

CLEVELAND COUNTY BOARD OF COMMISSIONERS

June 6, 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
Bob Yelton, County Attorney
Wanda Crotts, County Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Denese Stallings, Health Director
Pete DeLea, *The Star*
Lindsey Allen, *Cleveland Headline News*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Ronnie Hawkins called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioner Mary Accor provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Jerry Self 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 additions:*

(1) Resolution: Adevco (Yelton)

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *April 25, 2006 and May 9, 2006*, motion was made by Johnny Hutchins, seconded by Willie McIntosh, and unanimously adopted by the Board, to *approve the minutes as written.*

RESOLUTION: CANCEL REGULAR COMMISSION MEETING FOR JULY 4, 2006

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

NUMBER 10-2006

**CHANGE IN REGULAR MEETING SCHEDULE OF THE
CLEVELAND COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Cleveland County Board of Commissioners have determined that it is necessary to cancel their regular meeting of *Tuesday, July 4, 2006* in observance of the national holiday.

NOW, THEREFORE, BE IT RESOLVED, THAT, public notification of this change will be conducted in accordance with the mandates of North Carolina General Statute 153A-40 and 143-318.12. The regular meeting schedule, as adopted by the Board, will remain in place for all other regular meetings of the Commission.

ADOPTED THIS 6th DAY OF MAY 2006.

PLANNING DEPARTMENT: PROPOSED ZONING MAP AMENDMENT (Case #06-10; Mary V. Goforth) – Schedule Public Hearing for July 18, 2006

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

COOPERATIVE EXTENSION: BUDGET AMENDMENTS (BNA #055)

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, 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>
010.495.4.510.95	Cooperative Extension/Horticulture Activities	\$ 8,272.	
010.495.5.530.00	Cooperative Extension/Horticulture Activities	8,272.	

Explanation of Revisions: To budget funds received to provide horticulture activities at the demonstration site located behind the county office building.

LIBRARY: BUDGET AMENDMENTS (BNA #056)

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, 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>
010.661.4.350.00/06600-6815	Library/State Grants	\$ 4,196.	
010.661.5.211.00/06600-6815	Library/Controlled Equipment	4,196.	

Explanation of Revisions: To budget grant awarded to the Cleveland County Memorial Library to purchase four new computers. These funds are awarded from the Department of Cultural Resources from the Gates Staying Connected Grant.

SHERIFF: BUDGET AMENDMENTS (BNA #057)

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, 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-P442	Fed. Forfeited Property/Fed. Other Revenue	\$9,725.	
010.442.5.910.00/USICE-P442	Fed. Forfeited Property/Capital Equipment	9,725.	

Explanation of Revisions: Request to budget funding we will receive from US Immigration and Customs Enforcement which will be used to purchase one Vehicle Search System (includes under vehicle inspection trolley, cameras, walkabout display camera/chest harness, wands, telescoping pole and carrying case).

SHERIFF: BUDGET AMENDMENTS (BNA #058)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.441.4.810.00	Sheriff/Contributions-Donations	\$ 50.	
010.441.5.790.00	Sheriff/Donations-Contributions	50.	

Explanation of Revisions: Request approval to budget one \$50.00 donation received from Oak Grove Baptist Church. Donation was made by the church in honor of Reverend & Mrs. Brackett and requested the funds be used to provide incentives/awards to recognize officers for their service to the community.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #060)

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, 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>
012.532.4.800.00	TB/STD/CD-Miscellaneous Revenue	\$ 548.	
012.532.5.230.00	TB/STD/CD-Medicine & Supplies		548.

Explanation of Revisions: Budget funds from King Pharmaceuticals, Inc. settlement. As specified per instructions from NCDHHS, HIV/STD Prevention and Care Branch, these funds should be used for future purchase of STD drugs/supplies.

SHERIFF: BUDGET AMENDMENTS (BNA #061)

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, 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>
012.530.4.350.00/93283-5685	General/State Government Grants	\$13,175.	
012.530.5.210.00	General/Departmental Supplies		1,600.
012.530.5.213.00	General/Office Supplies		3,000.
012.530.5.322.00	General/Postage		500.
012.530.5.490.00	General/Professional Services		8,075.

Explanation of Revisions: Budget NCDHHS Pandemic Flu Aid-to-County funds for departmental/office supplies, postage and professional services. The grant period for the pandemic flu funds is 5/06-8/06. In order to utilize funds, budget should be carried over into 06/07 FY.

CERTIFIED NURSING ASSISTANT OF THE YEAR 2006 AWARD

This award is sponsored by the Cleveland County Nursing Home Advisory Committee, through the vision of committee member Ginger Poteat, who developed the CNA of the Year award to recognize the front line personnel who have demonstrated outstanding achievements in this long-term health care profession. There are five nursing homes in Cleveland County: Century Care, Cleveland Pines, Kings Mountain Hospital, White Oak of Kings Mountain and White Oak of Shelby - four of which submitted one nominee to be honored, and from those nominees the CNA of the Year was selected.

Commissioners presented certifications of appreciation to the following:

Tracy Hannon - Cleveland Pines Nursing Center
Sharon Adams Wilson - White Oak Manor of Kings Mountain
Helen Williams - Century Care of Shelby
Joyce Lawrence – White Oak Manor of Shelby

Sharon Adams Wilson was chosen as winner of the CNA Award for 2006 and was presented a plaque with the following inscribed:

***CERTIFICATE OF RECOGNITION FROM THE
CLEVELAND COUNTY BOARD OF COMMISSIONERS
PRESENTED TO
SHARON WILSON
CERTIFIED NURSING ASSISTANT
OF THE YEAR 2006
IN RECOGNITION AND APPRECIATION OF HER FAITHFUL AND DEDICATED SERVICE
TO THE RESIDENTS OF WHITE OAK MANOR OF KINGS MOUNTAIN,
THEIR FAMILIES, THE STAFF AND HER COMMUNITY - SERVING AS A
CERTIFIED NURSING ASSISTANT.***

***MS. WILSON HAS DEMONSTRATED OUTSTANDING ACHIEVEMENTS
IN THIS LONG-TERM HEALTH CARE PROFESSION.***

A reception to honor the nominees was hosted by Commissioners and White Oak Manor of Kings Mountain prior to the presentation.

RESOLUTION: HONORING DR. FRANK SINCOX

ACTION: Ronald Hawkins mad the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following resolution*, which was presented to Dr. Sincox, who was accompanied by his wife, Joyce, and Denese Stallings, Health Director.

