

CLEVELAND COUNTY BOARD OF COMMISSIONERS

May 7, 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
Eddie Holbrook, Commissioner
Johnny Hutchins, Commissioner
Andrea Leslie-Fite, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Bill McCarter, Planning Director
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Joe Lord, EMS Director
Jessica Pickens, *The Shelby Star*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Ronnie Hawkins called the meeting to order and led the audience in the Pledge of Allegiance. Vice-Chairman Jason Falls provided the invocation for the meeting.

AGENDA ADOPTION

Chairman Ronnie Hawkins asked that Commissioners consider adding an item to the proposed agenda.

ACTION: Jason Falls 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 addition:*

15. **APPOINTMENT TO THE CLEVELAND COMMUNITY COLLEGE BOARD OF TRUSTEES**
Ronnie Hawkins, Chairman

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of the *April 16, 2013 regular meeting*, motion was made by Johnny Hutchins, seconded by Susan Allen, and unanimously adopted by the Board, *to approve the minutes as written.*

E911 PHONE SYSTEM: BUDGET AMENDMENT (BNA #074)

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to approve the following budget amendment:*

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
026.454.4.991.00	Emergency Telephone/Fund Balance	\$204,430.	
026.454.5.910.00	Emergency Telephone/Capital Equip	204,430.	

Explanation of Revisions: To budget unassigned funds for Solacom Emergency Services Platform VoIP system/network, work stations, hardware, software and related equipment and materials. Part of the equipment will also be used by the City of Shelby.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #075)

ACTION: Johnny Hutchins 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>
010.453.4.310.00/97039-4400	Emergency Mgt/Fed Govt Grant	\$ 56,250.	
010.453.4.991.00/97039-4400	Emergency Mgt/Fund Bal Approp	18,750.	
010.453.5.490.00/97039-4400	Emergency Mgt/Prof Services	75,000.	

Explanation of Revisions: *To budget 2012 Western Branch Regional Hazard Mitigation Plan to produce a plan for Cleveland, Lincoln and Gaston counties.*

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #076)

ACTION: Johnny Hutchins 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>
011.506.4.970.00	SS Admin/Lease Debt Issuance	\$ 52,633.	
011.506.5.910.09	SS Admin/Equipment	52,633.	

Explanation of Revisions: *To upgrade IBM hardware and software at Social Services through lease arrangement with IBM. New equipment will be owned by the County after all payments are made.*

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #077)

ACTION: Johnny Hutchins 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>
010.441.4.810.16	Sheriff's Office/Canine Fundraiser	\$ 982.	
010.441.5.790.16	Sheriff's Office/Canine Fundraiser	982.	

Explanation of Revisions: *Request to budget proceeds from the K9 trials raffle.*

SOLID WASTE LANDFILL: BUDGET AMENDMENT (BNA #078)

ACTION: Johnny Hutchins 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>
054.473.4.810.00	Solid Waste Landfill/Contrib/Donat	\$ 212.	
054.473.5.790.00	Solid Waste Landfill/Contrib/Donat	212.	

Explanation of Revisions: *Budget donations received at Household Hazardous Waste Day on April 20th.*

2013 COUNTY MANAGEMENT RECORDS RETENTION & DISPOSITION SCHEDULE

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to adopt the 2013 County Management Records Retention & Disposition Schedule (complete copy found in County Managers Office).*

WORKSESSION UPDATE

Chairman Hawkins informed the public that due to the recent resignation of the County Manager, prioritization of the Commissioners goals will occur at a later meeting.

SPECIAL RECOGNITION

MOTORCYCLE AWARENESS MONTH

In honor of Motorcycle Awareness Month, Commissioners presented a Certificate of Recognition to the Cleveland County Concerned Bikers Association thanking them for their contributions to the community. The certificate read as follows:

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

PRESENTED TO

CLEVELAND COUNTY CONCERNED BIKERS ASSOCIATION

***FOR PROMOTING MOTORCYCLE AWARENESS IN CLEVELAND COUNTY ~ FOR
ENCOURAGING ALL ROAD USERS TO LOOK AROUND, CHECK MIRRORS AND
CONSCIOUSLY LOOK FOR MOTORCYCLES ~ CLEVELAND COUNTY
COMMISSIONERS SUPPORT MOTORCYCLE AWARENESS MONTH IN CLEVELAND
COUNTY AND COMMEND YOU FOR YOUR DEDICATION TO THIS ISSUE***

Presented this the 7th day of May, 2013.

