

CLEVELAND COUNTY BOARD OF COMMISSIONERS

November 16, 2010

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: Jo Boggs, Chairwoman
Johnny Hutchins, Vice-Chairman
Mary S. Accor, Commissioner
Ronald J. Hawkins, 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
Dewey Cook, Emergency Management Director
Joe Lord, EMS Director
David Dodd, 911 Communications Director
Mark Dellinger, Electronic Maintenance Director
Marty Gold, Information Technology Director
Alexis Pearson, Human Resource Director
Danielle Anzelone, Cleveland Headline News
David Allen, The Star
Other individual names on file in the Clerk's Office

ABSENT: Eddie Holbrook, Commissioner

CALL TO ORDER

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

CITIZEN RECOGNITION

Susan Melvin, spoke of the importance of ham radio operators and all that they do including 2,694 volunteer hours in Cleveland County. She spoke about what the economic impact would be should the county have to pay for these volunteer hours. She believes that allowing radio towers in all zoning districts would be an asset to the community. She explained all the things that these operators do to account for the volunteer hours some of which include: FEMA training, training for disasters that hopefully never happen and helping the Red Cross. She asked Commissioners to look at the time and service that these amateur radio operators provide before making any decision.

CONSENT AGENDA

APPROVAL OF MINUTES

ACTION: There being no other corrections, additions or deletions to the minutes of *October 19, 2010 and November 2, 2010 meetings*, motion was made by Ronnie Hawkins, seconded by Mary Accor, and unanimously adopted by the Board, to ***approve the minutes as written.***

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during **October 2010** (copy found on Page _____ of Minute Book 31).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **October 2010**. The monthly grand total of tax abatements was listed as (\$14,723.86) and the monthly grand total for tax supplements was listed as \$2,164,724.76.

SHERIFF'S OFFICE: BUDGET AMENDMENTS (BNA #027)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***approve the following budget amendment:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.441.4.810.15	Sheriff/Donation-Sheriff K-9	\$ 923.50.	
010.441.5.790.15	Sheriff/Donation-Sheriff K-9		923.50.

Explanation of Revisions: Request approval to budget donations received from Carillon Assisted Living Center in Shelby (Cow Patty Bingo donations). (\$566.50 received directly from Carillon and \$357 were additional private donations Carillon received to be given toward the CCSO K-9 Program to be used for K-9 supplies)

SHERIFF'S OFFICE: BUDGET AMENDMENTS (BNA #028)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***approve the following budget amendment:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.442.4.991.00/USICE-P442	Fed. Forfeited Prop/Fund Balance Approp	\$ 4,908.	
010.442.5.460.00/USICE-P442	Fed. Forfeited Prop/Controlled Prop Exp.		4,908.

Explanation of Revisions: Request approval to budget funding for access to LeadsOnLine, a web-based electronic data transfer service for pawn, scrapmetal recycler and eBay seller data. We will be given access to all items pawned and scrapped which has, in a trial mode, already solved several B&E cases, with stolen items returned to the owners.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #029)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***approve the following budget amendment:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.530.4.350.00/01120-1530	General/State Gov't Grants	\$95,303.	
012.530.5.122.00	General/Salary-PT	15,000.	
012.530.5.131.00	General/Social Security	930.	
012.530.5.136.00	General/Medicare Ins.	218.	
012.530.5.210.00	General/Departmental Supplies	5,704.	
012.530.5.211.00	General/Controlled Prop. Exp	4,700.	
012.530.5.213.00	General/Office Supplies	4,200.	
012.530.5.230.00	General/Medicine & Supplies	9,096.	
012.530.5.230.01	General/Prescription Drugs	33,443.	
012.530.5.310.00	General/Travel/Training	5,000.	

