

CLEVELAND COUNTY BOARD OF COMMISSIONERS

March 19, 2013

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: Ronnie Hawkins, Chairman
Jason Falls, Vice-Chairman
Susan Allen, Commissioner
Johnny Hutchins, Commissioner
Eddie Holbrook, Commissioner
Eddie Bailes, County Manager
Andrea Leslie-Fite, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Allison Mauney, Human Resources Director
Bill McCarter, Planning Director
Jessica Pickens, The Shelby Star
Other individual names on file in the Clerk's Office

VETERAN'S: Carl Elliott
Bjorn Hansen
Matthew Holland

CALL TO ORDER

Chairman Ronnie Hawkins called the meeting to order and led the meeting. Meloni Wray, Board of Elections Deputy Director sang the National Anthem and led the Pledge of Allegiance. County Manager Eddie Bailes provided the invocation.

AGENDA ADOPTION

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk with the following deletion:*

9. **REVALUATION DISCUSSION** (Clerks Note: Item tabled until April Work Session)

CITIZEN RECOGNITION

No citizens signed up to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *February 5, 2013 and February 19, 2013 meeting*, motion was made by Jason Falls, seconded by Susan Allen, and unanimously adopted by the Board, to *approve the minutes as written*.

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *February 2013* (copy found on Page _____ of Minute Book ____).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *February 2013*. The monthly grand total of tax abatements was listed as (\$21,088.59); and, the monthly grand total for tax supplements was listed as \$78,084.64.

ECONOMIC DEVELOPMENT: BUDGET AMENDMENT (BNA #058)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
029.492.4.410.00/CMACO-3492	Econ Development/Local Grants	\$ 4,950.	
029.492.5.910.00/CMACO-3492	Econ Development/Capital Equip	4,950.	

Explanation of Revisions: To budget MACO portion of Lathe with one New Newall DP700 Axis Digital Readout. This covers balance of quote not covered by the CDBG MACO/Small Business Entrepreneurial grant. County will retain lien on property until all grant requirements are satisfied.

LANDFILL: BUDGET AMENDMENT (BNA #059)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
010.998.4.840.00/10998-3213	Contingency/Insurance Settlement	\$198,455.	
010.998.5.586.00/10998-3213	Contingency/Uninsured Settlement	198,455.	

Explanation of Revisions: To budget funds for loss of equipment #896380 due to fire. Money to be used to purchase new equipment.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #060)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
012.533.4.310.00/93256-312X	Adult Health/Fed Govt Grants	\$22,009.	
012.533.5.230.00	Adult Health/Medicine & Supplies	2,000.	
012.533.5.230.01	Adult Health/Prescription Drugs	1,000.	
012.533.5.490.00	Adult Health/Professional Services	10,009.	
012.533.5.513.00	Adult Health/Hospital & Dr. Fees	9,000.	
012.533.5.310.00/93256-312X	Adult Health/Fed Govt Grants	8,225.	
012.533.5.230.00	Adult Health/Medicine & Supplies	2,000.	
012.533.5.490.00	Adult Health/Professional Services	6,225.	

Explanation of Revisions: Budget DHHS BCCCP Plus funds for expenses associated with goals of breast and cervical cancer and cardiovascular disease screening.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #061)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
012.542.4.810.00	Rabies Control/Donations/Contrib	\$3,000.	
012.542.5.790.00	Rabies Control/Donations/Contrib	3,000.	

Explanation of Revisions: Budget donations for operating expenses.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #062)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
010.443.4.991.00	Sheriff/State Forf Prop/Fund Balance	\$ 19,231.	
010.443.5.910.00	Sheriff/State Forf Prop/Cap Equip	19,225.	
010.443.5.210.00	Sheriff/State Forf Prop/Dept. Supply	6.	

Explanation of Revisions: Requesting to budget funds for purchase of an undercover vehicle, including cost of vehicle, hwy use taxes, emergency lighting to be installed and plate fee.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #063)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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	Sheriff/Fed Forf. Prop/Fund Balance	\$39,425.	
010.442.5.240.00/USICE-P442	Sheriff/Fed Forf. Prop/Auto Supply	19,425.	
010.442.5.910.00/USICE-P442	Sheriff/Fed Forf. Prop/Cap Equip	20,000.	

