

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**October 2, 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, Commissioner  
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  
Chris Green, Tax Administrator  
Bill McCarter, Planning Director  
Denese Stallings, Health Director  
Danny Gordon, Chief Deputy  
Pete DeLea, The Star  
Kathryn Larson, Cleveland Headline News  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairwoman Mary Accor called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Perry Holleman, of First Baptist Church in Shelby, provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Ronnie Hawkins made the motion, seconded by Vice-Chair Holbrook, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following additions:*

(1) **Discussion regarding Cleveland County Code of Ordinances- Section 12-193- Private Roads** (Commissioner Johnny Hutchins)

**CITIZEN RECOGNITION**

**Brendan LeGrand** spoke regarding the Old Cleveland County Courthouse/Museum. Ms. LeGrand began by giving each Commissioner a list of several questions that she felt Commissioners should address publicly for the citizens of Cleveland County. Ms. LeGrand felt articles in the newspaper suggest that the Earl Scruggs Center is a "done deal." Questions referred to contracts between Cleveland County and Destination Cleveland County, where and how the artifacts currently there will be stored and who will be paying for the renovations to the old courthouse. Ms. LeGrand asked Commissioners to, "Please take the opportunity to answer these questions." Later in the meeting, Chairwoman Accor directed County Manager David Dear to respond to the questions from Ms. LeGrand.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions or deletions to the minutes of **August 21, 2007, September 4, 2007 and September 17, 2007**, motion was made by Ronnie Hawkins, seconded by Jo Boggs, and unanimously adopted by the Board, to **approve the minutes as written**.

**SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #012)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jo Boggs, 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>
011.508.4.310.00/93558-P238	Income Maintenance/Fed Gov. Grants	\$78,140.	
011.508.5.500.01	Income Maintenance/Misc. Grant Expense	78,140.	

Explanation of Revisions: Budget amendment necessary to accept additional Work First Demonstration Grant funds (100% Federal TANF Funds) to identify best practices that can improve the work participation rates for the All-Family Work First caseload.

**GOVERNING BOARD: BUDGET AMENDMENTS (BNA #013)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jo Boggs, 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>
010.410.4.991.00	General/FD Bal Appropriated	\$25,000.	
010.411.5.700.00	Governing Board/Grants	25,000.	

Explanation of Revisions: To make improvements to Legion Stadium in anticipation of the American World Series.

**BOARD OF ELECTIONS: BUDGET AMENDMENTS (BNA #014)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jo Boggs, 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>
010.418.4.350.00/90401-8418	BOE/State Grants	\$25,645.	
010.418.5.421.00/90401-8418	BOE/Maint Contracts-Equip	25,645.	

Explanation of Revisions: To budget maintenance contract with the state to service new voting equipment. This hardware/software maintenance will be paid for with HAVA funds.

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #016)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jo Boggs, 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>
012.531.4.350.00/11220-5573	AIDS/State Govt. Grants	\$5,800.	
012.531.5.513.07/11220-5573	AIDS/Mental Health Fees	5,800.	

Explanation of Revisions: Budget additional appropriation from DHHS/AIDS Medical/Dental Grant for mental health services of clients enrolled in the program.

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #017)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jo Boggs, 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>
012.539.4.350.00/93994-5151	Family Planning/State Govt. Grants	\$14,132.	
012.539.5.230.00/93994-5151	Family Planning/Medicine & Supp	5,000.	
012.539.5.230.01/93994-5151	Family Planning/Prescription Drugs	5,000.	
012.539.5.513.00/93994-5151	Family Planning/Hosp. & Drs. Fees	4,132.	
012.539.4.350.00/93217-6014	Family Planning/State Govt. Grants	1,438.	
012.539.5.210.00/	Family Planning/Departmental Supp.	1,438.	
012.539.4.350.00/93217-6015	Family Planning/State Govt. Grants	1,354.	
012.539.5.513.00/	Family Planning/Hosp. & Drs. Fees	1,354.	

Explanation of Revision: 1) Budget State TANF Out- of- Wedlock funds for operating expenses 2) Budget State FP Bonus Funds for operating expenses (replace small table, organizer, clocks, etc.). 3) Budget FP Women's Health Services funds for operating expenses.

