

CLEVELAND COUNTY BOARD OF COMMISSIONERS

May 3, 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 (*left at 6:40 p.m.*)
David C. Dear, County Manager
Robert Yelton, County Attorney
Wanda Crotts, CMC, County Clerk
Pat Spangler, Deputy 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
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: Mary Accor made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following additions:*

(1) Pathways lease agreement (Bob Yelton)

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *April 19, 2005*, motion was made by Willie McIntosh, seconded by Jerry Self, and unanimously adopted by the Board, to *approve the minutes as written.*

PROCLAMATION: MENTAL HEALTH MONTH – MAY 2005

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to adopt the following resolution:

NUMBER 03-2005

**PROCLAIMING MAY 2005 AS MENTAL HEALTH MONTH
IN CLEVELAND COUNTY**

WHEREAS, good mental health is critical to the well-being of our families, communities, schools, and businesses;

WHEREAS, mental health problems affect people of all backgrounds, ages, races, at all stages of life and no one is immune;

WHEREAS, millions of adults and children are disabled by mental illness every year, affecting almost every family in America;

WHEREAS, people with mental illnesses make important contributions to our families and our communities;

WHEREAS, only one out of two people with a serious form of mental illness seeks treatment for their mental illness;

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health service from seeking help;

WHEREAS, research shows that the most effective way to reduce stigma is through personal contact with someone with a mental illness;

WHEREAS, greater public awareness about mental illnesses can change negative attitudes and behaviors toward people with mental illnesses;

NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, do hereby proclaim the month of May 2005 as **MENTAL HEALTH MONTH** in Cleveland County and call upon all citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma and discrimination, and promoting appropriate and accessible services for all people with mental illness.

ADOPTED THIS THE 3 DAY OF MAY 2005.

Commissioner Accor suggested the Commission invite the local legislative delegation to meet with them to discuss the legislators' viewpoint on mental health issues "since we are faced with State reform."

CONSENSUS: It was the unanimous consensus of the Board, *to instruct the County Manager to coordinate such a meeting with the legislative delegation, as well as Commissioners from the other counties in the Pathways area.*

E-911 TELEPHONE SURCHARGE INCREASE: REQUEST TO SCHEUDLE PUBLIC HEARING FOR MAY 17, 2005

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to schedule the public hearing as requested.*

PLANNING DEPARTMENT: ZONING MAP AMENDMENT PUBLIC HEARING – JOHNNY RAY CLARK (Case 05-11) (1558 Long Branch Road)

Bill McCarter, Planning Director, reviewed that Johnny Ray Clark has submitted a petition to rezone approximately two acres at 1558 Long Branch Road from Light Industrial (*LI*) to Residential Manufactured Homes and Parks (*RM*). He advised this parcel is across the street from an existing *RM* zoning district.

Mr. McCarter reviewed background information on this parcel as the exiting land use being an auto repair garage. The garage would become non-conforming in the *RM* district, noting the petitioner is aware of this issue. He said Mr. Clark wishes to place a trailer on the property and realizes he will need to go through a process to accomplish this if the property is rezoned. Future land use is described as

“expanding residential” and public water is provided by Cleveland County Sanitary District (CCSD).

Long Branch Road is classified as a “Minor Collector” by NCDOT.

Mr. McCarter reviewed the recommendations of the Isothermal Planning Consultant, Chuck Nance, as follows: “I have reviewed this case and believe that this case is basically an extension of an existing zoning district, and can be recommended for approval.”

He also reviewed the following recommendations of the Planning Board: “The Planning Board voted unanimously to recommend that the rezoning be approved, with a contingency that the petitioner be notified that the business would become a non-conforming use, and made aware of problems that could arise. Staff also noted that a manufactured home was set up on the property with no permits. This area is indicated as “Light/Heavy Industrial” on the 2015+ Projected Land Use Plan. Industrial properties south of Long Branch Road are undeveloped, and properties north of Long Branch Road are residential, including a large manufactured home park. Non-conforming uses include manufactured homes.”

Chairman Hawkins opened the public hearing. (*Public notice was accomplished in accordance with NCGS 153A-343, with legal advertisements published in The Star on April 22 and April 29, 2005*) Hearing no comments, Chairman Hawkins declared the public hearing closed.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the board, to ***approve the rezoning and adopt the following rezoning ordinance:***

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
Two acres at 1558 Long Branch Road / Parcel #10487
LI (Light Industrial) to RM (Residential Manufactured Homes & Parks)**

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 on April 26, 2005; and

WHEREAS, this property was classified as “Light/Heavy Industrial” on the 2015+ Projected Land Use Plan; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on April 20, 2005, and April 27, 2005, notices mailed to adjoining property owners on April 20, 2005 and a sign posted at the property on April 20, 2005; 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 approximately two acres at 1558 Long Branch Road following a Public Hearing on May 3, 2005, and approved on May 3, 2005; 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 10487 from LI (Light Industrial) to RM (Residential Manufactured Homes & Parks).

