

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**January 4, 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  
Sherry Evans, County Manager's Office  
Bill McCarter, Planning Director  
Eddie Bailes, Human Resources Director  
Denese Stallings, Health Director  
Donna Huey-Brooks, Cleveland Headline News  
Robert Williams, Citizens for Good Government  
Joy Scott, Star  
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. Commissioner Johnny Hutchins provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and adopted by a unanimous vote of the Board, to ***adopt the agenda as presented by the County Clerk.***

**CITIZEN RECOGNITION**

Robert Williams had requested to speak under the Citizens Recognition portion of the meeting but withdrew his request prior to the meeting.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the minutes of ***December 7, 2004***, motion was made by Willie McIntosh, seconded by Johnny Hutchins, and unanimously adopted by the Board, to ***approve the minutes as written.***

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT (Case 04-15; Marshall & Dorothy Bowen; 2174 Capernium Road)**

Bill McCarter, Planning Director, advised that Marshall and Dorothy Bowen have submitted a petition to rezone two tracts, approximately 87-acre, located at 2174 Capernium Road, from Rural Agricultural (RA) to Residential (R). He reviewed the following background information on this case:  
**Existing Land Use:** The current use is agricultural. Surrounding land uses are agricultural and rural residential.  
**Future Land Use:** Agricultural/rural.  
**Utilities:** CCSD has a 6" water line available along Capernium Road.  
**Transportation:** Capernium Road is classified as "Rural-Local" by NCDOT. No improvements are planned for this facility.

Chairman Hawkins opened the public hearing at 6:09 p.m.

***Marshall and Dorothy Bowen*** stated that in January 2004 they were "farmers" but health problems during 2004 warranted they retire from farming, so they want to take their property "out of the three-acre and return to the one-acre so our children can use it for residential."

**Marvin Hutchison**, whose property adjoins that of the Bowens, spoke against the rezoning, stating all land use studies have recommended this area be classified as Rural Agricultural. He stated that in 2001, the “Moss family, whose property also adjoins the Bowen property, petitioned to have 68-acres rezoned but their petition was denied.” He also stated the 300-acre equestrian center planned for nearby Gaston County is another reason for the area to remain zoned Rural Agricultural.

Hearing no further comments, Chairman Hawkins declared the public hearing closed at 6:16 p.m.

**ACTION:** Mary Accor made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to **approve the zoning map amendment as requested** (a copy of the rezoning ordinance is found on Page \_\_\_\_\_ of Minute Book 28).

**HEALTH DEPARTMENT: CLEVELAND COUNTY HEALTH DEPARTMENT MANAGEMENT OF CLEVELAND COUNTY JUVENILE JUSTICE AND DELINQUENCY PREVENTION (JJDP)**

Denese Stallings, Health Director, stated that on December 29, 2004 the Board of Health approved a request that Commissioners consider approval for the management of the Cleveland County Juvenile Crime Prevention Council (JCPC) Parent and Youth Skills (PAYS) Program services to be assumed by the Health Department through the CODAP program, retroactive to January 1, 2005. She said, “This program was formerly managed by the YAP program, which has recently dissolved, and they came to us asking these services be continued with no break in services.”

She said after evaluating this request, it has been determined there is a need for this service in the county to help educate the parents of the approximately 129 youth per year who have been through Juvenile Courts. She believes these services are compatible with the services already being provided by that CODAP. She said, “The funding, we have been told, will be from January 1 - June 30 of this year, a grant which would be reallocated to the Health Department. There would be no ties to the YAP program and the funding for this program would fund our work and our educational classes and also a position.” She requested approval to accept these funds (\$34,374.00) to administer this program through the Health Department. Mrs. Stallings stated this program will be assessed after three months in order to determine if application should be made for continuation of the grant.

**ACTION:** Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to **(1) accept the equipment; (2) accept the remainder of the grant to be administered by the Cleveland County Health Department; and, (3) approve the following budget amendments.**

Account Number	Department/Account Name	Increase	Decrease
012.548.4.350.00	CODAP/State Government Grants	\$ 34,374.	
012.548.5.121.00	CODAP/Salaries-Regular	7,572.	
012.548.5.131.00	CODAP/FICA	470.	
012.548.5.133.00	CODAP/Hospitalization Insurance	879.	
012.548.5.134.00	CODAP/Dental Insurance	39.	
012.548.5.136.00	CODAP/Medicare Insurance	110.	
012.548.5.213.00	CODAP/Office Supplies	3,000.	
012.548.5.220.00	CODAP/Food	5,000.	
012.548.5.310.00	CODAP/Travel	1,100.	
012.548.5.311.00	CODAP/Education Expenses	1,000.	
012.548.5.421.00	CODAP/Main Contract Equipment	204.	
012.548.5.490.00	CODAP/Professional Services	15,000.	

