

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**May 2, 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  
David C. Dear, County Manager  
Bob Yelton, Deputy County Attorney  
Wanda Crotts, County Clerk  
Kerri Melton, Assistant County Clerk  
Eddie Bailes, Assistant County Manager  
Chris Green, Tax Administrator  
Bill McCarter, Planning Director  
Lindsey Allen, *Cleveland Headline News*  
Robert Williams, *Citizens for Good Government*  
Other individual names on file in the Clerk's Office

**ABSENT:** Willie B. McIntosh, Commissioner

**CALL TO ORDER**

Chairman 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) Proclamation: Honoring Arrie Ellis on her 90<sup>th</sup> Birthday (Chairman Hawkins)*

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *March 23, 2006, April 4, 2006 and April 11, 2006*, motion was made by Johnny Hutchins, seconded by Jerry Self, and unanimously adopted by the Board, to *approve the minutes as written.*

**PLANNING DEPARTMENT: PROPOSED TEXT AMENDMENT – (Case 06-01) Request to Schedule Public Hearing for June 6, 2006 - (Sections 12-111 – Types of Zoning Districts; Section 12-324 – Conditional District Rezoning)**

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

**PLANNING DEPARTMENT: PROPOSED TEXT AMENDMENT – (Case 06-03) Request to Schedule Public Hearing for June 6, 2006 - (Article II. General Definitions; Section 12-21 Definitions of Basic Terms; Article IX. Development Standards; Section 12-156 – Manufactured Homes – Mobile Homes; Section 12-157 – Manufactured Home Parks)**

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

Commissioner Hutchins discussed the need to make additional revisions pertaining to the mobile home park standards. His concerns related to lot sizes and road standards. It was the consensus of the Board, to instruct Mr. McCarter to present these concerns to the Planning Board for their study and recommendations.

**REGISTER OF DEEDS: BUDGET AMENDMENTS (BNA #049)**

**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>
010.619.4.991.00	ROD Automated E&P/Fund Balance Appropriated	\$22,000.	
010.619.5.910.00	ROD Automated E&P/Capital Equipment	21,451.	
010.619.5.211.00	ROD Automated E&P/Controlled Equipment	549.	

*Explanation of Revisions: To purchase equipment to replace outdated equipment. Equipment includes Unix Server Unit, Storex Server and NAS Storage Device, Printer, Computer, and Lexmark X832e. We are receiving credit from the existing equipment.*

**HEALTH: BUDGET AMENDMENTS (BNA #050)**

**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>
012.539.4.350.00/93217-6014	Family Planning/State Government Grants	\$5,486.	
012.539.4.350.00/93776-592C	Family Planning/State Government Grants	1,515.	
012.539.5.230.00	Family Planning/Medicine & Supplies	1,000.	
012.539.5.230.01	Family Planning/Prescription Drugs	3,000.	
012.539.5.490.00	Family Planning/Professional Services	1,000.	
012.530.5.513.00	Family Planning/Hospital-Doctor fees	2,001.	

*Explanation of Revisions: Budget State FP Title X and Katrina funds for medicine and supplies, prescription drugs, professional services (reference lab) and hospital/doctor fees.*

**HEALTH: BUDGET AMENDMENTS (BNA #053)**

**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>
012.543.4.310.00	Health Department Grants/Federal Grants	\$20,000.	
012.543.5.490.00	Health Department Grants/Professional Services	20,000.	

*Explanation of Revisions: Budget CDC Asthma Grant funds to coordinate regional asthma initiatives. The grant period is March 30, 2006 thru August 30, 2006 and we would contract with the Cleveland County Alliance for Health to provide activities as designated in the grant.*

**HEALTH: BUDGET AMENDMENTS (BNA #054)**

**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>
012.542.4.810.00	Rabies Control/Donations-Contributions	\$ 85.	
012.542.5.790.00	Rabies Control/Donations-Contributions	85.	