NUMBER 07-2006

RESOLUTION

WHEREAS, in 1994, Dr. Frank Sincox agreed to help our medically underserved population by working in the CLECO Program;

WHEREAS, from May 1994 to June 2002, he covered the Jail Health Program for Cleveland County and provided medical supervision and back-up for the Jail's Physician Assistant;

WHEREAS, at the Cleveland County Health Department, Dr. Sincox covers the Child Health Program in the absence of the Nurse Practitioner and also provides coverage at the Cleveland County Employee Health and Wellness Center to see sick employees in the absence of the Nurse Practitioner. He also provides back-up staffing in the Health Department Diabetic Program;

WHEREAS, he provides primary and back-up supervision for Nurse Practitioners and Physician Assistants employed by the Health Department in the School Based Health Centers; and, has provided sports physicals for Burns Middle and High School students;

WHEREAS, in 2000, he served on the Child Fatality Task Force and Chaired the Task Force. Under his leadership, the "Gun Lock Safety Program for Children" was developed; in December 2004, he obtained certification as a National Weapons of Mass Destruction Standardized Awareness Trainer and would be a strong asset to the County should a disaster occur; and, in April 2005, he prepared and presented training for the Health Department staff on Weapons of Mass Destruction.

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners express their sincere appreciation to Dr. Frank Sincox for his willingness to provide medical assistance on a moments notice to the Cleveland County Health Department, and for his excellent attitude and commitment to providing outstanding service to the Health Department, County Government, and to the citizens of Cleveland County.

ADOPTED THIS THE 6TH DAY OF JUNE 2006.

BUDGET: FISCAL YEAR 2006-2007

David Dear, County Manager, reviewed the budget process, the budget ordinance, and the budget message. Other points of discussion were – that three public meetings had been held regarding the budget, full page advertisements have been published in the *Shelby Star*, the *Kings Mountain Herald*, and the *Shelby Shopper*, advertisements made on *TV-33*, direction given from Commissioners to balance the budget without a tax increase, the dedication of department heads and their ability to scrutinize their budgets to make the necessary cuts, thanked department heads for "holding the line for the past few years", and the "runaway" Medicaid expenses. Commissioners encouraged citizens to contact the

legislative delegation regarding Medicaid relief. Commissioner Hutchins noted that if Medicaid relief does come, then “something can be done for the employees (*possible COLA*).”

Chairman Hawkins opened the public hearing (*notice of this hearing was accomplished in accordance with the mandates of NCGS 159-11 and 159-12 with a legal advertisement published in The Shelby Star on May 19 and May 26, 2006*). Hearing no comments, the Chairman declared the public hearing closed.

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

May 17, 2006

Board of Commissioners, Cleveland County, North Carolina

North Carolina General Statute 159-11 (b) requires the County Manager to submit a budget, with a budget message, to the Governing Board no later than June 1. General Statute 159-12 requires the Manager, as the Budget Officer, to file a copy in the office of the Clerk to the Board, where it shall remain available for public inspection until the Budget Ordinance is adopted. General Statute 159-13 requires that no earlier than ten days after the day the budget is presented to the Board, and no later than July 1, the Board shall adopt a Budget Ordinance making appropriations and levying taxes for the budget year in such sums as the Board may consider sufficient and proper, whether greater or less than the sums recommended in the budget.

Revenues

The projected tax base for fiscal year 2006-2007 is \$5,850,000,000. This is a projected increase of \$80,000,000 in value, which translates into \$445,440 in new revenue at a 58¢ tax rate and a 96% collection rate. We estimate sales tax revenues to increase by \$375,000 as consumer spending statewide continues to grow. Investment earnings and fund balance appropriated will increase by \$300,000 collectively and fees for services will grow by \$438,000. These items account for the vast majority of a general fund increase \$1,731,698 or 3.28% over last year. This magnitude of budget increase is not sustainable unless the property tax base can grow at a much faster rate than this year's increase of 1.38%. We are hopeful that local growth rates will at least catch up to the rate of core inflation in the years to come.

Expenditures

With public assistance programs absorbing over \$967,722 in available new revenues, the remaining appropriations are simply maintaining programs at their existing levels and attempting to keep up with the inflationary pressures of health insurance, motor fuels, utilities, and P & L insurance.

Salaries and Benefits

The recommended budget includes no cost of living allowance for county employees while maintaining the current pay plan for standard rate increases and merit pay. Also included is an 8% rate adjustment for county employee health insurance. This smaller than average increase in health insurance costs is probably attributable to the successful operation of our county employee health and wellness center. We anticipate that the health and wellness center will continue to have a positive impact on health insurance rates in the future. We have also allowed for employee mileage reimbursements of 38¢ per mile.

Commissioner Grants

All Commissioner grants in the budget are at the same dollar amounts as last year, and no new grant programs were added. We anticipate very little grant funding for non-governmental agencies in the near future.

Schools

The chart included below (*copy found on Page _____ of this Minute Book*) shows Cleveland County Schools steady increase in total funding and per pupil funding over the most recent five years. The growth is much more pronounced when you look at a ten-year chart. Cleveland County continues to appropriate more current expense funding per pupil than any of our surrounding counties. The Commissioners have always felt that this is a wise investment in the future.

Cleveland Community College

Funding for Cleveland Community College will remain at \$1,060,129. The capital appropriation for the college will also remain the same, at \$50,000. Cleveland Community College has a major classroom expansion scheduled to begin in the next six months and another campus building in the planning stages.

Law Enforcement

The Sheriff's office and Detention Center budgets are scheduled to increase by \$153,542 collectively. This will allow for increased motor fuel expenses in the Sheriff's Office and eight replacement patrol cars. The Sheriff will continue to use forfeiture funds to augment his budget as is reflected by the use of \$220,537 in funds that have been returned to his department by the federal government.

Social Services

The cost of public assistance programs continue to rise at an alarming rate. The cost of public assistance programs (such as Medicaid) will increase by \$967,722 in next years budget. By contrast, the rest of the budget for the Department of Social Services will decrease by \$51,263, including the department's share the Meals on Wheels program, which was transferred to the Senior Center. The North Carolina County Commissioners Association continues to lobby the state legislature very heavily to eliminate county participation in public assistance programs.

Health Department

The recommended budget proposes an increase of just \$926 in county general funds. The health department continues to expand its' offering of clinical services primarily by leveraging state reimbursements for services rendered, and creative grant writing to private foundations .

Emergency Medical Services

This department has an increase of \$383,187, primarily due to staffing issues. This budget also reflects the first full year of contracted billing and collections, as well as the need for a replacement ambulance and heart monitor. Emergency Medical Services will also have additional expenses as they move into and occupy a new base station in the Kings Mountain area.

County Fire Service District

This is the second year of a three year funding plan which was developed by the Fire Chiefs and the County Manager to better address the funding needs of the volunteer fire departments. The fire service district is funded from a 3¢ district tax which is scheduled to remain constant throughout that three year period.

Library

Cleveland Memorial Library will begin its' second year as a county department. Year one was a learning experience for all concerned, but a productive year as efficiencies were implemented at the main library and an expansion was completed at the Spangler Branch in Lawndale. Service levels and local funding levels are consistent with the prior year.

General Fund Summary

The General Fund budget shows an increase of \$1,731,698 or 3.28%, however if you subtract the two items over which the county has no control (Public Assistance and Debt Service) then the increase

becomes \$622,050 or 1.18%. An increase of 1.18% is manageable and certainly well below indexed inflation.

