

CLEVELAND COUNTY BOARD OF COMMISSIONERS

November 7, 2006

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
Bill McCarter, Planning Director
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Denese Stallings, Health Director
Cherish Wilson, *The Star*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Ronald J. Hawkins called the meeting to order, led the audience in the "Pledge of Allegiance" to the flag of the United States of America, and 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) **Sign Ordinance** – Discussion (*McIntosh*)

CONSENT AGENDA

APPROVAL OF MINUTES

ACTION: There being no other corrections, additions or deletions to the minutes of *October 17, 2006*, motion was made by Willie McIntosh, seconded by Jerry Self, and unanimously adopted by the Board, to *approve the minutes as written.*

HEALTH DEPARTMENT: 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/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.531.4.410.00/0CONS-7808	AIDS/Local & Other Grants	\$25,000	
012.531.5.121.00/0CONS-7808	AIDS/Salary-Regular	21,915.	
012.531.5.230.02/0CONS-7808	AIDS/Prescription Drugs	900.	
012.531.5.230.01/0CONS-7808	AIDS/Non-prescription drugs	500.	
012.531.5.490.01/0CONS-7808	AIDS/Professional Services	1,685.	

Explanation of Revisions: Budget additional appropriation from the Regional HIV/AIDS Consortium for case management, prescription and non-prescription drugs, and transportation services. Not new position, rest of funds appropriated.

HEALTH DEPARTMENT: 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:*

<i>Account Number/Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.533.4.350.00/93283-4514	Adult Health/State Government Grants	\$17,500.	
012.533.5.210.00/93283-4514	Adult Health/Departmental Supply	350.	
012.533.5.213.00/93283-4514	Adult Health/Office Supplies	1,500.	
012.533.5.230.00/93283-4514	Adult Health/Medicine & Supplies	1,350.	
012.533.5.311.00/93283-4514	Adult Health/Education Expense	1,200.	
012.533.5.490.00/93283-4514	Adult Health/Professional Services	2,600.	
012.533.5.910.00/93283-4514	Adult Health/CO Equipment	10,500.	

Explanation of Revisions: Budget Pan Flu supplemental funds for supplies, food for incident exercises, professional services and three 800 MHz trunking Motorola handheld radios.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #020)

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following budget amendments:*

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.535.4.410.00	Health Promotion/Local & other revenue	\$3,000.	
012.535.5.311.00	Health Promotion/Education Expense	3,000.	

Explanation of Revisions: Budget funds received from the Cleveland County School System for the Take 10 physical activity curriculum to be used in the 4th and 5th grades.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #021)

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following budget amendments:*

<i>Account Number/Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.541.4.350.00/01120-1873	Environmental Health/State Government Grants	\$ 118.	
012.541.5.241.00/01120-1873	Environmental Health/Motor Fuels	118.	

Explanation of Revisions: Budget funds received from NCDHHS for summer food service program inspection.

LAW ENFORCEMENT GRANTS: BUDGET AMENDMENTS (BNA #022)

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following budget amendments:*

<i>Account Number/Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.438.4.310.00/16607-P438	Law Enforcement Grant/Federal Grants	\$ 2,180.	
010.438.5.250.00/16607-P438	Law Enforcement Grant/Uniforms-Clothing	2,180.	

Explanation of Revisions: To budget grant funds from the Department of Justice for 50% reimbursement for body armor purchased.

LIBRARY: BUDGET AMENDMENTS (BNA #023)

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following budget amendments:*

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.611.4.991.00	Library	\$20,000.	

010.611.5.790.00 Library \$20,000.

Explanation of Revisions: To budget 07 purchases for donated books and supplies.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #024)

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/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.539.4.350.00/93994-5740	Family Planning/State Government Grants	\$ 1,354.	
012.539.4.350.00/93994-5151	Family Planning/State Government Grants	14,132.	
012.539.5.230.01	Family Planning/Prescription Drugs	15,486.	

Explanation of Revisions: Budget State FP funds for birth control supplies due to increase in price. PIC not used on expenses.

