

CLEVELAND COUNTY BOARD OF COMMISSIONERS

April 4, 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
Johnny Hutchins, Commissioner
Willie B. McIntosh, Commissioner
David C. Dear, County Manager
Bob Yelton, County Attorney
Wanda Crotts, County Clerk
Kerri Melton, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Pete DeLea, *The Star*
Lindsey Allen, *Cleveland Headline News*
Robert Williams, *Citizens for Good Government*
Other individual names on file in the Clerk's Office

ABSENT: Mary S. Accor, Commissioner

CALL TO ORDER

Chairman Ronald J. 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, Assistant County Manager, provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Jerry Self 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 addition:*

- (1) *Delay Agenda Item #6: Recognition of "Traditional Men Organization" – Reschedule to April 18, 2006 meeting*

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *March 13, 2006 (reconvened session) and March 13, 2006 (Kings Mountain session)*, motion was made by Johnny Hutchins, seconded by Jerry Self, and unanimously adopted by the Board, to *approve the minutes as written.*

DETENTION CENTER: BUDGET AMENDMENTS (BNA #044)

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/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.444.4.310.00/16606-6444	Detention Center/Federal Grants	\$ 7,741.	
010.444.5.211.00/16606-6444	Detention Center/Controlled Equipment		6,192.

010.444.5.420.00/16606-6444 Detention Center/Contracted Services 1,549.

Explanation of Revisions: To budget funds from the US Department of Justice of the State Criminal Alien Assistance Program (SCAAP) Grant.

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENTS (BNA #045)

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/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.446.4.310.00/93996-6811	EMS/Federal Grants	\$25,195.	
010.446.5.210.00/93996-6811	EMS/Departmental Supply	3,947.	
010.446.5.311.00/93996-6811	EMS/Education-Training	2,508.	
010.446.5.490.00/93996-6811	EMS/Professional Services	3,500.	
010.446.5.910.00/93996-6811	EMS/Capital Equipment	15,240.	

Explanation of Revisions: To budget grant revenue awarded to EMS for the HRSA Grant for 2005/2006. These funds are being spent for educational and training purposes. All funds are to be spent on the grant by August 31, 2006.

HAZ MAT: BUDGET AMENDMENTS (BNA #046)

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/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.453.4.310.00/97004-6810	Haz Mat/Federal Grants	\$11,000.	
010.453.5.210.00/97004-6810	Haz Mat/Departmental Supply	11,000.	

Explanation of Revisions: To budget funds from the US Department of Homeland Security for the Citizens Corps Grant Award. These funds will be used for the CERT teams within the county.

SHERIFF: BUDGET AMENDMENTS (BNA #047)

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/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.442.4.311.00/USICE-P422	Federal Forfeited Property-Fed Other Revenue	\$79,084.	
010.442.5.210.00/USICE-P442	Federal Forfeited Property-Dept. Supply	450.	
010.442.5.700.00/USICE-P442	Federal Forfeited Property-Grants	16,294.	
010.442.5.910.00/USICE-P442	Federal Forfeited Property-Capital Equipment	62,340.	

Explanation of Revisions: Request for purchase of ten in-car video systems (includes cameras, software, docking station, printer, server and extended warranties). Also, budgeting funds for our portion of the purchase cost of the Firearms Simulator for CCC (\$16,294) along with Shelby PD, Kings Mountain PD, CRMC-PD; GWU-PD and Boiling Springs PD.

HEALTH: BUDGET AMENDMENTS (BNA #048)

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/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.541.4.350.00/01210-4752	Environmental Health/State Government Grants	\$12,354.	
012.541.5.210.00/01210-4752	Environmental Health/Department Supplies	4,354.	
012.541.5.241.00/01210-4752	Environmental Health/Motor Fuels	8,000.	