BEGINNING at a point in Long Branch Road, thence with property lines, north 48-44-58 west 735.08 feet, north 62-50-00 east 39.89 feet, thence with the right-of-way for Long Branch Road, south 53-06-22 east 220.08 feet, south 57-16-40 east 69.01 feet, south 66-31-10 east 149.66 feet, south 69-44-23 east 99.80 feet, south 74-44-34 east 100.17 feet south 81-27-30 east 176.17 feet, thence with property lines, south 49-30-00 west 287.54 feet, to the point of BEGINNING.

The above-described area is further identified on the attached map designated as “Rezoning Case #05-11, being incorporated herein by reference and made part of this ordinance.

This Ordinance shall become effective upon adoption and approval.

Adopted this 3rd day of May, 2005 at 6:00 p.m.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT PUBLIC HEARING – ROBERT C. ELLIS (206 Runyan Road) (Case 05-12)

Mr. McCarter reviewed that Robert C. Ellis has presented a petition to rezone approximately 20 acres at 206 Runyan Road from Residential (*R*) to Heavy Industrial (*HI*). This parcel adjoins an existing HI zoning district.

He reviewed the background information, listing the existing land use as metal fabrication and welding. The current business is non-conforming in residential zoning district. Future land use is listed as rural/agricultural. A six-inch water line is provided by CCSD and Runyan Road is classified as a “Rural Local Street” by NCDOT.

Mr. McCarter reviewed the recommendation of the Planning Consultant, Chuck Nance, as “I have reviewed this case and believe it is basically an extension of an existing zoning district and can be recommended for approval.” The Planning Board also voted unanimously to recommend that the rezoning be approved. The Board noted an existing metal fabrication business and the expansion of the existing industrial zoning district as the basis of their recommendation. Their report noted this area is indicated as Light/Heavy Industrial on the 2015+ Projected Land Use Plan; surrounding properties are rural undeveloped; non-conforming uses are the metal fabrication business; and that the roads and utilities for this area are adequate.

Chairman Hawkins opened the public hearing. (*Public notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal advertisement published in The Star on April 22 and April 29, 2005.*)

Robert Ellis told Commissioners he has operated a business at his location since 1997 and wants to expand. He advised he currently employs 12 people and wishes to hire additional workers once the expansion has been completed.

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

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the board, to ***approve the rezoning request and adopt the rezoning Ordinance as follows:***

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
20 acres at 206 Runyan Road / Parcel #6356 & 5335
R (Residential) to HI (Heavy Industrial)**

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 on April 26, 2005; and

WHEREAS, this property was classified as "Light/Heavy Industrial" on the 2015+ Projected Land Use Plan; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on April 22, 2005, and April 29, 2005, notices mailed to adjoining property owners on April 20, 2005 and a sign posted at the property on April 22, 2005; 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 approximately 20 acres at 206 Runyan Road following a Public Hearing on May 3, 2005, and approved on May 3, 2005; 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 a portion of parcels 6356 & 5335 from R (Residential) to HI (Heavy Industrial).

BEGINNING at a point in the intersection of Runyan Road (SR 2210) and Hopson Drive, thence with Runyan Road, south 5-50 east 305 feet, south 7-0 west 81 feet, south 9-28-03 east 210.35 feet, south 1-20-54 west 287.53 feet, south 12-05-50 west 136.41 feet, thence with property line, north 56-10-53 west 399.27 feet, north 84-00-14 west 87.44 feet, south 46-36-02 west 435.94 feet, north 64-55 west 709.4 feet, north 26-57 east 263 feet, north 89-43-57 east 205.25 feet, north 69-40-43 east 652.22 feet, north 17-01-32 west 249.45 feet, north 80 east 200 feet, north 84-50 east 74 feet, south 83 east 32 feet, south 62-23 east 140 feet, to the point of BEGINNING.

The above-described area is further identified on the attached map designated as "Rezoning Case #05-12, being incorporated herein by reference and made part of this ordinance.

This Ordinance shall become effective upon adoption and approval.