**Explanation of Revisions:** With funds received from the Juvenile Crime Prevention Council, create a Public Health Education Spec position (4 months) to coordinate the Parent and Youth Skills training for clients as designated through the court system. Will also need to budget for contracted trainers, food, office supplies, travel, educational expenses and maintenance contract on copier to be received from YAP.

## **NORTH CAROLINA DEPARTMENT OF TRANSPORTATION: BRIDGE REPLACEMENT SCHEDULE REPORT**

Reuben Chandler, Division Maintenance Engineer for Division 12, which covers six counties, including and based in Cleveland County, and Dan Holderman, Division Bridge Maintenance Engineer, reviewed for Commissioners a summary of the status of bridges in Cleveland County (*copy found on Pages\_\_\_\_\_ of Minute Book 28*) for the next 5-7 years. Mr. Holderman advised there are three "bridge crews" responsible for maintaining bridges in six counties and that the Shelby crew, which consists of about 15 people, "look after Cleveland and Gaston counties, not only the bridges, but they also look after every 54-inch and larger pipe in those two counties and we've probably got an inventory right now of about 700-800 of those pipes in the two counties."

Mr. Chandler stated that federal law mandates that bridges be inspected every two years. He said that since the collapse of the Beaver Dam Bridge, the crew has inspected all of the bridges in that watershed for potentially dangerous situations. He said "the last two hurricanes" have left the streams full of debris, but the streams are clearer now "so we don't anticipate that situation again." He clarified, however, that when rainfall is in the range of 6-8 inches an hour, as was estimated during the storm in which the bridge collapsed, it is difficult to anticipate what may happen.

He said DOT crew members have recovered the pieces of the fallen bridge and are in the process of reassembling it in an effort to determine the source of the collapse. He said the bridge was constructed in approximately 1959 and "so far they have found no decay in the pilings." Currently, there are about 75 bridges throughout the county of "about the same construction," some "posted with weight limits."

Commissioner McIntosh discussed a "dip" on the Philadelphia Road Bridge. Mr. Chandler emphasized the importance of citizens reporting such situations in order for the bridge maintenance staff to make repairs. He said citizens are a key link to helping the DOT police potential danger.

There was discussion as to the estimated cost of replacing this bridge, which he anticipates to be between \$400,000-\$500,000 with a completion time of 8-10 months. Mr. Chandler also responded to Commissioners questions about signage laws and discussed the authorized and unauthorized use of signs in areas subject to flooding. He also discussed right-of-way issues faced by DOT workers when crossing property lines in an attempt to remove debris from streams on private property; as well as funding issues. Mr. Chandler emphasized that, "Unfortunately, as with any other governmental agency, funding does sometimes become an issue, but public safety is not negotiable. If funds are not available, the road will be closed."

### **EMERGENCY WATERSHED PROGRAM**

Ben Robinson, District Conservationist NRCS, along with Bill McCarter, explained that a grant is being prepared that would aid in removing storm debris from Cleveland County streams, specifically projects identified along Brushy Creek and Beaver Dam Creek. They explained that debris removal is eligible for federal funding through the Emergency Watershed Program (*EWP*) which is administered to the USDA. These grants require a 25% local match, but due to the magnitude of need in western North Carolina, the state has offered to reimburse the local share. They advised a "verbal commitment from the state" has been received, but they are awaiting official notification.

Mr. Robinson advised the cost of debris removal from Brushy Creek is estimated to be \$60,000.00. He expects to have the application ready for Beaver Dam by the next Commission meeting. He said he has "walked Beaver Dam Creek" and found there to be still a lot of debris in the stream. He said the work must be completed by September 30, 2005.

**ACTION:** Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to **approve the application** (copies found on Pages \_\_\_\_\_ of Minute Book 28).

**CLEVELAND COUNTY STREAM RESTORATION SITES**

David Dear stated, "This is a proposal from EarthMark Companies, which is a private contractor for the State of North Carolina, to restore and maintain for a period of five to seven years, three stream beds owned by Cleveland County. These stream beds are located in the existing landfill and future landfill site. For the 100-foot corridor easement that is going to be required by EarthMark to do these stream restorations, they are willing to pay Cleveland County \$3,000 per acre by survey. In addition, they are offering a \$1,000 non-refundable option payment in order to use our sites in a State application. If the application is successful, that \$1,000 will go toward the purchase price of the land should the deal be completed. Basically, what they are offering to do is restore the stream banks, repairing stream bank erosion and restoring the proper slope to these stream banks. They are going to restore the stream channel geography, meaning they will either put meanders back in the stream beds or take out of the extreme curvatures in the streams that causes erosion whenever water is high and running fast . . . remove debris . . . all of which will hopefully result in less erosion down stream."