HEALTH DEPARTMENT: WRITE-OFF OF ACCOUNTS RECEIVABLE

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to allow the Health Department to write-off a total of \$26,775.88*

(Medicaid/\$595.18 and private pay/\$26,180.70) in uncollectible fees through June 30, 2003.

The total write-off amount for FY 05/06 is \$1,734.40 less than the previous fiscal year. At this time, there are no “outstanding balance in the Medicare and insurance fees that should be written-off.” In the event that a patient pays for services that have been written-off, policy is to reinstate the charges and apply the payment for services render.

ECONOMIC DEVELOPMENT: PROPOSED INCENTIVES FOR DUKE ENERGY – CLIFFSIDE STEAM STATION (Schedule public hearing for November 21, 2006)

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

HEALTH DEPARTMENT: PROPOSED AMENDMENTS TO THE CLEVELAND COUNTY FRANCHISE WITH GDS – First Reading (A franchised solid waste hauler in Cleveland County – reference Solid Waste Ordinance) (Consideration of discontinuation of back door household garbage pick-up service and a service rate increase)

Denese Stallings, Health Director, reviewed that on August 29, 2006, the Cleveland County Board of Health voted to recommend that the Board of Commissioners consider a request from GDS, Inc. to discontinue back door household garbage pick-up service. This is due to the dangers and liabilities for GDS, and is not a requirement in the franchise ordinance.

She said, “GDS also requested a 22% increase (*increase from current rate of \$9.93 to \$12.11; total bill, including disposal fee, would increase from \$12.76 to \$14.94*) in their residential and commercial monthly service rate. There will not be an increase in their disposal rate. Their reasons for this rate increase are due to increased costs of fuel, insurance, labor, steel and maintenance.”

GDS will provide back door household garbage pick-up services for handicapped and elderly individuals that can prove the need. To qualify for this service, the individual will be required to provide

information that no one in the household is capable of taking their containers to the curbside. The service rate will be the same for all customers, including the handicapped and elderly.

Mrs. Stallings noted, "If the service rate increase is approved, the other franchise hauler, Waste Management, would be eligible for the same increase." She stated that Waste Management's "largest customer" is PPG and that "GDS has the lion's share of the residential customers in the county." She provided comparison figures of surrounding counties as to their rates, noting GDS is "low" and "they have had no rate increase in 5-years." Mrs. Stallings also emphasized that GDS "has always been eager to be a good corporate citizen."

Chairman Hawkins declared the public hearing open. (*Notice of this hearing was accomplished in accordance with NCGS 153A-45, with legal advertisements published in The Star on October 27, 2006 and November 10, 2006 [second reading].*) Hearing no comments, Chairman Hawkins declared the public hearing closed.

ACTION: Jerry Self made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve both the rate increase and the discontinuation of back door household garbage pick-up service as requested.*

ECONOMIC DEVELOPMENT: PROPOSED INCENTIVES FOR PROJECT LOMBARDI – KITCHEN VENTILATION, LLC

Dave Hart, Economic Development, Cleveland Chamber, reviewed the following information regarding the proposed industrial incentive grants:

The grants, in keeping with the Cleveland County Industrial Incentive Grant Program, are being offered for the creation of at least 97 new full-time permanent employment positions over the next 60-months and an anticipated net new valued investment of at least \$6,586,000. The investment and job creation is to take place at 212 Commerce Boulevard, Kings Mountain, NC.

It has been determined that the value of the industrial incentive grant is to be approximately \$25,026 per year for five fiscal years. Funding for these grants is to be annually appropriated from the County's General Fund - Fund Reserve.

The total expected level of valued investment of Project Lombardi is \$6,586,000 with a net incentives investment of \$6,586,000. Based upon the total new investment, it is estimated that (County General Fund) property tax revenues received from this project would amount to more than \$190,000 over five tax years. Other economic benefits expected from this industrial project are the creation of 97 new full-time permanent employment positions over the next 60-months with a projected annual payroll of \$2,700,000 for new jobs. It is believed this project will stimulate and provide stability for the local economy. They further believe that this project will provide local economic benefits for the citizens of Cleveland County through an increase in sales tax revenues and the increased purchases of local goods and services.