Adopted this 3rd day of May, 2005 at 6:00 p.m.

VOLUNTEER BOARD APPOINTMENTS AND TRAINING SCHEDULE

It was noted that during their planning work session in January 2005, Commissioners agreed to provide training to volunteer board members appointed by the County Commission. Discussion was also held regarding the feasibility of handling appointments two per year and the County Attorney was directed to research the Statutes and bylaws of each committee to determine if that could be accomplished.

Bob Yelton, County Attorney, advised that several of the boards and committees to which the Board of Commissioners appoint representatives are governed by either bylaws or Statute that mandated terms ending either June 30 or December 30 of the term year.

Eddie Bailes, Human Resources Director, reported that he, along with Anne Short, have drafted the following letter to be mailed to each applicant, as well as each person currently serving on a board or

committee, informing them of the new requirement for training and listing the dates the training will be available.

In January, the Cleveland County Board of Commissioners met to conduct a planning work session. During our discussion, we agreed to provide training for volunteer board members appointed by the County Commissioners. Our primary purpose for this training is to create a more effective board by equipping the various members with a general understanding of board functions as well as the roles and responsibilities of each member.

This training will be required for all board members as well as new board applicants. Going forward, no one will be appointed to a board by the County Commissioners unless he/she has participated in one of these training classes. All classes will be held in the R.L. Alexander Conference Suite located on the 1st floor of the Charles F. Harry, III Cleveland County Administrative Building at 311 East Marion Street, Shelby, NC. The training will be conducted by Anne Short according to the following schedule:

Thursday, May 19	6:00 p.m. – 8:30 p.m.
Tuesday, May 24	6:00 p.m. – 8:30 p.m.
Thursday, June 2	6:00 p.m. – 8:30 p.m.
Thursday, June 9	6:00 p.m. – 8:30 p.m.
Thursday, June 16	6:00 p.m. – 8:30 p.m.
Tuesday, August 23	6:00 p.m. – 8:30 p.m.
Tuesday, September 27	6:00 p.m. – 8:30 p.m.
Thursday, October 20	6:00 p.m. – 8:30 p.m.
Thursday, November 17	6:00 p.m. – 8:30 p.m.

We would like to have a maximum of 25 participants per class. To register for one of these sessions please contact Eddie Bailes at (704) 484-4833 or Eddie.Bailes@clevelandcounty.com. Thank you for your participation in this process as well as your willingness to serve your community.

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *make appointments to boards and committees twice per year – the last regular meeting in June and the last regular meeting in December of each year.*

(Clerk's Note: Commissioner McIntosh left the meeting at this point. No motion was made to excuse.)

JUVENILE CRIME PREVENTION COUNCIL: ANNUAL FUNDING REPORT AND REQUEST FOR COUNCIL APPOINTMENTS

Phil Weathers, Chairman of JCPC, reviewed the following information:

The Juvenile Crime Prevention Council is completing the final phases of Cleveland County's Intervention/Prevention Services Annual Plan for 2005 – 2006. This plan represents many hours of data collection, interpretation, dialogue and decision making among council members and the juvenile service community.

The council has identified three priority risk factors impacting our community

- Community Crime and Violence
- Community Drug and Alcohol Use
- Family Management Problems

Each of these factors, along with the dispositional options were used as guides to make recommendations regarding the allocations of \$292,043 provided to Cleveland County by the North Carolina Department of Juvenile Justice and Delinquency Prevention (subject to approval by the General Assembly). The Council's recommendations for funding are as follows:

\$10,744 **Man II Man:** Provides interpersonal skills building for young adolescent males in fourth and fifth grades who lack role models that help them learn healthy beliefs and clear standards. The goal is to provide students with skills that enable them to function pro-socially in

community and school settings. To allow them to better relate to administrators, teachers and peers by encouraging them to develop better impulse control and positive peer interaction.