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #018)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jo Boggs, 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>
012.548.4.410.00	CODAP/Local & Other Grants	\$2,000.	
012.548.5.310.00	CODAP/Travel & Training	250.	
012.548.5.370.00	CODAP/Advertising	125.	
012.548.5.581.00	CODAP/Awards/Incentives	125.	
012.548.5.894.00	CODAP/Budgetary Acct.-Other Sources	1,500.	

Explanation of Revision: Budget funds from City of Shelby for Weed and Seed Substance Abuse Education program.

**PLANNING DEVELOPMENT: PROPOSED CODE AMENDMENT – TOWN OF MOORESBORO (Case 07-05) (Schedule a public hearing for November 6, 2007)**

Commissioner Hutchins expressed his concern with the recommendation that: *trees used as a screening must have a minimum height at planting of two feet, and reach a height of six feet within two years.* Commissioner Hutchins was concerned that there would not be a plant that could grow four feet in two years.

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

**SALE OF SURPLUS PROPERTY: PARCEL ID# 6345 – MR. & MRS. FLOYD WOOTEN**

Cleveland County obtained Parcel #6345 in July 2005, when it took over operations and property of Cleveland County Memorial Library. The property was a gift to the Library in memory of Paul W. Vogel, by his wife, Mary L. Vogel, with a stipulation that Cleveland Memorial Library could not sell it until January 2007. County management has not identified any governmental use for this property; therefore, this property was sold by the upset bid process (NCGS 160A-269), with a final offer by Mr. and Mrs. Floyd Wooten to purchase this property for \$13,000.

**ACTION:** Ronnie Hawkins made the motion, seconded by Jo Boggs and unanimously adopted by the board *to accept the final offer of \$13,000 for Parcel #6345 from Floyd and Deborah Wooten.*

**CITIZEN RECOGNITION**

**JOE WRIGHT- WORLD RABIES DAY**

In 2007, rabies cases have hit Cleveland County harder than ever, giving Cleveland County one of the highest rates of rabies in the state. On Saturday, September 8<sup>th</sup>, Dr. Joseph Wright administered over seven hundred rabies vaccinations (Note: number different on award. Number confirmed after the award had been printed) to animals of Cleveland County. Commissioners presented Dr. Wright with an award to thank him for helping fight the rabies problem in Cleveland County. The award read as follows:

*In Appreciation  
of*

*Dr. Joseph Wright*

*for his support of World Rabies Day ~  
for helping control the high rate of rabies in  
Cleveland County by donating and administering  
over five hundred rabies vaccinations*

*Presented by: The Cleveland County  
Board of Commissioners*

*October 2, 2007*

**MINORITY ENTERPRISE DEVELOPMENT WEEK**

**ACTION:** Jo Boggs made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following proclamation, as presented by Richard Hooker and Gaye DeVoe.*

**04-2007**

**MINORITY ENTERPRISE DEVELOPMENT WEEK  
October 14-20-2007**

**WHEREAS**, the annual observance of "**Minority Enterprise Development Week**" has been proclaimed by the President of the United States since 1983 to honor the entrepreneurial spirit, outstanding achievements and rich legacy that minority business enterprises have contributed to the national and local economy; and

**WHEREAS**, this year's theme, "**Celebrating the Legacy of Innovation and Competitiveness**", reflects an important milestone with the 25<sup>th</sup> anniversary celebration of Minority Enterprise Development Week to highlight a tradition of extraordinary growth, innovative ideals and continuous improvements in an ever-changing global economy that demand critical knowledge, creativity and the skills required to compete successfully in the 21<sup>st</sup> century; and,

**WHEREAS**, the Cleveland County Business Development Center in collaboration with Cleveland Community College, Alliance for Health, Minority Health Council, The Star, Edward Jones Investments and the Core Group have teamed up to promote greater awareness, education, information and strategies to improve the quality of life in Cleveland County; and,

**WHEREAS**, the annual Minority Health Conference on October 20<sup>th</sup> will culminate this year's celebration by focusing on the importance of building a healthy, vibrant and inclusive community through education and raising awareness about preventative health initiatives that lead to eliminating health disparities, especially in the African American community and helping to improve the quality of life for all residents of Cleveland County; and

**NOW, THEREFORE**, the Cleveland County Board of Commissioners, do hereby proclaim **October 14-20, 2007** as "**Minority Enterprise Development Week**" in Cleveland County in recognition of the above organizations efforts to raise awareness and honor the accomplishments of minority business enterprises, individuals and institutions that work together to make a difference in Cleveland County.