012.530.5.422.00 General/Contracted Labor 17,012.
Explanation of Revisions: Budget General Aid-to-Counties funds for centrifuge, audiometers, lateral files, PT salary, contracted labor and other misc. operating expenses.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #030)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the following budget amendment:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.537.4.310.00/93268-631X	Child Health/Federal Grants	\$ 3,258.	
012.537.5.213.00	Child Health/Office Supplies	700.	
012.537.5.422.00	Child Health/Contracted Labor	2,558.	

Explanation of Revisions: Budget funds from DHHS- for Immunization Action Plan activities that include: printing of immunization reminder cards and contracted labor to enter immunization in computer system.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #031)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the following budget amendment:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.543.4.350.00/NCPHS-1QIP	Grants/Local & Other Grants	\$ 1,500.	
012.543.5.213.00/NCPHS-1QIP	Grants/Office Supplies	200.	
012.543.5.311.00/NCPHS-1QIP	Grants/Education Expense	300.	
012.543.5.581.00/NCPHS-1QIP	Grants/Awards/Incentives	1,000.	

Explanation of Revisions: Budget Quality Improvement supplemental funds for activities to be used in Quality Improvement project.

PUBLIC SAFETY GRANTS: BUDGET AMENDMENTS (BNA #032)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the following budget amendment:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.437.4.310.00/97036-EARL	Public Safety Grants/Federal Grants	\$10,181.	
010.437.5.310.00/97036-EARL	Public Safety Grants/Travel	419.	
010.437.5.894.00/97036-EARL	Public Safety Grants/Bud Acct Only-Other	9,762.	

Explanation of Revisions: To budget funds awarded from FEMA to help with the expenditures that occurred when All-Hazard Management Team assisted Hyde County with incident action plans for Hurricane Earl.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #033)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the following budget amendment:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
054.473.4.310.00/66039-1473	Solid Waste-Landfill/Fed Grants	\$17,595.	
054.473.5.910.01/66039-1473	Solid Waste-Landfill/Cap Equip-Maj Upgr	17,595.	
054.473.4.991.00/66039-1473	Solid Waste-Landfill/Fund Bal- Approp	5,865.	
054.473.5.910.01/66039-1473	Solid Waste-Landfill/ Cap Equip-Maj Upgr	5,865.	
054.473.4.991.00/66039-1473	Solid Waste-Landfill/Fund Bal Approp	5,739.	
054.473.5.910.01/66039-1473	Solid Waste-Landfill/ Cap Equip-Maj Upgr	5,739.	

Explanation of Revisions: Budget grant funds from Mecklenburg Land Use and Environmental Services Agency for upgrade of a 1997 Case 6213 Wheel Loader, Equipment #893773. To budget match from previous GRADE Grant not budgeted on Equipment #9991295.

HEALTH DEPARTMENT: WRITE-OFF OF ACCOUNTS RECEIVABLE

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to allow the Health Department to write-off a total of \$56,072.94 in private pay fees as uncollectible for services rendered fees through June 30, 2007.*

The write-off is for a two-year period. In the event that a patient pays for services that have been written off, policy is to reinstate the charges and apply the payment to those charges.

PUBLIC HEARINGS

CDBG SHELL BUILDING LOAN AGREEMENT

Approximately two years ago, Cleveland County and the City of Shelby entered into a partnership to purchase land for the Foothills Commerce Center. At that time, the two groups discussed constructing a shell building in the Foothills Commerce Center for economic development recruitment.

Cleveland County applied for a \$1 Million grant through the Golden Leaf Foundation. Upon award of the \$1 Million, it was decided that the City of Shelby and Cleveland County would each contribute \$1 Million for a total project cost of \$3 Million.

Cleveland County will contribute their \$1 Million through a loan from CDBG. The loan would have a term of 5 years and an interest rate of 2%. The first two years would be interest only (approximately \$20,000 per year) while the principal will be paid on an annual basis for the remaining three years (approximately \$333,333 per year). Payments will begin on July 5, 2011.

