

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**April 3, 2007**

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:** Eddie Holbrook, Vice-Chairman  
Jo Boggs, Commissioner  
Ronald J. Hawkins, Commissioner (*excused at 5:15 p.m.*)  
Johnny Hutchins, Commissioner  
David C. Dear, County Manager  
Robert Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Chris Crepps, Finance Director  
Bill McCarter, Planning Director  
Chris Green, Tax Administrator  
Kathryn Larson, Cleveland Headline News  
Pete DeLea, The Star  
Other individual names on file in the Clerk's Office

**ABSENT:** Mary S. Accor, Chairman

**CALL TO ORDER**

Vice-Chairman Eddie Holbrook called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioner Ronald Hawkins provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Johnny Hutchins made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk.*

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *February 20, 2007, March 14, 2007 and March 20, 2007*, motion was made by Jo Boggs, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *approve the minutes as written.*

**SHERIFF DEPARTMENT: BUDGET AMENDMENTS (BNA #049)**

**ACTION:** Jo Boggs made the motion, seconded by Ronnie Hawkins, 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>
010.438.4.310.00/16607-P438	Law Enforcement Grants /Federal Grants	2,855.	
010.438.5.250.00/16607-P438	Law Enforcement Grants /Uniform/Clothing	2,855.	

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

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

**ACTION:** Jo Boggs made the motion, seconded by Ronnie Hawkins, 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>
012.530.4.810.30	General/Donations/Contributions	74.	
012.530.5.790.30	General/Donations/Eyeglasses	74.	

Explanation of Revisions: Budget funds received from Shelby Community Lion's Club for eyeglasses.

**HEALTH DEPARTMENT: AWARD OF SOLID WASTE FRANCHISE AGREEMENT  
(SECOND READING)**

**ACTION:** Jo Boggs made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to award a five-year solid waste franchise agreement to Republic Services of NC, LLC (GDS) (reference Minutes of March 20, 2007 for first reading; copy found on Page \_\_\_\_\_ of Minute Book 29).*

**PLANNING DEVELOPMENT: ZONING MAP AMENDMENT – KINGS MOUNTAIN, LLC  
(intersection of Oak Grove Rd. and Stoney Point Road) (Case #07-03) (Schedule a public hearing for May 1, 2007)**

**ACTION:** Jo Boggs made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board to *approve scheduling the public hearing as requested.*

**RESOLUTION: CHANGE IN REGULAR MEETING SCHEDULE**

**ACTION:** Jo Boggs made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the following resolution.*

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

*WHEREAS*, the Cleveland County Board of Commissioners have decided that it is appropriate to change their regular meeting place for their regular meeting of Tuesday, April 17, 2007 from the Commission Chamber in the County Administrative Building to meet at the Grover Town Council Chamber, located at 207 Mulberry Road, Grover, NC. The meeting will begin at 6:00 p.m.

*NOW, THEREFORE, BE IT RESOLVED, THAT*, the Cleveland County Board of Commissioners will change the meeting place of said meeting and notify the public of their decision in accordance with the mandates of North Carolina General Statute 153A-40. The regular meeting schedule as adopted by the Board will resume after this meeting.

*ADOPTED THIS 3rd DAY OF APRIL 2007.*

**COUNTY CLERKS: OATH OF OFFICE**

Wanda Crotts, CMC, retired Cleveland County Clerk (notary), administered the oath to Kerri Melton for the office of Cleveland County Clerk.

Wanda Crotts, retired Cleveland County Clerk (notary), administered the oath to April Crotts for the office of Cleveland County Deputy Clerk.

**COMMISSIONER RONALD HAWKINS: FORMALLY EXCUSED FROM REMAINDER OF MEETING**

**PORTER YELTON, CLEVELAND COUNTY SCHOOLS GEOGRAPHY BOWL WINNER**

Jo Boggs presented Porter Yelton with a Certificate of Recognition that read as follows:

**FOR WINNING FIRST PLACE IN THE GEOGRAPHY BOWL AT MARION INTERMEDIATE SCHOOL ~ FOR WINNING FIRST PLACE OUT OF 30 FOURTH-AND FIFTH GRADERS IN THE CLEVELAND COUNTY SCHOOLS COUNTYWIDE GEOGRAPHY BOWL HELD AT GRAHAM ELEMENTARY SCHOOL ON FEBRUARY 27, 2007. WE COMMEND YOU!!**

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – DAVID SETTLE (2221 S. POST ROAD) (Case #07-02)**

Bill McCarter, Planning Director, reviewed that David Settle has presented a petition to rezone approximately 2.6 acres located at 2221 S. Post Road (NC180) from Neighborhood Business (NBCP) to General Business (GBCP).

He provided background information as follows:

Existing Land Use: The property has a vacant commercial building, and was last occupied by a propane distributor. Surrounding land uses are predominantly residential, single family homes on either side or a mobile home park across the street.

