

CLEVELAND COUNTY BOARD OF COMMISSIONERS

December 6, 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, County Clerk
Kerri Melton, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Chris Green, Tax Administrator
Dewey Cook, Fire Marshal/Emergency Management Director
Bill McCarter, Planning Director
Joy Scott, The Star
Lindsey Allen, Cleveland Headline News
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Ronald J. Hawkins called the meeting to order. Gene Bumgardner, Kings Mountain High School, provided the invocation for the meeting. The Kings Mountain High School chorus "Kings Review" provided a musical opening for the meeting.

NOMINATIONS AND SELECTION OF COMMISSION CHAIR

Mr. Dear opened the floor to accept nominations for Commission Chair.

NOMINATIONS: Willie McIntosh nominated Ronald J. Hawkins for Chairman, seconded by Mary Accor. Hearing no further nominations, Johnny Hutchins made motion, seconded by Willie McIntosh, that the nominations closed. ***Ronald J. Hawkins was elected Chairman by a unanimous vote.***

NOMINATIONS AND SELECTION OF COMMISSION VICE-CHAIR

Chairman Hawkins opened the floor to accept nominations for Commission Vice-Chair.

NOMINATIONS: Johnny Hutchins nominated Jerry L. Self for Vice-Chair, seconded by Willie McIntosh. Hearing no further nominations, Willie McIntosh made the motion, seconded by Johnny Hutchins, that the floor closed to nominations. ***Jerry L. Self was elected Vice-Chair by a unanimous vote.***

AGENDA ADOPTION

ACTION: Jerry Self 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 addition:***

(1) ***Discussion regarding the new 74-bypass. (Willie McIntosh)***

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *November 1, 2005 and November 15, 2005*, motion was made by Willie McIntosh, seconded by Jerry Self, and unanimously adopted by the Board, to *approve the minutes as written*.

SHERIFF'S OFFICE: BUDGET AMENDMENTS (BNA #018)

ACTION: Willie McIntosh 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>
010.441.4.810.16	Sheriff/K-9 Fundraiser	\$ 7,483.	
010.441.5.790.16	Sheriff/K-9 Fundraiser	7,483.	

Explanation of Revisions: Request approval to budget K-9 funds earned during the 2005 Cleveland County Fair (projects included sale of tee shirts, proceeds from dunking booth and ticket sales from puppy raffle).

CO-OPERATIVE EXTENSION: BUDGET AMENDMENTS (BNA #019)

ACTION: Willie McIntosh 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>
010.495.4.810.93	Co-Op Extension/4H Program Activities	\$ 3,535.	
010.495.5.790.93	Co-Op Extension/4H Program Activities	3,535.	

Explanation of Revisions: To budget donations received for 4H program activities.

FRIENDSHIP FORCE

Mac Lancaster and Ellen Gragg of the Friendship Force, thanked Commissioners for their participation in greeting the Australian group who recently visited Cleveland County. Commissioner McIntosh thanked the Friendship Force for their work as “goodwill ambassadors” for Cleveland County.

RECOGNITION OF THE LATE DELANE DAVIS

Commissioners presented a plaque to Mrs. Davis, who was accompanied by her son, Chip Davis, which read:

***CERTIFICATE OF RECOGNITION
FROM THE
CLEVELAND COUNTY BOARD OF COMMISSIONERS***

***PRESENTED TO
DELANE DAVIS***

In recognition and appreciation of his faithful and dedicated service to the residents of Cleveland County.

Delane Davis was the guiding force for the formation of the first volunteer fire department in Cleveland County in January 1957, and also served as Cleveland County's first Fire Marshal.

Delane Davis has been a powerful influence for good in our community, and his professionalism, outstanding leadership abilities, expertise, and sincere dedication to improving the quality of life for all Cleveland County citizens will forever be recorded on the pages of Cleveland County's history.

RECOGNITION OF DIANNE BRIDGES – CLEVELAND COUNTY PRINCIPAL OF THE YEAR 2005

Commissioners presented Mrs. Bridges, Shelby High School Principal, with a framed certificate of appreciation for having been named Principal of the Year 2005.

