

CLEVELAND COUNTY BOARD OF COMMISSIONERS

September 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, CMC, County Clerk
Pat Spangler, Deputy Clerk
Eddie Bailes, Human Resources Director
Chris Crepps, Finance Director
Bill McCarter, Planning Director
Alex Caban, Cleveland Headline News
Lindsey Allen, 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. Eddie Bailes, Human Resource Director, provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following addition:*

(1) **County Mileage Reimbursement Policy:** Johnny Hutchins

CITIZENS RECOGNITION

HURRICANE KATRINA

Betsy Wells, Chair of the Cleveland County Democratic Party, offered the assistance of the Cleveland County Democratic Party to help with the relief and recovery efforts directed toward Laurel, Mississippi. She stated, "At a time like this, humanity not, party lines" is the most important thing.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *August 16, 2005*, motion was made by Johnny Hutchins, seconded by Jerry Self, and unanimously adopted by the Board, to *approve the minutes as written.*

FEDERAL FORFEITED PROPERTY: BUDGET AMENDMENTS (BNA #010)

ACTION: Johnny Hutchins 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>
010.442.4.311.00	FFP/Federal-Other Revenues	\$58,422.	
010.442.5.210.00	FFP/Departmental Supply	20,000.	
010.422.5.211.00	FFP/Controlled Property Exp.	4,622.	
010.442.5.910.00	FFP/Capital Equipment	33,800.	

Explanation of Revisions: Request approval to budget funds received from ICE (US Immigration and Customs Enforcement) forfeiture funds to allow for purchases needed to improve this program (AR-15 vehicle mounts, digital voice recorders, palm pilots, DVD/VCR, digital camera, camcorder, crime scene vehicle (3500 Cargo van).

CLEVELAND COUNTY FOREST RANGER QUARTERLY REPORT

John Hunt, Cleveland County Forest Ranger, provided Commissioners with a written report (*copy found on Pages _____ of Minute Book 28*).

PLANNING DEPARTMENT: PROPOSED ZONING MAP AMENDMENT (Case 05-17 – SHELIA R. PETERS) (Request to schedule public hearing for October 4, 2005)

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

COUNTY TRAVEL MILEAGE REIMBURSEMENT POLICY

Commissioner Hutchins advised he has received several calls from county employees who are concerned about the rising gasoline cost and the reimbursement rate paid by the county. Commissioner Hutchins reported he has surveyed several agencies in the county and found the majority reimburse their employees at \$0.45 per mile. There was discussion regarding reacting to the current prices, which are increasing due to the crisis in the Gulf and that hopefully prices will be reduced in the near future. There was also discussion regarding the entire travel policy being reviewed, as well as considering a one-time stipend payment. Concern was also expressed over changing the budget so soon after adoption; the possible purchase of more county owned vehicles; and department heads “cutting back” to make up the difference in the increased travel reimbursement expense.

ACTION: Johnny Hutchins made the motion, *which was withdrawn prior to the vote being called, to change the gas mileage reimbursement amount, on a temporary basis, to 40.5 cent per mile, retroactive to September 1, 2005.*

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to discuss this matter further during the upcoming Commission work session (September 13, 2005).*

PLANNING DEPARTMENT: CODE TEXT AMENDMENT – PUBLIC HEARING

Bill McCarter, Planning Director, reviewed the text amendments being considered from two sections of the ordinance, “One dealing with farms and the definition of a bona fide farm, and then another definition dealing with home occupations. The Planning Board recommended that you table the definition, or any changes to the definition of a bona fide farm, but they did approve the changes recommended to the definition of a rural home occupation.” He said, “Based on the State’s Statutes, there are three types of agriculture: horticulture or small farming operations are typically five acres or more; general agriculture being ten acres or more; and, forestry being 20 acres or more. In each of these categories, there would have to be at least \$1,000 average annual gross income to obtain the tax deferral through the Tax Administrator’s office.”