**ADOPTED THIS THE 2<sup>nd</sup> DAY OF OCTOBER 2007.**

## REGULAR AGENDA

### REQUEST FOR ADDITIONAL SPACE- DETENTION CENTER ANNEX

Chief Deputy Danny Gordon, Captain Phyllis Sims and Lieutenant Mark Davis delivered a presentation to Commissioners concerning the proposed Detention Center Annex Expansion Project. Lt. Davis began by reading the Mission and Vision Statement. The Vision statement was specific to the Detention Center Expansion and read as follows:

***To have a Detention Center Expansion of adequate size and construction, which will meet the needs of this county for at least the next 10 years at minimum, that's capable of housing an inmate population which is expected to continuously increase as our County population grows, the number of Law Enforcement officers increase, and the demands of the Court System on our detention facilities increase.***

Lt. Davis also read the goals and objectives, some of which included: relieving overcrowding, providing cells for high risk inmates and mental health patients, upgrading existing facilities to meet current code requirements, and providing bed space for projected increases in jail population over the next ten years. The Detention Facility is aging rapidly, as this building is used 24 hours a day, 7 days a week, aging three times faster than any other government building in Cleveland County.

Currently, the Cleveland County Detention Center has a rated capacity of 172 inmates. The 2006 weekly average was 175, and the 2007 weekly average population is 188 inmates. Captain Sims was asked what the highest number of inmates housed on a given day was and she responded, "One day the Cleveland County Detention Center housed 235 inmates." The majority of inmates housed (77%) are pre-trial detainees. The remaining inmates are serving County Jail sentence (8%), and awaiting transport to Department of Correction (15%). Captain Sims told Commissioners that the average stay is between thirty days to six months, depending on the charge; however, there are inmates that have been housed at the detention center for three years. The DA's Office, Magistrates Office and the Courts have worked very well with the Detention Center to try and control the overcrowding, but "some people just need to be in jail," she said. Captain Sims showed Commissioners several pictures of inmates sleeping on mats on the floors of the Detention Center.

The Sheriff's Department has done several things to try and relieve the problem, including video arraignment and Pre-trial services. Captain Sims quoted from the Jail Planning Guide, "A few counties have been forced through class action lawsuits to rectify jail conditions . . . lawsuits can cost counties thousands, if not millions of dollars in fines (if compliance with the requirements mandated by these lawsuits are not met) and in required improvement costs."

The 88 bed Jail Annex facility was built without a Needs Assessment. On the day it opened, there were 145 inmates in custody. The main jail was to capacity at 74 and 71 inmates were housed in the new

annex leaving only 9 beds empty on opening day. Weekenders were being turned away before the new annex was opened and continue to be turned away.

Cleveland County is currently averaging 40 inmates a day over capacity. Should they be forced to house these inmates out of county, it would cost the county an average of \$2,200 per day, plus transportation and medical costs, totaling over \$900,000 per year.

Many other counties are facing the same problems as Cleveland County and are either beginning construction or just completing new jail facilities. With detention bed space needs the way they are across the state, should a new jail be built with beds above the needs, Cleveland County could potentially rent out space and help bring in revenue to pay for the building.

The Sheriff's Department suggested that first a Needs Assessment be completed to determine the needs of the county over the next ten years. Once a Needs Assessment is completed, a Feasibility Analysis and Site Selection will occur. This process will test various options to provide for these future needs. The next step will be Programming. During this step, the operations of the jail will be discussed and documented, including the required rooms and square footage requirements. Then the design phase will begin. During this step, architects and engineers will begin to interpret the program requirements and develop the actual building design. Finally, the building will be constructed and the transition process will be completed.

Chief Deputy Danny Gordon, on behalf of Sheriff Hamrick, offered the following recommendations:

- Start at the first step and conduct the Needs Assessment before moving forward.
- Form a Committee of Administrators to go to The National Corrections Academy in Aurora, Colorado, April 6-11, 2008, for their training "Managing Jail Design and Construction," applications due Jan. 7, 2008; suggested that County Manager, Jail Administrator, Chief Deputy attend. This training is free.
- Introduce Todd Davis, of Brennan and Associates, and allow him to present his proposal to Commissioners.