Explanation of Revisions: Budget donations for operating expenses of Cleveland County Animal Shelter.

**GEOGRAPHY BOWL: RECOGNITION OF PARTICIPANTS**

Commissioners presented the students who participated in the Cleveland County Schools Geography Bowl, sponsored by the Schools' Educational Foundation, with Certificates of Recognition. Ms. Pat Watson, Coordinator of Academic Gifted Programs in Cleveland County Schools, assisted with the presentation.

***Christopher Kling, First Place, Fallston Elementary***

***Carter Dover, Second Place, Fallston Elementary***

***Caleigh Toppins, Third Place, Union Elementary***

Cameron Bullock, Bethware Elementary

Cody Hoyle, Casar Elementary

Dylan Litchfield, Casar Elementary

Joshua Edmonson, Grover Elementary

Wilson Rikard, Kings Mountain Intermediate

Shakiah Smith, Township Three Elementary

Ashley Carroll, Washington Elementary

Nicholas Chanthavong, Bethware Elementary

Eli Hardin, Boiling Springs Elementary

Dylan Franklin, Boiling Springs Elementary

J'Mani Moore, East Elementary

Marisa Tetreault, East Elementary

Ben Schaeffer, Elizabeth Elementary

Morgan Walker, Elizabeth Elementary

Madison Pillado, Grover Elementary

Alex Linder, Kings Mountain Intermediate

Porter Yelton, Marion Intermediate

Chance Cooper, Marion Intermediate

Landon Bolin, North Elementary

Zack Reese, North Elementary

Sarah Johnson, Springmore Elementary

Will Whisnant, Springmore Elementary

Caleb Humphries, Township Three Elementary

Mackenzie Wright, Union Elementary

Hannah Worthey, Washington Elementary

Steve McKinney, West Elementary

Mary Asgari, West Elementary

**MAIN STREET CHAMPION AWARD**

Chandler Poole, Uptown Shelby Association Director, accompanied by David Schweppe, Uptown Shelby Association Board Chairman, announced that David Dear has been selected as the recipient of the North Carolina "Main Street Champion Award" and presented Mr. Dear with a framed certificate.

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT (Case #06-07) – JUDY WAGNER (117 Fenway Drive, Shelby)**

Bill McCarter, Planning Director, reported that Judy Wagner, of 117 Fenway Drive, has presented a petition to rezone a group of parcels totaling approximately 277 acres along Red Road from Residential (R) to Restricted Residential (RR). This petition meets policy, in that it represents at least 60% of the parcels and 60% of the acreage of the proposed area.

He reviewed background information as follows:

- Existing Land Use: These properties are predominately single family, stick-built homes. This area adjoins River Bend which is also zoned Restricted Residential.
- Future Land Use: Residential
- Utilities: Public water provided by CCSD.
- Transportation: Red Road is a typical rural collector street.

He also reviewed the following recommendations from the Planning Consultant and the Planning Board:

Chuck Nance, Isothermal Planning and Development Consultant: Recommended approval, stating, “Based upon all information presented, it would be our opinion that Cleveland County has a reasonable basis to extend the Restricted Residential zoning district into the Residential zoning district.”

Planning Board: *Voted unanimously to recommend this rezoning request.*

- 2015 Land Use Plan: This area is indicated as “Residential” on the Future Land Use Map.
- Surrounding Properties: Existing single-family homes along Red Road, Riverbend to the east, and large agricultural tracts to the south and west.
- Comments: This request is simply an expansion of an existing Restricted Residential district, into an area that has developed predominately with single-family stick built homes.

Mr. McCarter advised that one property owner, Mary Frances Elliott, has requested her property, consisting of approximately 125 acres be removed from the petition. He said the withdrawal of this parcel will not affect the percentage criteria and would not “affect the integrity of the plan.”

Chairman Hawkins opened the public hearing (*public notice was accomplished in accordance with the mandates of NCGS 153A-343, with advertisements published in The Star on April 21 and April 28, 2006*).