Tax Rate

The proposed tax rate for Cleveland County will remain at 58¢ per \$100 of valuation. The tax rates for the countywide school district and county fire district will remain at 15¢ and 3¢ respectively. A ¾ of 1% early payment discount will continue to be offered for those taxpayers who pay during the month of August.

Summary

This has been a relatively difficult budget to prepare due to a limited amount of revenue, being available to fund an ever growing need for community resources in Cleveland County. I do feel that this recommended budget is a good attempt to adequately respond to the needs of the community while respecting the taxpayer's ability to pay for public services. I know that the Board of Commissioners shares my hope that the local economy will improve and these budget decisions will become easier in the future.

David C. Dear
County Manager/Budget Officer

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY:

SECTION I. ESTIMATED REVENUES. *It is estimated that the revenue and fund balance of the funds and departments as listed below will be available during the year beginning July 1, 2006 and ending June 30, 2007 to meet the appropriations as set forth in Section II. All fees, commissions, and other sums paid to or collected by any County Officer, or agent in their capacity, shall accrue to be the benefit of the county and become County funds.*

	<u>GOVERNMENTAL TYPE</u>	\$96,637,996
	<u>REVENUES</u>	
	<i>Less Interfund Transfers</i>	(\$19,393,698)
		\$77,244,298
<u>General</u>		\$57,087,419
	<i>Less Interfund Transfers</i>	(\$1,300,000)
		\$55,787,419
<u>Ad Valorem:</u>	Taxes:	
		<i>\$5,850,000,000 X 96% X 58.0</i>
		<i>Cents</i>
	Current Year	\$32,572,800
	Prior Years	\$1,104,378
	Advertising/Penalties	\$250,000
<u>Other Taxes:</u>	Local	\$5,175,000
	Option	
	Two 1/2 Cents (Art 40 & 42)	\$3,650,000
	Third 1/2 Cent (Art 44)	\$2,650,000
	Franchise	\$265,000
	Occupancy	\$155,000
	Tax	
	Gross Receipts Tax	\$20,000
	Excise	\$225,000
	Stamps	
<u>Intergovernmental:</u>	Revenues from Local Agencies:	
	School Resource Officer	\$222,944
	Cleveland Memorial Library	\$9,000
	Revenues from State Government:	
	3rd Party	\$901,341
	JCPC Admin. Grant	\$3,300
	Criminal Justice Partnership	\$95,253
	State Forfeited Property	\$81,010
	Soil Conservation	\$24,200
	Veterans Service	\$2,000
	Cleveland Memorial	\$162,060

	Library	
	Revenues from Federal Government:	
	Law Enforcement Grant	\$9,749
	Federal Forfeited Property	\$140,527
	Emergency Management	\$12,000
	Payment in Lieu of Taxes	\$12,000
	Sheriff: Court Arrest Fees	\$60,000
	Jail: House Inmates Fees	\$100,000
		\$35,000
	License Revocation	\$10,000
<u>Permits/Fees:</u>	Register of Deeds	\$400,000
	Sheriff Inspection	\$130,000
		\$240,000
	s	
	Planning & Zoning	\$55,000
	Cleveland Memorial Library	\$45,000
<u>Interest:</u>	Interest on Investments	\$1,100,000

SECTION I. REVENUES. (continued)
GOVERNMENTAL TYPE REVENUES
(continued)

<u>Sales/Services:</u>	Rents	\$1,474,000
	Contracted Revenues	
	Finance	\$200,000
	Elections	\$20,000
	Department Fees	
	Emergency Med Serv	\$1,725,000
	Volunteer Rescue	\$15,000
	Planning / Zoning	\$3,000
	Cooperative Extension	\$17,000
<u>Miscellaneous:</u>	ABC Profits	\$75,000
	Sale of Fixed Assets	\$25,000
	Miscellaneous	\$20,000
	Detention Center	\$44,000
	Contributions & Donations	\$88,339
<u>Other Sources:</u>	Transfer from School Capital Fund	\$1,300,000
	ROD Automation E & P	\$56,764
	Fund Balance Appropriated	\$2,106,754

<u>Social Services & Public Assistance</u>		\$27,661,586	
	<i>Less Interfund Transfers</i>	(\$13,790,073)	\$13,871,513
	Local Fees	\$55,037	
	State/Federal	\$13,816,476	
	County Funds	\$13,790,073	

<u>Public Health</u>		\$9,869,427	
	<i>Less Interfund Transfers</i>	(\$3,274,010)	\$6,595,417
	Local Fees	\$1,584,816	
	Medicaid	\$3,494,830	
	State/Federal	\$1,515,771	
	County Funds	\$3,274,010	

<u>Employee Wellness</u>		\$750,615	
	<i>Less Interfund Transfers</i>	(\$554,615)	\$196,000
	Departmental	\$196,000	

Fees County Funds	\$554,615		
<u>Court Facilities</u>		\$339,334	
	<i>Less Interfund Transfers</i>	(\$100,000)	\$239,334
Departmental Fees County Funds	\$239,334		
	\$100,000		
<u>Workers' Compensation</u>		\$375,000	
	<i>Less Interfund Transfers</i>	(\$375,000)	\$0
Departmental Fees County Funds	\$275,000		
	\$100,000		
<u>Health / Dental Insurance</u>		\$554,615	\$554,615
Fund Balance Appropriated	\$554,615		

SECTION I. REVENUES. (continued)

	<u>SPECIAL REVENUE TYPE REVENUES</u>		\$13,460,659
<u>Public School Fund</u>		\$8,424,000	\$8,424,000
Ad Valorem Tax	\$8,424,000		
	<i>\$5,850,000,000 X 96% X 15.0 Cents</i>		
<u>School Capital Reserve Fund</u>		\$3,168,595	\$3,168,595
Sales Tax State Funds	\$2,368,595		
	\$800,000		
<u>Revaluation</u>		\$23,900	\$23,900
Fund Balance Appropriated	\$23,900		
<u>Emergency Telephone</u>		\$411,274	\$411,274
Wireline 911	\$277,283		
Wireless 911	\$133,991		
<u>County Fire</u>		\$1,432,890	\$1,432,890
District Revenues	\$1,108,897		
Fund Balance Appropriated	\$323,993		
	<u>DEBT SERVICE TYPE REVENUES</u>		\$5,436,265
	<i>Less Interfund Transfers</i>	(\$3,031,165)	\$2,405,100
<u>Debt Service</u>		\$5,436,265	
	<i>Less Interfund Transfers</i>	(\$3,031,165)	\$2,405,100
Hospital Capital Reserve Funds	\$2,405,100		
Schools Capital Reserve Funds	\$1,868,595		
County Funds	\$1,162,570		
	<u>CAPITAL PROJECT TYPE REVENUES</u>		\$2,350,000
	<i>Less Interfund Transfers</i>	(\$1,175,000)	\$1,175,000