Explanation of Revisions: Budget food/lodging funds received from NC Department of Environment and Natural Resources for Motor Fuels and Departmental Supplies.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – JUDY WAGNER (Case #06-07) (Request to schedule public hearing for May 2, 2006)

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously

adopted by the Board, *to approve scheduling the public hearing as requested.*

RECOGNITION OF THE “DO THE RIGHT THING” WINNERS

Commissioners presented certificates of recognition to the following winners:

Patrick Jones (*North Shelby*)
Chris Mauney (*Burns Middle*)
Casey Rogers (*Washington Elementary*)
Quavon Diaz (*Bethware Elementary*)
Billy Brady (*Burns Middle*)
Shaina Gold (*Crest High*)
Chelsea Kniceley (*Crest High*)

RECOGNITION OF THE “READING SUPERHEROS”

Commissioners presented certificates of recognition to the following Washington Elementary School students who participate in the reading program designed to help students, who do not speak English as their first language, boost their language and reading skills to grade level.

Kayla Jones
Aaliyah Degree
Haley Biddix
Krik McCauley
Juan Sosa
Paris Surratt
Luciano Ledezma
Lupe Ledezma
Andres Catalan
India Lee
Seth Brogden
Kirsten Anderson
Ashley Wallace
Celina Andres

PROCLAMATION: CHILD ABUSE PREVENTION MONTH IN CLEVELAND COUNTY

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

NUMBER 11-2006

**PROCLAIMING APRIL 2006
CHILD ABUSE PREVENTION MONTH
IN CLEVELAND COUNTY**

WHEREAS, child maltreatment is a community problem and finding solutions depends on involvement among people throughout the community;

WHEREAS, child maltreatment occurs when parents find themselves in stressful situations without community resources and unable to cope;

WHEREAS, approximately 111,000 children are reported as abused and neglected in North Carolina each year;

WHEREAS, 31 children were victims of child abuse homicide in North Carolina during the year 2004;

WHEREAS, the majority of child maltreatment cases stem from situations and conditions that are preventable in an engaged and supportive community;

WHEREAS, the effects of child maltreatment are felt by whole communities, and need to be addressed by the entire community;

WHEREAS, effective child maltreatment prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community.

NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, hereby proclaim April 2006 as “*Child Abuse Prevention Month*” in Cleveland County, and call upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to prevent child maltreatment and strengthen the communities in which we live.

ADOPTED THIS THE 4th DAY OF APRIL 2006.

(original signed by all Commissioners)

TACC: RURAL OPERATING ASSISTANCE APPLICATION

Tom Crider, TACC Director, advised this grant “is primarily for elderly and disabled and Workfirst employment transportation needs and non-human service clients.” He emphasized there are no county funds required.

Chairman Hawkins opened the public hearing. *(Public notice of this hearing was conducted by a notice published in The Star on March 17, 2006.)* Hearing no comments, he declared the public hearing closed.

Mr. Crider noted there has been discussion regarding establishing a “van pool” system to assist people with transportation needs to and from work.

ACTION: Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the application.***

*State of North Carolina
County of Cleveland*

RURAL OPERATING ASSISTANCE PROGRAM

Whereas Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering all federal and/or state programs related to public transportation, and grants the department authority to do all things required in applicable federal and/or state legislation to properly administer the public transportation programs within the State of North Carolina;

WHEREAS, G.S. 136-44.27 established the Elderly and Disabled Transportation Assistance Program;

WHEREAS, funds will be used for transportation related expenditures as specified in the FY 2006 - 2007 Rural Operating Assistance Program (ROAP) application;

WHEREAS, information regarding use of the funds will be provided at such time and in such a manner as the department may require;

WHEREAS, ROAP funds will be used to provide eligible services during the period July 1, 2006 through June 30, 2007;

WHEREAS, any interest earned on ROAP funds will be expended for eligible program uses as specified in the ROAP application; and

WHEREAS, the County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.

This is to certify that the undersigned is duly elected, qualified and acting chairperson of the Board of County Commissioners of the County of Cleveland North Carolina, and that the following statements are true and accurate:

Elderly and Disabled Transportation Assistance Program

1. The funds received from G.S. 136-44.27 will be used to provide additional transportation services for the elderly and disabled, exceeding the quantity of trips provided prior to receipt of the funds.
2. The funds will not be used to supplant or replace existing federal, state or local funds designated to provide elderly and disabled transportation services in the county.
3. The funds received will be used in a manner consistent with the local Transportation Development Plan (TDP) or Community Transportation Services Plan (CTSP) and application approved by the North Carolina Department of Transportation and the Board of Commissioners.