PUBLIC HEARINGS

**PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 13-02) MARY AND
ERNST BORCHERT III**

Bill McCarter, Planning Director, presented a request from Mary and Ernst Borchert III for a zoning map amendment from Residential (R) to Rural Agriculture (RA) for approximately 19.27 acres off of Stony Point Road, south of Waco town limits. There is currently a garage and a storage building located on the property. The area immediately surrounding this property is zoned Residential. The property is listed as Residential on the 2015 Land Use Plan. The surrounding area is residential with single family dwellings along Ross Road and Stony Point Road. Mr. McCarter reviewed recommendations from Planning Consultant Jim Edwards and the Planning Board.

Jim Edwards, Planning Consultant, Isothermal Planning and Development Commission: APPROVE
Uses in the immediate vicinity are a mix of single family residential and vacant land, all of which is zoned Residential. The area around the intersection of Ross Road and Stony Point Road is a mix of residential, commercial and institutional uses. The subject property contains a garage and a barn/storage building adjacent to Ross Road near the dead end.

Given the size of the property, I do not believe that this request would constitute spot zoning. Considering the low density of the area, a Residential Agricultural designation would not be inconsistent with the residential designation of the 2015 Land Use Plan.

Absent strong objections from surrounding property owners, I recommend approval of this rezoning request.

Planning Board Recommendation: APPROVE

The Planning Board voted unanimously to recommend that the zoning map amendment 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 Residential in the Land Use Plan, and Rural Agricultural zoning would be consistent with the plan.

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

This is a large tract of land and in close proximity to other property zoned Rural Agriculture.

Chairman Hawkins opened the public hearing and asked anyone speaking for or against the proposed zoning map amendment to come forward. Hearing no comments, Chairman Hawkins closed the public hearing.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, ***to approve the following zoning map amendment.***

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP
CLEVELAND COUNTY
134 Ross Road
Residential (R) to Rural Agricultural (RA)**

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 April 23, 2013; and

WHEREAS, this parcel is classified as “Residential” on our 2015 Future Land Use Plan, and the Rural Agricultural 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 April 26, 2013, and May 3, 2013, notices were mailed to adjoining property owners on April 19, 2013 and a sign posted at the property on April 19, 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 May 7, 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 15681 from Residential (R) to Rural Agricultural (RA) as identified on the attached map designated “Rezoning Case 13-02”, being incorporated herein by reference and made part of this ordinance:

Deed Book 1430, Page 2483, containing 19.27 acres.

This Ordinance shall become effective upon adoption and approval.

Adopted this 7th day of May, 2013 at 6:00 p.m.

REGULAR AGENDA

2015 LAND USE PLAN MAP AMENDMENT

James Canipe has requested the Board of Commissioners revise the 2015 Land Use Map to include a commercial node at the intersection of St. Paul Church Road and Warlick Road. This area lies between the Towns of Casar and Belwood. The area within the proposed node is currently mixed use with a scrap metal business, a truck repair shop, a vacant garage building and several residences. This area is currently indicated as Rural Residential on the 2015 Land Use Plan.

Mr. Canipe would like to grow the area. In order to do so, the Land Use Plan needs to be changed. The Land Use Plan would need to be changed in order for any Zoning Map Amendments to be approved in the future.

Commissioner Hutchins thanked Mr. Canipe for trying to create a more business friendly environment. The approval of the map change will prepare this area for possible business expansion.

Vice-Chairman Falls thought "This is great, but it seems like an unusual place."

Planning Director Bill McCarter explained this will help the businesses currently located in this area to become conforming. He expressed that he saw no effect on residential development in this area and made note that staff would rather see these requests come from the citizens than the staff of Cleveland County.

ACTION: Johnny Hutchins made the motion, seconded by Jason Falls and unanimously adopted by the board, *to approve the following change to the 2015 Land Use Plan as presented (Copy of map found on Page _____ of Minute Book _____).*

PLANNING DEPARTMENT: MIMIMUM HOUSING CODE VIOLATION- MOAYYAD AL-NASRA- 1805 ISAAC PLACE

In accordance with Section 3.5-45(b), Planning Director Bill McCarter submitted an ordinance to Commissioners ordering the owners to comply with the Order of Code Enforcement to demolish an abandoned house.

After holding a hearing an order was served by legal ad on January 1, 2013 to demolish the house within 90 days. The Order expired on April 1, 2013. To date, no action has been taken by the owner.