<u>Capital Projects</u>		\$1,175,000	
	<i>Less Interfund Transfers</i>	(\$1,175,000)	\$0
	Capital Reserve Funds	\$1,175,000	

<u>Capital Reserve</u>		\$1,175,000	\$1,175,000
	Fund Balance Appropriated	\$1,175,000	

ENTERPRISE TYPE REVENUES **\$11,526,072**

<u>Landfill Construction</u>		\$6,153,000	\$6,153,000
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<u>Solid Waste Disposal</u>		\$3,718,193	\$3,718,193
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<u>Solid Waste Collections</u>		\$1,654,879	\$1,654,879
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GRAND TOTAL REVENUES	\$129,410,992
<i>Less Interfund Transfers</i>	(\$23,599,863)
ACTUAL REVENUES	\$105,811,129

SECTION II. APPROPRIATIONS

GOVERNMENTAL TYPE APPROPRIATIONS **\$96,637,996**
Less Interfund Transfers (\$19,080,921)
\$77,557,075

<u>General Government</u>		\$26,939,756	
	<i>Less Interfund Transfers</i>	(\$18,981,268)	\$7,958,488

10.411 Governing Body	\$397,942
10.412 Administration	\$290,688
10.413 Finance/Purchasing	\$537,086
10.415 Tax Administration	\$1,160,181
10.416 Legal	\$11,500
10.418 Board Elections	\$265,338
10.419 Register of Deeds	\$334,142
10.421 Information Technology	\$431,626
10.423 Human Resources	\$414,499
10.426 Public Buildings	\$1,344,485
10.430 Municipal Grants	\$147,048
10.432 3rd Party (Pass Thru) Grants	\$901,341
10.433 JCPC Admin. Grant	\$3,550
10.497 TACC	\$39,464
10.613 Communities in Schools	\$58,500
10.619 ROD Automation E & P	\$56,764
10.981 Transfer	\$18,426,653
to:	
<i>General:</i> Social Services/Public Asst.	\$13,790,073
Public Health	\$3,274,010
Court Facilities	\$100,000
Workers' Compensation	\$100,000
<i>Debt Serv:</i> Debt Service	\$1,162,570
10.998 Contingency	\$850,000
14.417 Court Facilities	\$339,334
60.650 Workers' Compensation	\$375,000
65.981 Transfer to Employee Wellness	\$554,615

<u>Public Safety</u>		\$14,055,707	\$14,055,707
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10.438 Law Enforcement Grants	\$9,749
10.439 Criminal Justice Grant	\$95,253

10.440 School Resource Officer	\$286,848
10.441 Sheriff	\$4,987,048
10.442 Federal Forfeited Property	\$140,527
10.443 State Forfeited Property	\$81,010
10.444 Detention Center	\$2,135,797
10.445 Emergency Management	\$250,222
10.446 Emergency Medical	\$4,469,510
10.447 Rescue Squads	\$152,980
10.448 Communications	\$686,521
10.449 Electronics	\$299,342
10.450 Inspections	\$354,473
10.451 Medical Examiner	\$85,712
10.453 Hazardous Materials	\$20,715

SECTION II. APPROPRIATIONS (continued)

GOVERNMENTAL TYPE APPROPRIATIONS
(continued)

<u>Human Services</u>			\$39,356,615	
		<i>Less Interfund Transfers</i>		(\$99,653) \$39,256,962
10.560 Mental Health		\$891,738		
10.591 Veterans Service Officer		\$48,924		
10.617 Council on Aging		\$134,325		
11.000 Social Services & Public Assistance		\$27,661,586		
12.000 Public Health		\$9,869,427		
13.000 Employee Wellness		\$750,615		
<u>Education</u>			\$14,168,342	\$14,168,342
10.600 Public Schools	\$13,108,213			
		Current Expense	\$9,808,213	
		Capital Outlay	\$3,300,000	
10.604 Community College	\$1,060,129			
		Current Expense	\$1,060,129	
<u>Economic & Physical Development</u>			\$1,176,727	\$1,176,727
10.491 Planning & Zoning		\$232,963		
10.492 Economic Development		\$538,790		
10.495 Cooperative Extension		\$276,645		
10.496 Forestry		\$50,202		
10.498 Soil Conservation		\$78,127		
<u>Cultural</u>			\$940,849	\$940,849
10.611 Libraries	\$891,553			
		Cleveland Memorial Library	\$835,523	
		Mauney Memorial Library	\$56,030	
10.612 Broad River		\$49,296		

SPECIAL REVENUE TYPE APPROPRIATIONS **\$13,460,659**

		<i>Less Interfund Transfers</i>		(\$3,168,595)
				\$10,292,064
<u>Education</u>			\$11,592,595	
		<i>Less Interfund Transfers</i>		(\$3,168,595) \$8,424,000
20.600 Public School Fund		\$8,424,000		
21.105 School Capital Fund-1/2 Cent		\$2,368,595		

21.106 School Capital Fund-PSBCF	\$800,000		
<u>General Government</u>		\$23,900	\$23,900
25.431 Revaluation	\$23,900		
<u>Public Safety</u>		\$1,844,164	\$1,844,164
26.454 Emergency Telephone-Land-based	\$277,283		
26.455 Emergency Telephone-Wireless	\$133,991		
28.452 County Fire District	\$1,432,890		

SECTION II. APPROPRIATIONS (continued)

	<u>DEBT SERVICE TYPE APPROPRIATIONS</u>		\$5,436,265
<u>Debt Service</u>		\$5,436,265	\$5,436,265
30.800 Debt Service	\$5,436,265		
	<u>CAPITAL PROJECT TYPE APPROPRIATIONS</u>		\$2,350,000
	<i>Less Interfund Transfers</i>		(\$1,175,000)
			\$1,175,000
<u>Capital Projects</u>		\$1,175,000	\$1,175,000
40.210 General Projects	\$1,175,000		
<u>Capital Reserve</u>		\$1,175,000	
	<i>Less Interfund Transfers</i>	(\$1,175,000)	\$0
41.209 Transfer to Capital Projects	\$1,175,000		
	<u>ENTERPRISE TYPE APPROPRIATIONS</u>		\$11,526,072
	<i>Less Interfund Transfers</i>		(\$175,347)
			\$11,350,725
<u>Landfill Construction</u>		\$6,153,000	\$6,153,000
53.472 Fielding Drive Landfill	\$6,153,000		
<u>Solid Waste Disposal</u>		\$3,718,193	
	<i>Less Interfund Transfers</i>	(\$120,100)	\$3,598,093
53.473 Airport Road Landfill	\$3,718,193		
<u>Solid Waste Collections</u>		\$1,654,879	
	<i>Less Interfund Transfers</i>	(\$55,247)	\$1,599,632
54.474 Recycling / Collection Sites	\$1,654,879		
	TOTAL APPROPRIATIONS	\$129,410,992	
	<i>Less Interfund Transfers</i>	(\$23,599,863)	
	ACTUAL APPROPRIATIONS	\$105,811,129	

SECTION III. BUDGET CARRY FORWARDS. The County Manager shall have authorization to include in this Budget Ordinance the prior year budget amounts remaining for purchase order encumbrances, grants, and donations as determined by the County Finance Director.

