

CLEVELAND COUNTY BOARD OF COMMISSIONERSNovember 16, 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
 David Dear, Assistant County Manager
 Bob Yelton, County Attorney
 Sherry Evans, Administrative Support Assistant II
 Patricia D. Spangler, Deputy Clerk
 Bill McCarter, Planning Director
 Joy Scott, The Star
 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.***

CITIZEN RECOGNITION**ANIMAL CONTROL**

Larry Suggs (Mineral Mine Road) wanted to express his concern about unleashed dogs in the county. Mr. Suggs wanted to know "what it would take" to get the county to enforce the leash law. He stated that he has called Animal Control but was unable to get anyone to come out.

Chairwoman Accor stated that the superintendent from the Cleveland County School system brought to her attention the increasing number of reports of children having problems with unrestrained dogs bothering them en route to and from school bus stops. She said it appears children are going to the bus stops unattended and she feels this is something that should be investigated.

Commissioner McIntosh stated that he wants to look into what other counties are doing and to maybe follow their example. He said this is a problem that was brought up years ago and he feels this is worth exploring.

CONSENT AGENDA**APPROVAL OF MINUTES**

Motion was made by Ronnie Hawkins, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the minutes November 2, 2004***, with the following corrections, as noted by Commissioner Self.

On page 5 the word "contiguous", should be "contiguous".

On page 5 the word "ligistics", should be "logistics"

On page 5 the word "clarifed" should be "clarified"

On page 7 the word "county-wide" should be one word "countywide"

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during October 2004. The monthly grand total of tax abatements was listed as (\$21,465.90); and, the monthly grand total for tax supplements was listed as \$30,611.57.

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during October 2004 (copy found on Page 214 of Minute Book 28).

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #024)

ACTION: Ronnie Hawkins 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>
012-533-4.410.00	ADULT HEALTH/Local & Other Grants	\$775.
012-533-5.500.01	ADULT HEALTH/Miscellaneous Grant	\$775.
012-539-4.350.00	FAMILY PLANNING/State Government Grants	\$23,364.
012-539-5.213.00	FAMILY PLANNING/Office Supplies	\$500.
012-539-5.230.00	FAMILY PLANNING/Medicine & Supplies	\$2,000.
012-539-5.230.01	FAMILY PLANNING/Prescription Drugs	\$3,632.
012-539-5.513.00	FAMILY PLANNING/Hospital & Doctors Fees	\$17,232.

Explanation of Revisions:

533) Budget funds received from Kate B. Reynolds Charitable Trust for prescription medications.

539) Budget additional allocation of NC DHHS funds for printing, medical supplies, birth control supplies and clinician services.

SHERIFF'S OFFICE: REQUEST TO REMOVE CANINE FROM COUNTY INVENTORY

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to **approve the sale of canine Bo to his original handler, Cliff Irvin Jr. for \$800.00** (value determined by Dr. Richard Dixon of Boulevard Animal Hospital. Bo is to be removed from county inventory and insurance and allow Officer Irvin to assume complete custody, control and liability, due to the current age of the canine and its personal attachment to Officer Irvin and his inability to readapt to a new handler after Officer Irvin resigned from the department on May 31, 2004. Bo was purchased on September 4, 2001 for \$3,200.00.

CLEVELAND COMMUNITY COLLEGE – TIME WARNER: LETTER OF AGREEMENT FOR USE OF COMMUNITY CHANNEL.

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to **approve the following letter of agreement.** (Letter found on Page 214 of Minute Book 28).

CERTIFICATE OF APPRECIATION: JACK HUNT

Commissioners recognized Mr. Hunt with a certificate of appreciation. Mr. Hunt served as a delegate to the Democratic National Convention in July 2004 in Boston, Massachusetts.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT KAY SAULTS (Approximately 0.6 acres along Elm Road to be rezoned from Light Industrial (LI) to General Business (GB). (Case#04-12)

Mr. Bill McCarter reviewed that Kay Saults has presented a petition to rezone approximately 0.6 acres along Elm Road from Light Industrial (LI) to General Business (GB). JoAnn Pollock, the property owner, supports this petition. The property is located just outside the city limits of Grover.

