

CLEVELAND COUNTY BOARD OF COMMISSIONERS

March 15, 2005

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
Willie B. McIntosh, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Wanda Crotts, CMC, County Clerk
Pat Spangler, Deputy County Clerk
Sherry Evans, County Manager's Office
Bill McCarter, Planning Director
Eddie Bailes, Human Resources Director
Chris Crepps, Finance Director
Chris Green, Tax Assessor
Alex Caban, Cleveland Headline News
Joy Scott, The Star
Robert Williams, Citizens for Good Government
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Hawkins called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Eddie Bailes, Human Resources Director, provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following additions:*

- (1) Communications tower site discussion. (*Willie McIntosh*)
- (2) Cleveland County Sanitary District board resignation. (*Bob Yelton*)

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the *minutes of February 15, 2005*, motion was made by Jerry Self, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the minutes as written.*

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during February 2005. The monthly grand total of tax abatements was listed as (\$23,520.63); and, the monthly grand total for tax supplements was listed as \$15,877.80.

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during February 2005 (copy found on Page _____ of Minute Book 28).

CRIMINAL JUSTICE PARTNERSHIP PROGRAM: DAY REPORTING CENTER – CONTINUATION OF GRANT APPLICATION

ACTION: Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *accept the grant funding as presented in the amount of \$91,397.00 for the Criminal Justice Partnership Program through the Sheriff's Office (grant #23-0705-I-A), FY July 1, 2005 to June 30, 2006.*

HEALTH DEPARTMENT: REDUCTION IN FORCE – DENTAL ASSISTANT

ACTION: Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *approve the reduction in force requested by the Health Department, for position #12.544.4200 Dental Assistant.*

RECOGNITION OF THURSTON HAMRICK

Commissioners honored Mr. Hamrick for his induction into the Professional Cowboys Association Hall of Fame – 2005. Commissioner McIntosh reviewed some of the highlights of Mr. Hamrick's career, which has spanned over forty years. He is the owner of Bar H Arena and Bar H Championship Rodeo Productions. Commissioner McIntosh stated, "Today he announces rodeos, occasionally team ropes and furnishes rodeo livestock to top rodeos in the southeast, including the greatest family rodeo east of the Mississippi, The Bar H Championship Rodeo and Country Festival, which is held in May at the Bar H Arena in Boiling Springs."

RECOGNITION OF CREST HIGH SCHOOL FOOTBALL TEAM

Commissioners honored the Crest High Football team for their accomplishments during 2004, with Commissioner Accor reading the plaque which will be presented to the team: *Crest Chargers State Champions 2004 - Football Class 3AA. Congratulations!*

CLEVELAND COMMUNITY COLLEGE: ECONOMIC IMPACT STUDY

Dr. Steve Thornburg, Cleveland Community College President, accompanied by Board of Trustee members and staff, explained that the North Carolina Community College System recently completed an economic impact study on each community college's value to the State of the local service area. A group of economists with CCbenefit, Inc. from Moscow, ID, conducted the research.

Dr. Thornburg provided Commissioners with a copy of the complete report, entitled *The Socioeconomic Benefits Generated by Cleveland Community College* and reviewed the Fact Sheet, The

Taxpayer Perspective, and the Executive Summary (*copy found on Pages _____ of Minute Book 28*).

There was discussion regarding the upcoming capital campaign for an expansion which will house all allied health and sciences as well new science labs - estimated cost, \$5.5 million. This capital campaign will to match "State dollars obtained through the bond referendum."

Commissioners thanked Dr. Thornburg, the staff, and Trustees for their dedication to the citizens, as well as their contributions to economic development growth and humanitarian efforts.