Vice-Chairman Self noted that an "overwhelming majority of employees will come from Cleveland County."

Chairman Hawkins opened the public hearing. (*Notice of this hearing was accomplished in accordance with NCGS 158-7.1 with legal advertisements published in The Star on October 23, 2006.*) Hearing no comments, Chairman Hawkins declared the public hearing closed.

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to approve the industrial incentives as requested* (copy of contract found on Pages _____ of Minute Book 29).

PLANNING DEPARTMENT: ZONING AMENDMENT (CONDITIONAL USE) JOHN BARKER REALTY – 636 BELWOOD/LAWNDALE ROAD

Bill McCarter, Planning Director, reviewed that John Barker, of John Barker Realty, has presented a petition to rezone a two-acre tract at 636 Belwood-Lawndale Road, from Residential to Heavy Industrial-Conditional Use. Carolina Quilting, a textile-manufacturing firm operated by the property owner, Ronald Proctor, previously occupied this facility. Mr. Barker is now working with a prospective business that would like to use this existing industrial building as a petroleum storage and transfer facility. He stated, “Wholesale petroleum and related products is listed in our code as a permitted use only in the Heavy Industrial zoning district.”

Mr. McCarter reviewed the background on this parcel, stating Mr. Proctor petitioned to rezone this property in November 2005, but was denied. As a result of this case, the Board of Commissioners directed the Planning Board to develop the Conditional District Zoning process. Existing land use is industrial; future land use is rural residential; utilities are public water provided by CCSD; Belwood-Lawndale Road is considered a minor collector.

Mr. McCarter noted that Chuck Nance, Isothermal Planning Consultant, recommended the rezoning petition be denied. Mr. Nance’s report stated, “Even though the request is for a conditional use district, we feel the difference between residential uses and heavy industrial uses are so far apart, and the tract is so small, that the request would probably be considered spot zoning. The future land use is projected to be rural residential. Based upon these facts, it is our opinion that Cleveland County should not rezone this property.”

John McCulloch, Planning Board Chair, stated the Planning Board voted unanimously to recommend this rezoning. He said the proposed use is “wholesale petroleum and related products” with the “storage and transfer of waste oil” and will have 2-4 employees managing four 10,000 gallon tanks to be added within the existing building footprint.

Mr. McCulloch and Mr. McCarter emphasized the Planning Board placed the following conditions on the rezoning:

1. No processing of oil on-site.
2. Type “A” screening installed along rear and side property lines.
3. Install down lighting fixtures to minimize impact on adjoining property.

It was noted that surrounding properties are “rural low-density residential, with active agricultural.” The site plan indicates additional landscape screening along the rear and side property

lines as required by Section 12 of the Code. The Planning Board noted that this building was being used for an industrial use prior to county zoning. The proposed use would generate less truck traffic than the previous use. This business would also be conducted entirely within the existing building. Mr. McCulloch stated the hours of operation would not be “intrusive to this residential area.”

Chairman Hawkins declared the public hearing open. (*Public notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal advertisements published in The Star on October 19 and October 26, 2006.*)

John Barker told Commissioners he feels “this is a good use of the building” and “will not be a large facility ever”; will be a “first shift operation, daylight hours only”; the “owners will be a part of the community”; the “tanks will be stored inside the facility”; and, the “owners are extremely sensitive to the environment.”

Hearing no further comments, Chairman Hawkins declared the public hearing closed. There was discussion regarding how “screening” requirements differ among the classifications.

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the rezoning request, with the conditions listed.***

ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
Two Acre Tract at 636 Belwood-Lawndale Road
Residential (R) to Heavy Industrial-Conditional Use (HI-CU)

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 applicant John Barker Realty, has proposed to use this existing industrial building for a petroleum storage and transfer facility, that will operate under the following conditions:

1. No processing of oil on-site.
2. Type A screening installed along rear and side property lines.
3. Install down lighting fixtures to minimize impact on adjoining property.