Mr. McCarter reviewed that following background information regarding this case:

Existing Land Use: The property is currently vacant. Surrounding land use is predominately rural residential. Ms. Sauls recently opened a hair salon, used car lot, and arcade on the adjoining tract which fronts on US 29.

Future Land Use: Expanding Commercial/Industrial.

Utilities: Area not served with public water.

Transportation: Elm Road is classified as a minor collector with no planned improvements through 2020.

Planning Consultant Recommendation: Approve

Chuck Nance

Isothermal Planning Commission

"After reviewing the application, this amendment would simply be an expansion of the General Business zoning district. I would recommend rezoning this parcel, unless you feel this would hinder future development of the industrial corridor plan."

Planning Board Recommendation: Approve

John McCulloch, Chairman

By a split vote of 6-1, the Board voted to recommend this zoning map amendment. The Board noted this request is merely an expansion of an existing General Business district. Due to the small size of this tract, it was not considered to be feasible for industrial development. Although the parcel falls within 500 feet of US-29 in the Corridor Protection District, it does not have direct access onto US-29, and the commercial uses in this district would not be available.

Conforms with the Land Use Plan: This area is indicated as "Expanding Commercial/Industrial" on the 2005+ Projected Land Use Plan, and the rezoning will conform with the plan.

Surrounding Properties: Adjoining properties are commercial along US29. Some residential and large vacant tracts are found along Elm Road.

Non-Conforming Uses: The property is vacant.

ACTION: Willie McIntosh made the motion, seconded by Ronnie Hawkins and unanimously adopted by the Board, to **open the public hearing at 6:15 p.m.** (Public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisement published in the Star on November 3, 2004 and November 10, 2004.)

Chairwoman Accor then opened the floor for citizen comments.

M.C. Pruett spoke out against the rezoning, stating the land is not large enough to build on and that the present zoning should be left in place, as rezoning would have an adverse effect on surrounding properties.

John Pollock, whose wife owns the property, stated the size of the property is the general complaint of potential buyers, and that the owner is hindered by the government, making it impossible for the owner to do what she wants to do with her private property.

Paul King stated his concern was that this request would interfere with long-term development and that the elderly should not be penalized.

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh and unanimously adopted by the Board, to **close the public hearing at 6:30 p.m.**

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and adopted by a majority vote, to **approve the rezoning request as submitted** (ordinance found on Page 215 of Minute Book 28). Votes were recorded as Commissioners Self, McIntosh and Bridges voting yes, and Commissioners Hawkins and Accor voting no.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT DOUGLAS PETTY Approximately 41 acres along Mary's Grove Church Road to be rezoned from Restricted Residential (RR) to Residential (R). (Case#04-10)

Bill McCarter, Planning Director, explained that Douglas Petty has presented a petition to rezone approximately 41 acres along Mary's Grove Church Road from Restricted Residential (RR) to Residential (R). This petition is represented by 12 property owners (75%) and 37 acres (90%), in support of this change. This exceeds the policy requiring at least 60% in support of the petition. Rezoning to Residential(R) will allow manufactured housing, which is not allowed under the current zoning classification. There are manufactured homes located on many of these parcels on Mary's Grove Road.

Mr. McCarter reviewed that following background information regarding this case:

Existing Land Use: Manufactured homes are located in several of the tracts. Surrounding land use is predominately rural residential.

Future Land Use: Expanding Residential.

Utilities: Cleveland County Sanitary District serves the area with public water.

Transportation: Mary's Grove Church Road is classified as a minor collector with no planned improvements through 2020.

Planning Consultant Recommendation: Approve

Chuck Nance

Isothermal Planning Commission

"The proposal is simply to extend an existing (R) Residential zoning district into an area that is currently zoned (RR) Restricted Residential. I see no reason why this request should not be granted."