Chief Gordon told Commissioners, "We have reached the threshold of critical state. I hope you understand how severe and critical this is."

Commissioner Hawkins recommended that Commissioners conduct a meeting between Commissioners, Sheriff's Department and Judges regarding this proposed jail expansion. All Commissioners agreed.

Chairwoman Accor stated, “We are out of compliance. We need to deal with it.” Chief Gordon invited all Commissioners to tour the current Cleveland County jail facilities and any other facilities being built by surrounding counties.

Chairwoman Accor suggested November 15<sup>th</sup> at 4:00pm as a possible meeting date for a Jail Planning Work Session. She, in agreement with Commissioners, advised County Manager David Dear to accept Commissioners questions and forward them to the Sheriff’s Office.

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – BETTY LOVELACE (Case #07-08) (FARMVILLE ROAD)**

Mr. McCarter advised that Ms. Lovelace had presented a petition to rezone approximately twelve acres along Farmville Road from Restricted Residential (RR) to Residential (R).

The background on the property is follows:

Existing Land Use: This property includes a mix of single family dwellings and mobile homes. Surrounding land uses are large rural tracts. Commercial Uses are found at the intersection of West Cabaniss and Washburn Switch.

Future Land Use: Residential

Utilities: Public water provided by Cleveland County Sanitary District.

Transportation: Farmville Road is considered a collector street.

He also reviewed the following recommendations from the Planning Board and the Isothermal Planning & Development consultant:

Isothermal Planning- APPROVE- Based upon the fact that the land adjacent to this property is zoned Residential (R), and also the fact that the future land use is projected to be residential; it is our recommendation that this proposal could be approved.

Planning Board – APPROVE- The Planning Board voted unanimously to recommend this rezoning. This decision was based on the following facts:

Conforms with the 2015 Land Use Plan

This area is projected for residential use on the Land Use Plan, and the Residential (R) zoning district would conform to our plan.

Spot Zoning

This proposal is simply an expansion of an existing zoning district, and therefore would not be considered spot zoning.

Adequate Utilities & Roads

Farmville Road is classified by NCDOT as a major collector.  
Public water is provided by CCSD, no public sewer available

Chairwoman Accor opened the public hearing. (*Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on September 21 and September 28, 2007.*) Hearing no comments, Chairwoman Accor declared the public hearing closed.

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the rezoning petition.*

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
12 acres along Farmville Road  
Restricted Residential (RR) to Residential (R)**

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

WHEREAS, the Cleveland County Planning Board recommended to approve the rezoning of these parcels totaling 12 acres on September 25, 2007; and

WHEREAS, these parcels are classified as "Residential" on our 2015 Future Land Use Plan, and the amendment would be 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 September 21, 2007, and September 28, 2007, notices were mailed to adjoining property owners on September 14, 2007 and a sign posted at the property on September 14, 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 October 2, 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 parcels 32639, 32640, 42079, 58506, from Restricted Residential (RR) to Residential (R) as identified on the attached map designated "Rezoning Case 07-08", being incorporated herein by reference and made part of this ordinance.

Parcel 32639 – William Lovelace – 10.12 acres  
Parcel 32640 – Larry W & Joreka Davis – 0.96 acres  
Parcel 42079 – Larry W & Joreka Davis – 0.50 acres  
Parcel 58506 – Jerry W & Judy Ann Lowery – 1.06 acres

This Ordinance shall become effective upon adoption and approval.

Adopted this 2nd day of October, 2007 at 6:00 p.m.

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – ERNEST & TROPZIE  
MCCLUNEY (Case #07-09) (OAK GROVE ROAD)**

Mr. McCarter advised that Mr. & Mrs. McCluney presented a petition to rezone approximately 8.6 acres along Oak Grove Road, from Residential (R) to Restricted Residential (RR).

The background on the property is follows:

Existing Land Use: This property includes a mix of single family dwellings and vacant lots. Surrounding land uses are residential. A large Restricted Residential district is located across the street.

Future Land Use: Residential

Utilities: Public water provided by Cleveland County Sanitary District.