Chairwoman Boggs opened the public hearing at 6:10 p.m. (*public notice was accomplished in accordance with the mandates*)

Hearing no comments, Chairwoman Boggs closed the public hearing and asked Commissioners for comments.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the board, to *adopt the resolution and approve the loan agreement as presented (copy of resolution follows and copy of loan agreement found on Page _____ of Minute Book 31).*

Number 26-2010

RESOLUTION FOR THE COUNTY OF CLEVELAND APPLICATION FOR COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDING FOR THE FOOTHILLS COMMERCE CENTER SHELL BUILDING PROJECT

WHEREAS, the Cleveland County Board of Commissioners has previously indicated its desire to assist in economic development efforts within the County; and,

WHEREAS, the Board of Commissioners has held two public hearings concerning the proposed application for Community Development Block Grant funding to borrow funding to construct a shell building for industrial recruitment; and,

WHEREAS, the Board of Commissioners wishes the County to pursue a formal application for Community Development Block Grant funding to borrow funds to construct a shell building for industrial recruitment and will invest monies in the amount of _____ into the project as committed to in the application.

WHEREAS, the Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the Cleveland County Board of Commissioners that the Cleveland County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to borrow funds to construct a shell building for industrial recruitment.

Adopted this the 16th day of November, 2010 in Cleveland County, North Carolina.

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – SHARON HORN-
APPROXIMATELY 1.15 ACRES ALONG OAK GROVE ROAD (Case #10-20)**

Bill McCarter, Planning Director, reviewed that Sharon Horn is requesting a zoning map amendment from Residential (R) to Neighborhood Business (NB). The property Ms. Horn would like to rezone is approximately 1.15 acres along Oak Grove Road between Shelby and Kings Mountain. Currently, a single-family residence is located on the property. He suggested that Ms. Horn rezone the property to Neighborhood Business (NB) so the residence would stay a conforming use. Residences are considered a conforming use in the Neighborhood Business zoning district.

Mr. McCarter reviewed the following recommendations from the Planning Board and the Planning Consultant:

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

The request is from D&S Floral Designs to rezone a parcel located at 1124 Oak Grove Road from (R) Residential to (NB) Neighborhood Business. Based upon the fact that the future land use is designated as commercial (even though this proposal is a single tract not abutting another commercial zone), it is our opinion that the basis exists that would allow Cleveland County to rezone this property from Residential to Neighborhood Business.”

David Morrow, Chairman, Cleveland County Planning Board: APPROVE (10-0)

The Planning Board voted unanimous (10-0) to recommend that the request be approved.

In 2005, NCGS 153A-341 was amended to require that planning board review include written comments on the consistency of the amendment with the Land Use Plan and any other relevant plans. The Board must also explain why the action is “reasonable and in the public interest”.

Is the amendment consistent with the 2015 Land Use Plan?

This area is designated as commercial on our future land use map, and the proposed Neighborhood Business (NB) district would be consistent with our plan.

Is the amendment reasonable and in the best interest of the public?

The Board considered this intersection a growing commercial area.

Surrounding Properties

Residential served by this commercial node.

Non-Conforming Uses

Existing residential uses are permitted in the Neighborhood Business district.

Chairwoman Boggs opened the public hearing (*at 6:15 p.m.*). (*Public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisements published in the Star on October 22 and October 29, 2010.*)

Hearing no comments, Chairwoman Boggs declared the public hearing closed.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the rezoning as follows.***

ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
1124 Oak Grove Rd.
Residential (R) to Neighborhood Business (NB)

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, Sharon Horn, representing D&S Floral Designs, presented a petition to amend the Cleveland County Zoning Map containing approximately 1.15 acres at 1124 Oak Grove Road from Residential (R) to Neighborhood Business (NB); and

WHEREAS, the Cleveland County Planning Board found this parcel was classified as "Commercial" on our 2015 Future Land Use Plan, and the Neighborhood Business zoning district would be consistent with the comprehensive plan; and

WHEREAS, the Cleveland County Planning Board found the amendment to be reasonable, and in the best interest of the public as a growing commercial area; and

WHEREAS, in accordance with NCGS 153A-343, a public hearing was held by the Cleveland County Board of Commissioners on November 16, 2010, and legal notices published on November 5 and November 12, 2010 and a sign posted on October 22, 2010 as required by law; and

WHEREAS, after consideration of comments made at the public hearing, along with the recommendation of the Cleveland County Planning Board,

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 change the zoning classification of parcel 16334 from Residential (R) to Neighborhood Business (NB) as illustrated on the attached map designated "Case 10-20", and being incorporated herein by reference and made part of this ordinance.