Planning Board Recommendation: Approve

John McCulloch, Chairman

The Board voted unanimously to approve this request. They also noted that manufactured homes were common in this area, although the west side of Mary's Grove Church Road was zoned (RR) Restricted Residential. Rezoning would eliminate the nonconformities that currently exist.

Conforms with the Land Use Plan: This area is indicated as "Expanding Residential" on the 2005+ Projected Land Use Plan, and rezoning to residential uses would conform to the plan.

Surrounding Properties: Adjoining properties are predominately residential. The affected property owners indicated support for the petition.

Non-Conforming Uses: Manufactured homes are located on several of these lots. These homes are considered nonconforming. Rezoning to Residential would eliminate the nonconforming status of these homes.

Utilities: Utilities are sufficient to accommodate the uses in the (R) Residential district.

ACTION: Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to **open the public hearing at 6:34 p.m.** (Public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisement published in the Star on November 3, 2004 and November 10, 2004.)

Chairwoman Accor then opened the floor for citizen comments.

Keith Petty spoke against the rezoning and asked that Commissioners look at this to make sure this would be good for the community. Most of the community consists of mobile homes and none of the residents knew when they were rezoned back in 1992. They were zoned Residential and then rezoned Restricted Residential. He complained that they could not have a replacement mobile home moved in because of the rules for a replacement mobile home.

Paul King, who is a lot owner, spoke for the rezoning because of its mixed use. Mr. King stated that he thinks the newer mobile homes are just as good as houses.

ACTION: Tom Bridges made the motion, seconded by Ronnie Hawkins and unanimously adopted by the Board, to **close the public hearing at 6:40 p.m.**

ACTION: Tom Bridges made the motion, seconded by Ronnie Hawkins and unanimously adopted by the Board, to approve the rezoning request as submitted (ordinance found on Page 214 of Minute Book 28).

PLANNING DEPARTMENT: CODE TEXT AMENDMENT (Case #04-11) Section 12-124 (Table of Permitted Uses) of the Development Ordinance – EMS Base Stations

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to **open the public hearing at 6:41 p.m.** (Public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisement published in the Star on November 3, 2004 and November 10, 2004.)

Bill McCarter stated that as the search began for new EMS base stations, and while reviewing locations of existing fire departments throughout the county, it was realized that the zoning code did not permit these facilities in residential areas.

Currently, most of the fire departments are located in a residential zoning district, and therefore classified as a non-conforming use. This amendment will correct the situation and would be consistent with zoning districts in Shelby and Kings Mountain.

Commissioner Willie McIntosh asked for more time to look at this issue because Correctional Institutions are zoned under General Business.

It was recommended that Correctional Institutions be removed from General Business. Commissioner McIntosh wants to discuss this at the next scheduled Commission meeting.

ACTION: Ronnie Hawkins made the motion, seconded by Tom Bridges, and unanimously adopted by the Board, to **close the public hearing at 6:45 p.m.**

ACTION: Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to **defer this matter until the next regular board meeting.**

PLANNING DEPARTMENT: HISTORIC PRESERVATION COMMISSION
(Request to Schedule Public Hearing on December 21, 2004)

Milton Holloman, who is a charter member and Secretary of the Historic Preservation Commission, read the following speech.

"Madam Chairman and members of the Commission, my name is Milton Holloman and I am here hopefully on a less controversial subject than in a previous appearance. It was my good fortune to be a charter member and secretary of the Historic Shelby Foundation. I am here tonight to support your establishment of a Historic Preservation Commission for Cleveland County. I appeared before this body on May 4, 1992 when, as a member of the Economic Development Commission, I presented a resolution establishing such a commission. Joyce Cashion made the motion and Charlie Harry seconded it. It passed unanimously. In the intervening years much work toward establishing such a commission has been done:

1993: Cleveland Tomorrow makes it one of its priorities.