SECTION IV. BUDGET TRANSFERS. *The County Manager shall have authorization to make budget transfers between any and all operating funds and departments as long as the total budget remains at the level approved and adopted by the County Board of Commissioners.*

SECTION V. PROPERTY TAX RATE. *The County property tax rate shall be 58 cents per \$100 valuation for purposes of the General Fund and 15 cents per \$100 valuation for purposes of the Public School Fund; the combined County-wide property tax rate shall be 73 cents per \$100 valuation.*

HEALTH DEPARTMENT: PROPOSED CODE TEXT AMENDMENTS – HAULING SOLID WASTE (Section 11-28; Section 11-34)

Denese Stallings, Health Director, reviewed the proposed text amendment, stating this amendment was recommended by the Board of Health due to the need to “take a stronger step in enforcement” of the current ordinance. She explained the amendment would require that garbage be covered when transported. She advised that although the amendment would become effective July 1, 2006, warning citations would be issued for 60-days in an effort to educate the public as to the changes. A local company has agreed to donate tarps to be distributed to those who need them.

Ms. Stallings estimated “that 50% of litter on roads is a result of blowing off uncovered hauls.” She reported she has met with the mayors and has the support of Kings Mountain Police Chief Melvin Proctor, Shelby Police Chief Tandy Carter, who were present at the meeting, as well as Sheriff Raymond Hamrick. Both Chief Carter and Chief Proctor addressed Commissioners, expressing their support as to enforcing the ordinance.

Commissioner Hutchins advised he disagreed with the proposed amendment, stating this would be “penalizing those who try to secure loads.” Commissioner Accor said the litter program was started in response to “public outcry.” Other points made were that other counties have more severe restrictions and fines and are cleaner, and that this is a “generational issue” and will take a continued effort. Commissioner McIntosh stated the “evidence of success will come when we see a different in trash reduction.”

Chairman Hawkins declared the public hearing open (*notice of this hearing was accomplished by legal advertisement in the Shelby Star on May 24 and 31, 2006*). The following people spoke at the public hearing:

Mike Green (*opposed*)
David Morrow (*opposed*)
James Heafner (*opposed*)
Bob Edwards (*opposed*)
Suzi Kennedy (*supported*)

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

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and adopted by a majority vote of the Board, ***to approve the amendment.*** (*Commissioner Hutchins voted no; all others voted yes.*)

In discussion following the vote, Commissioner Hutchins advised he would like for the Health Director to provide Commissioners with a report regarding the reduction of roadside litter in six-months. He suggested if there are no obvious signs of success, then the amendment should be “done away with.” The Chairman directed Mrs. Stallings to provide such a report during the Commission’s next work session.

Commissioner Accor stated she feels there should be a method in place by which people can report violations. The Chairman instructed the Enforcement Officer to talk with the people who spoke during the public hearing to address their concerns.

First Amendment:

The following definition shall be added to Sec. 11-28:

“Covered” shall mean encased by a tarpaulin, camper cover, metal cover, rigid cover, plastic, canvas or other suitable material, which is secured to prevent spillage, leakage or materials blowing from the vehicle. Solid waste in plastic bags shall not be considered covered.

Second Amendment:

Paragraph (b) of Sec. 11-34 shall be rewritten as follows:

- (b) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with Section 11-71 concerning vehicles and containers. In addition any person hauling solid waste must comply with the following:
 1. Spillage prohibited. The vehicles or containers used for the collection and transportation of solid waste shall be loaded and removed in such a manner that the contents will not fall, leak or spill from said vehicles or containers. Materials spilled by any person shall be picked up immediately by said person and returned to the vehicle or container and the area properly cleaned.
 2. Cover requirements. Vehicles shall be covered by effective means during transportation to prevent blowing of materials from the vehicle. “Effective means” shall include, but not be limited to, durable, heavy plastic or canvas tied down or secured to cover all the load. Loads consisting of bulky waste, white goods, lumber, pallets and crates do not have to be covered but shall be secured with rope or tie-downs to assure spillage does not occur. Upon entrance into any designated facility gate, any removal of covers on solid waste shall be prohibited until the destination in the designated facility disposal area is reached.
 3. Fine for violation. Any person violating the terms of this paragraph (b) shall pay the following: (i) for the first violation a fine of \$25.00; (ii) for the second violation a fine of \$50.00; and for the third and each subsequent violation a fine of \$100.00.

HEALTH DEPARTMENT: 10-YEAR SOLID WASTE MANAGEMENT PLAN

Ms. Stallings reviewed the following “time line” and 10-year plan.

Significant events during the past three decades have impacted the Solid Waste Management Program in Cleveland County. The following events have created an environment for Cleveland County residents and businesses that protects our land, water, and air. It has become alarmingly clear that the enforcement of litter ordinances/laws and prevention/education must become a priority for all residents of Cleveland County. The Cleveland County Board of Commissioners have indicated in their Goals for Cleveland County that preventing litter is linked to economic development in our county. This timeline represents some of the important milestones achieved to date.

Late 1980’s: Cleveland County Commissioners purchase property for future landfill

Late 1980’s and Early 1990’s: Constructed Nine (9) Manned Recycling Centers

1990: Recycling Coordinator Employed

Mid 1990's: Began to service recycling centers and haul waste to landfill

1997: 1st Ten Year Solid Waste Plan approved, consolidated all (15) municipalities

1998: State of the art landfill opens; Roseboro Rd. landfill closed and repermited old landfill to handle PPG solid waste

Late 1990's: Revisions to Solid Waste Ordinance i.e. (Rubbish, Penalties/Violations, Tire Storage)

2000: Solid Waste Enforcement Officer employed

2004: County Commissioners include litter prevention as one of their top three goals. Cleveland County Health Department announces "Litter Hurts Us All and It's Against the Law" Initiative to prevent litter and enforce litter laws.

2005: "Litter Hurts Us All and It's Against the Law" initiative continues

2006: Revision in Solid Waste Ordinance to include "Tarp" requirement.

There was discussion regarding the assets of a "State bottle deposit", programs that some areas have where cans are recycled to profit the fire departments, out-of-county landfill/recycle center users, and that each municipality will need to approve this 10-year plan or develop their own. Commissioners expressed their gratitude to the members of the Solid Waste Advisory Board for their work in this effort.

Chairman Hawkins declared the public hearing open. (*Public notice of this hearing was accomplished by legal advertisement in The Shelby Star on May 24 and 31, 2006.*) Hearing no comments, the Chairman closed the public hearing.

