

CLEVELAND COUNTY BOARD OF COMMISSIONERS

July 5, 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 Clerk
Sherry Evans, County Manager's Office
Bill McCarter, Planning Director
Scott Darnell, Cleveland County Chamber
Eddie Bailes, Human Resources Director
Chris Crepps, Finance Director
Chris Green, Tax Assessor
Alex Caban, Cleveland Headline News
Joy Scott, The 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 unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk.*

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *June 2, 2005 and June 7, 2005*, motion was made by Willie McIntosh, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the minutes as written.*

SHERIFF'S DEPARTMENT: BUDGET AMENDMENTS (BNA #001)

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, 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>
010.441.4.810.00	Sheriff/Contributions-Donations	\$ 1,000.	
010.441.5.790.00	Sheriff/Donations-Contributions	1,000.	

Explanation of Revisions: Request approval to budget recent donations to offset rental fee for K09 Dunking booth at 2005 Cleveland County Fair and to purchase needed canine supplies for the K-9 Unit of the Sheriff's Department.

TAX ASSESSOR: REVIEW OFFICER

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve designating Ronald Jordan, Jan Deviney, and Pam McCurry as Review Officers for Cleveland County (designations made in accordance with NCGS 47-30.2).*

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – ALLTEL COMMUNICATIONS

Bill McCarter, Planning Director, advised that Alltel Communications, Inc. has presented a petition to rezone approximately 22 acres located at 2738 South Post Road from Residential Corridor Protection (RCP) to Neighborhood Business (NB). He stated the existing land use is a church and there are no “non-conforming uses.” Existing land use is commercial and utilities are provided by CCDS with a 6” public water line. This property is located at the intersection of highways NC-18 and NC-180.

Mr. McCarter reviewed the following statement provided by Chuck Nance, Planning Consultant with Isothermal Planning & Development Commission: “The future land use map indicates this parcel is within a commercial node at the intersection of NC-18 and NC-180 and this amendment would therefore be in compliance with the plan. Based on the amount of acreage involved in this petition, the request should not be considered spot zoning.”

He also reviewed the following recommendations from the Planning Board Chairman, John McCulloch: “The Board unanimously recommended amending the zoning map because the change would comply with the new land use plan, and the size of the tract would not constitute spot zoning. This area is indicated as commercial on the 2015 Future Land Use Plan and the surrounding properties are rural residential with no non-conforming uses. Utilities and roads are adequate as South Lafayette Street (NC-18) is classified as a major thoroughfare by NCDOT and public water is provided by CCSD.”

Chairman Hawkins opened the public hearing at 6:10 p.m. Public notice of this hearing was conducted in accordance with NCGS 153A-343 with legal advertisements published in *The Star* on June 17, 2005 and June 24, 2005.

Thomas Ben Glenn expressed concerns over how this would affect his property and plans to build a home. Mr. McCarter advised Mr. Glenn this rezoning would not affect his property.

Bill Howard and Leslie Gorie, representing Alltel, described the plan for the communications tower, showing maps and photos of the design.

Reverend Johnny Owens, Faith Baptist Church, speaking on behalf of the church, expressed support for the rezoning.

Hearing no further comments, Chairman Hawkins declared the public hearing closed at 6:25 p.m.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the rezoning ordinance as requested.*

ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
Approximately 22 acres at 2738 South Post / Parcel #44110
RCP (Residential Corridor Protection) to NB (Neighborhood Business)

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 June 28, 2005; and

WHEREAS, this property was classified as "Commercial" on the 2015+ Projected Land Use Plan; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on June 17, 2005, and June 24, 2005, notices mailed to adjoining property owners on June 17, 2005 and a sign posted at the property on June 17, 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 22 acres at 2738 South Post Road following a Public Hearing on July 5, 2005, and approved on July 5, 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 approximately 22 acres from RCP (Residential Corridor Protection) to NB (Neighborhood Business).

BEGINNING on a stake in the center of the intersection of Highways Nos. 18 and 180; and runs thence with the center of Highway No. 18, north 3-30 east 411.37 feet, north 2-47 east 1077.75 feet, north 64-11 east 602 feet; south 1-05 west 662.53 feet, south 27-45 feet east 693 feet, south 63 west 1036.42 feet to the place of BEGINNING, containing 21.63 acres.

The above-described area is further identified on the attached map designated as "Rezoning Case #05-15, being incorporated herein by reference and made part of this ordinance.

This Ordinance shall become effective upon adoption and approval.

Adopted this 5th day of July, 2005 at 6:00 p.m.

ECONOMIC DEVELOPMENT: PROPOSED INDUSTRIAL INCENTIVE GRANTS – PRICE PLASTICS, INC. (d/b/a Beacon Plastics)

Scott Darnell, Chamber Senior Vice-President, explained this company is based in Georgia and this will be their first project in North Carolina. They will occupy the former Metrolina Plastics building located off Washburn Switch Road. He advised they make plastic drinking straws and were recruited to Cleveland County by John Barker, Sr. of John Barker Realty. He also reviewed the information published in the legal advertisement, a copy of which is found on Page _____ of Minute Book 28.

Chairman Hawkins opened the public hearing at 6:30 p.m. Public notice of this hearing was accomplished in accordance with NCGS 158-7.1, with an advertisement published in *The Star* on June 20, 2005.

Hearing no comments, Chairman Hawkins declared the public hearing closed at 6:31 p.m.