1994: The Economic Development Commission appoints a Task Force to study what would be required.

1995: Funds are successfully sought from the private sector that in turn leverage state grants for the hiring of an architectural historian.

1996-1997: Brian Eades conducts survey of historic properties.

1998-2003: The taskforce continues to raise awareness of the need for preservation by publishing the book "Architectural Perspectives of Cleveland County" and by offering countywide "Pride in Preservation" tours.

2004: Taskforce meets with state officials, Preservation NC staff, members of Gaston County's and Lincoln County's Preservation Commissions and drafts an ordinance.

November 16: Today, Bill McCarter is here to present the ordinance that will official create this Commission."

Bill McCarter reviewed the following:

In 1992, the Board of Commissioners passed a resolution in support of creating a Certified Local Government Commission. Milt Holloman, Chairman of the Economic Development Commission at that time, brought this issue to the attention of the Board as a "necessary framework for groups throughout the county to work together under one umbrella for historic preservation". The formation of a commission is one step in the process of obtaining CLG status.

The Historic Preservation Act of 1966 was amended in 1980 to allow local governments to participate in historic preservation programs. The State Historic Preservation Office must set aside at least 10% of the federal funds for Certified Local Governments (CLG). Grant funding from the federal and state level has virtually dried up, except for those cities and counties that are eligible for CLG funding. The goal has been for the last 12 years to obtain Certified Local Government (CLG) status.

The next step is to establish the Historic Preservation Commission.

The primary function of this commission is to recommend to the Board of Commissioners which properties should be designated as a "historic landmark".

ACTION: Tom Bridges made the motion, seconded by Jerry Self and unanimously adopted by the Board, *to schedule a public hearing for December 21, 2004 at 6:00 p.m.*

PLANNING DEPARTMENT: ZONING MAP AMENDMENT: MAURICE A. WINGO; 2701 Deere Drive (Case #04-14)

Mr. Bill McCarter reviewed that Maurice A. Wingo has presented a petition to rezone approximately 3 acres located at 2701 Deere Drive from Residential (R) to Neighborhood Business (NB), and asked that a public hearing be scheduled.

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh and unanimously adopted by the Board, *to schedule a public hearing for December 21, 2004 at 6:00 p.m.*

RECESS TO RECONVENE AT TIME AND PLACE CERTAIN

There being no further business to come before the Board at this time (7:00 p.m.), Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to recess to reconvene the meeting on ***Monday, December 6, 2004 at 10:00 a.m.*** at the Commission Chamber for the purpose of Commission annual organizational meeting.

Mary S. Accor

Mary S. Accor, Chairwoman

CLEVELAND COUNTY BOARD OF COMMISSIONERS

Sherry Evans

Sherry Evans, Administrative Support Assistant II

CLEVELAND COUNTY BOARD OF COMMISSIONERS

TOTAL TAXES COLLECTED OCT 2004

YEAR	AMOUNT-REAL	AMOUNT-VEH
DEF REV	\$0.00	\$0.00
2004	\$1,151,968.98	\$388,493.09
2003	\$78,795.55	\$99,739.34
2002	\$20,571.84	\$4,786.91
2001	\$6,222.96	\$2,829.84
2000	\$3,424.71	\$1,610.64
1999	\$776.80	\$1,467.60
1998	\$346.51	\$876.04
1997	\$429.36	\$666.70
1996	\$213.86	\$327.13
1995	\$384.99	\$397.13
1994	\$164.06	\$1,280.44
1993	\$43.86	\$27.30
TOTALS	\$1,263,343.48	\$502,502.16
DISCOUNT	(\$96.98)	
INTEREST	\$14,916.98	\$15,162.68
TOLERANCE	(\$14.13)	(\$59.00)
ADVERTISING	\$383.97	\$5,956.23
GARNISH	\$1,749.25	
NSF	\$75.00	
ATTY	\$0.00	
TOTALS	\$1,280,357.57	\$523,562.07
MISC FEE	\$0.00	\$0.00
TAXES COLL	\$1,280,357.57	\$523,562.07