**Kelly Wagner**, Fenway Drive, spoke on behalf of her mother, the petitioner, who was unable to attend due to surgery. She said the “goal is to exclude mobile homes from being placed on adjacent property.” She felt this would negatively impact property values, since the mobile homes being placed on the property are “sub-standard.” She said the area residents “value our quality of life on Red Road” and there is “significant support for the rezoning.”

**Vickie Dellinger**, Red Road, said she enjoys “the quiet neighborhood” and “desires it remain that way.” She had questions regarding how rezoning would affect their ability to keep “farm animals” and her husband’s business trucks. She was told the rezoning would have no bearing on these activities.

**Mary L. Elliott**, spoke on behalf of her mother, appearing as her “legal power of attorney.” Ms. Elliott advised her mother did not know what she was signing, as the petition wording was not clear that her property would also be included in the parcels to be rezoned. She said her mother was of the impression the petition related only to the petitioner’s property. She requested her mother’s property (*approximately 125 acres*) be withdrawn from the petition. However, Ms. Elliott emphasized they are not opposed to the other property being rezoned, and in fact support the rezoning.

**Shelia Silabury**, speaking on behalf of her mother, said while she signed and supported the rezoning petition for the purpose of restricting mobile home parks, she now realizes, if rezoned, the use of a building on her property that her nephew may wish to use as a welding business would be prohibited. She did not, however, request the property be withdrawn from the petition.

Chairman Hawkins expressed his concern with “people coming up at the last minute” and changing their minds regarding the petition after it has been submitted to and considered by the Planning Board and planning consultant.

**Michael Miller**, said he owns twelve acres along Red Road which borders the “property where the trailer park is proposed” and is “definitely for the petition.”

*David Dodd* advised he lives on the “west side of Red Road” and supports the rezoning.

*Jody Ridings* spoke in favor of the rezoning.

*Mike Randall*, owner of five acres along Red Road, spoke in favor of the rezoning, noting he does not feel the lady who wants to use the building for her nephew’s business would “interfere” with surrounding properties.

*Sam Rogers*, Red Road, spoke in favor of the rezoning, stating “the trailer park person is trying to use it as leverage to buy the house at a low price” since he has already purchased the surrounding property through foreclosure.

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

Vice-Chairman Self recommended a policy be developed to establish a cut-off date for withdrawal from such a petition. There was also discussion regarding the need to make the wording on the petition clearer to eliminate confusion regarding exactly which properties will be included in the petition.

**ACTION:** Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the rezoning petition, less the Elliott property (approximately 125 acres).*

ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP  
152 acres along Red Road  
Residential (R) to Restricted Residential (RR)

WHEREAS, Article 18 of Chapter 153A of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, the Cleveland County Planning Board recommended to approve the rezoning of these parcels on April 25, 2006; and

WHEREAS, this property is classified as “Residential” on the 2015+ Future Land Use Plan, and the Restricted Residential zoning district will be consistent with the comprehensive plan in this area; and

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

WHEREAS, notice of the Public Hearing was published in the Shelby Star on April 21, 2006, and April 28, 2006, notices were mailed to adjoining property owners on April 21, 2006 and a signs posted in the area on April 21, 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 May 2, 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 the following parcels from Residential (R) to Restricted Residential (RR) as identified on the attached map designated “Rezoning Case 06-07”, being incorporated herein by reference and made part of this ordinance.

Parcels included: 2525, 2526, 2528, 2529, 2530, 2531, 2537, 2541, 2540, 3053, 40009, 40657, and 49594, totaling approximately 152 acres.

This Ordinance shall become effective upon adoption and approval.

Adopted this 2nd day of May, 2006 at 6:00 p.m.