BEGINNING on an iron stake, Walter Vess Jr.'s northwest corner and running with his west line S. 4-13 W. 201.3 feet to a point, his corner in the center of Road No. _____ and passing over an iron stake on the North side of the road; thence with the center of the pavement N. 86-0 W. 15 feet to a point, James Champion's corner; thence with his line N. 4-13 E. 264 feet to a stake, his corner in Dean Champion's line; thence with his line S. 86-0 E. 15 feet to an iron, his corner; thence with another of his lines N. 73-80 E. 543 feet to an iron stake, his corner in Paul Putnam's line; thence with his line S. 23-05 E. 202.5 feet to a stone, his corner; thence with another of his lines S. 81-45 East 208 feet to a point, his corner in the center of the pavement of Stoney Point Road and on Howard Champion's line; thence with his line and the center of the pavement S. 19-30 W. 86 feet to a point, a new corner; thence a new line across Ethel Mae Champion's property S. 83-15 W. 232 feet to a stake, a new corner; thence another new line across her property S. 15-45 W. 129 feet to a point, a new corner in the center of the pavement of road No. _____ and passing over a stake on the North side of the road; thence with the center of the pavement N. 86-0 W. 150 feet to a point. Fortenberry's corner; thence with his line and passing over a stake on the North side of the road N. 5-15 E. 201 feet to an iron stake, his corner; thence with another of his lines and Walter Vess Jr.'s line N. 85-0 W. 395.4 feet to the BEGINNING, containing 3.64 acres more or less.

This Ordinance shall become effective upon adoption and approval.

Adopted this 16th day of November, 2010 at 6:00 p.m.

PLANNING DEPARTMENT: CODE TEXT AMENDMENT – PLANNING BOARD
APPOINTMENTS

At their September 14, 2010 worksession, Commissioners recommended Bill McCarter develop a code text amendment to Section 8-26 of the Cleveland County Code of Ordinances to delete any reference to townships and encourage representation from within the county planning jurisdiction. Basically, a citizen cannot be appointed to the Cleveland County Planning board if they do not live in the county planning jurisdiction which includes those towns who have adopted the Cleveland County Development Ordinance.

Chairwoman Boggs opened the public hearing (*at 6:20 p.m.*). (*Notice of this hearing was accomplished by legal advertisement in the Shelby Star on October 22 and October 29, 2010*)

Hearing no comments, Chairwoman Boggs declared the public hearing closed.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the code text amendment as requested (Amended section as follows):*

Sec. 8-26. Appointment and terms of Planning Board members.

- (a) There shall be a Planning Board consisting of eleven (11) members. The Board of Commissioners shall endeavor to appoint a representative from diverse areas of the planning jurisdiction ~~each of the eleven (11) townships~~.

REGULAR AGENDA

CLEARWATER PAPER ENTRY ROAD PROJECT

Chairwoman Boggs introduced Carlton Burton, Civil Engineer for the Clearwater Paper construction project.

As part of their incentive package, Cleveland County agreed to construct an access road and a railroad spur for Clearwater Paper. The construction of these projects will be paid for by grant funds from the Industrial Development Fund (IDF) and Community Development Block Grant Funds (CDBG).