TOTAL UNCOLLECTED TAXES SEPTEMBER 2004

	AMOUNT-REAL	AMOUNT-VEH	COMBINED AMT
2004	\$24,067,305.12	\$1,059,977.39	\$25,127,282.51
2003	\$1,394,176.57	\$568,233.35	\$1,962,409.92
2002	\$618,320.40	\$215,790.75	\$834,111.15
2001	\$374,706.13	\$178,076.62	\$552,782.75
2000	\$232,145.06	\$163,009.35	\$395,154.41
1999	\$81,577.65	\$137,473.10	\$219,050.75
1998	\$70,544.75	\$102,675.64	\$173,220.39
1997	\$52,385.73	\$92,569.81	\$144,955.54
1996	\$38,091.12	\$85,053.51	\$123,144.63
1995	\$41,708.10	\$79,593.85	\$121,301.95
1994	\$36,142.02	\$49,354.43	\$85,496.45
1993	\$38,360.31	\$208.01	\$38,568.32
TOTALS	\$27,045,462.96	\$2,732,015.81	\$29,777,478.76

ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
Mary's Grove Church Road
RR (Restricted Residential) to R (Residential)

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 re-zoning of this tract to Residential (R); and

WHEREAS, this property was classified as "Expanding Residential" on the 2005 Projected Land Use Plan; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on November 3, 2004, and November 10, 2004, and a sign posted at the property on November 3, 2004; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to the action by the Cleveland County Board of Commissioners to rezone Parcels 16411, 16408, 16386, 54039, 40191, 40190, 40189, 40188, 40187, 40186, 71882, 40185, 48171, 71512, 16387, and 48173 following a Public Hearing on November 16, 2004; 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.

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 Parcels 16411, 16408, 16386, 54039, 40191, 40190, 40189, 40188, 40187, 40186, 71882, 40185, 48171, 71512, 16387, and 48173 from RR (Restricted Residential) to (R) Residential:

BEGINNING in the center of Mary's Grove Church Road, thence with the centerline of said road, south 36-43 east 150.00 feet, south 37-50 west 174.40 feet, south 33-07 east 339.80 feet, south 27-00 east 265.00 feet, south 08-08 east 98.87 feet, south 05-25 east 132.15 feet, south 05-25 east 304.27 feet, south 05-00 east 366.50 feet, south 05-12 east 396.50 feet, south 05-00 east 418.20 feet, thence with Muddy Fork Creek, south 73-04 west 391.88 feet, thence with property lines north 34-00 west 552.30 feet, north 32-25 west 945.50 feet, north 21-50 east 1303.00 feet, north 62-07 east 185.00 feet, to the POINT OF BEGINNING.

The above-described area is further identified on the attached map designated as "Rezoning Case #04-10", being incorporated herein by reference and made part of this ordinance.

This Ordinance shall become effective upon adoption and approval.

Adopted this 16th day of November, 2004 at 6:00 p.m.

ATTEST:

Mary S. Accor

 Mary S. Accor, Chairwoman
 Cleveland County Board of Commissioners

Wanda Crotts

 Wanda Crotts, Clerk, CMC
 Cleveland County Board of Commissioners

ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
0.6 acres along Elm Road
Light Industrial (LI) to General Business (GB)

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 re-zoning of this tract to General Business (GB); and

WHEREAS, this property was classified as "Commercial/Industrial" on the 2005 Projected Land Use Plan; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on November 3, 2004, and November 10, 2004, and a sign posted at the property on November 5, 2004; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to the action by the Cleveland County Board of Commissioners to rezone Parcel 6461 following a Public Hearing on November 16, 2004; 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.