Transportation: Oak Grove Road is considered an arterial street.

He also reviewed the following recommendations from the Planning Board and the Isothermal Planning & Development consultant:

Isothermal Planning – APPROVE - Based upon the fact that the land adjacent to this property is also zoned Restricted Residential (RR), and also the fact that the future land use is projected to be residential, it is our recommendation that this proposal could be approved.

Planning Board – APPROVE - The Planning Board voted unanimously to recommend this rezoning. This decision was based on the following facts:

Conforms with the 2015 Land Use Plan

This area is projected for residential use on the Land Use Plan, and the Restricted Residential (RR) zoning district would conform to our plan.

Spot Zoning

This proposal is simply an expansion of an existing zoning district, and therefore would not be considered spot zoning.

Adequate Utilities & Roads

Oak Grove Road is classified by NCDOT as a major thoroughfare.



Public water is provided by CCSD, no public sewer available

Chairwoman Accor opened the public hearing. (*Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on September 21 and September 28, 2007.*)

**Tropzie McCluney-** Ms. McCluney told Commissioners that efforts have been made to keep this community beautiful. Over the last several years, some properties have been demolished. The demolition of these abandoned houses got neighbors excited about new “single family” homes being built. Senior citizens feel safe here. Ms. McCluney also told Commissioners that she and several others thought this property was zoned restricted residential, since the property across the street is that zoning classification. “We want to preserve this community,” Ms. McCluney said.

Hearing no further comments, Chairwoman Accor declared the public hearing closed.

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

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
9.2 acres along Oak Grove Road  
Residential (R) to Restricted Residential (RR)**

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

WHEREAS, the Cleveland County Planning Board recommended to approve the rezoning of these parcels totaling 9.2 acres on September 25, 2007; and

WHEREAS, these parcels are classified as “Residential” on our 2015 Future Land Use Plan, and the amendment would be 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 September 21, 2007, and September 28, 2007, notices were mailed to adjoining property owners on September 14, 2007 and a sign posted at the property on September 14, 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 October 2, 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 parcels 22160, 22161, 22164, 22166, 22167, 22168, 22178, 22179, 22181, 59672, 59673, 59674, 73822 from Residential (R) to Restricted Residential (RR) as identified on the attached map designated “Rezoning Case 07-09”, being incorporated herein by reference and made part of this ordinance.

Parcel 22160 – Mackey Family Irrevocable Trust – 0.45 acres  
Parcel 22161 – Tropzie W McCluney & Marcina W Harris – 0.17 acres  
Parcel 22164 – Earnest P & Tropzie McCluney – 0.44 acres  
Parcel 22166 – Vida Oates Webber Heirs – 1.05 acres  
Parcel 22167 – Charles J & Rhonda Shivers – 0.55 acres  
Parcel 22168 – Bobby Gene & Tawanna S Oates – 0.94 acres  
Parcel 22178 – James H & Betty Ann Webber – 0.48 acres  
Parcel 22179 – James H & Betty Ann Webber – 2.59 acres  
Parcel 22181 – John D & Maxine Oates – 0.50 acres  
Parcel 59672 – Javier G Acosta – 0.53 acres  
Parcel 59673 – David J Youngman – 0.53 acres  
Parcel 59674 – David J Youngman – 0.53 acres  
Parcel 73822 – Ronald B & Elizabeth E Webber – 0.48 acres

This Ordinance shall become effective upon adoption and approval.

Adopted this 2<sup>nd</sup> day of October, 2007 at 6:00 p.m.

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – HOKE ENTERPRISES (Case #07-11) (BLACKSBURG ROAD)**

Mr. McCarter advised that Chris Greene, representative of Hoke Enterprises, has presented a petition to rezone approximately 4.16 acres at 2550 Blacksburg Road, from Residential (R-CP) to Light Industrial (LI-CP).

The background on the property is follows:

Existing Land Use: This property is currently used for a building contractor. Surrounding land uses are industrial to the north and east, large rural tracts to the south and west. Mr. Hoke also lives on the large tract to the south, adjoining the town limits of Earl.

