

CLEVELAND COUNTY BOARD OF COMMISSIONERS

August 7, 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: Mary S. Accor, Chairwoman
Eddie Holbrook, Vice-Chairman
Jo Boggs, Commissioner
Ronald J. Hawkins, Chairman
Johnny Hutchins, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Bill McCarter, Planning Director
Chris Crepps, Finance Director
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Accor 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: Ronnie Hawkins made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk.*

CITIZEN RECOGNITION

Mr. Norman Bumgardner of 1335 York Road in Kings Mountain spoke to Commissioners regarding the Kings Mountain Extraterritorial Jurisdiction (ETJ). Mr. Bumgardner explained that he "does not want zoning". He explained that the City of Kings Mountain is wanting to put more restrictions on those properties in the ETJ. He has gone to the Kings Mountain Planning Board where he did not have an opportunity to be heard. He told Commissioners that the City of Kings Mountain has 23% more property outside the city limits than they do inside the city limits. Mr. Bumgardner thanked Commissioner Hawkins, Commissioner Hutchins, David Dear and Bill McCarter for being so helpful and asked Commissioners if there is anything they can do to help him.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *July 10, 2007*, motion was made by Ronnie Hawkins, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *approve the minutes as written.*

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #001)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
010.410.4.991.00	General/Fd Bal Appropriated	\$5,000.	
010.411.5.700.00	Governing Body/Grants	5,000.	

Explanation of Revisions: *To set up increase in budget for Sports Commission. Original budget was \$10,000 but \$15,000 is needed.*

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *June 2007*. The monthly grand total of tax abatements was listed as (\$12,510.40); and, the monthly grand total for tax supplements was listed as \$12,950.92.

PLANNING DEVELOPMENT: ZONING MAP AMENDMENT – JOHN T. MILLER (Case 07-06) (Schedule a public hearing for September 4, 2007)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins and unanimously adopted by the board to *approve scheduling the public hearing as requested.*

FINANCE DEPARTMENT: 800 MHz EQUIPMENT PURCHASE (Schedule a public hearing for August 21, 2007)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins and unanimously adopted by the board to *approve scheduling the public hearing as requested.*

RESOLUTION: SUPPORT OF KINGS MOUNTAIN HIGH SCHOOL PEDESTRIAN OVERPASS

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

NUMBER 22-2007

In Support of
Kings Mountain High School Pedestrian Overpass

WHEREAS, Cleveland County Schools has renovated a building near the intersection of Maner Road and Phifer Road to provide additional classrooms for Kings Mountain High School;

WHEREAS, it is expected that the building will house 600 to 700 students causing 4,000 pedestrian crossings per day;

WHEREAS, realizing safety concerns of crossing this high number of students and the high number of vehicles traveling along Phifer Road, Cleveland County Schools requested NCDOT to assist in providing a safe pedestrian crossing;

WHEREAS, NCDOT has completed a traffic operations review which states that a pedestrian overpass would provide the safest crossing method by totally separating vehicles and pedestrians;

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners supports Representative Tim Moore's request for \$250,000 in discretionary funds to provide for the construction of this important project.

ADOPTED THIS THE 7TH DAY OF AUGUST 2007.

SPECIAL RECOGNITION

FRANK STEWART- ULTRA MACHINE & FABRICATION

Vice-Chairman Eddie Holbrook presented a Cleveland County shadow box to Mr. Frank Stewart. He said, "Mr. Stewart has committed himself to the success of Cleveland County."

*In Appreciation
of*

*Frank Stewart
and
Ultra Machine & Fabrication, Inc.*

*Thank you for the investment you made in Cleveland County
and in its citizens and for your commitment and dedication
to enhancing the quality of life in Cleveland County.*

*Presented by: Cleveland County
Board of Commissioners*

GERALD WEATHERS- GOOD SAMARITAN

Chairwoman Accor presented Gerald Weathers, Cleveland County citizen with a certificate of recognition.

*CERTIFICATE OF RECOGNITION
FROM THE
CLEVELAND COUNTY BOARD OF COMMISSIONERS*

PRESENTED TO

GERALD WEATHERS

*FOR HIS RANDOM ACT OF KINDNESS ~ FOR HEARING THE CALL OF HELP FROM WOHS
RADIO DJ TIM BIGGERSTAFF AND RUSHING TO THE STUDIO TO HELP ~ FOR CALLING
ANOTHER WOHS RADIO EMPLOYEE AND 911 TO OPEN THE DOOR WHERE THEY FOUND MR.
BIGGERSTAFF UNCONSCIOUS INSIDE ~ THE CLEVELAND COUNTY BOARD OF
COMMISSIONERS IS PROUD TO RECOGNIZE MR. WEATHERS AS A CLEVELAND COUNTY
GOOD SAMARITAN. WE COMMEND YOU!*

DR. LARRY ALLEN- CLEVELAND COUNTY SCHOOLS

Chairwoman Mary Accor presented Dr. Larry Allen with a Cleveland County Shadow Box in recognition of his over forty years of service to education in Cleveland County.