Work First Transitional/Employment Transportation Assistance Program

1. The purpose of these transportation funds is to support transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and/other specified general public employment transportation needs. The funds may be transferred to the Elderly and Disabled Transportation Assistance Program or the Rural General Public Program if not needed for Work First transportation.
2. The funds are limited to use by the designated local entity(s) specified in the ROAP application, or any revisions or amendments thereto.

Rural General Public Program

1. The funds will be used in a manner consistent with the Rural General Public Transportation Project Description.
2. The funds will not be used to provide human service agency's trips.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – DAVID M. EVANS (Beaver Dam Church Road) (Case #06-04)

Mr. McCarter advised that Mr. Evans has presented a petition to re-zone an 18-acre tract on Beaver Dam Church Road from rural Agriculture (RA) to Residential (R). This tract is part of a small zoning district zoned Rural Agricultural back in 2001.

He reviewed background information as: (1) Existing Land Use – the property is currently used as a horse farm; surrounding land uses are rural residential; (2) Future Land Use – Residential; (3) Utilities – Public water provided by CCSD; (4) Transportation – Beaver Dam Church Road is classified as a major thoroughfare.

Mr. McCarter advised both the Planning Board and the Isothermal Planning Consultant recommended approval from a “technical” standpoint, but emphasized Commissioners “should take into consideration citizen comments during the public hearing.” He reviewed the approved usage for each zoning district.

Chuck Nance, Isothermal Planning Consultant, recommendations: This case is presented by David Evans and is a petition to rezone an 18-acre tract located on Beaver Dam Church Road from RA-Rural Agricultural to R-Residential. The future land use is projected to be residential and the property in question is surrounded on three sides by property zoned R-Residential. It is our opinion that this request could be approved. The Planning Board might consider rezoning the remaining RA properties to R in the future.

The Planning Board unanimously recommended this rezoning as the expansion of a larger zoning district.

Conforms with the Land Use Plan: This area is indicated as “Residential” on the 2015 Land Use Plan. Rezoning to Residential would be compatible with the Land Use Plan.

Surrounding Properties: This area is predominately residential. New residential subdivisions have developed recently, south and west of this property. To the north and east, remain agricultural.

Non-Conforming Uses: None.

Adequate Utilities & Roads: Public water is provided by CCSD, sewer may be available through Boiling Springs. Beaver Dam Church Road is classified as a major thoroughfare.

Chairman Hawkins opened the public hearing. (*Public notice of this hearing was conducted in accordance with the mandates of NCGS 153A-343, with legal advertisements published in The Star on March 24 and 31, 2006.*)

The following is a list of those who spoke during the public hearing regarding the proposed rezoning:

David Causby (opposed)
Wayne Hamrick (opposed)
Guy O’Connor (opposed)
Aaron Edwards (opposed)
Barbara Edwards (opposed)
Carolyn Gordon (opposed)
Shep Hamrick (opposed)
Newton Craver (opposed)
Carl DeBrew (opposed)
Historic Shelby Foundation representative (opposed)
Scott McSwain (opposed)
David Evans (supported)
Mr. Padgett (opposed)

Hearing no further comments, Chairman Hawkins declared the public hearing closed at 7:15 p.m.

There was discussion regarding the permitted uses in the RA district; deed restrictions supposed to have been recorded on the property sold by Selma Hamrick, as some of the properties were apparently sold without the restrictions; the fact that the petitioner has invested money and so have the property owners; how the rezoning would impact the historic Hamrick House located adjacent to the property in question; the fact that Mr. Evans has already had the property rezoned once, to the current Rural Agriculture classification, in order to develop a horse farm on the property. Vice-Chairman Self said he has “watched this area change” and that he feels it is “good to try to preserve the rural character” and that zoning should not “flip-flop” back and forth between zoning classifications.