COMMUNICATIONS TOWER SITES

David Dear reviewed background information on this matter stating, "We're in the process of locating tower sites for our countywide communications system and we've run into a significant road block in the permitting process of our Shelby site and as a result we are going to have to give you some information from our professional staff Mr. Cherry and our consultant George Swearingen with Tower Engineering Professionals, Inc. (*TEP*) of Raleigh . . . after you heard all the pertinent information and had time to ask questions and have discussion, we're going to need some direction from the Board as to how to proceed with the site permitting process."

Joe Cherry, County Communications Engineer, stated, "To give you a little background without going back too far as to how we got to where we are today, Cleveland County, in conjunction with Kings Mountain and Shelby, was awarded a grant for \$1,054,000 late in 2004. The grant is in conjunction with the Highway Patrol which will be used to co-locate their 800 MHz statewide system. Our grant was given to build three towers in Cleveland County and we decided to build the towers in Kings Mountain, Shelby and Boiling Springs. We've been doing quite a bit of work for what seems like forever on trying to get the locations for the towers finalized and we have submitted applications to the FCC and FAA in mid-January to build towers at our Kings Mountain site, which is on the City of Kings Mountain's property at their utilities warehouse, public works department location, and behind the Law Enforcement Center in Shelby. The initial Shelby site we chose was the property behind the County Office Building, but we had to move away from that site because of zoning problems and building penetration issues. We wanted to get our building penetration to an acceptable level for the City of Shelby."

Mr. Cherry continued, "So, we filed our applications . . . and still have not heard from those. Part of this application process is that these applications have to be approved by the State Historic Preservation Office, as well as Archeological offices, US Fish and Wildlife, it's quite an involved process in getting permission to build the towers. In fact, that process is much more lengthy than the construction process itself. Our grant which we were awarded has a deadline of November 30, 2005. There may be a chance, or there may not be a chance, of getting the grant extended . . . but we have to

proceed under the assumption that this is the timeline we must meet . . . “He explained Tower Engineering Professionals, Inc. from Raleigh was hired as consultants in this matter to represent Cleveland County in researching the historical and archeological impacts of locating the towers at these sites.”

Mr. Cherry stated, “The Boiling Springs site, we’ve gone through all types of obstacles and hurdles there and still nothing has been finalized. We have something that we think is going to work, but we still don’t know for sure about that one . . . but the one that is the furthest along is the Kings Mountain site.” He said, “We have a road block with the Shelby site in that the State Historic Preservation office has issued a ruling that the tower will have an adverse effect . . . on the Shelby Historic District and also historic sites within the City of Shelby.”

George Swearingen, Environmental Manager for TEP, stated, “There are several issues that Mr. Cherry touched on concerning the siting of the communications tower to be within the regulations associated with the FCC for siting communications towers. Historic preservation issues are one issue, fish and wildlife issues with endangered species, critical habitats are also an issue, wetlands, floodplains, Native American tribes . . . we’ve originally proposed a 400 foot lattice tower, self-support, at the location across the road here. The North Carolina State Historic Preservation reviewing coordinator rendered an adverse affect finding due to visual intrusions of the historic district . . . if you continue to pursue that location, we’d have to turn it over to the FCC and have direct government to government contact and at that point the advisory council for historic preservation might get involved upon our request or the FCC’s request to try to render a determination or some type of mitigation that would allow the siting of the tower.” He advised, from his experience, trying to site a tower at this location, considering the current ruling, would be “a pretty tough uphill battle at this point.” However, he added these rulings have been overturned in the past.

There was discussion regarding the appeal process and Mr. Swearingen stated the appeal would probably take between 90 – 120 days and could cost between \$15,000 and \$50,000. The estimated cost of having the tower at another location is \$330,000 and any alternative site, stated Mr. Cherry, would not give Shelby the coverage that the Law Enforcement Center site would provide . . . and if the City needs more coverage, the cost would be an estimated \$1 million per site. There was lengthy discussion regarding coverage maps, building penetration and public safety, with Shelby City Councilman Kevin Allen and Interim Shelby City Manager Duke Whisenant joining the discussion. Councilman Allen stated he was in favor of the Law Enforcement site and Mr. Whisenant advised he felt additional technical advice needed to be obtained, stating he would recommend the Council hire a communications engineer to assist the City in making the correct decisions in this matter.