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the industrial incentives for Price Plastics, Inc. d/b/a/ Beacon Plastics as presented.*

CLEVELAND COUNTY EMS BUILDING – KINGS MOUNTAIN CONSTRUCTION BID SUMMARY

David Dear stated, “As you know, part of our long range capital plan for the past ten years has been to construct permanent base stations for our county emergency medical service crews around the county. At our planning retreat in February, I promised to bring you a proposal for a station in the Kings Mountain area. This is our first proposal to construct an EMS facility outside of the City of Shelby. Our proposal tonight is to construct a 1,417 square foot, four bedroom station with a 2,400 square foot attached vehicle bay that can house four vehicles. The proposed base station would be of brick exterior and would be located on county owned property at the entrance to the Cleveland County Industrial Park on Business 74 near Kings Mountain. This station can efficiently serve an area that contains approximately 22% of the county’s population.”

Bids were received as follows:

<i>Bidder's Name</i>	<i>License #</i>	<i>Unit Price</i>	<i>Alternate 1 Epoxy Coating Bay Area</i>	<i>Alternate 2 Landscaping</i>	<i>Total Bid</i>
AA Ramsey & Son	1121	\$512,200.	6,000.	\$4,000.	\$522,200.
A&G Construction	2771	525,000.	6,500.	8,256.	539,756.
Carolina Artisans	10136	526,947.	4,700.	4,200.	535,847.
Greene Building	52909	538,773.	5,000.	5,500.	549,273.
Ladd Construction	18601	579,827.	6,580.	4,970.	591,377.
Pinnix Inc.	19540	498,000.	4,550.	5,000.	507,550.
Price and Hill	6415	548,182.	4,850.	7,630.	560,662.
<i>Rick Kirby Construction</i>	50867	402,000.	1,200	5,400.	408,600.
Southside Constructors	<i>no bid turned in</i>				

Mark Patterson with Holland & Hamrick Architects discussed different aspects of the proposed building – the advantage of masonry verses metal construction, citing considerations as longevity and maintenance costs as reasons for his recommendation of masonry.

Commissioner McIntosh stated he would have preferred to have seen several options comparing several types of construction. There was also discussion regarding possible cost inflation due to the fact the building will be inside the county industrial park. Mr. Patterson advised that “to his knowledge there is nothing different with design due to being located in the industrial park.”

Mr. Dear said “over a period of ten years” the county will be considering “at least five additional sites” and Mr. McIntosh emphasized he wants them to be “visually consistence” throughout the county “so no one area feels they have been slighted.”

ACTION: Willie McIntosh made the motion, which was seconded by Mary Accor, to delaying awarding the bids and request “staff look at concerns regarding alternative construction methods and prices as soon as possible.” Commissioner Accor clarified she seconded this motion in order to bring Commissioner McIntosh’s motion to the floor for further discussion.

Vice-Chairman Self advised he felt additional information could not be obtained prior to the current bids expiring and commented that Mr. Patterson has provided his expert opinion that “we would not save (by using an alternate method of construction)” and by “delaying a decision would end up costing taxpayers more.” Mr. Patterson advised the bids were received on June 7, 2005 and will remain “good for 30-days.” There was discussion regarding various aspects of the construction and maintenance of metal buildings.

At this point, the Chairman called for a vote on Commissioner McIntosh’s motion, which failed by a majority vote. Votes were recorded as Commissioner McIntosh voting “yes” and all other Commissioners voting “no.” Commissioner McIntosh said he would “in the future, like to see different proposals on the table” when considering such projects.

ACTION: Jerry Self made the motion, seconded by Mary Accor, and adopted by a majority vote of the Board, *to approve (1) the unit price of \$402,000.00; and, Alternate 1 (epoxy coating) of \$1,200.00 for the low bidder Rick Kirby Construction; and, (2) not approve the bid for Alternate 2 (landscaping).*

Commissioner McIntosh stated he “wants on the record” that he is voting no “because it is not fair to only have one thing to look at . . . no comparisons.”

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *that future projects should have multiple proposals.*

BOILING SPRINGS PLANNING/ZONING BOARD OF ADJUSTMENT – EXTRATERRITORIAL JURISDICTION MEMBERS

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to instruct the Boiling Springs Town Council that persons being considered for these vacancies will need to comply with the mandatory training and postponed the required public hearing for these appointment until September 6, 2005.*

RUTHERFORD COUNTY COMMISSION: REQUEST JOINT MEETING TO DISCUSS DUKE ENERGY POTENTIAL DEVELOPMENT

Chairman Hawkins reminded Commissioners of the meeting scheduled for July 11, 2005 at 6:00 p.m. at the Firehouse Inn in Rutherfordton. He noted it is unlawful for Commissioners to conduct an official meeting outside the county so no action will be taken; therefore this is a “courtesy announcement to the press” who is also invited to attend.

MISCELLANEOUS BUSINESS

RESCUE SQUAD MEETING

Commissioner Hutchins noted there will be a “communication meeting with the rescue squads and captains tomorrow evening over at the LEC building at 5:30 p.m. . . . just a basic get to know the guys, they’ve elected new captains and nothing is to be done as far as any business being conducted . . . to set up a communication link with the rescue squads and see what help we can get out of the volunteers.”

FALLSTON PARADE

Commissioners Hutchins and Accor noted they had participated in the Fallston 4th of July parade this past weekend and enjoyed the festivities.

ADJOURN

There being no further business to come before the Board at this time, Jerry Self made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to adjourn the meeting (*at 7:20 p.m.*). The next regular meeting of the Commission is scheduled for ***Tuesday, August 2, 2005 at 6:00 p.m.*** in this Commission Chamber.

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

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