On November 12, 2010, bids were received for construction of the access road. The railroad spur will be bid in approximately three weeks. Bids were received from the following contractors:

Davis Grading, Shelby NC	\$ 786,565.78
Blythe Construction, Charlotte NC	\$ 915,466.60
Neill Grading, Hickory NC	\$ 949,225.02
Earnhardt Grading, Huntersville NC	\$1,039,075.60

Mr. Burton has verified licensing and Davis Grading has supplied the County with bid bonds. Mr. Burton recommended awarding the bid to Davis Grading in the amount of \$786,565.78.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to award the Clearwater Paper Access Road Project to Davis Grading for \$786,565.78.*

BOILING SPRINGS LIBRARY

Town of Boiling Springs Manager Zach Trogdon thanked Commissioners for support of the Boiling Springs Library which is located inside the Ruby Hunt YMCA. It has been eighteen months since the library opened. At that time, Commissioners, through a partnership with the Town of Boiling Springs and the YMCA, agreed to a two-year funding commitment. As part of their commitment, the YMCA is providing a part-time staff member to run the library. Mr. Trogdon stated, "We are very fortunate to have Shannon Hovis from the YMCA moving this project along."

Ms. Hovis spoke regarding the success of the library to date. She explained that over 15,000 books have been donated. Volunteers have worked hard to catalog and place the books on shelves. Volunteers have included the Gardner Webb softball team, community members and one Eagle Scout chose working in the library as his Eagle Scout project.

The Boiling Springs Library is open Monday through Thursday from 10am to 6pm. Currently

they offer programs including a community play group, book clubs, a writing club, a monthly pot luck and friends of the library. Last summer, the library hosted a summer reading program which lasted six weeks. The program included many great activities and approximately thirty-five children participated.

Ms. Hovis is most excited about a volunteer who has been working with an adult member of the community. The volunteer is teaching this adult to read. The adult is in turn encouraging and working with the after-school children on the importance of reading and education.

Ms. Hovis has seen an increase in the number of unemployed people using the computers for job searches and a number of different things. "This has become a community center. You do not have to be a Y member to come to the library."

MOBILE DATA TERMINALS

Emergency Medical Services Director Joe Lord showed a video presentation about the capabilities of Mobile Data Terminals including:

- Vehicle to vehicle direct communication-without radio congestion.
- Supervisory access to system in real time.
- Automatic Vehicle Locator- Enhanced GPS for Cleveland County.
- Closest unit dispatched.
- Ability for employees to do communication functions check en-route, on scene when system is busy. Also a more direct point of data entry.
- Vehicles will have the same information as Telecommunications, along with the ability to run their own checks (Tags, License Numbers, Street addresses, etc.).
- Ability to send documents, photos and any other pertinent information out immediately.

To show their support for the project, Mr. Lord was accompanied by several County Department Heads (see list on page 1) who have been looking at this project for approximately sixteen years. Recently, legislation was passed allowing 911 surcharge funds to be used for this type of project. The initial equipment costs will be funded entirely by 911 surcharge monies. Approximately 1/3 of the yearly maintenance costs will also be funded by 911 Surcharge monies. Commissioner Hawkins asked if this system could be used to communicate with the hospital. Mr. Lord explained that this project would not include equipment that would or could be used for that communication, however, "It is a step in the right direction." Staff had originally planned on bringing this project proposal before Commissioners in January. However, signing the contract before December 15th will result in a cost savings of \$54,000. Mr. Dear spoke about the joint effort between all departments in the county and the fact that that county staff has been working on this project for many years. Over \$1.5 Million has been saved from 911 Surcharge Funds. Approximately half of these funds will be used for this project. As a group, they decided this would be the best use of the funds. Mr. Dear said that, potentially, Sherriff's Office seizure money may be able to fund some of the remaining maintenance costs.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the project as presented* (copy of *Mobile Data Terminals pricing including maintenance and staff requirements found on Page _____ of Minute Book _____*).

2010 CLEVELAND COUNTY REVALUATION

At their September 14, 2010 Worksession, Commissioners discussed the Cleveland County revaluation scheduled for 2012. Due to the current economic climate, approximately half of the counties in North Carolina have already modified their schedule. Cleveland County is currently on a four-year schedule with the last revaluation effective January, 2008.