ACTION BY CONSENSUS:

1. Appeal State Historic Preservation Commission “adverse affect” ruling on the Law Enforcement site.
2. Request the City of Shelby partner with the County in the appeal and instructed the County Manager to write a letter to the Mayor/City Council stating this request.
3. Proceed on a parallel tract to apply for possible placement of the tower at the Airport Road site.
4. Determined that the “public safety” issue is the best argument for the appeal.
5. Contact local legislative delegation for any help they may give with the appeal process.

CLEVELAND COUNTY SANITARY DISTRICT BOARD RESIGNATION

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to accept the letter of resignation from Kathy Blanton from the Cleveland County Sanitary District Board and to allow the remaining members of the Board to select the person they wish to be appointed to complete the unexpired term of Mrs. Blanton and bring that name back to the Board of Commissioners for official appointment.*

In accordance with NCGS 130A-54, any vacancy in a sanitary district board shall be filled by the county commissioners until the next regular election for the sanitary district board members. John Cline, Chairman of the Sanitary District Board, was present and stated he would inform the board of this directive.

PLANNING DEPARTMENT: HISTORIC PRESERVATION INTERLOCAL AGREEMENTS WITH MUNICIPALITIES

Mr. McCarter stated, “After adopting an ordinance to establish the Historic Preservation Commission, our next step was to solicit the participation of each of the towns in the county. The primary function of this commission is to recommend to the Board of Commissioners or the governing board of a participating town, which properties should be designated as a historic landmark.”

He explained that each town was encouraged to participate in the commission by simply adopting an inter-local agreement. He said, “Our goal is to have one umbrella organization that represents all landmark properties in Cleveland County. I am pleased to report that we have received agreements from every town, except Kings Mountain. Since the City of Kings Mountain is located both in Cleveland and Gaston counties, they will maintain their own Commission.”

A list of the towns and the date on which the agreement was adopted is provided below:

*	Patterson Springs	12-06-2004
*	Lawndale	12-09-2004
*	Waco	12-20-2004
	Shelby	
*	Belwood	01-04-2005
	Boiling Springs	
	Fallston	
*	Polkville	01-06-2005

* Earl	01-10-2005
Grover	
Lattimore	
Moorestown	
* Kingstown	02-02-2005
* Casar	02-07-2005

There was discussion regarding the wording of Paragraph 3 and how that may financially impact the County and staff; however, Mr. Dear noted the verbiage states that support will be provided to the Commission at the discretion of the County Commissioners as they “deems necessary.” It was also noted that if the verbiage was changed at this point the municipalities would need to officially adopt the agreements again.

ACTION: Mary Accor made the motion, seconded by Willie McIntosh, and adopted by a majority vote of the Board, to ***approve the inter-local agreements as submitted (blank copy follows)***.
(Votes were recorded as all Commissioners voting yes, with the exception of Commissioner Hutchins who voted no.)

AGREEMENT DESIGNATING A JOINT HISTORIC PRESERVATION COMMISSION IN CLEVELAND COUNTY

This is an agreement between Cleveland County (County) and _____ (City) requesting the Cleveland County Historic Preservation Commission to exercise those powers and duties given it by the Cleveland County Historic Preservation Ordinance within the planning jurisdiction of _____.