The adoption of the ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

**CLEVELAND COUNTY
NORTH CAROLINA**

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A DWELLING AT 1805 ISAAC PLACE

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 1805 Isaac Place, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said

property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 1805 Isaac Place, (Parcel 22122) now or formerly owned by Al Nasra, LLC; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 7th day of May 2013 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: MIMIMUM HOUSING CODE VIOLATION- MOAYYAD AL-NASRA- 360 OATES DRIVE

In accordance with Section 3.5-45(b), Planning Director Bill McCarter submitted an ordinance to Commissioners ordering the owners to comply with the Order of Code Enforcement to demolish an abandoned house.

After holding a hearing an order was served by legal ad on November 11, 2012 to demolish the house within 90 days. The Order expired on February 11, 2013. To date, no action has been taken by the owner. The Planning Department first visited this dwelling in 2008 and nothing had changed since that time.

The adoption of the ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

ACTION: Susan Allen made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

**CLEVELAND COUNTY
NORTH CAROLINA**

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A DWELLING AT 360 OATES DRIVE

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 360 Oates Drive, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 360 Oates Drive, (Parcel 27420) now or formerly owned by Al-Nasra LLC; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 7th day of May 2013 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: MIMIMUM HOUSING CODE VIOLATION- LARRY WILSON, RITA M. MILLER & LORI CLEMMONS- 107 SCHENCK FARM ROAD

In accordance with Section 3.5-45(b), Planning Director Bill McCarter submitted an ordinance to Commissioners ordering the owners to comply with the Order of Code Enforcement to demolish an abandoned house.

After holding a hearing an order was served on October 11, 2012 to demolish the house within 90 days. The Order expired on January 11, 2013. An Ordinance was first presented to Commissioners on February 5, 2013 (*Clerks Note: See minutes of February 5, 2013*). During that meeting, the owner requested an additional 30 days. County staff inspected the property on April 9, 2013. No further action has been taken by the owner to remove this structure. Mr. McCarter explained the property had been inherited and the owners cannot take care of the situation. The complaint came from neighboring property owners.

The adoption of the ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

ACTION: Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

CLEVELAND COUNTY
NORTH CAROLINA

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A DWELLING AT 107 SCHENCK FARM ROAD

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 107 Schenck Farm Road, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 107 Schenck Farm Road, (Parcel 35064) now or formerly owned by Larry Wilson, Rita M. Miller, or Lori A. Clemmons; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by NCGS160A-443(6).

Adopted and approved this the 7th day of May 2013 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION- ALAN T. & DONNA R. MCNAMARA- 200-3 JIM PATTERSON ROAD

In accordance with Section 3.5-45(b), Planning Director Bill McCarter submitted an ordinance to Commissioners ordering the owners to comply with the Order of Code Enforcement to demolish an abandoned mobile home.

After holding a hearing an order was issued on December 28, 2012 to demolish the dwelling within 90 days. The order expired on March 28, 2013. Staff has had several conversations with the property owners, however, they have not taken any action. The single-wide mobile home is not repairable, it needs to be removed.

The adoption of the ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

**CLEVELAND COUNTY
NORTH CAROLINA**

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A DWELLING AT 200-3 JIM PATTERSON ROAD

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 200-3 Jim Patterson Road, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 200-3 Jim Patterson Road, (Parcel 10556) now or formerly owned by Alan T. McNamara and Donna R. McNamara; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 7th day of May 2013 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION- EDWIN R. & PAMELA HARRILL- 389 HOLMES STREET

In accordance with Section 3.5-45(b), Planning Director Bill McCarter submitted an ordinance to Commissioners ordering the owners to comply with the Order of Code Enforcement to demolish an abandoned dwelling.

After holding a hearing an order was issued on October 20, 2010 to repair or demolish the house within 90 days. The house has been boarded up for over two years. Vandals have broken in and the condition of the house has deteriorated over the years. Building Inspections staff has had contact with the property owner. The property owner is interested in allowing the Fire Department to use the property for a practice burn.