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to deny the petition.*

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – GENE WASHBURN AND GINGER ORIENTE (Case #06-06) (Washburn Switch Road & Alpha Drive)

Mr. McCarter advised that Dr. Gene Washburn & Ginger Oriente, have presented a petition to re-zone a 10-acre tract at the corner of Washburn Switch Road and Alpha Drive from Residential (R) to Neighborhood Business (NB). He reviewed background information as follows:

- *Existing Land Use:* The property is currently vacant. Surrounding land uses are rural residential. Heavy Industrial areas located to the southeast.
- *Future Land Use:* Residential.
- *Utilities:* Public water provided by CCSD.
- *Transportation:* Washburn Switch Road is classified as a major collector street.

Chuck Nance, Isothermal Planning Consultant, recommendations: The intersection of Washburn Switch and Alpha is not indicated as a commercial node on the Future Land Use Plan, therefore the request may be considered arbitrary and capricious. Rezoning of this tract would allow the property owner, uses that other property owners in the area would not be allowed, constituting spot zoning.

The Planning Board voted 8-1 to oppose this amendment and their recommendations are as follows:

- *2015 Land Use Plan:* This area is indicated as “Residential” on the Future Land Use Map.
- *Surrounding Properties:* Existing single-family homes along Alpha Drive; large agricultural tracts to the south and west; some commercial along Washburn Switch Road east of this site.
- *Comments:* Although the intent of the Neighborhood Business district is “to encourage the location of convenience retail establishments... that will be compatible with surrounding residential uses”, the district also discourages uses “which require large land areas”. The Board was concerned that a 10-acre tract could accommodate numerous businesses, which could have a negative impact on the homes along Alpha Drive.
- *Recommendation:* Re-zone a smaller portion of this tract with frontage along Washburn Switch Road.

John McCulloch, Planning Board Chairman, explained there are “a real mix of uses in that area” and that the proposed use would support the daily uses of the neighborhood; however, the Planning Board felt rezoning 10 acres was “too much.” He felt if the petitioners could give a more definite plan for the property development then that would have helped the Planning Board in their decision.

Mrs. Oriente said the project is still in preliminary stage.

Chairman Hawkins opened the public hearing (*public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisements published in The Star on March 24 and 31, 2006.*)

Ginger Oriente advised she will be living on a portion of the property so she is concerned with maintaining the “quality of life” for the area residents. She said her intentions are to build a structure to house the “Gingerbread House” – a bakery, candy shop, creamery, party facility, classroom area, and a catering company.

John Oriente advised this is “family property” and would like the 10 acres rezoned for future parking for events.

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

ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
10 acres at Washburn Switch Road and Alpha Drive
R (Residential) 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 deny the rezoning of this tract on March 28, 2006; and

WHEREAS, the purpose of the Neighborhood Business Zoning District is to accommodate small, limited retail and service land uses that provide goods and services to surrounding residential neighborhoods.

WHEREAS, this property is classified as “Residential” on the 2015+ Future Land Use Plan, and this amendment will create commercial areas that will blend in well with surrounding land uses and will contribute to expanding economic development.

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.

WHEREAS, notice of the Public Hearing was published in the Shelby Star on March 24, 2006, and March 31, 2006, notices were mailed to adjoining property owners on March 24, 2006 and a sign posted at the property on March 24, 2006; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior any action by the Cleveland County Board of Commissioners to amend the Official Zoning Map following a Public Hearing on April 4, 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 32649 from R (Residential) to NB (Neighborhood Business) as identified on the attached map designated “Rezoning Case 06-06”, being incorporated herein by reference and made part of this ordinance.

BEGINNING at a point in the intersection of SR 1382, thence with the property line North 84-50 West 206.4 feet, thence North 28-27 East 876.18 feet, thence South 68 East 437 feet to the center of SR 1382, thence with the right-of-way, South 17-05 West 533.8 feet, South 21-24 West 300 feet, to the point of BEGINNING. This Ordinance shall become effective upon adoption and approval.