Future Land Use: Light & Heavy Industrial

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

Transportation: NC198 is considered a major thoroughfare,

He also reviewed the following recommendations from the Planning Board and the Isothermal Planning & Development consultant:

Isothermal Planning- APPROVE- Based upon the fact that the land adjacent to this property is zoned Light Industrial, and also the fact that the future land use is projected to be industrial; it is our recommendation that this proposal could be approved.

Planning Board – APPROVE- The Planning Board voted unanimously to recommend this rezoning. This decision was based on the following facts:

Conforms with the 2015 Land Use Plan

The Light Industrial (LI) zoning district will conform to our Land Use Plan for this area.

Spot Zoning

This proposal is simply an expansion of an existing zoning district, and therefore would not be considered spot zoning.

Adequate Utilities & Roads

Blacksburg Road is considered a major collector street by NCDOT.

Public water is provided by CCSD. No sewer is available.

Chairwoman Accor opened the public hearing. (*Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on September 21 and September 28, 2007.*) Hearing no comments, Chairwoman Accor declared the public hearing closed.

**ACTION:** Jo Boggs made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the rezoning petition.*

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
2550 Blacksburg Rd. – 4.16 acres  
Residential (R) to Light Industrial (LI)**

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 4.16 acres on September 25, 2007; and

WHEREAS, this parcel is classified as “Light & Heavy Industrial” on our 2015 Future Land Use Plan, and the amendment would be 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 September 14, 2007, and September 21, 2007, notices were mailed to adjoining property owners on September 14, 2007 and a sign posted at the property on September 14, 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 October 2, 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 a portion of parcel 71759, from Residential (R) to Light Industrial (LI) as identified on the attached map designated "Rezoning Case 07-11", being incorporated herein by reference and made part of this ordinance.

BEGINNING at a point in the center on NC198 at the northeast corner of Ray P. & Jane E. Bettis Hoke, and running thence N77-25-21W 590.14 feet; thence with the power line right of way, S10-40-56E 371.67 feet; thence S77-25-21E 477.89 feet to the edge of the right of way for NC 198; thence with NC 198 the following calls, N04-39-47E 84.89 feet, N09-10-16E 164.94 feet, N85-17-07W 11.76 feet, N11-44-01E 94.36 feet to the point of BEGINNING containing 4.16 acres.

This Ordinance shall become effective upon adoption and approval.

Adopted this 2<sup>nd</sup> day of October, 2007 at 6:00 p.m.

**TAX DEPARTMENT: 2008 SCHEDULES, STANDARDS AND RULES AND 2008 PRESENT USE SCHEDULES, STANDARDS AND RULES**

At the September 4, 2007 Commissioners meeting, Chris Green, Tax Administrator, explained to Commissioners that NC General Statutes require that the County Assessor submit to the Board of Commissioners, the proposed Schedules, Standards and Rules to be used in the 2008 Revaluation. Cleveland County is currently on a four-year revaluation schedule. He explained that Commissioners would need to hold a public hearing for comments on the proposed schedules. There would be no action required by the board at the public hearing. The Board will not issue an order of adoption until seven days after the public hearing. This request for adoption will be made at the October 16<sup>th</sup> Board of Commissioners meeting.

Chairwoman Accor opened the public hearing. (*Notice of this hearing was accomplished in accordance with NCGS 105-317(c)(2), with a legal ad published in the Star on September 19.*) Hearing no comments, Chairwoman Accor declared the public hearing closed.

**DISCUSSION REGARDING CLEVELAND COUNTY CODE OF ORDINANCES- SECTION 12-193- PRIVATE ROADS**

Commissioner Johnny Hutchins recently attended the Board of Adjustment meeting, where Brenda Wacaster was petitioning the board for approval to put a home on a piece of property currently served by a private road. This road currently serves seven lots, consisting of relatives from the family. Under the minor subdivision ordinance, a private road can only serve four lots. The Planning Department was unable to issue a permit to Ms. Wacaster. Ms. Wacaster decided to bring this before the Board of Adjustment. Her request for a permit was denied. Ms. Wacaster understands that the Board of Adjustment has made their ruling and her only alternative would be to challenge it in court.

Commissioner Hutchins asked, “How many situations has this ordinance created to try to eliminate the building on minor subdivisions that people have spent a lifetime paying on for their families? When this was put into effect, I don’t believe that Commissioners thought that this would affect people’s lives.”