Future Land Use: Commercial Node.

Utilities: Public water provided by Cleveland County Sanitary District, no sewer.

Transportation: NC180 is considered a major thoroughfare.

Mr. McCarter also reviewed the following recommendations from the Planning Board and the

Planning Consultant:

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: Deny

Since the General Business Zoning District allows so many more commercial uses than the Neighborhood Business classification, rezoning of a single parcel to GB borders on “arbitrary and capricious”. Usually NB acts as a buffer between commercial and residential uses, but in this case a more intensive commercial use would be allowed between two single-family homes.

John McCulloch, Chairman, Cleveland County Planning Board: Approve

The Planning Board voted to recommend that the rezoning be approved, citing compliance with the current land use plan.

*Conforms with the 2015 Land Use Plan*

This property is located with a Commercial Node encompassing the intersection of NC180 and Sulphur Springs Road.

*Surrounding Properties*

Existing single family residential on both side, and a mobile home park across the street.

*Non-Conforming Uses*

None, the last tenant was a used clothing store.

*Adequate Utilities & Roads*

NC 180 is a major thoroughfare.

Public water is provided by CCSD, no sewer available.

Vice-Chairman Holbrook 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 23 and March 30, 2007.*)

Roger Owens: Mr. Owens owns the property next door to the property in question. Mr. Owens concern was that “general business” included uses such as “alcoholic beverages, gambling and bar rooms.” He also explained that there are four or five churches and several daycares in the area.

Commissioner Hutchins explained to Mr. Owens that in order for the property to have a gambling establishment, this property must go through the Zoning Board of Adjustment. Alcohol is not allowed to be sold in this area.

David Settle: Mr. Settle introduced himself as the petitioner. Mr. Settle explained that this property would be used for a Heating and Air Conditioning service company. Thirty percent of his business is new construction which requires his business be zoned General Business. Mr. Settle informed Commissioners that he has cleaned up the area and spoke, “As long as I own this property, Mr. Owens does not have to worry about it (alcohol, gambling and bar rooms).”

Robert Jeffries (Ellis Chapel Baptist Church)- Mr. Jeffries told Commissioners that Ellis Chapel Baptist Church has been in this location for 150 years and he does not want anything that will conflict with the church.

Hearing no additional comments, Vice-Chairman Holbrook declared the public hearing closed.

**ACTION:** Jo Boggs made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the rezoning as requested.*

ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP  
2221 S Post Road – 2.6 acres  
Neighborhood Business (NB) to General Business (GB)

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 this parcel totaling 2.6 acres on March 27, 2007; and

WHEREAS, this parcel is classified as “Commercial” on our 2015 Future Land Use Plan, and the General Business zoning district is consistent with the comprehensive plan for this area; and

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

WHEREAS, notice of the Public Hearing was published in the Shelby Star on March 23, 2007, and March 30, 2007, notices were mailed to adjoining property owners on March 23, 2007 and a sign posted at the property on March 23, 2007; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by the Cleveland County Board of Commissioners to amend the Official Zoning Map following a Public Hearing on April 3, 2007; 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 3228, from Neighborhood Business (NB) to General Business (GB) as identified on the attached map designated “Rezoning Case 07-02”, being incorporated herein by reference and made part of this ordinance.

BEGINNING at a point in the center on NC180 at the northwest corner of the Gordon Lowery lot, and running thence with the said Lowery line S23-30E 200 feet; thence S31-30E 197 feet to the center of the railroad; thence with the railroad; thence with Biggers line N68W 535 feet; thence with the center line of NC 180 N62E 444 feet to the BEGINNING

This Ordinance shall become effective upon adoption and approval.

Adopted this 3rd day of April, 2007.

**COMMISSIONER REPORTS**

Commissioner Hutchins:

- Attended Cleveland 20/20 Economic Development Partnership meeting at the North Carolina Department of Commerce in Raleigh. It was very productive to meet with the department staff face-to-face.

Commissioner Boggs:

- Attended Pathways retreat at the Catholic Center in Hickory, Uptown Shelby Easter Egg Hunt, Hospice dinner and State of the Community breakfast in Boiling Springs.

Vice-Chairman Holbrook

- Attended Career Readiness at Cleveland Community College and the Boys and Girls Club Banquet.
- Met with Clean Water Management Trust Fund regarding a project in Cleveland County.
- Represented Cleveland County at the State Parks and Recreation Conference. At this conference, Commissioner Holbrook discussed county goals with Legislators.

**RECESS TO RECONVENE UNTIL THURSDAY, APRIL 12<sup>TH</sup>, 9:00 a.m.**

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, to recess (at 6:45 p.m.) to reconvene for budget hearings of the Commission on *Thursday, April 12<sup>th</sup>, 9:00 a.m.* in this Commission Chamber.

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*Eddie Holbrook, Vice-Chairman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*