Mr. McCarter explained, “Currently, our definition just says it’s either 10 acres or more and meeting the tax deferral qualifications, or it goes on to say that any tract smaller than 10 acres, but larger than 3, could also be considered an agricultural tract, as determined by the Administrator. So, that it gives us the flexibility to drop down below 10 acres, but really gives us no criteria to judge what, if it drops down below 10, what is a farm and what is not, and what should be exempted from zoning.”

Commissioner McIntosh expressed his concern about how the proposed changes would negatively impact small farmers, such as “micro farms” which are sometimes two acres or smaller, and Case Farms chicken houses. He stated he felt the changes may compromise “economic development in this county.”

There was discussion regarding referring this back to the Planning Board for further study and Mr. McCarter stated, “You certainly could table the public hearing, or you could go ahead and have the public hearing and then table any action until we were able to meet with some other groups. We’ve got some suggestions together for a possible sub-

committee of folks to come together and look at these ordinance amendments and we'll be glad to do that for you."

Vice-Chairman Self asked, "I thought somewhere there was some legal prohibition against the county making any zoning rules that prohibit farming?" Mr. McCarter stated, "Under the State's definition of farming." He stated, "Our definition was old, and the State has since expanded their definition to have the three different classifications: the five acre, the ten acre, and twenty acre, so at a minimum, I think we need to match up with at least the State's definition."

Vice-Chairman Self stated, "The other question on the second change, it says you can't have a vehicle in a rural home occupation . . . a pick-up in excess of ½ ton, is that a reasonable thing for a home occupation." It was determined that the Planning Board should re-examine this statement, also.

Chairman Hawkins declared the public hearing open at 6:45 p.m. (*Public notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in The Star on August 26, 2005 and September 2, 2005.*)

David Morrow stated, "I was at the Planning Board meeting and there was a lot of them on there that didn't agree with messing with that rule, so they sort of told Bill to go back and look at it again, and shift it on up here to the County Commissioners and let them decide on it. But, to do away with that rule, would do away with a lot of little farmers and are elderly people that have an acre . . ."

Mr. McCarter advised the Planning Board voted unanimously to table this revision, but voted to approve the home occupation revision. He suggested "for simplicity", that both proposed amendments should be tabled.

There was discussion of who should serve on the proposed sub-committee to review the proposed amendments. Commissioner McIntosh suggested "somebody to represent those folks that do have a farm less than 10 acres or more than three acres"; also represented should be horticultural and agricultural farm groups. It was also noted that a Commissioner should serve.

Hearing no further comments from the public, Chairman Hawkins declared the public hearing closed at 6:49 p.m.

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to table action on both proposed amendments until the November 1, 2005 regular meeting.*

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to establish a sub-committee to review the amendments, reporting to the Planning Board first, then to the Commission, with the sub-committee representation to be as described above.*

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint Willie McIntosh to serve as Commission representative to this sub-committee.*

BOILING SPRINGS: PLANNING/ZONING BOARD OF ADJUSTMENT – EXTRATERRITORIAL JURISDICTION (ETJ) APPOINTMENTS – PUBLIC HEARING

Chairman Hawkins opened the public hearing at 6:55 p.m. (*Notice of this public hearing was conducted in accordance with the mandates of NCGS 160A-362, with public advertisements published in The Star on July 9, July 31, August 22, and August 29, 2005.*)

Chairman Hawkins reviewed that the Boiling Springs City Council has recommended Charles Brown, Aaron Edwards, and Cliff Wilson be appointed. Applications presented to the County Clerk came from Thurston Hamrick and Gary Smith.

Johnny Smith, Judy Dover and Debbie Smith spoke in favor of Thurston Hamrick. Mr. Hamrick stated that while he felt “everyone is worthy of consideration” he felt he could provide a much needed voice for the citizens in his portion of the ETJ. Hearing no further comments, Chairman Hawkins declared the public hearing closed at 7:06 p.m.

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, *which failed by a majority vote*, to reappoint Charles Brown (*term to expire June 30, 2008*); and, appoint Cliff Wilson and Thurston Hamrick to complete the two unexpired terms, scheduled to conclude on June 30, 2007. (*Votes were recorded as McIntosh and Hutchins voting yes; and, Self, Hawkins and Accor voting no.*)

There was discussion regarding the need to have members from all portions of the ETJ area.