- \$122,862 Cleveland Early Intervention Initiative: There are two components to this program 1) Phoenix Program – relates to long-term suspended juveniles 2) C-STOP Program – relates to short-term suspended juveniles. These programs will serve suspended juveniles ages 11 – 18 (Grades 6 through 12) with priority being placed on juveniles who are under supervision of the Juvenile Division of the District Court, referred by Court Counselor or Law Enforcement Officer in the county. These programs provide interpersonal skills building for the juveniles. Goals are to appropriately and successfully re-enter each student to their assigned school and to decrease the cumulative number of out of school suspension days by students in the system.
- \$25,828 Juvenile Mediation: There are two components to this program 1) Juvenile Mediation - provides mediation to juveniles and 2) Conflict Resolution Education. – provides interpersonal skills building with juveniles. Programs will serve youth referred by Juvenile Court and School Resource Officers. Through mediation and conflict resolution education, the program teaches juveniles how to deal with conflict in a positive manner and encourages young offenders to take responsibility for their actions and helps victims develop a sense of justice of being served.
- \$115,129 Roots & Wings: There are two components to this program 1) Substance Abuse Assessment – provides assessments to all adjudicated youth and an education plan designed for each youth and their family designed to strengthen family roles and relationships and 2) Parent/Youth Skills Development provides Parent/Family Skill Building. This program serves youth 7 to 17 years old and enhances family relationships by educating and sensitizing parents/guardians to the needs of youth. Different levels of curriculum are provided to enhance the skills needed for positive, effective communication within the families.
- \$14,400 Temporary Shelter Care: DJJDP/27-B/Cleveland County court counselor will contract with Omnivision to provide Temporary Shelter care to youth ages 7 to 17. The program will provide temporary shelter from home if youth is not eligible for residential services through mental health, Medicaid or DSS. This provides a safe environment for juveniles until appropriate services can be put in place to minimize family conflict and increase the effective management of the family.

These allocations require a 20% local match in the form of local cash and in-kind services. There will be no direct cost to Cleveland County.

In addition, each JCPC may allocate up to \$15,000 for administrative costs with no match required. We are requesting \$3,330 in allocations. Of this amount, \$2,500 will be utilized to contract for a portion of the services of a planner assigned to serve the counties in the Isothermal Planning Region. The planner's primary role will be to assist those counties in building collaborative initiatives and securing funds to address our region's problems with juvenile crime. The remaining funds will provide necessary postage and office supplies for day to day operations of the JCPC.

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to *approve the annual plan as presented.*

Mr. Weathers reviewed the slate of suggested council appointments for the upcoming year.

Mr. Weathers and Sherrie Geer, of JCPC, also requested that Commissioner appointee Pam Greene be replaced with another representative. Ms. Greene's term is scheduled to conclude on June 30, 2006.

After discussion, it was determined that Ms. Greene should be sent a letter notifying her of this decision, since she has not officially resigned, although she has not attended a meeting since August 2004, and to defer considering appointments and reappointments until the previously mentioned June meeting.

RECOGNITION OF MICHELLE CHENG

Chairman Hawkins recognized Michelle Cheng, a student at Crest High School, for having been selected to participate in the Congressional Student Leader conference, noting that Michelle will be formally recognized by the Commission at a later date.

PATHWAYS LEASE AGREEMENT

Bob Yelton, County Attorney, stated, "During your meeting of December 21, 2004, we approved an amendment to the lease with Pathways concerning our property where they released to us the little house and the annex and we had a resolution at that time and an amendment to the lease. There was actually supposed to have been two amendments to the lease, the resolution refers to Amendment #1 for the little house and the annex for Amendment #2 . . . the resolution was attached to the wrong amendment . . . you executed the resolution and the amendment #2 but the resolution should have referred to Amendment #1 so I'd just like to ask the Board to authorize you (*the Chairman*) to execute Amendment #1 that was contemplated by the resolution which you've already executed."

ACTION: Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to ***approve the authorization for the Chairman to sign the amended agreement (copy found on Pages _____ of Minute Book 28).***

MISCELLANEOUS BUSINESS

Commissioners reviewed the various functions they had attended since the last meeting. Commissioner Hutchins advised he had attended Patterson Springs and Grover town council meetings, and also the "fire meeting" and reported on discussions held at those meetings.

Vice-Chairman Self advised he had attended the Transportation Advisory Committee meeting, which is with the Lake Norman RPO, stating "basically it was all bad news . . . there is not going to be very much highway funding in the next couple of years" therefore limiting highway construction projects. He said Highway 74 bypass construction has now been delayed until 2012. He recommended Commissioners attend a public hearing on this proposed plan scheduled for May 18 in Mecklenburg County.

Commissioner Mary Accor reported on the recent Carrousel festival where retired County Manager R. L. Alexander was honored with a lifetime achievement award.

Chairman Hawkins reported on the recent Academic Awards banquet, sponsored by the Greater Cleveland County Educational Foundation. He said 163 seniors with a 4.0 grade average were awarded a scholarship of \$500 each.

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to adjourn the meeting (at 7:10 p.m.). The next regular meeting of the Commission is scheduled for ***Tuesday, May 17, 2005 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*