**HISTORIC PRESERVATION COMMISSION: PROPOSED CODE AMENDMENT (Section 12-401 - Authority)**

Mr. McCarter reported, “The Historic Preservation Commission is in the process of applying for Certified Local Government Status where we can be eligible for grants through the State and one of the recommendations from the State Historic Preservation Office was to amend our Ordinance creating our local Commission and clarifying what their authorities were. Now, the Ordinance simply states that they can designate landmarks and historic districts, which is based on the way the Statutes are worded, but we have no desire to look at historic districts out in the county, our sole purpose is to designate landmarks, so the wording under Section 12-401 would clarify that action to state that our authority is based on Chapter 160A-400.5 which is Designation of Landmarks, rather than the broader article which covers landmarks and districts.”

Chairman Hawkins declared the public hearing open. Hearing no comments, he declared the public hearing closed. (*Public notice of this hearing was conducted by legal advertisement published in The Star on April 21 and April 28, 2006.*)

**ACTION:** Jerry Self made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the following amendment:*

Section 12-401. Authority

The Cleveland County Historic Preservation Commission shall have all the powers and authority as prescribed in North Carolina General Statutes, Chapter 160A-400.5 Designation of Landmark, ~~Article 19, Part 3C~~. This chapter shall be in effect in all unincorporated areas of Cleveland County, which are not under the planning jurisdiction of any municipality unless adopted by reference.

**CONCEALED WEAPON: PROPOSED CODE AMENDMENT (Section 6-4 – Signs to prohibit concealed handguns); (Section 7-20b – Possession of firearms, etc.); (Section 7-31a)**

Bob Yelton, County Attorney, reviewed the proposed amendments, which were discussed during the Commission work session held in January.

Chairman Hawkins declared the public hearing open. Hearing no comments, he declared the public hearing closed. (*Public notice of this hearing was conducted by legal advertisement published in The Star on April 14, 2006.*)

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

**PROPOSED AMENDMENTS TO THE  
CLEVELAND COUNTY  
CODE OF ORDINANCES**

**First Amendment:**

Sec. 6-4 entitled “Signs to prohibit concealed handguns” is revoked.

**Second Amendment:**

Subparagraph (b) of Sec. 7-29 is amended to read as follows:

(b) *Possession of firearms, etc.* It shall be unlawful for any person, other than a person permitted to carry a concealed handgun under NCGS 14-415.11, to possess any firearm, air gun, explosives or fireworks at any public recreation area.

Third Amendment:

Subparagraph (a) of Sec. 7-31 is amended to read as follows:

(a) It shall be unlawful for any person, other than authorized Greenway employees and/or law enforcement officers while engaged in the duties of their office and/ or a person permitted to carry a concealed handgun under NCGS 14-415.11, to carry or possess any firearm, air gun, bow and arrow, or other lethal weapon while within the boundaries of the Greenway. A violation of this section shall be punishable as a Class 3 misdemeanor.

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following amendment to the Workplace Violence Policy.*

There was discussion regarding the sentence “County employees are prohibited from possessing any concealed weapons on County property” and it was decided that this would be discussed at the next Commission meeting.

Workplace Violence Policy: Amendment  
(Page 2)

County policies that prohibit violent acts or activity, which could potentially lead to violence. ~~County Ordinance prohibits possession of any concealed handguns on County property.~~ Carrying a concealed weapon as defined in the North Carolina General Statutes 14-269, states, it shall be unlawful for any person, except on his own premises, to willfully and intentionally to carry concealed about his person any bowie knife, dirk, dagger, sling shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, pistol, gun, or other deadly weapon of like kind. This prohibition shall not apply to individuals who are charged with the execution of the laws of the State, while acting in the discharge of their official duties if authorized by law to carry weapons.

The participation of all County employees is necessary for a successful policy against violence in the workplace. The procedures set forth below help define responsibilities of all County employees and offer guidance in support of the County’s Workplace Violence Policy.

**VIOLENCE PREVENTION STRATEGIES**

Each County Department should periodically assess its current security measures or processes and conduct a worksite analysis of work areas to determine what security is needed to help prevent workplace violence.