Mr. Dear stated the landfill consulting engineer endorses this proposal. Mr. Yelton advised he has also met with EarthMark Companies representatives and stated he feels this will be a "benefit to the county in that it is a landfill area and their estimation is that in 10-20 years that at least one of these streams is going to come very close to the landfill area and could cause some problems with our test wells" as well as the fact these streams are "feeders to Moss Lake." He said, "It is one of those rare situations where it is a win-win situation for everybody."

**ACTION:** Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to **approve this project** (agreement found on Pages \_\_\_\_\_ of Minute Book 28).

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT - MAURICE A. WINGO (2701 DEERE DRIVE; CASE 04-14) (Continued from December 21, 2004 Commission meeting)**

Mr. McCarter reviewed, "During the public hearing held during your meeting of December 21, 2004, there were basically two questions that arose out of that hearing. The first being, did the property owner have plans to access New House Road from the garage? We talked with him and he said yes he does plan to establish an access from New House rather than Deere Drive, which is a private unpaved road. The second question was dealing with the building itself and whether it would have to be brought up to current code if it was reopened. Right now there is no power on it and it doesn't look like it is being used as a commercial structure. But in talking with the Building Inspector, as long as the type of occupancy did not change, then it does not have to be brought up to code, it can stay as it is and reopen basically in its current state."

Mr. McCarter noted, "Mr. Wingo is aware this is a two-step process for him. Once he gets it rezoned to Neighborhood Business, in order to allow him to sell cars, his next step would be to go to the Board of Adjustment and they will also hold a public hearing and possibly place conditions on the opening of that building for the sale of cars."

**ACTION:** Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to **approve the rezoning request** (copy of rezoning ordinance found on Page \_\_\_\_\_ of Minute Book 28).

**COUNTY ATTORNEY EXCUSED FROM MEETING**

Commissioners honored the request of Mr. Yelton and allowed him to be excused at this point in the meeting (7:15 p.m.) as he had another commitment.

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT - CHARLES D. WILLIAMS (119 BELTON DRIVE, GROVER) (CASE 05-02) (REQUEST TO SCHEDULE PUBLIC HEARING)**

Mr. McCarter suggested the petition be expanded to include four other lots which would be isolated if this rezoning occurs, however Commissioner did not wish to amend the petition since those property owners did not sign the petition.

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***schedule the public hearing on February 1, 2005 at 6:00 p.m.***

**NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS LEGISLATIVE GOALS**

Vice-Chairman Self reviewed the Association's Legislative agenda for 2005, stating the three major goals recommended by the Board of Directors are in the areas of Medicaid relief, revenue options and school construction bonds. The 2005 Legislative Goals Conference will be held January 13-14 in High Point. Vice-Chairman Self will serve as voting delegate for the Commission.

Commissioners discussed each topic (*complete copy found on Pages \_\_\_\_\_ of Minute Book 28*), and by consensus, elected to support the goals as presented, with the following exceptions:

Human Resources:

- Elected not to support **Item 1 (Public Health)** and **Item 2 (Mental Health)** because they would be increasing taxes.
- Determined more information was needed on **Item 3 (Social Services)**.

Public Education:

- Consensus that **Item 7 (Teacher Pay and Availability)** should include teacher assistants.

Environment:

- Consensus to "raise no objection" to **Item 1 (Air Quality)**, but more information needed.

Impact Tax:

- Elected not to support **Item 1 (Impact Tax)**.

Intergovernmental Relations:

- Determined more information was needed on **Item 1 (Public Duty Doctrine)**

**COMMISSION WORK SESSION AND GOAL PLANNING RETREAT**

It was the unanimous consensus of the Board, to ***schedule work sessions*** for Monday, **January 24, 2005** and Wednesday, **January 26, 2005**, from 4:00 p.m. until 8:00 p.m.; and, to continue on Saturday, **January 29, 2005** from 10:00 a.m. until 1:00 p.m. if needed.

**ADJOURN**

There being no further business to come before the Board at this time (*8:15 p.m.*), Chairman Hawkins declared the meeting adjourned. The next regular meeting of the Board is scheduled for **Tuesday, January 18, 2005, at 6:00 p.m.**

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Ronald J. Hawkins, Chairman  
CLEVELAND COUNTY BOARD OF COMMISSIONERS

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Wanda Crofts, CMC, Clerk  
CLEVELAND COUNTY BOARD OF COMMISSIONERS