TRAVEL & TOURISM

Terry Brown, Director of Travel & Tourism, shared with Commissioners a copy of the April issue of *Our State* magazine which has a five-page article about Shelby. Mrs. Brown reported she had just returned from the Governor’s Conference on Tourism, where she learned “we are the 8th most visited State in the nation.” She said that travel and tourism generated \$14.2 billion for North Carolina in 2005 – an increase of 2.73%. She reported that, “Of the top 10 most visited activities in North Carolina, four of the top 10 are really our lives here in Cleveland County – the rural sightseeing, outdoor activities, historical places and museums and national state parks.”

Mrs. Brown also reported on various upcoming regional events and the upcoming feasibility study for the Gateway Trails. She said, “The occupancy tax has increased, but we still don’t have enough rooms.” She said she has just started a “Hospitality Club” where hotel/motel/bed and breakfast owners/managers can meet to work together to better promote Cleveland County. She noted another area of growth is the “bus tour” industry.

Mrs. Brown said, “We all need to be the driving force . . . we have to realize what a gem we’re sitting on in our location and what’s coming with the whitewater and NASCAR museum, and we have to be ready with more guest rooms . . . we all need to be the driving force to make our county even more diversified by travel and tourism. Don’t say how can we do it with less resources, but think how can we do it with more resources and get our share of the tourism dollars with all that we have to offer, we shouldn’t be 38th, we can move up that ladder, we are positioned to do that.”

There was also discussion regarding travel and tourism efforts in upper Cleveland County and Mrs. Brown said they are moving to help shop owners and agriculture-tourism make the most of their advertising dollars.

JUVENILE CRIME PREVENTION COUNCIL: PROGRAM RECOMMENDATIONS

Greg Traywick, JCPC Chairman, reviewed the following proposed budget allocations for this fiscal year 2006-2007.

The Juvenile Crime Prevention Council is completing the final phases of Cleveland County’s Intervention/Prevention Services Annual Plan for 2006 – 2007. 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

Based on the JCPC planning process conducted to date, the dispositional options needed in this county have been identified to be the following:

- Structured Activities, specifically, Interpersonal Skill Building, Experiential Skill Building, Mentoring, Parent and/or Family Skill Building.
- Clinical Treatment, specifically, Substance Abuse Assessments, Non-Residential Substance Abuse Treatment, Sex Offender Treatment, Home Based Services, Counseling.
- Residential Services, specifically, Group Home, Specialized Foster Care, Emergency Foster Care.
- Restorative Services, specifically, Mediation/Conflict Resolution
- Community Day Programming, specifically, Educational Day Program

Each of these factors and dispositional options were used as guides to make recommendations regarding the allocations of **\$284,516** 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:

\$10,000 Man II Man: Provides interpersonal skills building for young adolescent males in fourth and fifth grades who lack role models. The program helps them learn healthy beliefs and clear standards. The goals are to provide students with skills that enable them to function pro-socially in community and school settings, and to allow them to better relate to administrators, teachers and peers by encouraging them to develop better impulse control and positive peer interaction.

\$85,782 Cleveland Early Intervention Initiative: There are two components to this program - 1) Phoenix Program and 2) C-STOP

1) Phoenix Program – relates to long-term suspended juveniles. Council recommends \$71,217 be allocated to this program.

2) C-STOP Program – relates to short-term suspended juveniles. Council recommends \$14,565 be allocated to this program.

These programs 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 and 2) Conflict Resolution Education.

1) Juvenile Mediation provides mediation to juveniles

2) Conflict Resolution Education provides interpersonal skills building with juveniles.

Programs 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.

\$159,606 Roots & Wings: There are two components to this program 1) Substance Abuse Assessment and 2) Parent/Youth Skills Development.

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

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.

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 **\$3,300** in allocations. Of this amount, \$3,200 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 (1) Assist in locating grant monies and program/staff for Sex Offender treatment, (2) Assist in locating grant monies and program/staff for Substance Abuse Treatment (3) Assist Man II Man, an existing program in Cleveland County that does not fit well in the JCPC continuum, but is well regarded by those who know and use it. Assistance would help Man II Man find funding for future years to provide services that JCPC may not be able to fund in future years. The remaining funds will provide necessary postage and office supplies for day to day operations of the JCPC.