As Mr. Green mentioned at the September 14th meeting, the Tax Office has been closely monitoring the sales transactions in the county and has included them in their sales file. The sales file represents a current sales ratio and is down 44% from this same point in the last revaluation cycle. “We have a lot less data to work with.” Per the NC Department of Revenue, the median sales ratio is 97.68%. As of January 1, 2010, Cleveland County is at 97.52% which means that sales in Cleveland County are approximately 2% higher than the assessed value. Counties are charged with getting that ratio as close to 100% as possible. Mr. Green stated that he has definite concerns with getting a reliable evaluation at this point but his office is in a position to do whatever the board sees fit. County Manager David Dear stated, “Based on the information from Chris Green and conversations that I have had with Mr. Green and our peers, my recommendation is that you vote to delay the 2012 revaluation to 2014.”

Commissioner Hutchins asked if foreclosure transactions were considered in the sales file to which Mr. Green responded, “Typically, they are not included in the sales file.”

Commissioners expressed concern with property owners not agreeing with the value placed on their property. Mr. Green made clear it that, this year, like every year, property owners have the right to appeal the tax value placed on their property. The Tax Office can make a change to the assessed value if it is allowable by North Carolina General Statute.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to postpone the Cleveland County 2012 revaluation by adoption of the following resolution:*

Number 27-2010

CHANGING SCHEDULED REAPPRAISAL

WHEREAS, North Carolina General Statute 105-286 requires that all real property be reappraised at least every eight years; and

WHEREAS, the same statute permits any County desiring to conduct a reappraisal earlier to do so upon adoption of a resolution so providing, and

WHEREAS, a reappraisal of real property for Cleveland County is currently scheduled to take effect as of January 1, 2012; and

WHEREAS, due to economic conditions, the number of real property transactions available for analysis has been greatly reduced; and

WHEREAS, the current median sales ratio as certified by the North Carolina Department of Revenue for 2010 is 97.52%; and

WHEREAS, the Board of Commissioners may by resolution modify the date for which the next county-wide revaluation will take place; and

WHEREAS, based on the foregoing, the Board of Commissioners desires to change the effective date of the next county-wide reappraisal to January 1, 2014;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLEVELAND DOES RESOLVE AS FOLLOWS:

1. That the next general reappraisal of real property within the County of Cleveland shall be scheduled to become effective January 1, 2014, under the provision of the North Carolina General Statute 105-286.
2. That successive general reappraisals be performed on a four year cycle unless market sales, cost, and income data analysis indicate a different schedule is necessary and approved by resolution by the Board of Commissioners; or, if a more advanced schedule is required by North Carolina General Statutes.

ADOPTED this the 16th day of November, 2010.

PLANNING DEPARTMENT: CODE TEXT AMENDMENT- JAMES N. HODGES- AMATEUR RADIO TOWERS (CASE 10-18)

At their August 3, 2010 regular meeting, Commissioners tabled a decision regarding a proposed code text amendment dealing with amateur radio towers. At that meeting, it was recommended that a committee be formed to look at this issue. A committee was formed and met on September 7, 2010. Their task was to develop a code text amendment that would suit the needs of all amateur radio operators as well as look at the safety concerns of adjoining property owners. The committee consisted of representatives from: Shelby Amateur Radio Club, Cleveland County Amateur Radio Service, local Ham operators, Planning Board, Planning staff, Building Inspections, Electronic Maintenance, and Emergency Management.

The committee came up with the following proposed text amendment:

AMATEUR RADIO TOWER - Text Amendment (PROPOSED)

Sec. 12-21 – Definitions of basic terms.

ADDED: Amateur Radio Tower: A structure, including cables, guy wires, or other structural supports, on which an antenna is installed for the exclusive purpose of transmitting and receiving radio signals and is operated by an amateur radio operator licensed by the Federal Communications Commission.