WHEREAS, the Cleveland County Planning Board recommended to approve the rezoning of this parcel on October 10, 2006, stating that this building was being used for an industrial purpose prior to county zoning; and

WHEREAS, the 2015+ Future Land Use Plan encourages adaptive use of existing vacant industrial buildings (Strategy I-A3) ; and

WHEREAS, said amendment will promote the health, safety, and welfare of the citizens of Cleveland County and said amendment is beneficial to the orderly growth of Cleveland County.

WHEREAS, notice of the Public Hearing was published in the Shelby Star on October 19, 2006, and October 26, 2006, notices were mailed to adjoining property owners on October 19, 2006 and a sign posted in the area on October 19, 2006; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by the Cleveland County Board of Commissioners to amend the Official Zoning Map following a Public Hearing on November 7, 2006; and

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 48348, from Residential (R) to Heavy Industrial-Conditional Use (HI-CU) as identified on the attached map designated “Case 06-19”, being incorporated herein by reference and made part of this ordinance.

BEGINNING at an iron pin located in the center line of the Lawndale-Belwood Road, the same being located in the northern boundary line of the Spurling property as described in Deed Book 9-X at Page

249 of the Cleveland County Registry, and running thence from said point of Beginning with the northern boundary line of the Spurling property South 70-25-00 East 303.00 feet to an iron stake, thence a new line across the Beam property North 39-06-36 East 299.39 feet to an iron stake located in the southern boundary line of the Spurling property as described in Deed Book 1029 at Page 356 of the Cleveland County Registry; thence with the southern boundary line of Spurling North 70-25-00 West 303.00 feet to an iron pin located in the center line of the Lawndale-Belwood Road; thence with the center line of said road three (3) calls as follows: South 43-33-18 West 100.00 feet; South 39-08-18; West 100.00 feet; and South 34-38-16 West 100.00 feet to the point of BEGINNING.

This Ordinance shall become effective upon adoption and approval.
Adopted this 7th day of November, 2006 at 6:00 p.m.

PLANNING DEPARTMENT: PROPOSED HISTORIC LANDMARK DESIGNATION – JOHN LATTIMORE HOUSE (4112 FIVE POINTS ROAD)

Mr. McCarter stated this is a “joint meeting” between the Board of Commissioners and the Cleveland County Historic Preservation Commission. He noted the State Historic Preservation Office has reviewed the application and, although their comments are non-binding, the application has been revised to incorporate their recommendations. He reviewed a brief history of this farmhouse, constructed between 1798 and 1824, is an original 2-story log cabin, and in 1832 there was a “post and beam addition.” The house is located on 2.5 acres and is “vacant but under restoration” by Mr. Lattimore.

Chairman Hawkins declared the public hearing open for the Board of Commissioners. Brownie Plaster, Chair of the Historic Preservation Commission, stated there was a quorum present and declared the public hearing open for the Commission. (*Public notice of this hearing was by legal advertisements in The Star on October 19 and October 26, 2006.*)

John Lattimore, property owner (*200 Adams Street, Shelby*), stated this property has been in his family since 1787. He and his wife started the renovations to the house in 2002 and are “looking forward to rehabilitating the home to the point we can live in it.”

Charles Elliott, a family member, stated he also supports the designation, providing a history of the family and their settlement in this area, which was referred to as “Hinton Creek.” He said the “cabin was built before 1790” according to his research and was the “first settlement in this area of the county” which he said the area was originally an “Indian village.”