The County will provide managerial training in violence prevention techniques, such as applicant screening and exit interviews. Advanced training for Key Response Personnel will be conducted. Employees will receive orientation to the Workplace Violence Policy.

The County’s Workplace Violence Policy will be displayed within each County Department.

**MANAGERIAL RESPONSIBILITIES**

1. Support the County’s principle of, and rationale for, encouraging work environments that are safe from violence, threats, and harassing/aggressive behavior.
2. Select Key Response Personnel will include (1) individuals chosen by each Department Head as the person(s) within each department who will handle violent incidents/threats and (2) individuals from across the County, due to the nature of their jobs, will be involved in violent incidents/threats such as the Human Resources Director, Sheriff (and/or additional law enforcement personnel), Director of Emergency Management, County Attorney, and Employee Assistance Program representative.

**PROCLAMATION: HONORING ARRIE ELLIS**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following proclamation:*

NUMBER 03-2006

**PROCLAIMING MAY 2, 2006**  
**AS "ARRIE ELLIS DAY" IN CLEVELAND COUNTY**

*WHEREAS*, Arrie Ellis was born Arrie Bailey on May 2, 1916 in Rutherford County to Joseph Benjamin Bailey and Eula Doty Bailey; and,

*WHEREAS*, Arrie Ellis will celebrate her 90<sup>th</sup> birthday on May 2, 2006; and,

*WHEREAS*, Arrie Bailey married Jess Ellis in 1937 and had three children; Joe, Brenda and Patti, and,

*WHEREAS*, Mrs. Ellis and her family moved to Earl in 1941; and,

*WHEREAS*, Mrs. Ellis was widowed at age 40 with two teenage children and a 2 year old baby, she put all of her children through college, all the time worrying about where the money was going to come from; and,

*WHEREAS*, Mrs. Ellis is a member of Westview Baptist Church; and,

*WHEREAS*, Arrie Ellis served as Mayor of Earl from 1985 to 2005, being the first woman mayor in the history of Cleveland County. Mrs. Ellis still serves the Town of Earl as a council member; and,

*WHEREAS*, Some of her accomplishments as Mayor include:

- Bringing cable television to Earl.
- She was instrumental in purchasing the new town hall and remodeling it, using all community service volunteers.
- Bringing 911 service to Earl.
- She was instrumental in getting water, natural gas and regular garbage pick-up for the citizens of Earl.

*WHEREAS*, In addition to serving as the Mayor of Earl, Arrie Ellis was a member of the Beautification Committee and Access Committee for Elderly Citizens. She is a member of Cleveland County Women Against Litter and was the president of the Earl Garden Club for 14 years. She has also belonged to the Public Administrators group for 18 years.

*NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS*, proclaim May 2, 2006 as "*Arrie Ellis Day*" in Cleveland County, to honor this special woman who has touched the lives of so many in Cleveland County, as we could not let this historic occasion pass without our warmest birthday wishes and congratulations!

*ADOPTED THIS THE 2<sup>nd</sup> DAY OF MAY 2006.*

**COMMISSION REPORTS**

Vice-Chairman Self reported that, "The County Manager, myself and Commissioner Hutchins met with Senator Dalton and Representative England to present our case on Medicaid relief for the counties and I felt it was a very good meeting." He said, "Representative England was very up on the subject and I felt was very much of an advocate." Chairman Hawkins reported he and Commissioner Hutchins had also met with Representatives Clary and Moore, along with the County Manager, regarding Medicaid issues.

Vice-Chairman Self also reported he had attended the Grover Town Council meeting, where their agenda included discussion on extending water lines.

Chairman Hawkins also reported on the Cleveland County Sports Hall of Fame banquet held last night, which he stated it was a "wonderful event."



**RECESS TO RECONVENE AT A TIME AND PLACE CERTAIN**

**ACTION:** Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to recess this meeting (at 7:20 p.m.) to reconvene on May 9, 2006 at 4:30 p.m. in this Chamber for the purpose of conducting a budget work session.*

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

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