ARTICLE IX. DEVELOPMENT STANDARDS

ADDED: Section 12-158 – Amateur Radio Tower standards. The following standards for the construction of Amateur Radio Towers shall apply to all towers with a height of seventy-five feet (75ft) and higher. Any amateur radio tower with a height below seventy-five feet (75ft) is exempt from any standards set forth in this chapter.

- (a) Amateur Radio Towers are a compliant use in all zoning districts.
- (b) There shall be a setback of thirty percent (30%) of the height of the tower from property lines, rights-of-ways, and easements.
- (c) Cables, guy wires, or any structural support associated with the tower shall meet a setback requirement of at least five (5) feet.

- (d) Prior to the issuance of a zoning permit, a site drawing shall be provided to the administrator, including property lines, any existing structures, proposed tower, tower setbacks, and tower height.

Planning Director Bill McCarter provided Commissioners with samples of current zoning classifications and standards for Cleveland County and surrounding counties. Commissioner Hawkins began by asking what major impact changing the ordinance would have on what is currently taking place. Mr. McCarter explained that there is one project that is generating this ordinance change. Neal Hodges is requesting a 125 foot tower in a residential district. He could have applied for a conditional use permit, however, Mr. Hodges, as part of his request, asked that the issue of amateur radio towers be addressed as a whole rather than individually.

Commissioner Hawkins expressed concern with the liability of these towers on adjoining property owners. Mr. McCarter explained that there has been some discussion on how the towers collapse and stated that the one who constructs the tower would have to deal with the liability.

Commissioner Accor brought up her concern with the issue of continued maintenance of the towers and aging of the tower owner. Mr. McCarter explained that sort of issue (continued maintenance) could be addressed in a conditional use permit. She asked if a building inspection is required. Mr. McCarter responded by stating that an inspection is done, on every tower, if the tower owner applies for a building permit.

As seen by the proposed amendment, the committee felt, if the tower was shorter than 75 feet, they should be exempt from a conditional use permit. They do believe that the taller towers should require a conditional use permit. Mr. McCarter explained, even if the tower was less than 75 feet, it will still require a building permit. A conditional use permit would require a public hearing and notice of the hearing to adjoining property owners.

At this point in the discussion, Commissioner Hawkins explained that he was leaning toward requiring a conditional use permit for the construction of all amateur radio towers.

Commissioners, having concern with neighbors, asked if a public hearing would be required with the proposed code text amendment. Mr. McCarter responded by stating, "Should the ordinance be approved as written, a public hearing would not be required."

Currently, a conditional use permit requires approval by the Board of Commissioners. Commissioner Hutchins proposed having the conditional use permit for radio towers be approved by the Board of Adjustment rather than the Board of Commissioners.

Commissioners discussed several different options before a motion was made.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to adopt the definition of amateur radio towers as presented by the committee in the proposed code text amendment (definition found on Page _____ of Minute Book _____) and require that a conditional use permit be approved by the Board of Adjustment for construction of all radio towers in any zoning district.*

COMMISSIONERS HEALTH INSURANCE

Chairwoman Boggs ask Commissioners to consider adding an item #12 to the agenda after she spoke.

“It has been an honor and a privilege to serve with this board for the past four years. I have appreciated the friendship and bond that has been formed among us. I am proud that we worked as a team for the good of all of the citizens of Cleveland County and were able to put partisan politics aside, as I believe we should have, especially at this local level.