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

PLANNING DEPARTMENT: PROPOSED TEXT AMENDMENT (Case #06-02) Section 12-21 Definition of Terms; Section 12-53 Minor Subdivision Approval; Section 12-193 Private Road

Mr. McCarter advised, "At your work session on September 13, 2005, you ask that we review the minor subdivision process. As directed, the Planning Board has drafted an amendment to the code to help tighten the restrictions on minor subdivisions." He reviewed specifics of the amendment.

Chairman Hawkins opened the public hearing (*notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisements published in The Star on March 24 and 31, 2006*). Hearing no comments, Chairman Hawkins declared the public hearing closed.

ACTION: Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the following amendments.*

Sec. 12-21 Definitions of Basic Terms

Subdivision, Minor. A subdivision that meets each of the following conditions:

- (1) The creation of a total of five lots or less, including all of the contiguous land owned by the developer, regardless of whether they are created at one time or over an extended period of time.
- (2) No extension of a public water or sewer system.

Section 12-53 Minor Subdivision Approval

- (1) The Administrator shall approve or disapprove minor subdivision plats in accordance with the provisions of this section.
- (2) The applicant for minor subdivision plat approval, before complying with subsection ~~(e)~~ (3), shall submit a sketch plan to the administrator for a determination of whether the approval process authorized by this section can be and should be utilized. The Administrator may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract within the last five (5) years.
- (3) Applicants for minor subdivision approval shall submit to the administrator a plat along with two (2) copies conforming to the requirements set forth in section 47-30 of the General Statutes, and containing these certificates:
 - (a) *Reserved.*
 - (b) *Certificate of Approval:*

I hereby certify that the minor subdivision shown on this plat is in all respects in compliance with the Cleveland County ~~Code Development Ordinance~~, and that this plat has been approved by the Administrator, subject to its being recorded with the Cleveland County Register of Deeds. ~~within sixty (60) days of the date below.~~

Administrator

Date

- (c) A certificate of survey and accuracy, in the form stated in section 12-55(2) ~~(b)~~.
- (d) In addition to endorsements (1) and (2) above, the minor plat shall contain the following information:

General Information:

- Scale (Written and graphic)
- North Arrow (Grid North)
- Name and address of owner
- Tax Map

Plan Details

- Standards as required by G.S. 47-30

- (e). The administrator shall take expeditious action on an application for minor subdivision plat approval as provided in section 12-40. However, either the administrator or the applicant may at any time refer the application to the major subdivision approval process.
- (f). Not more than a total of five (5) lots may be created out of the tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time.
- (g). The reservation of a strip for a future street shall cause the plat to be referred to the Planning Board as a major subdivision. ~~Subject to subsection (d), the administrator shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in section 12-21 or the application or the proposed subdivision fails to comply with subsection (e) or any other applicable requirement of this chapter.~~

- (h). If the subdivision is disapproved, the administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

Section 12-193 Private Roads

Proposed private roads, which are not to be maintained by NCDOT or any municipality in the county, shall be permitted under the following conditions:

- (1) Private roads in major subdivisions shall be paved and conform in all respects to the standards referenced in section 12-192.
- (2) Private roads in minor subdivisions shall be classified as local, as set forth in section 12-191.
- (3) Private roads in a minor subdivision shall not require paving but shall be subject to the remaining standards referenced in section 12-192.
- (4) ~~No more than four (4) lots shall be served by a private unpaved road subdivision shall contain both paved and unpaved roads.~~
- (5) A proposed private unpaved road shall not be allowed to intersect another private unpaved road. Private roads shall be indicated on the final plat with reference to the recorded disclosure statement.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION – JAMES E. & MARTINA PARKER (359 OATES DRIVE)

Mr. McCarter reviewed that, “In accordance with Section 3.5-45(b) of the Cleveland County Code, I am submitting with this memo, an ordinance ordering the property owner to comply with the Order of the Code Enforcement Officer to repair or demolish the dwelling at 359 Oates Drive. After holding a hearing on September 30, 2005, the owner was allowed 90 days to demolish the dwelling. I have attempted to notify the property owner by certified mail on September 20 and December 20, 2005, and both notices were returned. I have also published the Order in the newspaper on December 21, 2005 and January 6, 2006. The order will expire on March 20, 2006, and a recent inspection revealed that no action has been taken to repair or demolish the dwelling.”