- 1. Designation of a Joint Historic Preservation Committee**
Pursuant to the authority provided in Section 160A-400.7 of the North Carolina General Statutes, the County and the City hereby designate the Cleveland County Historic Preservation Commission (Commission) as a joint historic preservation commission, to be governed by the provisions set forth in the Cleveland County Historic Preservation Ordinance, as adopted by the Cleveland County Board of Commissioners on December 21, 2004 and as may be subsequently amended. The Commission shall have authority to exercise, within the planning jurisdiction of the City, all the powers and duties given it by the Cleveland County Historic Preservation Ordinance.
- 2. County Amendments to the Cleveland County Historic Preservation Ordinance**
If the County proposes any amendment to the Cleveland County Historic Preservation Ordinance, it will provide the City written notice of the proposed amendment and provide the City a reasonable opportunity to review and comment on the proposed amendment before the County holds a public hearing on the amendment.
- 3. Funding of Commission**
The County will provide the staffing, materials, and funding it deems necessary to support the activities of the Commission such as, but not limited to maintaining the inventory of historic resources, recommending designation of historic landmarks, and providing advice and education about historic preservation.

The County will also provide the staffing, materials, and funding it deems necessary to support the activities of the Commission in reviewing all applications for Certificates of Appropriateness for historic landmarks, enforcing the Certificates of Appropriateness issued for historic landmarks, and acquiring, restoring, preserving, and operating historic landmarks.
- 4. Appointment of Commission Members**
The City shall be notified of vacancies on the Commission when the vacant seat involves a municipal representative. The City shall be given a period of 30 days to offer names of qualified candidates for consideration by the Board of Commissioners.
- 5. Jurisdictional Conflict**
The City shall process requests for Certificates of Appropriateness for historic landmarks located within a municipal historic district.
- 6. Withdrawal from Agreement**
The City may withdraw from this agreement by providing the County 90-day written notice of its withdrawal.

7. Amendment and Repeal of the Agreement

This agreement may be amended or repealed at any time on adoption of a resolution amending or repealing the agreement by the County or the City.

8. Effective Date

This agreement becomes effective with respect to the County and the City when it has been adopted by both the Cleveland County Board of Commissioners and the governing body of the City, and has been executed by a duly authorized representative on behalf of both the Cleveland County Board of Commissioners and the governing body of the City.

/S/ Each agreement was signed and dated by the Mayor each Municipality and the Chairman of the Board of Commissioners

PLANNING DEPARTMENT: 2015 LAND USE PLAN

Mr. McCarter stated, “A good land use plan is a critical tool for zoning, in fact it is required by State law. As we grow, the zoning map needs to be amended to reflect changes in land use patterns. Our current plan was developed back in 1995. Growth projections are usually limited to a 10-year period, so our new plan provides a road map for Cleveland County through 2015.”

He said, “Our task began back in January of 2004. Centralina Council of Governments has been collecting statistics about the county, preparing maps, and getting input from citizens and elected officials throughout this county. We want our plan to be seamless with the existing municipal plans and also provide a plan that can be adopted by the smaller towns where we administer zoning.”

Mr. McCarter advised that in March, the steering committee met to review basic statistical data and begin to identify key land use issues. Community meetings were held during May and June at public facilities in Shelby, Kings Mountain, Boiling Springs and Lawndale. The steering committee worked through the summer and into the fall to develop specific goals and objectives to address comments received during the public forums. Future land use maps were also prepared to support these land use recommendations. He said another round of public meetings were held across the county in October to solicit input from the public and these comments were then reviewed by the steering committee and incorporated into the draft plan.

He said that, “In December, the Planning Board began to review the goals and objectives. During their review the plan was presented at a special meeting of CAGO, attended by over 75 local elected officials. The Planning Board made their changes and recommended the plan in February of 2005. The final draft of the goals and objectives is attached for your review, with the endorsement of the Steering Committee and the Planning Board. This is the heart of the plan, but supporting statistical data will also be incorporated into the final plan, prior to your adoption.”