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

ACTION: Jerry Self made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to approve the designation of the John Lattimore House, located at 4112 Five Points Road, as a historic landmark.*

ACTION: Chairwoman Plaster called for approval of the designation and it was *approved by a unanimous consensus of the Commission.*

Ordinance Designating A Historic Landmark
John Lattimore House
Cleveland County, North Carolina

WHEREAS, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of historic landmarks; and

WHEREAS, the Cleveland County Board of Commissioners designated the Cleveland County Historic Preservation Commission as a joint historic preservation commission on December 21, 2004, having the authority to exercise, within the planning jurisdiction of the County, all the powers and duties given it by the Cleveland County Historic Preservation Ordinance; and

WHEREAS, the Cleveland County Board of Commissioners has taken into full consideration all statements and information contained in the Landmark Designation Application for the John Lattimore House as submitted to the Historic Preservation Commission on April 18, 2006; and

WHEREAS, the John Lattimore House was listed in the National Register of Historic Places on August 26, 1982 typifying the substantial but unpretentious dwelling of the average antebellum planter in the western North Carolina Piedmont; and

WHEREAS, the North Carolina Department of Cultural Resources – State Historic Preservation Office has reviewed the Landmark Application, and provided comments on May 22, 2006; and

WHEREAS, the Cleveland County Historic Preservation Commission and the Cleveland County Board of Commissioners held a joint public hearing on November 7, 2006, having published public notice in the Shelby Star on October 19 and October 26, 2006, and mailed notice of the hearing to the applicant along with adjoining property owners by first class mail on October 19, 2006; and

NOW THEREFORE, by order of the Cleveland County Board of Commissioners: The property known as the John Lattimore House located at 4112 Five Points Road, within the planning jurisdiction of Cleveland County, North Carolina, is hereby designated as a Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and Section 12-404 of the Cleveland County Code.

This property is more specifically described as follows:

BEGINNING at an new iron north east of the house; thence S 8-50-50 W 547.61 feet; thence N 71-20-44 W 150.63 feet; thence N 71-20-44 W 150.63 feet; thence N 00-31-53 W 588.70 feet; thence S 67-36-20 E 251.36 feet to the point of BEGINNING containing 2.5 acres. Being a portion of a 130 acre tract conveyed to John Bruce Lattimore by will in Estate Record 99E Page 651 on file with the Cleveland County Clerk of Court.

This ordinance shall become effective upon adoption and approval.
Adopted this 7th day of November 2006.

/S/ Ronald J. Hawkins
/S/ Brownie Plaster

**PLANNING DEPARTMENT: ROAD NAME CHANGE – APPEAL OF PLANNING BOARD
DECISION – BRENDA STEWARD (ALEX D. OWENS DRIVE)**

Mr. McCarter advised that on October 13, 2006, Brenda Stewart submitted an appeal (*reference Section 9-35 of the County Code*) of the Planning Board's decision to deny her petition to rename a portion of Alex D. Owens Drive to Shepherd Mountain Drive. The Planning Board held a public hearing on October 2, 2006.

He reviewed the background on the case as follows: "During the 1970's, James C. Stewart purchased three tracts of land totaling 101 acres. Over the years, a gravel road was constructed and several home sites were developed. In 1990, the Planning Board held a public hearing to rename Davidson Scout Camp Road and Police Club Road to Alex D. Owens Drive. The Minutes state 'the 911

system can more efficiently be administered by deleting these three names and issuing one name to the entire road.’ A portion of Police Club Road exists today, which intersects with Alex D. Owens Drive.”

In 1999, the NCDOT extended the maintenance of SR-2443 (*Alex D. Owens Drive*), paving an additional 0.95 miles at a cost of \$142,500, across the dam and on to Mr. Stewart’s property.

In 2004, Mr. Stewart extended this paved public road further into his property in order to serve the lots in his new subdivision. Since this land is located within the ETJ of the City of Kings Mountain, the development was approved by the city (*see PB 27-26 and PB 27-27*). Two (2) plats were submitted and approved for Phase 1 of the James C. Stewart Subdivision, note that the name of the road on these two plats shows “Alex D. Owens Drive” continuing through this development.