ACTION: Mary Accor made the motion, seconded by Jerry Self, and *adopted by a majority vote* of the Board, *to reappoint Charles Brown (term to expire June 30, 2008); and, appoint Cliff Wilson and Aaron Edwards to complete the two unexpired terms, scheduled to conclude on June 30, 2007.* (Votes were recorded as Self, Hawkins and Accor voting yes; and, McIntosh and Hutchins voting no.)

CASE FARMS: DEED OF EASEMENT FOR UTILITIES AND WASTEWATER COLLECTION AGREEMENT

Dave Odom, Odom Hollifield & Associates Engineering, Inc., reviewed the easement and agreement, adding this would also bring the added benefit of helping to solve the sewer flow problem often experienced at the Animal Shelter. Bob Yelton, County Attorney, advised he has reviewed both and finds no problem with the Commission adopted either.

ACTION: Jerry Self made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the Deed of Easement for Utilities (copy found on Pages _____ of Minute Book 28); and, approve the Wastewater Collection Agreement (copy found on Pages _____ of Minute Book 28).*

CLEVELAND COUNTY FARMLAND PRESERVATION PROGRAM AGRICULTURAL ADVISORY BOARD APPOINTMENT

ACTION: Mary Accor made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to (1) appoint Thomas Covington to serve as a member of this Advisory Board. The term of this appointment is three-years, scheduled to conclude on September 30, 2005; and, (2) deter the second appointment until applicants have completed the mandatory board training class.*

COMMISSIONER REPORTS

NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS (NCACC)

Commissioner Accor announced she was reappointed to serve another term as Chair of the NCACC Public Education Steering Committee at the recent annual conference. She was also appointed to serve as an at-large director of the NCACC Board and also announced she will be seeking the office of 3rd Vice-President of the Association.

HUMAN RESOURCES NEWSLETTER

Commissioners requested Eddie Bailes express their appreciation to Alexis Pearson for development of the HR newsletter.

EMERGENCY RESPONSE TEAMS

Commissioner Hutchins commended Joe Lord, EMS Director, and Dewey Cook, EM/Fire Marshal, for “having teams ready to go” for Hurricane Katrina relief response.

AMERICAN SAFETY UTILITY

Vice-Chairman Self reported he attended the Chamber Small Business gathering recently held at American Safety Utility. He said they sell safety equipment worldwide and have a museum that is “well worth visiting.”

ADOPT LAUREL, MISSISSIPPI PROJECT

Chairman Hawkins reported on his visit to the City of Laurel. He advised not only will this project help Laurel residents affected by Hurricane Katrina, but those residents are committed to helping others as well. He stated that he is “proud of this community” for their outpouring of support. Vice-Chairman Self emphasized this is a “totally decentralized organization” with countless efforts being made by organizations, businesses, churches, and individuals.

ALLIANCE FOR HEALTH CONFERENCE

Chairman Hawkins stated that recently he and Anne Short participated in an Alliance for Health meeting where the board training program was a point of interest by many of those in attendance.

KINGS MOUNTAIN CHAMBER OFFICE RIBBON CUTTING

Chairman Hawkins reminded Commissioners of the ribbon cutting event scheduled for Thursday.

COMMUNICATIONS TOWER

Mr. Dear advised bids have been opened and ground breaking is anticipated in September.

LONG LEAF PINE AWARD

Betsy Wells told Commissioners that Ms. Jackie Blanton was received the Long Leaf Pine award from the Governor for having served as a classroom teacher for 51 years. Commissioners instructed the Clerk to arrange for Ms. Blanton to be recognized by the Commission.

RECESS TO RECONVENE AT A TIME AND PLACE CERTAIN

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to recess this meeting (at 7:40 p.m.) to reconvene on Tuesday, September 13, 2005 at 4:00 p.m. in this Commission Chamber for a Commission planning session.*

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

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