*In Appreciation
of*

Dr. Larry Allen

*For your dedicated commitment
to the children of Cleveland County
by giving over forty years of service to education
through your role as a teacher,
principal, superintendent and school board member,
We commend you!*

*Presented by: The Cleveland County
Board of Commissioners*

PUBLIC HEARINGS

PLANNING DEPARTMENT: ABANDONMENT OF PUBLIC RIGHT-OF-WAY TWO UN-NAMED ROADS IN BEAMUS SMITH SUBDIVISION

Bill McCarter presented a petition to Commissioners for the abandonment of two un-named roads shown on the recorded plat for Beamus Smith Subdivision. The roads have never been opened and they do not meet the current minimum width for a public road. The resolution of intent was adopted by the Board of Commissioners at their regular meeting of July 10, 2007.

Chairwoman Accor opened the public hearing (*public notice was accomplished in accordance with the mandates of NCGS 153A-241, with advertisements published in The Star on July 17, July 24 and July 31, 2007*). Hearing no comments, Commissioner Accor closed the public hearing.

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

Number 22-2007

**RESOLUTION
Final Order
To Abandon A Public Right of Way
Beamus Smith Subdivision**

WHEREAS, the Board of County Commissioners of Cleveland County, North Carolina, have received a petition from property owners adjoining a the *Un-Named Roads in the Beamus Smith Subdivision*, requesting that the public right-of-way (approximately 900 feet) be abandoned; and,

WHEREAS, the mandates of North Carolina General Statute 153A-241 have been met regarding the proposed abandonment of the public right-of-way; and,

WHEREAS, the Cleveland County Board of Commissioners held a public hearing on August 7, 2007.

NOW THEREFORE, BE IT RESOLVED THAT, in accordance with North Carolina General Statute 153A-241, the Cleveland County Board of Commissioners do hereby order the abandonment of *the Un-Named Roads in the Beamus Smith Subdivision*, and that a copy of this order be filed in the Office of the Register of Deeds.

ADOPTED THIS 7th DAY OF AUGUST 2007.

*/S/ Mary S. Accor, Chairwoman
Cleveland County Board of Commissioners*

REGULAR AGENDA

LANDFILL: METHANE GAS COLLECTION

Stan W. Steury, Appalachian State University Energy Center talked about landfill gas. Several years ago, the Golden Leaf Foundation gave the Energy Center funds to complete feasibility studies for landfill gas development in eight rural or semi-rural counties. These counties were picked jointly

by the Energy Center and the Golden Leaf Foundation because of the opportunities for economic development. The study would be paid for by the Golden Leaf Foundation. The completion of this feasibility study could lead to other funding from the Golden Leaf Foundation or other funding sources if economic development could occur. There have been people in Cleveland County who have already shown interest in landfill gas. With rising energy costs, the value of landfill gas as fuel has increased. If Commissioners move forward with the completion of the feasibility study, Appalachian State University Energy Center would explore how much gas is at the landfill and put a value to it. In conjunction with the County Manager, they would also develop a task force to come up with ways that the gas could be used to most benefit Cleveland County.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *complete the Landfill Gas for Community Development Study.*

CLEVELAND COUNTY TRAVEL AND TOURISM UPDATE

Cleveland County Travel and Tourism Director, Jackie Sibley, shared the successes of Cleveland County Travel and Tourism over the last year. Over the past two years, occupancy taxes have increased 19% which is phenomenal considering that there have been no new hotel rooms constructed in Cleveland County in that time frame. The Best Western in Kings Mountain will be opening in a few weeks. Travel and Tourism is looking to attract new hotels to the area as well as bed & breakfasts.

Through the additional funding that was made possible by the County Commission, Ms. Sibley has been able to advertise monthly in "Our State" magazine. She is advertising different events on visitnc.com and hopes to advertise in Better Homes & Gardens in the near future. She is recognizing a lot of traffic from Charlotte. Ms. Sibley is working on a Visitor's Guide which will be completed before the Cleveland County Fair. Commissioners thanked Ms. Sibley for her hard work and enthusiasm.

PLANNING DEPARTMENT: LAND USE PLAN "PRIORITY ACTION ITEMS"

In a worksession on September 13, 2005, the Board of Commissioners developed a list of "Priority Action Items" from the goals and objectives in the Land Use Plan (*see below*). At that time, Commissioners asked that this list of priorities be re-visited every so often to ensure that these priorities are still in line with goals of the current board. The first three priority action items have been completed. The Planning Board is suggesting that items 5 and 6 be combined. Mr. McCarter said, "On one hand we would be taking away the businesses all along the highways (Item 6) but we

will be adding a new "rural/scenic" zoning district. This district would allow a limited amount of non-residential type development to occur in the district subject to development standards that ensures that new non-residential development "fits in" with its surrounding." Mr. McCarter asked the Board to support the Planning Boards recommendation of combining items 5 and 6 of the Priority Action Items. There was discussion regarding the Land Use Plan. No formal vote was taken, however, Mr. McCarter was advised to continue working toward combining Priority Action Items 5 and 6.