Mr. McCarter introduced Bill Duston, Centralina Council of Governments Planning Director, and Rebecca Yarbrough, Planner with Centralina, who reviewed the process that has been completed to this point, reviewed maps and the following Summary:

CLEVELAND COUNTY LAND USE PLAN SUMMARY

The proposed Cleveland County Land Use Plan, when adopted, will become a guide for managing growth and development in Cleveland County. It does not have the force of law, but it should serve as a guide for the development of policies, ordinances, and practices that will bring about the vision for growth contained in the Plan. As such, it is very important that the plan truly reflect what the citizens of Cleveland County want to see for their communities. The Plan, therefore, is based directly on what came out of the many public meetings that accompanied the process.

It is also important to note that the Plan does not have mandate with what happens within individual municipalities or their planning jurisdictions. However, the Plan does make some recommendations about municipal growth and development, because it impacts the areas outside municipal planning jurisdictions. This is because the very best way for the County to preserve its treasured “rural character” is to direct as much growth as possible into existing urbanized areas—the cities and towns in the County. Good planning principles also would suggest that jurisdictions look at what is included in the Plan as they make their own land use decisions.

It is also important to note that the Cleveland County Land Use Plan can, and should, be amended if warranted by changing conditions, a significant shift in development patterns, etc. The Plan is NOT a static document—it is expected to undergo modification in terms of specifics. What would be hoped is that the general principles on which the Plan is based, will form an acceptable approach to development for years to come.

The overall vision for the County, as outlined in the Plan is as follows:

The County is expected to experience the largest amount of development occurring in the southern third, including the I-85 and US 74 corridors, and the communities of Kings Mountain, Shelby, and Boiling Springs. Throughout the County, development is encouraged in already-developing areas and existing municipalities and their ETJs, so that existing communities remain vital and healthy, and so that a sense of rural open space between them is preserved. Towns may include mixed-use development and are pedestrian-friendly, with thriving businesses. Residential development in the County includes a mix of both stick-built and manufactured housing, but all manufactured housing adheres to standards that ensure both its attractiveness and safety. Subdivision regulations permit clustering to preserve open space and planned unit development, so that a mix of uses may occur in any larger development, and connectivity is encouraged. The protection of farming is actively pursued through expansion of farmland protection measures.

Commercial development is encouraged not only in the towns, but also in areas that have already witnessed commercial development. Most new commercial development in unincorporated areas, however, is targeted for selected “nodes” at intersections in the County, with site development to include access management so that rural roads and numbered highways retain their functionality for as long as possible. Almost 12,800 acres is identified as having industrial/heavy commercial development potential, and those areas are the ones to which utility expansion (most particularly sewer expansion) should be targeted. Where industrial development is recommended along highway corridors, it is “light industrial” uses, because they tend to be more aesthetically pleasing and help the County create and retain an attractive image to visitors and potential investors.

Significant areas, in the northern/northwestern portion of the County as well as the County’s southeastern and southwestern corners are designated as future “Rural/Scenic” districts. Residential development is expected to occur to some extent in these areas, and commercial development may occur. However, commercial development occurring in “Rural/Scenic” areas must reflect the rural lifestyle, and development standards will ensure that the design is contextually appropriate. Starting from the Broad River Greenway, a network of greenways and bike routes provides a major eco-tourism draw for the County, and enhances the quality of life for business and industry seeking to locate in the area. Particularly scenic roadways are designated by NCDOT as “Scenic Byways” which increases their potential as a tourism destination.

The County regularly engages in coordinated planning to maximize its ability to manage growth and to be opportunistic insofar as creating synergy among projects is concerned. Coordination occurs through regular meetings involving multiple jurisdictions and agencies. The public is better served through a “one-stop-shopping” approach to land use and building code permitting, which also allows for greater coordination “up front” for less problem-solving as projects are completed. Code enforcement is done proactively to ensure that health and safety are protected.

Mr. McCarter advised the Plan has been approved and is recommended to the Commission for approval by both the Steering Committee and the Planning Board. John McCullough, Chair of the Planning Board, thanked the Steering Committee and Planning Board members for their commitment to seeing this project to completion and the countless hours of work they have donated to the development of this Plan which he told Commissioners they feel is a “good direction for the County.”