Attorney Bob Yelton advised Commissioners that they have the ability to change the ordinance.

Chairwoman Accor asked that this item be added to the Commission work session scheduled for January 22<sup>nd</sup>.

### **COMMISSIONER REPORTS**

#### **Commissioner Hawkins:**

Cleveland County ranks #1 in the State of North Carolina for the number of animals euthanized. Currently, animals are being euthanized via a gas chamber and this method has been the norm for many years. Commissioner Hawkins stated, “This is cruel and inhumane to me.” Commissioner Hawkins recently attended a meeting with Sam Lockridge and Denese Stallings where they met with individuals who say that Cleveland County could euthanize animals with a single injection cheaper than gas. This group would send people to Cleveland County to train them how to administer the injection. Forty counties have begun using this method. The Cleveland County Health Department is trying to move forward. Commissioner Hawkins asked the others to, “Open your minds and hopefully agree to this change.”

At the last work session, Commissioners discussed the use of county personnel for other services in the county. Commissioner Hawkins has identified a group of individuals in this county that go above and beyond. He asked that the board recognize these individuals. These employees work for the Cleveland County Landfill. They have completed grading projects, most recently a large grading project at the Industrial Park, saving the county thousands of dollars. They are currently working on a grading project in the Town of Polkville. Commissioner Hawkins commended County Manager David Dear for his creative thinking.

#### **Commissioner Hutchins:**

Commissioner Hutchins also expressed an interest in recognizing county employees. He mentioned that the Sheriff’s Office K-9 Division is a group that goes out into the community at places like the Cleveland County Fair to raise money for their dogs. These fundraising efforts save county taxpayers dollars.

Commissioner Hutchins shared that Cleveland 20/20 has been very active this month. Commissioner Hutchins has asked Stuart Gilbert, Chamber President, to explore how to make Cleveland County more marketable to retail businesses.

Commissioner Boggs:

Commissioner Boggs welcomed the idea of rewarding employees who go above and beyond. However, she advised Commissioners to be very careful, “Some people go beyond the call of duty every day.”

Ms. Boggs shared that both the Chairman and the Vice-Chairman of Pathways are from Cleveland County, which makes her very proud.

Vice-Chairman Holbrook:

Vice-Chair Holbrook read a statement in regards to information that has been flowing around Cleveland County in regards to the Cleveland County Fair.

“I would like to congratulate the fair, its board and administration for the outstanding job that is being done with this year’s fair. I would like to express my personal opinion about some statements that have been circulating around the county concerning me and my fellow Commissioners. Neither I, nor any of the Commissioners have discussed closing the fair. The fair situation has not even been on the agenda at any of our meetings. I have been a regular fair attendee since I have lived in Cleveland County. I enjoy the fair and my children enjoy the fair. Statements that have been attributed to me about the closing or moving the fair are completely false. I really do not mind being criticized for things I have said or done. It is part of the territory. But, I deeply resent anyone who takes statements from me and manipulates them in this manner about me. I ran for this office with the sole intent of hoping to make a contribution to our county and improve the quality of living for our citizens. If I have made mistakes along the way, I apologize. I am employed at the Community College. I can honestly say the college has never had any desire to take over or manage the fair. The college contributes the parking we have at no charge to the Fairgrounds and the Volunteer Fire Dept. I learned from my athletics days and business days that you can accomplish much more as a leader. It is my desire and the Community Colleges desires as well as our board to be the best team we can be. We want to do nothing but assist and make the fair even better for our citizens. I sincerely ask that you give us time to prove our intentions and to assist us in squelching these rumors that are numerous, widespread and untrue. Help us move forward in a positive growth mode that we all can be proud of.”

Chairwoman Accor

Chairwoman Accor shared an idea that she had with Commissioners to put more focus on the youth in Cleveland County. She would like Commissioners to consider a possible youth economic development incentive grant, where the county will match dollars raised by youth for non-profit agencies. She will bring more information to Commissioners during next year’s budget work session.

**ADJOURN**

There being no further business to come before the Board at this time, Ronnie Hawkins made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, to adjourn the meeting. The next regular meeting of the Commissioners is scheduled for *Tuesday, October 16, 2007 in this Commission Chamber.*

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*Kerri Melton, Clerk*  
*Cleveland County Board of Commissioners*