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the plan as presented (copy on file in the County Manager's Office).*

RESOLUTION
TO APPROVE THE CLEVELAND COUNTY AREA SOLID WASTE MANAGEMENT PLAN

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and

WHEREAS, North Carolina General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan; and,

WHEREAS, Cleveland County was adequately represented on the Cleveland County Planning Advisory committee and has been actively involved in the planning process;

NOW, THEREFORE, BE IT RESOLVED, that the County Commissioners of Cleveland County hereby adopt the Cleveland County Area Solid Waste Management Plan.

ADOPTED THIS THE 6th DAY OF JUNE 2006.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT (Case 06-08; Chad Watts, Royster Road)

Mr. McCarter reviewed that Mr. Watts has presented a petition to rezone 28-acres from Residential (R) to Rural Agriculture (RA). Mr. Watts obtained a zoning permit to construct a house and a shop building for his home occupation. For liability insurance reasons, he has split the property so that the shop will be on a separate tract. In the Residential zoning district, the home occupation must be in the rear yard of the home. On the other hand, the Rural Agricultural district will allow limited commercial uses as the primary use. These two tracts are approximately 2000 feet from the Rural Agricultural zoning district along Double Shoals Road.

He reviewed background information as follows:

Existing Land Use: Commercial-build and repair motorcycle engines. Surround land uses are rural residential.

Future Land Use: Residential.

Utilities: Public water provided by CCSD.

Transportation: Royster Road is classified as a local street.

He reviewed the recommendations of the Planning Board and the Planning Consultant as follows:

Chuck Nance, Planning Consultant: Deny

Based upon all relevant facts, we conclude that to rezone this property from Residential to Rural Agricultural could be considered “spot zoning.” In this case, the RA district would be less restrictive, and would allow the owner of the property, uses that the neighboring properties would have. This would be deemed arbitrary, and there does not seem to be any documentation (land use plan, zoning plan, etc.) that would give the County a basis to rezone the property.

Planning Board – John McCulloch, Chairman: Deny

The Planning Board voted unanimously to recommend that this rezoning be denied. The Board agreed with IPDC recommendation concerning spot zoning, and noted that it was just too far away from the current RA district.

2015 Land Use Plan: This area is indicated as “Residential” on the Future Land Use Map.

Surrounding Properties: Rural low-density residential, some active agricultural.

Background: Watts was issued a zoning permit to construct his home and a “Rural Home Occupation” in December 2004. In February 2005, the tract was subdivided and 13 acres was deeded to the business, Watts Perfections, Inc. A commercial building was then constructed, but his home was never built. Section 12-137(4) requires that the operator of the rural home occupation reside on the same lot as the business. Therefore, the tract now occupied by the business needs to be rezoned to commercial use, or he can modify his permits to build his home on the 13-acre tract.

There was discussion regarding conditional use permitting in this situation.

Chairman Hawkins opened the public hearing. (*Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal advertisements published in the Shelby Star on May 26, 2006 and June 2, 2006.*) Hearing no comments, Chairman Hawkins declared the public hearing closed.

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

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION (390 Preyer Street; Owner – Mackey Family Irrevocable Trust)

Mr. McCarter reviewed that, after holding a public hearing on September 30, 2005, the owner was allowed 90-days to demolish the dwelling. The property owner was notified by certified mail and a legal

ad was published in the *Shelby Star*. The order was issued on January 17, 2006 and expired on April 17, 2006. The property owner requested an additional 30-day, which expired on May 17, 2006. Mr. McCarter reported his inspection of the property revealed no action has been taken to repair the structure, although Mr. Mackey has obtained a building permit.

He clarified that, if adopted, 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 cost of demolition. A lien will be placed against the property for any additional costs incurred by the county as provided by NCGS 160A-446(6).

Winfred Mackey told Commissioners that he has put a “new roof on the structure” and has cleared around the house today. He also advised he is a “candidate for knee replacement and that has caused delays.” He said he is “willing and able to put money into repairing” the house if the County will allow him 90-days to make the repairs.

Bob Yelton, County Attorney, advised this property is in the process of foreclosure due to unpaid taxes. Commissioner McIntosh said he felt Mr. Mackey has “shown a good faith effort” toward making repairs. There was lengthy discussion regarding Mr. Mackey’s failure to act until today, what needs to be done to bring the house up to code, and his indecision as to whether he wanted to attempt to make the repairs or allow the home to be demolished.

Commissioner Accor expressed her concern as to the lack of enforcement of the code in these cases, stating this is “one more example of codes being in place and taxpayers money being used to enforce them” but then at the final hour, not enforcing them – “when is a deadline a deadline.”

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to delay a decision on this ordinance until the next regular meeting of the Board (June 20, 2006) to allow Mr. Mackey time to decide if he wants to repair or demolish the structure.* It was made clear to Mr. Mackey that he would need to pay the delinquent taxes.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION (332 Gorrell Street; Owner – Centaur Concrete Placement & Finishing)

Mr. McCarter advised a public hearing was held regarding this case on September 30, 2006. The owner was allowed 90-days to demolish the dwelling. The owner was notified by certified mail and a legal ad was published in the *Shelby Star*. The order was issued on December 13, 2005 and expired on March 13, 2006. The property owner requested an additional 60-days, which expired on May 13, 2006. A recent inspection of the property revealed no action has been taken to repair or demolish the dwelling.

Mr. McCarter reviewed a letter received from the owners which stated they had “not realized the property had declined” to the current condition and requested another extension, stating they had started repairs yesterday. He said this is a brick structure and most of the damage is the result of vandalism.

Commissioner Accor and Chairman Hawkins again expressed concern regarding the enforcement of the ordinance.

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, and ***adopted by a majority vote of the Board*** (*Commissioner Accor and Chairman Hawkins voted no; all others voted yes*), to ***“give the owners until the next regular meeting of the Board (June 20, 2006) to make a decision as to whether or not they are going to bring the property up to code.*** Commissioners instructed Mr. McCarter to inform the property owners that are expected to appear before Commissioners at that meeting.

PLANNING DEPARTMENT: PROPOSED CODE TEXT AMENDMENT (Article II. General Definitions; Section 12-21 Definitions of Basic Terms; Article IX Development Standards – Manufactured Home Parks; Section 12-156 Manufactured Home and Mobile Homes)

Mr. McCarter reviewed, “At your work session on September 13, 2005, you requested the Planning Board recommend standards for manufactured homes being brought into our county.” He said a committee of Planning Board members, rental park owners, and a manufactured home dealer was appointed to study this issue. The recommendations were presented to the Planning Board on March 28, 2006 and were approved.

Mr. McCarter advised the committee reviewed standards from other jurisdictions, specifically Catawba County and the Town of Belwood regarding siding, roof-pitch, decks, orientation, hitch removal and underpinning.

He stated the committee recommended three standards: (1) Underpinning –not just for appearance, but for energy savings, as manufacturers indicate that underpinning can result in a cost savings to the homeowner of \$400.00 per year; similar standards are found in Gaston, Lincoln and Catawba counties; (2) Exterior siding – comparable with standard construction; and, (3) removal of the hitch (*if detachable*). He said this amendment prohibits mobile homes older than 1976 from being brought into the county. The Planning Board voted 9-1 in support of this amendment.