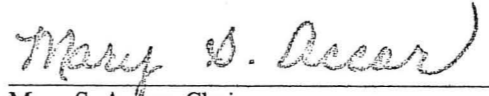
NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Code, be amended to rezone Parcel 6461 from Light Industrial (LI) to General Business (GB):

BEGINNING in the center of Elm Road, North 38 West 99 feet, North 90 East 330 feet, South 0 East 90 feet, thence along the center of Elm Road, South 90 West 272 feet, to the POINT OF BEGINNING.

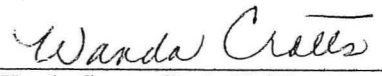
The above-described area is further identified on the attached map designated as "Rezoning Case #04-12", being incorporated herein by reference and made part of this ordinance.

This Ordinance shall become effective upon adoption and approval.

Adopted this 16th day of November, 2004 at 6:00 p.m.



Mary S. AcCor, Chairwoman
Cleveland County Board of Commissioners

ATTEST:


Wanda Crotts, Clerk, CMC
Cleveland County Board of Commissioners

October 28, 2004

Mr. Grant Goings
Manager
City of Shelby
PO Box 207
Shelby, North Carolina 28151

Mr. David Dear
Manager
Cleveland County
PO Box 2290
Shelby, North Carolina 28150

Mr. L. Steve Thornburg
President
Cleveland Community College
Shelby, North Carolina 28150

RE: Letter Agreement for use of Community Channel

TO ALL CONCERNED:

The County of Cleveland has entered into an agreement with Time Warner Cable dated July 1, 1996, in which Time Warner grants the County the use of one cable channel for government access. Time Warner has agreed to maintain the headend site, with a direct connection to the headend from Cleveland Community College and equipment as specified in the franchise agreement.

The City of Shelby has entered into an agreement with Time Warner Cable dated August 21, 1967 and amended October 21, 1991 and renewed January __, 2005 in which Time Warner grants the City the use of one cable channel for government access to be shared with the County. Time Warner has agreed to maintain the headend site, with a direct connection to the headend from Cleveland Community College and equipment as specified in the franchise agreement.

The City of Shelby and the County of Cleveland agree that Cleveland Community College, under mutual agreement, shall use this channel to provide educational and community programming to the Time Warner subscribers in the City of Shelby and County of Cleveland.

All parties agree that a three member advisory board consisting of representatives from the City of Shelby, County of Cleveland and Cleveland Community College be established. Each party to this agreement will select a board member and each will appoint a professional member of their staff to administer to the board. Any administrative services provided to the board will be agreed upon by the board.

The responsibilities of the board will be to outline the purpose of the channel, use of channel and to document an operating procedure. Programming schedules, production techniques and day-to-day operational matters will be the responsibility of Cleveland Community College.

This agreement may be terminated by any of the parties upon 180-day written notice and upon recommendation of the advisory board and final approval by the Cleveland County Board of Commissioners, City of Shelby City Council, and Board of Directors, Cleveland Community College.

City of Shelby:

Approved this date by City Council: _____

W. Ted Alexander, Mayor

County of Cleveland:

Approved this date by Board of Commissioners: _____

, Chairman

Cleveland Community College:

Approved this date: _____

L. Steve Thornburg, President

STATE OF NORTH CAROLINA

AGREEMENT

COUNTY OF CLEVELAND

THIS AGREEMENT, made as of the 1st day of December, 2004, by and between CLEVELAND COUNTY, NORTH CAROLINA, a municipal corporation of the State of North Carolina, hereinafter referred to as "County"; and DAVID C. DEAR of Cleveland County, North Carolina, hereinafter referred to as "Dear";

WITNESSETH

WHEREAS, the County is in need of a person possessing the skills and ability to serve as County Manager; and,

WHEREAS, Dear, through his education and experience, possesses the requisite skills to perform such duties; and,

WHEREAS, the County is desirous of engaging the services of Dear as County Manager for Cleveland County, North Carolina, pursuant to the authority granted the County in North Carolina General Statute, Section 153A-81; and,

WHEREAS, the County and Dear have agreed that should Dear's employment as County Manager be terminated for any reason by the County, then the County would pay Dear a six (6) months severance pay; and,