Explanation of Revisions: Request approval to paint seven 2012 Dodge Chargers @ \$2,500 each and stripe seven @ \$275 each (442.240 account); paint eight 2013 Dodge Chargers @ \$2,500 each and stripe eight @ \$275 each (442.910 account)

WORKERS COMPENSATION: BUDGET AMENDMENT (BNA #064)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
060.650.4.991.00	Workers Comp/Fund Balance	\$400,000.	
060.650.5.586.00	Workers Comp/Ins/Legal Settlement	400,000.	

Explanation of Revisions: Request approval to paint seven 2012 Dodge Chargers @ \$2,500 each and stripe seven @ \$275 each (442.240 account); paint eight 2013 Dodge Chargers @ \$2,500 each and stripe eight @ \$275 each (442.910 account)

DEED OF EASEMENT FOR SOUTHERN POWER PROJECT

ACTION: Jason Falls made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to approve the easement between Cleveland County and the City of Kings Mountain:*

STATE OF NORTH CAROLINA,
COUNTY OF CLEVELAND.

DEED OF EASEMENT AND AGREEMENT
(For Utilities)

THIS DEED OF EASEMENT AND AGREEMENT, made and entered into this the ___ day of March 2013, by and between **THE COUNTY OF CLEVELAND, NORTH CAROLINA**, a Political Subdivision of the State of North Carolina, as Grantor, hereinafter referred to as "**OWNER**"; and **THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA**, a North Carolina Municipal Corporation, as Grantee, hereinafter also referred to as "**CITY**";

WITNESSETH:

Owner certifies that it is the owner of a certain tract of real estate which is of record in Deed Book 1568 at Page 595 of the Cleveland County Registry; and that upon such property, there will hereinafter be an area referred to and described as "easement area", which is described and reflected on "Exhibit A", which is attached hereto and the Owner and the City have agreed that the Owner will grant to the City and the City will accept a permanent easement area as shown on "Exhibit A", such being incorporated herein by reference;

Therefore, in consideration of the foregoing, and One (\$1.00) Dollar paid to the Owner by City, and the covenants contained herein, the parties agree as follows:

1. **PERMANENT EASEMENT.** Owners hereby grant and convey to City a perpetual easement in and upon the permanent easement area for the purpose of repairing, installing and maintaining utilities as shown on "Exhibit A", as may be necessary from time to time.
2. **OWNER'S RIGHTS RESERVED.** Owner reserves the right to use the easement area in any manner which will not damage, impair, prevent or interfere with City's exercise of the rights granted hereunder.
3. **APPEARANCE.** After occasions do arise for installation, maintenance and repairs of the utilities installed and existing upon the easement area as shown on "Exhibit A", the City will restore the appearance of the permanent easement area, as nearly as reasonably possible, to that which existed prior to the same occurring.
4. **BINDING EFFECT.** All rights, title and privileges herein granted and all benefits and burdens shall run with the land (the permanent easement area) and be binding upon and inure to the benefit of the parties, their respective heirs, personal representatives, successors and assigns.
5. **ATTACHMENT.** Exhibit A as attached hereto and is incorporated herein by reference as if fully set out in the body of this text. This writing, including "Exhibit A", contains all of the terms of this Agreement.

TO HAVE AND HOLD the above referenced real property to the Grantee in perpetuity for the use and purpose herein described.

IN WITNESS WHEREOF, the parties have set their hands and seals, the day and year first above written.

PUBLIC HEARINGS

PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 13-01) PREGNANCY RESOURCE CENTER OF CLEVELAND COUNTY

Pregnancy Resource Center of Cleveland County, Inc. requested a zoning map amendment from Manufactured Home Parks (RM) to General Business (GB) for approximately 1.31 acres along NC 226/180. The properties include a single-family dwelling and a vacant tract.