The adoption of the ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

Commissioner Hutchins asked if Commissioners still needed to adopt the ordinance if the property owner was going to allow the Fire Department to burn the dwelling. Mr. McCarter advised Commissioners to adopt the ordinance "in case" the property owner does not proceed.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

**CLEVELAND COUNTY
NORTH CAROLINA**

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A DWELLING AT 389 HOLMES STREET

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 389 Holmes Street, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 389 Holmes Street, (Parcel 22072) now or formerly owned by Edwin R. Harrill and Pamela Harrill; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 7th day of May 2013 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION- LYNN BRIDGES POWELL- 724 NALLEY DRIVE

In accordance with Section 3.5-45(b), Planning Director Bill McCarter submitted an ordinance to Commissioners ordering the owners to comply with the Order of Code Enforcement to demolish an abandoned dwelling.

After holding a hearing an order was issued on January 24, 2013 to demolish the house within 90 days. The order expired on April 24, 2013. To date, no action has been taken by the property owner. Mr. McCarter explained there have been several complaints from neighbors. The dwelling has been vacant for some time. Commissioner Falls confirmed, "On a home like this, does the salvage of materials off-set her cost?" Mr. McCarter responded, "Yes."

The adoption of the ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

**CLEVELAND COUNTY
NORTH CAROLINA**

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A DWELLING AT 724 NALLEY DRIVE

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 724 Nalley Drive, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 724 Nalley Drive, (Parcel 48762) now or formerly owned by Lynn Bridges Powell; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 7th day of May 2013 by the Cleveland County Board of Commissioners in open session.

DISCUSSION OF INTERIM COUNTY MANAGER

Due to the recent resignation of County Manager Eddie Bailes, Cleveland County will need to appoint an Interim County Manager. Chairman Hawkins spoke about how fortunate Cleveland County is that former County Manager David Dear is available to serve as Interim Manager. “Mr. Dear is well respected in the county and with Department Heads. I have spoken with Mr. Dear and he is willing to serve as interim for a short term while continuing to work with Economic Development.”

ACTION: Chairman Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint David Dear to serve as Interim County Manager until such time as the county can find a permanent manager.*

Chairman Hutchins suggested details regarding this appointment be given at the next meeting.

DISCUSSION REGARDING ADVERTISEMENT FOR COUNTY MANAGER POSITION

Chairman Hawkins recommended Susan Allen, Kerri Melton and Interim Manager David Dear be appointed to a committee to advertise, receive resumes and keep the board updated on the County Manager recruitment process. Commissioner Hutchins felt he would also be an asset to this committee.

ACTION: Chairman Hawkins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to appoint Susan Allen, Kerri Melton, David Dear and Johnny Hutchins to serve on the search committee for a new County Manager.*

Commissioner Hutchins suggested all applications be available to Commissioners and suggested Commissioners prepare a list of criteria for the position.

Commissioners agreed that all Commissioners would have the ability to review resumes.

CLEVELAND COMMUNITY COLLEGE BOARD OF TRUSTEES APPOINTMENT

Chairman Hawkins currently serves as a School Board appointment on the Cleveland Community College Board of Trustees. Greg Melton is currently fulfilling the unexpired Commissioner appointed term of Bobby Rauf set to expire in June. Chairman Hawkins described Greg as a “valuable part of the Trustee Board.” He asked Commissioners to support appointing Greg Melton to serve a four-year term on the Board of Trustees.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to appoint Greg Melton to serve a four-year term on the Cleveland Community College Board of Trustees. Mr. Melton's term will expire June 30, 2017.*

COMMISSIONER REPORTS

Commissioner Holbrook continues to work with Economic Development staff on several projects. “The elevation of Cleveland County to a Tier 2 county has affected the county.” CCEDP is looking to fill a vacancy left by Ken Mooney.

Commissioner Hutchins will be attending another meeting regarding the RPO/MPO issue. “It looks like the cost to form an MPO will be comparable to what we are paying to be a member of the Lake Norman RPO.” Commissioner Hutchins asked the board for direction regarding whether to stay with the RPO or form the three county MPO.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to allow Bill McCarter and Johnny Hutchins to make a decision regarding membership in the RPO or the MPO.*

Commissioner Holbrook and Vice-Chairman Falls publicly thanked Commissioner Hutchins for his hard work on this matter.

Chairman Hawkins directed the County Clerk to compile the list of goals from their April 30th Work Session and email them to Commissioners. He also asked that the Clerk notify Mr. Dear of his being named Interim County Manager. In closing, Chairman Hawkins thanked the Clerk and Deputy Clerk for their help while he served as Interim Manager.

ADJOURN

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adjourn the meeting* . The next meeting of the Commission is scheduled for *Tuesday, May 21, 2013 at 6:00 p.m in the Commissioners Chamber.*

*Ronald J. Hawkins, Chairman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*