WHEREAS, the parties desire to reduce their Agreement to writing;

NOW, THEREFORE, for the reasons set forth above, and in consideration of the mutual covenants and promises of the parties hereto, the County and Dear agree as follows:

1. The County hereby appoints, engages and hires Dear as County Manager for Cleveland County, North Carolina, and Dear hereby accepts and agrees to such employment, appointment and hiring.
2. This appointment shall be and is made pursuant to the provisions of North Carolina General Statute, Section 153A-81.
3. Dear shall perform all the duties and have all the powers imposed on and granted to a County Manager under North Carolina General Statute, Section 153A-82.
4. The term of employment under this Agreement shall be for an indefinite period of time, but at any time the County chooses to terminate the employment Dear as County Manager, the County shall continue to pay to Dear his then current salary and fringe benefits for a period of six (6) months following the date of termination of employment by the County. In addition, Dear shall be paid for all accumulated vacation and compensatory time. The provisions of this paragraph apply to retirement as well as termination.

5. The County shall pay Dear, for Dear's services hereunder, compensation at a minimum rate of \$118,008.00 per year, payable in 24 equal semimonthly payments on the 15th and last day of each month. The rate of compensation herein provided shall be subject to such other increases as the County in its discretion may provide and Dear shall be entitled to such vacation, holiday and sick leave, and employee benefits as set forth in the Cleveland County Personnel Ordinance as from time to time adopted for all employees of Cleveland County.

6. In addition, the County shall pay to Dear annually the sum of \$4,800.00 to be used by Dear in his sole discretion.

7. No modification or waiver of this Agreement or of any covenant, condition, or provision herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.

8. All agreements and covenants herein are severable, and in the event any of them, with the exception of those contained in paragraphs 4 and 5 hereof, shall be held to be invalid by any competent court, this Agreement shall be interpreted as if such invalid agreements or covenants were not contained herein.

9. This written Agreement embodies the whole agreement between the parties and there are no inducements, promises, terms, conditions or obligations made or entered into by either the County or Dear other than contained herein.

CLEVELAND COUNTY, NORTH CAROLINA

By: Mary S. Accor
Mary S. Accor, Chairwoman
Cleveland County Board of Commissioners

Attest:

Wanda Crotts
Wanda Crotts,
Certified Municipal Clerk

David C. Dear (SEAL)
David C. Dear

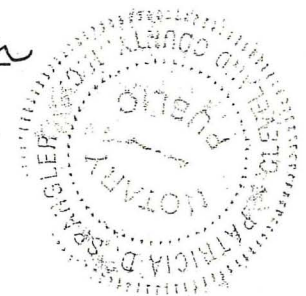
NORTH CAROLINA

CLEVELAND COUNTY

I, the undersigned Notary Public for the County and State aforesaid, do hereby certify that before me personally appeared Mary S. Accor, Chairwoman of the Board of Commissioners of Cleveland County, North Carolina, who being by me duly sworn, says that she is the Chairwoman, and Wanda Crotts is the Clerk to the Board of Commissioners of Cleveland County, North Carolina, the municipal corporation described in and which executed the foregoing instrument; and that the said Chairwoman and Clerk subscribed their names thereto by order of the Board of Commissioners of Cleveland County, North Carolina, and that said instrument is the act and deed of said municipal corporation.

WITNESS my hand and Notarial stamp or seal, this the 23 day of November, 2004.

Patricia D. Spangler
Notary Public



My Commission expires: 12-6-2004

NORTH CAROLINA

CLEVELAND COUNTY

I, the undersigned Notary Public for the County and State aforesaid, do hereby certify that David C. Dear personally appeared before me this day and acknowledged the due execution of the foregoing Agreement for the purposes therein expressed.

WITNESS my hand and Notarial stamp or seal, this the 23 day of November, 2004.

Patricia D. Spangler
Notary Public



My Commission expires: 12-6-2004