He stated, “You should also be aware that the Parker’s are delinquent for the last five years of property tax on this property (2001-2005) totaling \$1,132.47. The adoption of this ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county as provided by GS160A-446(6).”

Mr. McCarter said it appears the “owners have apparently just walked away from the property.” There was discussion regarding methods of advertisement, as Commissioner McIntosh feels all media should be used. Mr. Yelton explained the Statute which relates to the use of a “newspaper of general circulation within the County.”

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

CLEVELAND COUNTY
NORTH CAROLINA

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH
DWELLING AT 359 OATES DRIVE

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling(s) located at 359 Oates Drive, Cleveland County, North Carolina have been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling(s); and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dilapidated dwelling(s) remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling known as and located at 359 Oates Drive and now or formerly owned by James E. Parker and Martina Parker, shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-446(6).

Adopted and approved this the 4th day of April, 2006 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION - GERRY LEE
LAWRENCE (1671 FRIENDSHIP ROAD)

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to table action on this case until further legal advertisements can be published to be sure Mr. Lawrence has been properly notified.* While a signature was obtained on the registered letter notifying him of this public hearing, Commissioner McIntosh advised he believes Mr. Lawrence is still in prison.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION – JOSEPH F.
SNELLINGS (3127 CHARLIE ELLIOTT ROAD)

Mr. McCarter stated, “In accordance with Section 3.5-45(b) of the Cleveland County Code, I am submitting, an ordinance ordering the property owner to comply with the Order of the Code Enforcement Officer to repair or demolish the abandoned mobile homes at 3127 Charlie Elliott Road. After holding a hearing on January 30, 2004, the owner was allowed 90 days to demolish these dwellings. The property owner was notified by registered mail on June 15, and signature confirmation received. The order has expired, and a recent inspection revealed that no action has been taken to demolish or remove these mobile homes. The adoption of this ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwellings and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county as

provided by GS160A-446(6).” Mr. McCarter advised the homeowner signed the form that he had received the registered letter notification of intent to demolish.

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to adopt the following order to demolish.*

*CLEVELAND COUNTY
NORTH CAROLINA*

*AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH TWO (2)
MOBILE HOMES AT 3127 CHARLIE ELLIOTT ROAD*

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, two abandoned mobile homes located at 3127 Charlie Elliott Road, Cleveland County, North Carolina have been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling(s); and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dilapidated dwelling(s) remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the two (2) abandoned mobile homes located at 3127 Charlie Elliott Road and now or formerly owned by Frank Snelling, shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-446(6).

Adopted and approved this the 4th day of April 2006 by the Cleveland County Board of Commissioners in open session.

LOCAL CONCEALED WEAPON ORDINANCE AMENDMENT

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to schedule a public hearing to consider the amendment for May 2, 2006.*

COMMISSIONER REPORTS

GROVER TOWN MEETING

Commissioner Hutchins reported he attended the Grover Town Council meeting and the Council discussed a public hearing for sewer bonds, and a tentative map for future annexation.

EMS

Commissioner Hutchins said another meeting has been held to discuss calls and response times, with another meeting scheduled in the next few weeks.

PATHWAYS

Commissioner McIntosh reported that Pathways representatives met today “regarding funding and it was a good meeting.”

NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

Chairman Hawkins reminded Commissioners of the NCACC Districts 15 – 17 meeting to be held April 12, 2006 at 4:00 p.m. in Asheville (*Crowne Plaza Hotel*).

KINGS MOUNTAIN CHAMBER

Chairman Hawkins reported that Kings Mountain Hospital will receive MRI and CAT scan equipment and that the Kings Mountain Chamber recently acquired 16 new members.

RECESS TO RECONVENE

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to recess this meeting to reconvene at the time and place certain of April 11, 2006 at 4:00 p.m. in this Commission Chamber for the purpose of conducting a budget work session.*

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

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