In 2005, Mr. Stewart submitted Phase 2 of the James C. Stewart subdivision for approval (*see PB 28-99*). The name of the road on these two plats also shows “Alex D. Owens Drive.” In June 2006, Mr. Stewart re-recorded all three plats with the following note: *The purpose of this plat is to change the name of the James C. Stewart Subdivision to Shepherd Mountain Subdivision and to change the name of Alex D. Owens Drive to Shepherd Mountain Drive.* The developer does not have the authority to rename streets, even in their own subdivision. NCGS 153A-240 requires that a public hearing be held by the Board of Commissioners before renaming any road in the unincorporated areas of the county. The Board of Commissioners designated this responsibility to the Planning Board in 1988. Section 9-35 of the County Code provides a process for a property owner to appeal the decision of the Planning Board. The Board of Commissioners is directed to review all information in the matter and make a determination. This administrative review is the final action.

Although no public hearing is required for such appeals, Chairman Hawkins opened the floor to receive comments.

John McCulloch, Planning Board Chairman, said the final vote of the Planning Board was “split” because both sides have “compelling reasons” supporting their views. He noted the neighbors do not want the name changed. He said the Board did not want to set a precedent by having one road with two names due to public safety concerns. He said this is a “straight road and there is no transition point.”

Wayne Blanton presented a petition on behalf of the neighbors in opposition to the change. He said the petition represents 100% of the 15 houses located on the road.

J. M. Lambert stated he owns 50-acres located behind this location and said, as a former member of the Gaston County fire department Board of Directors, he has safety concerns if the name is changed.

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

Vice-Chairman Self recommended the Planning Board consider a policy that would require petitioner to pay the expenses incurred when road names are changed. It was also noted that Alex D. Owens was a well respected member of the community and was a former Kings Mountain school board member.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to deny the petition.*

SIGN ORDINANCE ENFORCEMENT

Commissioner McIntosh informed Commissioners that many of the campaign signs throughout the county do not meet the specifications of the ordinance, stating, "Are we going to enforce our ordinance?" Commissioner Accor suggested that the Board of Elections give a copy of the ordinance to candidates when they file for office. Mr. McCarter advised that he had talked with Debra Blanton, Supervisor of Elections, and this will be accomplished. It was also discussed that "rules for each municipality differ" but Mr. McCarter noted that the county and the City of Shelby both allow a maximum sign of 16 square feet.

CONSENSUS: *To discuss this matter further at the next Commission work session.*

PLANNING DEPARTMENT: CODE VIOLATION – 3511 & 3509 ARTEE ROAD (OWNER: ROGER WADE McMAHAN)

A memo provided to Commissioners outlining the background on this case indicated that Roger Wade McMahan was been informed of zoning violations taking place on his property at 3509 Artee Road as follows: salvage/junkyard in a residential zoned district, and moving of multiple dwellings on single lot without zoning and building permits. The following is an "order of events" taken by the Planning Department:

- April 5, 2006 – Site inspection by Chris Martin. Found dwelling moved onto lot with no permits. Found salvage/scrap yard with no permits.
- April 7, 2006 – Initial Notice of Violation mailed.
- May 11, 2006 – Site inspection by Chris Martin. Dwellings remain on lot. Salvage/scrap remains on lot.
- May 12, 2006 – Final notice mailed.
- May 13, 2006 – Notice delivered per USPS.
- June 19, 2006 – Site inspection by Chris Martin and Cindy Prewitt, Solid Waste Enforcement Officer. Dwellings remain on lot. Salvage/scrap remains on lot.
- June 20, 2006 – Delivered violation information to Yelton, Farfour, McCartney, Lutz & Craig PA office.

Bob Yelton, County Attorney, advised that he did not know why no action has been taken by Mr. Craig on this case since June, but "33 criminal violations have been issued this week." He explained that "each day is a separate violation" until the area is brought into compliance. He said a "hearing should be set soon."

Vice-Chairman Self recommended a system be established whereby cases such as this will be formally referred to the Board of Commissioners after 45-days has lapsed.