During the campaign season that Commissioner Holbrook and I have just come through, one decision that was made by our board over a year ago seemed to dominate the landscape. According to the NC Association of County Commissioners Legislative Liaison, Republican Senator Debbie Clary was a sponsor of a bill allowing local boards to choose to allow for insurance coverage of any Commissioner who served at least 10 years until the age of 65 and Senator Clary did vote for its passage. It passed 43-1 in the Senate. It passed with only 5 dissenting votes in the House. Republican House Member Tim Moore of Cleveland County did vote in favor of it. The bill had widespread Republican support in both Chambers. At the local level, the motion was made by Commissioner Johnny Hutchins and seconded by Commissioner Ronnie Hawkins. David Dear stated in an article in the Shelby Star, “It’s not a big deal.” He furthermore stated, “A lot of cities and counties have a policy like that. It’s not something that is unique.” He also said that, of the Commissioners who have served since 1897, only six would have qualified. He was taking into account only number of years, not age. The number would probably be less if age had been factored in. Bottom line, this is not a big deal but with all the many good things our board has accomplished in the four years we have served together including, according to our County Manager and Assistant County Manager, nearly 4 Billion dollars added to the tax base and 1,400 new jobs coming to Cleveland County, the newly elected member to the Board of Commissioners has chosen to concentrate his time and efforts on this one vote. He had TV ads, newspaper ads and a mailer sent out attacking Commissioner Holbrook and I for the passage of this item which we all knew none of us would choose to benefit from. Therefore, I propose, as my last official duty as chair, that we rescind the vote that was taken on October 28, 2009. None of us ever intended to take advantage of the insurance made available and I believe this board should be remembered for all the great things that

happened in our county while we served. The new Commissioner will take office soon and there are a lot of extremely important items facing this board in the coming months. I wish him the very best as he seeks to serve the citizens of our county to the best of his ability as I have strived to do so these past 14 plus years. Commissioners, what is your pleasure? Do I hear a motion that we rescind the vote to offer insurance to any Commissioner who has served for over 10 years until they reach the age of 65? I believe it would be appropriate for the motion to come from Commissioner Hutchins if he so chooses since the original motion came from him and the second from Commissioner Hawkins since the second originally came from him.

Commissioner Hutchins explained that when the NCACC discussed this as one of their goals, it was because they were not able to attract good candidates. "We knew that none of us would accept it." Commissioner Hutchins said, "Political Smackdown called it a no-issue, I will not make the motion to rescind it."

Commissioner Hawkins began by apologizing to Chairwoman Boggs about the way this item was used in the election. He viewed it as a half-truth. Commissioner Hawkins explained that, after completing this current term, he will have saved Cleveland County approximately \$60K in insurance premiums. To date, it is only he and Commissioner Accor that could qualify for this insurance. He stated that he would probably benefit from this agenda item the most as he is currently covered under private health insurance. "I think anyone who wins an election three times should be entitled to this....I do not wish to change it."

Commissioner Accor was very surprised when she saw this as a campaign platform as this was a goal of the NCACC. "It was blessed by legislators. Because of that, we felt the need to apply it to ourselves." Commissioner Accor felt blessed that she was able to participate in a very positive campaign while running for NC House.

ACTION: No action was taken for lack of a motion or a second.

COMMISSIONER REPORTS

Commissioner Hawkins thanked April Crotts for the new county pins made especially for Commissioners. He invited Commissioners to a Christmas Celebration that he will be hosting on December 16th. Again, he thanked Chairwoman Boggs for her friendship and praised her for being a good chair for the past three years.

Commissioner Accor again thanked Chairwoman Boggs, "I'm going to miss you on the board. You have been a good Chairwoman. Because of it, our county has been fortunate to progress."

Commissioner Hutchins echoed the words of the other Commissioners, “I enjoyed serving with you. We have accomplished quite a bit.” He informed Commissioners that another successful gun show was held last weekend. Approximately 3,000 people in attendance.

Chairwoman Boggs shared about the economic development announcement of Wipro coming to Cleveland County. She thanked David Dear, Eddie Bailes, Bob Yelton and Eddie Holbrook. “They worked for a long time to make this a reality. These things don’t just happen overnight.”

County Attorney Bob Yelton also thanked Chairwoman Boggs for her service.

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, ***to recess to reconvene to Monday, December 6, 2010 at 9:00 am in the Commission Chamber for the Oath of Office for Commissioners Eddie Holbrook and Jason Falls as well as Coroner Dwight Tessener.***

*Rebecca Jo Powell Boggs, Chairwoman
Cleveland County Board of Commissioners*

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