John McCulloch, Planning Board Chairman, stated, “We first identified this as an issue . . . as part of the land use planning process and that you prioritized for us that we go ahead and address this issue and it was shocking . . . to me personally to find out that our neighboring counties had standards and requirements in place which essentially created Cleveland County as a potential sink for rejects from other counties . . . I think it’s time that we address this issue.”

Gene Lovelace, member of the Planning Board and Chair of the sub-committee, said the sub-committee used the standards from the Town of Belwood as a model. He reviewed the areas of discussion. Commissioner McIntosh expressed concerns, stating he felt the “underpinning” requirement would “put hardships on folks looking for affordable housing.” Mr. McCulloch said the sub-committee

discussed underpinning at length and felt that was a factor that helped make the mobile homes look “less transient.”

David Morrow, a member of the Planning Board, who voted against the proposed amendment, said he felt this amendment was essentially “looking at a problem that ain’t no problem.” He said there have been only ten older mobile homes moved into Cleveland County within the past two years. He said the “underpinning” requirement are already in place and “if you do underpinning you get a better insurance rate.” He feels the problem will “take care of itself” because the older mobile homes will eventually “fall apart.”

Chairman Hawkins opened the public hearing (*notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisement published in the Shelby Star on May 19 and 26, 2006*).

The following people spoke during the public hearing:

James Heafner (*opposed*)

Bob Edwards (*opposed*)

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

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and adopted by a majority vote of the Board (*Commissioner McIntosh voted no; all others voted yes*), ***to approve the amendment.***

ARTICLE IX. DEVELOPMENT STANDARDS MANUFACTURED HOME PARKS

Sec. 12-156 ~~Manufactured Homes & Mobile Homes~~

All manufactured homes permitted within the planning jurisdiction of Cleveland County, shall meet the following standards.

- (1) Exterior Siding must be comparable in composition, appearance, and durability to exterior siding commonly used in standard construction, such as wood, vinyl, and metal.
- (2) Underpinning must be continuous and un-pierced except for ventilation as required by the NC Manufactured Home Code.
- (3) If the tongue is detachable, it must be removed after being set-up on the lot and before occupancy. If the tongue cannot be removed it must be hidden by using underpinning or landscaping.
Exception: mobile homes and manufactured homes located within a manufactured home park.

Mobile homes are not permitted within the planning jurisdiction of Cleveland County. Existing non-conforming mobile homes may be moved to a new location within the planning jurisdiction provided they meet the standards of subsections (2) and (3).

Sec. 12-157 Manufactured Home Parks Park Standards

PLANNING DEPARTMENT: PROPOSED CODE TEXT AMENDMENT

(Section 12-111 – Zoning Districts; Section 12-324 – Conditional District Rezoning) (Case 06-01)

Carol Rhea, of Rhea Consulting, explained the proposed amendment, stating, “The first thing is the addition to Section 12-111, that is an insert at the beginning of the district section, currently there is no description in your ordinance of the type of zoning districts that your ordinance lays out, so I propose that you consider having the language that not only outlines the purpose and intent of the conditional use district, but also explains what the general use district is and what the overlay district is, the two types of

districts that you currently have in your ordinance. The next major section adds a section at the end of your current amendment section that is related to conditional district rezoning and this is where the meat of the ordinance is. In this particular section, we spell out who initiates and it is very clear that this type of rezoning may be initiated only by the property owners or an agent authorized by affidavit to act on the owners behalf. This is not a type of zoning that is imposed without the owner's consent. I should clarify that in that first section it does pretty well say that this is the type of zoning for firm development proposals and not speculative ventures because they are going to have to do a lot of work going through this process showing site plans and details . . . The next section outlines petition requirements and then the conditions . . . it basically states that prior to the action on the proposed amendment, any staff person, any one of you, any of the planning board members, can meet with the petitioner to discuss the proposed plan and suggest features or potential conditions that the petitioner may be willing to accept being placed on the property. These conditions have to be reasonable, they have to be related to the expected impact of the use."

She said, "The next section was added at the Planning Board's request, and this was basically to state that the Planning Board and Board of Commissioners may require the petitioner to hold a formal public workshop, not a public hearing, but a workshop, preferably in the immediate area where the development is going to occur and to record basically the comments from the workshop and to provide that recording, along with a statement of what their response to those comments was and that is in addition to the public hearing that is also required by State law."

Ms. Rhea said, "The last section basically says that if the owner has not commenced construction within three-years, because remember this is supposed to be something that is a firm development proposal, then staff could actually bring that back to Commissioners, or you could initiate it on your own, to rezone the property, but it cannot automatically expire or revert, it must be a new rezoning action and must follow all the requirements of law and your ordinance."

She stated, "The power of this amendment or this option, because that's all you're doing, is adding an option to your ordinance, and the power of this option really isn't to solve the isolated cases of non-conformances that may exist in lots of places, although I'm not saying it couldn't help in those cases, but where this is very helpful, is in the transition areas, where you already have districts, business or industrial, that abut residential, for example, if somebody wants to come in and purchase a residential tract that is immediately adjacent, so here they are they have residential all around them on three sides and you look at your range of uses that are permitted in that industrial and you feel some of these would be just too bad to be located next to these homes, and they say we're not going to do any of those bad things, we're going to do this and this wouldn't be detrimental at all, under the general use rezoning

process, you can't consider the actual use that is intended, you have to consider the whole range and you have to make a decision as to whether or not all of those uses would be appropriate. Well, this gives you the ability to narrow it down and then hold them too it, so you can know what the impacts are in advance."

There was discussion as to how this could be applied to different cases, and Ms. Rhea noted this "rezoning action runs with the land, it does not go with the property owner." Ms. Rhea and Mr. McCulloch emphasized this "is going to be more cumbersome for staff time and costly for the county and should be used judiciously."

Chairman Hawkins opened the public hearing (*notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisement published in the Shelby Star on May 19 and 26, 2006*). Hearing no comments, he declared the public hearing closed.

Commissioner Hutchins suggested the Planning Board review all rezoning cases before the Board of Commissioners schedules a public hearing. He also questioned the time limit of three-years for completion of the project and suggested 18-months. Mr. McCarter advised this time period relates to "vested interest."

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

(Add New Section)

Sec. 12-111. Types of Zoning Districts.

All areas within the planning jurisdiction of Cleveland County are hereby divided into zoning districts. Within these districts, the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; signage; lighting; and the provision of buffers and screening areas are regulated as herein provided. All zoning districts within the county planning jurisdiction fall within one of the following three categories.

(1) General Use Zoning Districts.

Each General Use District category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the planning jurisdiction. A General Use District may be layered with an Overlay District, which is a special type of General Use District.

(2) Conditional Zoning Districts.

(a) All conditional districts are established as parallel or counterpart districts to a General Use District. In such cases, references in the Code to the General Use District shall be construed to also include the counterpart, Conditional District. Conditional Districts, like General Use Districts, may be layered with Overlay Districts.