The area north of the property is currently zoned General Business (GB). The properties to the south and west are zoned Manufactured Home Parks (RM) and the area to the east of the property is zoned Restricted Residential. This property lies within the Corridor Protection zoning overlay, and is listed as commercial on the 2015 Land Use Plan. The surrounding area is mixed uses, with single family dwellings adjoining to the south and across NC 226/180, and convenience store and retail to the north.

Mr. McCarter reviewed recommendations from Planning Consultant Jim Edwards and the Planning Board.

Jim Edwards, Planning Consultant, Isothermal Planning and Development Commission: APPROVE
I have reviewed the information presented in regard to Case 13-01 and viewed the site. The property is currently zoned Manufactured Home Parks (RM) and contains a single family residence. The property to the north is currently zoned GB and is used as a service station. The remaining immediate area is zoned RM and RR. Land uses in the vicinity are a mix of commercial and residential. The Land Use Plan indicates the future use of the subject site as commercial. Given the proposed use of the property, its

general compatibility with the surrounding land uses, and the recommended future land use, the proposed rezoning is appropriate.

Planning Board Recommendation: APPROVE

The Planning Board voted unanimously to recommend that rezoning 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”.

Consistent with the 2015 Land Use Plan

This area was designated as commercial, and falls within the Corridor Protection District.

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

Due to the current economic situation of the county, new business should be encouraged.

Chairman Hawkins opened the public hearing and asked anyone speaking for or against the proposed zoning map amendment to come forward.

Matthew Holland, Director of the Pregnancy Resource Center, explained the Pregnancy Resource Center is a pro-life ministry. This has been the first opportunity for this ministry to “have a home of their own”. The three acres behind the property in question was donated to them. “We feel like this is the Lord’s blessing.”

Pregnancy Resource Center is working on getting the property up to code to make it a commercial property. “This is a momentous occasion for us...We will do our best to be good citizens in our community.”

Hearing no other comments, Chairman Hawkins closed the public hearing.

ACTION: Ronnie Hawkins made the motion, seconded by Jason Falls and unanimously adopted by the board, ***to approve the following zoning map amendment.***

ORDINANCE AMENDING THE OFFICIAL ZONING MAP
CLEVELAND COUNTY
1304 S. Post Road
Residential Manufactured Homes & Parks (RM) to General Business (GB)

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

WHEREAS, the Cleveland County Planning Board recommended the amendment of the zoning map on February 26, 2013; and

WHEREAS, this parcel is classified as “Commercial” on our 2015 Future Land Use Plan, and a General Business zoning district 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; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on March 8, 2013, and March 15, 2013, notices were mailed to adjoining property owners on March 8, 2013 and a sign posted at the property on March 8, 2013; 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 March 19, 2013; 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 change the zoning classification of Parcel 3072 & 3094 from Residential Manufactured Homes & Parks (RM) to General Business (GB) as identified on the attached map designated "Rezoning Case 13-01", being incorporated herein by reference and made part of this ordinance:

Beginning at a point in the right-of-way of South Post Road (NC 180), thence with the right of way of the highway, South 07-27-44 West 120.57 feet; thence with Hendrick's line North 77-21-43 West 217.57 feet; and North 82-37-18 West 282.13 feet; thence with another property owned by PRC, North 14-15-21 East 96.97 feet; thence with Bradshaw's line North 89-51-57 East 218.53 feet, and South 77-30-34 East 271.78 feet to the point of beginning.

This Ordinance shall become effective upon adoption and approval.

Adopted this 19th day of March, 2013 at 6:00 p.m.

REGULAR AGENDA

PATRICK SENIOR CENTER

Monty Thornburg thanked Commissioners for considering the Patrick Senior request for funding. At their January 22, 2013 meeting, Commissioners asked representatives of the Patrick Center to come back before Commissioners after the City of Kings Mountain has taken action regarding the expansion at the Senior Center. Mr. Thornburg informed Commissioners that Kings Mountain City Council voted to commit \$300,000 to the project over a four year period. The rest will be raised in the community.