RURAL FIRE COMMISSION: ANNUAL REPORT

Dewey Cook, Emergency Management Director/Fire Marshal, took a moment to express his appreciation to the family of the late DeLane Davis for “his guidance over the years,” stating “Cleveland County owes a big thank you to DeLane” adding “I’m here today as Fire Marshal because of DeLane.” He said it was Mr. Davis who encouraged him to become a member of the Cleveland County Arson Strike Team “many years ago,” which eventually lead Mr. Cook to his current position of Cleveland County Fire Marshal/Emergency Services Director and Chief of the Casar Volunteer Fire Department.

Mr. Cook reported that the Rural Fire Commission made two separate inspections this year of the fire departments in order for each department to have an opportunity to share any concerns, as well as provide an inventory of equipment and assets. He said all departments were approved by the Rural Fire Commission.

Mr. Cook reviewed a PowerPoint presentation regarding the findings of the Commission (*copy of summary sheet found on Page _____ of Minute Book 29*). He emphasized the importance of volunteer hours, stating if the County paid for volunteer hours at an estimated value at \$20.00 per hour, would equal \$957,020.

He listed the following “challenges and concerns” expressed by the departments:

- Annexation – loss of revenue.
- Maintaining daytime firefighters.
- Recruitment and retention.
- Some type of incentive to retain firefighters.
- The fact that the recent funding increase was appreciated, but need future increases due to the expense of maintaining equipment.
- Increased responsibility (*extrication equipment must be with each unit responding to an accident*).

Mr. Cook said the fire service volunteers wanted him to extend their appreciation to Commissioners for their support and Mr. Cook stated he wished to “publicly thank the fire service volunteers for their dedicated service to Cleveland County.”

There was discussion regarding the ever increasing mandates for training; what other states are doing to retain volunteers, such as giving volunteers a tax break on the vehicle they use as a response vehicle. Commissioners requested Mr. Cook research this matter and report to them as to possible ways of retaining volunteers.

Kevin Gordon noted that several studies have been conducted on this subject on the Federal level. On a State level, for the past two years, he said a Bill has been introduced for tax credits but the Bill has

failed. He suggested Commissioners may wish to speak with the local legislative delegation regarding the failed Bill.

Mr. Cook advised he has been selected to serve on the Federal “Ready America” taskforce, being one of four people selected from North Carolina. He explained this is an “advisory commission in conjunction with Homeland Security.”

SHERIFF’S OFFICE: LAW ENFORCEMENT – COURTHOUSE SMOKING AREA

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to approve the following resolution.*

NUMBER 16-2005

WHEREAS, the area in front of the main door to the Cleveland County Courthouse/Law Enforcement Center is now used as a smoking area; and,

WHEREAS, the use of the area in front of the front door of the Courthouse/Law Enforcement Center as a smoking area has caused the area to be overcrowded and thus impeding the public from easy access to the Courthouse/Law Enforcement Center; and,

WHEREAS, Sheriff Raymond C. Hamrick has proposed moving the smoking area currently used at the front of the Courthouse/Law Enforcement Center to another area or areas on the grounds of the Courthouse/Law Enforcement Center;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Cleveland County, North Carolina, that the area in front of the front door of the Cleveland County Courthouse/Law Enforcement Center is hereby designated a “NON-SMOKING” area; and,

BE IT FURTHER RESOLVED by the Board of Commissioners of Cleveland County, North Carolina, that Sheriff Raymond C. Hamrick be authorized to designate one or more areas on the grounds of the Courthouse/Law Enforcement Center as “SMOKING” areas; and,

BE IT FURTHER RESOLVED by the Board of Commissioners of Cleveland County, North Carolina, that the Sheriff of Cleveland County be, and he is hereby authorized, to enforce a non-smoking policy on the grounds of the Cleveland County Courthouse/Law Enforcement Center, except in areas designated by the Sheriff as “SMOKING” areas.

ADOPTED THIS THE 6th DAY OF DECEMBER 2005.

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

PLANNING DEPARTMENT: ZONING MAP AMENDMENT PUBLIC HEARING – RONNIE PROCTOR (636 BELWOOD-LAWNDALE ROAD)

Bill McCarter, Planning Director, reviewed that Mr. Proctor has presented a petition to change the zoning classification of approximately two acres of land located at 636 Belwood-Lawndale Road from Residential (R) to Light Industrial (LI). Carolina Quilting, a textile manufacturing facility, is currently operating as a “non-conforming use” at this location. Light Industrial is the appropriate zoning classification for this business.