RESOLUTION: SUPPORT OF MOSS LAKE NEW RESERVOIR

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

RESOLUTION
IN SUPPORT OF MOSS LAKE – NEW RESERVOIR

WHEREAS, several years ago, Cleveland County faced a critical shortage of water during a devastating drought that affected all areas of our county;

WHEREAS, with long-term projections showing an increasing average daily demand for water, the City of Kings Mountain has taken the initiative to develop a comprehensive study of water supply needs and to create a water management plan to address the needs;

WHEREAS, options under consideration to address these water management solutions include increasing the availability of water from the Moss Lake Reservoir, as well as potentially constructing a new reservoir to provide Moss Lake with an additional supply of raw water;

WHEREAS, future water demands cannot be ignored, since higher residential and commercial demands, and economic development recruitment mandates a sustainable high-quality water supply.

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners, hereby supports the City of Kings Mountain in its efforts to proactively explore options to increase the region's water supply, since a sustainable water supply is critical to the quality of life for our citizens and the economic viability of our county.

ADOPTED THIS 7th DAY OF NOVEMBER 2006.

RESOLUTION: SUPPORT OF PRESERVE AMERICA COMMUNITY DESIGNATION

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

Number 22-2006

In Support Of
Preserve America Community Designation

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources; now therefore be it

RESOLVED, that Cleveland County and the City of Shelby will apply for the designation of a *Preserve America* Community; and be it further

RESOLVED, that Cleveland County will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

Adopted this the 7th day of November 2006.

PERSONNEL ADVISORY COMMITTEE

Mr. Yelton explained this committee "hears appeals of employees" and acts as an independent group. Since it has been quite a few years since an appeal has been submitted, his office conducted a

training session prior to an upcoming appeal. During that training, it became apparent that committee members had obtained information on their own regarding the case outside the hearing, which in his opinion made them bias. He has recommended that a “special committee” be appointed to hear the current case. The “special committee” would serve through December 31, 2006.

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to appoint the following “Special Personnel Advisory Committee” for a term to expire on December 31, 2006 – Shelia Logan, Dixie Cooke, Mark Brackett, Barbara Davis, Amy Wright, Andrew Hopper (Alternate) and Alan Hamrick (Alternate).*

TAX LISTING: REQUEST FOR EXEMPTION

Members of Canaan Baptist Church advised they were of the understanding their request for exemption was on tonight’s agenda. Chairman Hawkins requested they meet with Chris Green, Tax Administrator, to discuss this request and the proper process for submitting an appeal.

COMMISSIONER REPORTS

Legislative Goals

Commissioner Accor advised she will be discussing suggested legislative goals with each Commissioner in preparation for the upcoming conference January 11-12, 2007. She also advised she serves as Chair of the Human Services Committee.

Rural Fire Commission

Commissioner Hutchins reported on the recent annual Rural Fire Commission inspection of the fire departments. He said insurance ratings were discussed, as they relate to “chicken houses.” He said there could be increased fees due to “water flow requirements.” Eddie Bailes said that “a flaw in State fire code” may require a ladder truck for chicken houses due to the square footage in the houses. Vice-Chairman Self said some industries are required to have onsite tanks. It was noted that the Fire Commission elected Dewey Cook to serve as Chairman.

Poultry Houses

Mr. Dear noted that the Chairman had received calls questioning if "chicken houses pose environmental hazards." He noted that this agricultural use was exempt from zoning regulations. He also stated that a group was being organized by Greg Traywick, Agricultural Extension Agent, and they would make recommendations to assist poultry producers in construction and operation of these facilities. There was discussion regarding "bona fide farms and farm structures also being exempt from building permits." Mr. Yelton was asked to research the types of permits required for these structures, as compared to an industrial building.

Chamber 20/20

Commissioner McIntosh said 20/20 is “still trying to finish their budget.”

ADJOURN

There being no further business to come before the Board at this time, Willie McIntosh made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to adjourn the meeting (at 7:57 p.m.). The next regular meeting of the Commissioners is scheduled for ***Tuesday, November 21, 2006 in the County Commission Chamber.***

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

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