Chairman Hawkins noted that although there is no requirement that Commissioners hold a public hearing prior to adoption of the Plan, he recommended that one be conducted.

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *schedule a public hearing for April 19, 2005 at 6:00 p.m.*

HISTORIC PRESERVATION COMMITTEE APPOINTMENT

ACTION: Jerry Self made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to *appoint Margretta McKee to complete the unexpired term of Beth Lattimore (term scheduled to conclude on February 28, 2007).*

TAX LISTING: BOARD OF EQUALIZATION & REVIEW – ADOPT SCHEDULE FOR HEARINGS

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to *set Board of Equalization and Review hearing to begin at 4:00 p.m. on April 19, 2005, and continue on May 3, 2005 at 4:00 p.m. if needed.*

MISCELLANEOUS BUSINESS

4-H CLUB

Commissioner Mary Accor advised she has met with the 4-H Club organizers and discussed ways of helping “the youth of Cleveland County” and ways of partnering the 4-H Club with the County Schools in an effort to rejuvenate interest in the Club.

LITTER CAMPAIGN

Commissioner Accor advised the selection process for a slogan for the upcoming litter control and clean up program has been narrowed to a possible finalist “Company’s coming – clean up.” She stated more information will be forthcoming regarding this campaign.

MAN-2-MAN PROGRAM

Commissioner McIntosh stated he “earned his D-ring” today at Marion School when he spoke to the group and encouraged other Commissioners to “earn their D-ring.”

LAWNDALE TOWN MEETING

Vice-Chairman Self reported that he attended the Lawndale Town Council meeting and they hope to find out about their sewer grant within the month. He stated the Town Council has also reached an agreement with the City of Shelby to help maintain the sewer treatment plant at the old mill in Lawndale. He said they are reviewing the county zoning ordinance to determine if it would be appropriate for them to request an inter-local agreement with the county for the county to administer the zoning ordinance within the Lawndale town limits.

COUNTY ASSOCIATION OF GOVERNMENTAL OFFICIALS (CAGO)

Chairman Hawkins reminded Commissioners of the upcoming CAGO meeting scheduled for Thursday, March 17, 2005, advising the program is sponsored by Soil Conservation.

SCHOOL VISITS

Chairman Hawkins reported that school visits are being scheduled and encouraged Commissioners to attend if possible – he will forward the meeting schedule when he receives it.

MEDICAID RELIEF

Chairman Hawkins advised the House of Representatives Health Committee has requested one Commissioner be present at the hearing on Medicaid relief on Thursday (March 17) at noon. Representatives England and Clary are hoping to have a show of support at this hearing. Commissioner Johnny Hutchins advised he would attend as the Cleveland County representative.

LUTZ FOUNDATION SCHOLARSHIP INTERVIEW SCHEDULE

Vice-Chairman Self advised he would volunteer to participate in the scholarship interviews on April 5, 2005 at 8:30 a.m. at Shelby High School; and, Commissioner Hutchins volunteered to participate in the interviews for the Les Roark scholarships to be held on April 29, 2005 at 8:30 a.m.

LITERACY PROGRAM

Commissioner Accor advised she has met with Dr. Ted Knapke, Cleveland County Schools, and School Board member Steve Curtis, regarding the Literacy Program, which she will have placed on an upcoming Commission agenda.

ADJOURN

There being no further business to come before the Board at this time (8:43 p.m.), Commissioner McIntosh made the motion, seconded by Vice-Chairman Self, and unanimously adopted by the Board, to adjourn the meeting. The next regular meeting of the Board is scheduled for ***Tuesday, April 5, 2005, at 6:00 p.m.***

Ronald J. Hawkins, Chairman
CLEVELAND COUNTY BOARD OF COMMISSIONERS

Wanda Crotts, CMC, Clerk
CLEVELAND COUNTY BOARD OF COMMISSIONERS