Background information on this parcel follows:

- Existing Land Use: Textile Manufacturing Company – Carolina Quilting, Inc.
- Nonconforming Use: Yes
- Future Land Use: Rural Residential

- Utilities: 8” public water line provided by CCSD
- Transportation: Belwood-Lawndale Road is classified by NCDOT as a major collector road

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

Chuck Nance - Planning Consultant Recommendation: Deny

We have reviewed the site, the memorandum, and the Cleveland County Land Use Plan regarding the above referenced rezoning case. It is our opinion that approving this request would constitute an arbitrary and capricious use of the property in question. Even though spot zoning in some cases can be approved, we believe that in this particular case it would be deemed illegal if challenged.

John McCulloch, Chairman, Planning Board: 4 – 3 Deny

In a split vote, the Planning Board voted 4-3 to oppose this rezoning application.

Background: A metal fabrication business was constructed on this property in 1995. In 2004, Carolina Quilting began operation in this building. Since this is an existing business, the board was torn between the negative impact on an business or setting precedence for future spot zoning cases.

Conclusion:

Two issues were pointed out that raised concern in this particular case:

- This is a small tract of land, two acres, in a large rural residential area.
- The business use changed from metal fabrication to textile manufacturing in 2004 with no zoning permit, so the non-conforming use status is void.

The Board also noted that this case was a good example of how Conditional Use zoning was needed as an option in our code. Using this process, the applicant could choose one particular use in the Light Industrial category, and ask for the property to be rezoned for this use only. Usually this option is more palatable in a residential area, rather than opening up the property to all industrial uses in the district.

There was discussion regarding the interpretation of the ordinance and how a change in ownership and use affects the property classification and at what point the “non-conforming use” status is no longer applicable. It was noted that Mr. Proctor obtained the property from a bank while the property was in foreclosure proceedings.

Chairman Hawkins opened the public hearing at 7:35 p.m. (*Public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisements published in The Star on November 18 and 25, 2005.*)

Ronnie Proctor, petitioner, questioned the “non-conforming use” criteria and there was discussion regarding the application in this situation. It was noted that it is the owner’s responsibility to research the zoning of the property before purchasing.

Chairman Hawkins declared the public hearing closed at 7:40 p.m.

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to table a decision on this item until the February 1, 2006, in order for Mr. McCarter to obtain more information.*

HIGHWAY 74-BYPASS

Commissioner McIntosh advised there are “at least two places along Highway 74” where the current property owners want to expand their businesses and “the State won’t allow a new access road.” He stated he feels this is virtually “land-locking” these property owners.

CONSENSUS: *It was the consensus of the Board to have the Clerk draft a resolution regarding this matter to be sent to the Legislative delegation to be considered at the next regular meeting of the Commission.*

COMMISSIONER REPORTS

RURAL FIRE COMMISSION

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to appoint Dewey Cook, Fire Marshal/Emergency Management Director, to serve as Chairman of the Rural Fire Commission until another Chairman can be selected by the Fire Commission, due to the death of current Chairman, Delane Davis.*

BELWOOD SATELLITE FIRE DEPARTMENT

Commissioner McIntosh asked Dewey Cook about the status of establishing a volunteer fire department in the Belwood area. Mr. Cook stated the grant which had been applied for to help with the purchase of equipment, had been denied, stating “the big thing is money, we can’t put things on line until we get the financial support needed.” Commissioner McIntosh stated “we need to bring closure to this” one way or another.

VOTING MACHINES

Reminder that voting machines will be tested on Friday from 10:00 a.m. until 2:00 p.m. and Ms. Blanton has requested county staff assist with this test by coming by to “vote.”

HEALTH DEPARTMENT ANNEX

Reminder that the Health Department Annex, located on Crawford Street, (*former Mental Health building*) will hold an open house on Wednesday at 3:00 p.m.

ADJOURN

There being no further business to come before the Board at this time, Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to adjourn the meeting (*at 7:15 p.m.*). The next regular meeting of the Commission is scheduled for ***Tuesday, February 21, 2006 at 6:00 p.m.*** in this Commission Chamber.

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

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