**PRIORITY ACTION ITEMS
CLEVELAND COUNTY LAND USE PLAN**

(as recommended by the Cleveland County Planning Board)
Commissioners Approved 09-13-2005

	TOPIC	STRATEGY NUMBER	RECOMMENDATION	COMMENTS
1	Transportation	T-D2	Expand the County's "Scenic Byway" program.	The County is encouraged to apply to NCDOT for the designation of eight roads for "Scenic Byway" status. Except in the rural/scenic zoning district (see Strategy R-E1), commercial and industrial development along these roads would be discouraged.
2	Coordination and Enforcement	CE-B3	Reorganize County Planning Department to become "one-stop" agency for planning and land development issues in the County.	Cleveland County should have "one-stop shopping" for zoning and building permits for all jurisdictions within the County.
3	Residential/ Commercial/ Industrial	R-C2	Upgrade manufactured home development standards	The LUO standards regarding manufactured homes need to be upgraded to deal with exterior design, age, location, etc.
4	Open Space/ Greenways	O-A1	Develop a Countywide greenway masterplan.	Plan for and develop a greenway network that links the South Mountains with the Broad River Greenway, the Kings Mountain National Battlefield, and Crowders Mountain State Park is envisioned. Putting such a plan into place early on maximizes the County's opportunity to preserve key open space and to position themselves for grants.
5	Residential/ Commercial/ Industrial	R-E1	Create a rural/scenic zoning district.	A new "rural/scenic" zoning district is suggested for the northern/northwestern third of the County as well as the southwest and southeast corners. The minimum lot size would be one acre. A limited amount of non-residential type development could occur in the district subject to development standards that ensures that new non-residential development "fits in" with its surrounding.
6	Residential/ Commercial/ Industrial	R-A2/C-A2/C-B2/C-B4	Eliminate the CP zoning district and replace with a series of aesthetic and well-designed commercial nodes and development areas.	Commercial nodes and other commercial areas are designated throughout the County. Commercial development should be concentrated in these areas (except for the small-scale, neighborhood/rural-based commercial and non-residential development that is also allowed in the newly created "rural/scenic" zoning district). Exterior building development standards should be in place to ensure that all new development is aesthetically pleasing.
7	Residential/ Commercial/ Industrial	I-A1/I-B1	Promote areas for industrial development by depicting such areas on the Future Land Use Plan map. Development standards for industrial uses should be upgraded to ensure that new developments are harmonious with the area in which they are located.	There are 11 separate areas on the Future Land Use Plan map targeted for industrial growth. Industrial rezonings should occur in these areas (unless the LUP is modified accordingly.) Furthermore, these areas are appropriate targets for utility infrastructure expansion to support industrial/commercial growth. To accommodate this growth, the County's land use regulations should be amended to address the range of permitted and conditional light and heavy industrial uses; screening and landscaping around industrial sites; exterior appearances as seen from abutting roads, etc.
8	Utilities/Coordination and Enforcement	U-A1/CE A-4	Engage utility provide to participate in regular meetings with each other as well as with transportation and land use officials.	The utility providers need to meet on a regular basis to better coordinate utility planning and expansion; furthermore, they need to also meet with planning and transportation officials to ensure that utility, transportation, and land use and public facilities/economic development planning is coordinated.

BID FOR PURCHASE OF FORECLOSURE REAL ESTATE (PARCEL #37137)

Mr. Yelton explained that a \$1,150.00 bid to purchase this parcel has been received from Jack Spangler. Mr. Spangler has given the Clerk a deposit in the amount equal to 5% of the bid. In accordance with NCGS 160A-268, sale of property by sealed bid requires that advertisement for bids shall be begun not less than 30 days before the date fixed for opening bids. An advertisement was placed in the Shelby Star on June 15, 2007. One bid was received making Mr. Spangler's bid of \$1,150 the low bid.

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to accept Mr. Spangler's bid of \$1,150 for purchase of Parcel # 37137.*

COMMISSIONERS REPORT

Commissioner Hawkins encouraged all board members to attend the Chamber Fall Planning Conference.

Commissioner Hutchins commended Mr. Bumgardner for taking a stance on his beliefs regarding ETJ issues. Mr. Hutchins attended the prison graduation. "These are great skills for these men to go back into the workforce".

Commissioner Boggs shared her excitement about permanent Medicaid Relief.

Chairwoman Accor asked Commissioners to begin thinking about who would like to serve as District 15 Director for the NC Association of County Commissioners.

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to adjourn. The next regular meeting will be held *on Tuesday, August 21, 2007 at 6:00 p.m.* in this Commission Chamber.

*Mary S. Accor, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*