening ceremony.

#### **Commissioner Hutchins:**

- Kings Mountain school project construction – reconditioning “coming along great.”
- Cover (*Tarp*) ordinance – stated he has received calls, emails and letters regarding the ordinance. Commissioners are scheduled to evaluate the ordinance in December.

#### **Vice-Chairman Self:**

- Reported the Cleveland County CJPP Resource Center (*formerly Day Reporting Center*) is “doing well” and that a recent meeting of the Board, of which he is a member, shows that everything is running smoothly.
- Advised that he and Commissioner Hutchins attended the recent Kings Mountain Business Breakfast and felt the discussion was a beneficial.
- Thanked the Grover Mayor and Town Council for “giving up their sphere of influence” to allow Kings Mountain to annex Indian Motorcycles so they could obtain revenue bonds.
- Cover (*Tarp*) ordinance – said he has also received one email and one call and that most are regarding “small loads.” He said enforcement should not be just at the collection centers, but should be enforced countywide – it was a consensus to “pass that along to the solid waste” employees.
- Advised the “draft Transportation Improvement Plan for the State is out . . . and basically our bypass is an 8<sup>th</sup> phase project . . . it’s moved back one-year . . . they’re talking about now FY 08-09 for right-of-way and maybe some construction in FY 2012.” He suggested Commissioners attend, if a public hearing is held again this year.

#### **Chairman Hawkins:**

- Stated that Mike Bradley, the North Carolina Maritime Recruiter, who is working with Chris Craft, visited Cleveland County today and showed a picture of the 75<sup>th</sup> anniversary of the NC Highway Patrol which showed each of the officers with an Indian motorcycle, noting that Cleveland County has a long history with Indian Motorcycles.
- Mr. Bradley also said Cleveland County is in a position to attract at least 200 vendors who supply equipment to Chris Craft.
- 20/20 Chamber – noted that Dave Hart is now officially on the job with the Chamber as Economic Development Director and is already quite busy.
- Noted that on a recent “Political Smackdown” – the cable talk show sponsored by Cleveland Community College Channel 19 – praised David Dear for his efforts with economic development.

#### **David Dear**

- Noted visits have been made recently by several industries interested in locating in Cleveland County, stating that interest is at one of the highest point in recent years.

**ADJOURN**

There being no further business to come before the Board at this time, Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to adjourn the meeting (*at 7:30 p.m.*). The next regular meeting of the Commissioners is scheduled for ***Tuesday, October 17, 2006 in the Boiling Springs Town Council Chamber.***

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*Ronald J. Hawkins, Chairman  
Cleveland County Board of Commissioners*

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*Wanda Crotts, CMC, Clerk  
Cleveland County Board of Commissioners*