Commissioner Hutchins had made the motion requesting the commitment from the City of Kings Mountain. He explained, in the past, the Commissioners have committed to half of what the City of Kings Mountain has. Commissioner Hutchins felt like \$150,000 over four years would be "doable."

Vice-Chairman Falls requested Commissioners require, in order for the commitment from the county, the Senior Center be built according to the current plans presented to them.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to make a \$150,000 contribution spread out over four years to the Patrick Senior Center with the stipulation that the project be constructed as originally designed and allow the Senior Center to come back to Commissioners with another request at a later time.*

CAROLINA THREAD TRAIL GRANT- GATEWAY TRAIL PHASE 4

Cleveland County has been awarded a grant in the amount of \$140,550 from the Carolina Thread Trail to assist in the design and construction of Phase 4 of the Gateway Trail. The grant will be dispersed in two parts:

Design	\$25,000
Construction	\$115,550

The grant will allow Kings Mountain Gateway Trail to begin work on the construction plans and drawings in 2013. These documents are needed to apply for state grants in 2014. The Carolina Thread Trail grant will also be used as a match for the construction grant. The local match is split between the county and Kings Mountain Gateway Trail. But will not be required until next budget year. Bill McCarter recommended Commissioners accept the \$140,550 in grant funds and budget \$5,000 in matching funds for FY 2013-2014.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to accept the grant from the Carolina Thread trail and approve the \$5,000 match. Commissioners asked that the County Manager or the Finance Director oversee the funding before construction starts.*

MINIMUM HOUSING COE ENFORCEMENT FEE

During the Commissioners Work Session on January 22, 2013, Commissioners asked Planning Director Bill McCarter to calculate the costs to enforce a typical minimum housing case. After review of previous cases, Mr. McCarter recommended a fee of \$250 per case.

He explained, additional costs would be paid directly to the town, specifically the legal ads and the cost of demolition. Legal ads would only be necessary if the property owner does not respond to certified letter. The ad must be published in a newspaper that serves the last known address of the owner. The cost is typically \$200 per ad, one for the Notice of Hearing and one for the Order.

He also explained, the cost of the demolition would be determined through a bidding process. The Mayor or his/her designee would contract with the lowest qualified bidder.

ACTION: Jason Falls made the motion, seconded by Susan, and unanimously adopted by the Board, *to approve a fee of \$250 per case for minimum housing enforcement.*

GASTON URBAN AREA MPO DISCUSSION

Commissioner Hutchins has talked to Legislators regarding the area of Cleveland County to be included in the MPO. According to the MPO, they are proceeding to adopt the map presented by Hank Graham on February 5, 2013. Commissioner Hutchins stated there are two options that Commissioners could proceed with. The first option would be a request to local Legislators to override the MPO's request. The second option would be to file a lawsuit. Chairman Hawkins asked whether the lawsuit would have to be filed in Federal Court. Attorney Fite responded that it would have to be filed in Federal Court and it would take approximately a week to prepare it.

ACTION: Eddie Holbrook made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to ask the County Manager to draft an letter to Legislators signed by the*

Chairman asking for a stoppage of the MPO going into Cleveland County and to ask Legal Counsel to review the statutes regarding this and prepare a legal memorandum for Commissioners.

COMMISSIONER REPORTS

Commissioner Holbrook has been working with American Legion staff while they are in town this week.

Commissioner Hutchins attended the Fair Board meeting where they discussed the E Coli issue. They are preparing for another agriculture fair and are moving forward with state guidance. The Board of Health is in the process of preparing a committee to look at the overpopulation of animals.

Commissioner Falls held the first Veteran's Advisory Council meeting and felt as though the group was off to a great start. The Nursing Home Advisory Committee made some radical changes as far as flexibility of meeting times and dates.

ADJOURN

There being no further business to come before the Board at this time, Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to adjourn*. The next regular meeting will be held on Thursday, March 7, 2013 at 10:00am in the Commissioners Chamber.

*Jason Falls, Chairman
Cleveland County Board of Commissioners*

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