(b) Each Conditional District with a counterpart General Use District is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this section. All regulations and uses, which apply to a General Use District, also apply to the counterpart Conditional Use District and no use shall be allowed in the Conditional District that is not allowed in its counterpart General Use District. All uses intended to be made of the property must be disclosed in the application. There are no uses by

right in a Conditional Use District and no use other than those expressly authorized by the zoning amendment shall be permitted.

(c) Additional conditions, which may be suggested by the petitioner as part of the rezoning process, shall be binding upon property within a conditional district in perpetuity or until the property is rezoned by the County. Such conditions may include increased buffers, architectural features, access, parking, hours of operation, or any other feature of the development that is integral to meeting the spirit and intent of this ordinance or that serves to mitigate the impacts of the development on adjacent property or the community at large. Such conditions must be enforceable by the County, presented by the petitioner during the public hearing as part of the rezoning petition, and agreed to by the Board of Commissioners during the rezoning process.

(d) This is a voluntary procedure, which is intended for firm development proposals. It is not intended or suited for tentative or speculative proposals which may not be undertaken for some time.

(3) Overlay Districts.

Overlay Districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the General Use District, to prohibit uses allowed in the General Use District, or to establish special development requirements for uses permitted. Thus, where Overlay Districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the standards of the Overlay District shall prevail. Otherwise, the standards of the General Use District shall also be in effect for any area additionally zoned for an Overlay District.

A zoning map amendment either establishing or changing any Overlay District shall be subject to the same procedures and requirements as any other zoning map amendment.

(Add new section)

Sec. 12-324. Conditional District Rezoning.

(1) Initiation. The reclassification of property to a Conditional Use District may be initiated only by the property owner(s), or an agent authorized by affidavit to act on the owner's behalf.

(2) Petition. A request for Conditional Use District rezoning shall include an official petition consisting of the following:

(a) A completed application form and fee.

(b) A site plan showing all natural, man-made, political and recorded features of the property deemed by the zoning administrator to be necessary to indicate the location, type, scale, size, height, and general extent of the proposed development and its physical, financial, and use impacts upon any on-site or adjacent natural and historic resources, public infrastructure and facilities, and/or existing or approved development as may be regulated or protected by this ordinance. Such plan shall be at a scale sufficient to meet the intent of this section.

(c) A written description or notation on the map explaining the proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development.

(d) Any other information deemed necessary by the zoning administrator, Planning Board or Board of Commissioners.

(3) Conditions. Prior to the action on the proposed map amendment (which may also include a period after the public hearing) any staff person, Planning Board member, or County Commissioner may meet with the petitioner to discuss the proposed plan and suggest features to be included in the rezoning proposal. The specifics of the plan may be negotiated to address community issues or concerns and to insure that the spirit and intent of this ordinance are preserved. During the public hearing, the Board of Commissioners may suggest additional features to be included or reflected in the proposal prior to taking action on the request.

- (4) Workshops. In addition to any meeting that may occur informally between any group and the petitioner and the public hearing that is required as part of any rezoning request, the Planning Board or Board of Commissioners may require the petitioner to hold one or more formal workshops with neighbors and other stakeholders. The petitioner shall be responsible for providing adequate public notice, arranging for meeting space, documenting attendance, and creating a written summary of the comments received at the workshop. Proof of meeting notice, attendance logs, and the comments summary including the petitioners response to each shall be forwarded to staff for inclusion in the board agenda packet. Adequate public notice for any workshop shall include a written notice and a sign posted on the property in a manner that is visible to the public providing the day, time and location of the meeting, both of which must occur not less than 10 nor more than 21 calendar days prior to the workshop. Meeting space should be reasonably near the affected property and should be accessible to everyone.
- (5) Development Not Started Within Three Years. The property owner shall commence construction in accordance with the approved site plan within three (3) years after the zoning amendment is approved. If the Planning Board determines that construction has not commenced within such time period, it may, recommend to the Board of Commissioners that the property be zoned to an appropriate General Use District.

RESOLUTION: ADEVCO

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

RESOLUTION

Whereas, the Cleveland County Board of Commissioners, after due advertisement as required by law, held a public hearing on March 13, 2006, to consider an industrial incentive for Adevo Corporation; and,

Whereas, after said public hearing the Cleveland County Board of Commissioners authorized the conveyance to Adevo Corporation of a fee simple interest in a 25.659 acre tract of land located on Commerce Boulevard in the Cleveland County Industrial Park; and,

Whereas, subsequent thereto Cleveland County and Adevo Corporation entered into a Real Property Purchase Agreement for said 25.659 acres; and,

Whereas, the closing of the transfer of said property to Adevo Corporation has been set for June 13, 2006;

Now, therefore, be it resolved by the Cleveland County Board of Commissioners, that the Chairman or Vice-Chairman of said Board be, and they hereby are, authorized and directed to execute on behalf of Cleveland County all documents necessary to convey to Adevo Corporation the 25.659 acres located on Commerce Drive in the Cleveland County Industrial Park.

This is to certify that the above resolution was duly adopted by the Cleveland County Board of Commissioners at a regularly scheduled meeting on this the 6th day of June 2006.

/S/ Wanda Crotts, CMC, Cleveland County Clerk to
the Board of Commissioners

COMMISSIONER REPORTS

Commissioners Accor and McIntosh reported they had enjoyed their participation in the recent Upper Cleveland Chamber celebration “June-out” and Commissioner Accor stated she had also attended the ribbon cutting for the Magnolia Inn at Kings Mountain.

Vice-Chairman Self advised there will be a meeting of the Cleveland County Board of Equalization and Review immediately following the June 20, 2006 Commission meeting (*at 6:00 p.m.*) in order to complete the outstanding cases.

Vice-Chairman Self also reported he had attended the Lake Norman Transportation Advisory Committee meeting where the reduction in NCDOT fund balance was discussed, which “doesn’t sound good for the bypass” project schedule.

He stated he had recently emailed Representative Debbie Clary, who serves as Co-Chair of the House Appropriations Committee, regarding Medicaid relief. He said she had responded that “it was unanimous that both the House Chairs in Finance and Appropriations were supportive of that resolution . . . taking one time Medicare Part B money and at least cap . . . maybe doing at least some reduction and they’re going to include that in their budget, which means when the Senate and House get together that will have to be a point of discussion.” Commissioner McIntosh stated he has spoken with Senator Dalton who says they Senate is also working toward a solution to this crisis.

Chairman Hawkins reported on a recent meeting with Duke Energies representatives regarding their application process for the proposed new plant. He said the new plant will meet higher emission standards and would be more efficient than the existing plant, which would be shut down.

It was noted that the County Association of Governmental Officials (*CAGO*) will meet on June 15th.

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to adjourn the meeting (*at 10:00 p.m.*). The next regular meeting of the Commission is scheduled for ***Tuesday, June 20, 2006 at 6:00 p.m.*** in this Commission Chamber.

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

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