

CLEVELAND COUNTY BOARD OF COMMISSIONERS

July 9, 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 (*left meeting due to family emergency during Zoning Public Hearing*)
David Dear, Interim County Manager
Bob Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Chris Crepps, Finance Director
Bill McCarter, Planning Director
Allison Mauney, Human Resources Director
Jessica Pickens, *The Shelby Star*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Hawkins called the meeting to order. Christopher Poarch with the National Guard led the audience in the "Pledge of Allegiance" to the flag of the United States of America. County Clerk Kerri Melton provided the invocation for the meeting.

AGENDA ADOPTION

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

F. EMERGENCY MANAGEMENT- Budget Amendment (BNA #003)

18. RESOLUTION FOR PROJECT GNOME

CITIZEN RECOGNITION

Janet Yow, 450 Lemmons Road Mooresboro, voiced her concerns with the Animal Shelter. Ms. Yow said last year, over 1200 animals were rescued from the animal shelter from groups other than the Humane Society. She claimed that the Animal Shelter euthanized animals that people were willing to adopt. "It's time to make a change...Stop looking disgraceful to the rest of the world."

Elbert Cook came before Commissioners approximately a year ago regarding the lack of a fire district in the upper end of the county. Mr. Cook is upset by the fact that he has been asking for something to get done, nothing has been done, and now they have increased the Fire Tax. "I have paid taxes for fifty years and have never seen a dime spent north of the City of Shelby."

Tonya White, 108 Oak Point Drive, Cherryville, spoke in opposition of the gas chamber at the Animal Shelter. She presented Commissioners with a petition signed by approximately 7,000 people

nationwide. The petition made note of several changes which they felt need to be made at the shelter including the following:

- Stop the mass killing as soon as the 72-hour hold is up. The “release date” should not be the “kill date” before the shelter even opens.
- End the use of the gas chamber and use humane euthanasia only as when absolutely necessary as a last resort if no rescue or home is found.
- Allow volunteers in to do temp testing, help socialize the animals and give them care.
- Allow rescues to effectively help the dogs and cats find loving homes instead making it increasingly difficult for them to save animals.
- Keep the shelter open reasonable hours to facilitate adoptions and rescues- the current limited operating hours (16 hours per week) with no availability after 4pm or on weekends is not acceptable. If they had reasonable open hours, they would not need the inhumane outdoor dropbox, which doesn’t protect small dogs and large dogs from fighting each other, doesn’t stop cats from fighting each other and doesn’t stop the spread of disease.
- Update the software system to allow timely updating of the status of the animals online.
- Enforce good sanitation practices and start a vaccine program to prevent disease.

Christopher Poarch is a four year resident of Kings Mountain and is a full-time National Guard technician. Mr. Poarch spoke about the furloughs being placed on National Guardsman and the effect it will have on his family. He has written to the Congressmen from our area about the situation. He explained the furloughs will result in a twenty percent pay cut for National Guardsman while the active duty military are exempt.

Danny Blanton, 1827 Creek Ridge Road informed Commissioners he has been fighting the school system for misuse of funds for three years. He said he has heard that Dr. Boyles changed some policies. He does not feel as though changing policies will make a difference. “I am here for the children. Don’t cut teachers or assistants. It is time for County Commissioners to take a stance.” He requested more law enforcement in county schools.

He also spoke about his feelings that Pitbulls and Chows need to be outlawed.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *June 4, 2013*, motion was made by Johnny Hutchins, seconded by Susan Allen, and unanimously adopted by the Board, to ***approve the minutes as written.***

LEGRAND CENTER: BUDGET AMENDMENT (BNA #001)

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>
055.480.4.510.00	LeGrand Center/Fees for Services	\$490,000.	
055.480.5.121.00	LeGrand Center/Salaries-Permanent	180,000.	
055.480.5.122.00	LeGrand Center/Salaries-Part-time	49,000.	
055.480.5.131.00	LeGrand Center/Social Security Taxes	14,198.	
055.480.5.132.00	LeGrand Center/Retirement	12,726.	
055.480.5.133.00	LeGrand Center/Hospital Insurance	24,576.	
055.480.5.134.00	LeGrand Center/Dental Insurance	720.	
055.480.5.135.00	LeGrand Center/Employer 401(K)	9,000.	
055.480.5.136.00	LeGrand Center/Medicare Taxes	3,321.	

Explanation of Revisions: To oversee operations at the LeGrand Center Conference facilities beginning July 1, 2013, including creation of four permanent positions and many part-time positions, and effectively changing beginning budget for this function by reducing professional services by \$312,841.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #002)

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>
012.530.4.409.00	Health Administration/Local Revenues	\$250,000.	
012.530.5.700.00	Health Administration/Grants	250,000.	

Explanation of Revisions: To budget funds to be received from Carolina Healthcare System for Cleco Network Indigent Care.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #003)

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>
010.445.4.310.00/83552-4400	Emergency Management/Fed Govt Grants	\$ 14,878.	
010.445.5.910.00/83552-4400	Emergency Management/Capital Equip	14,878.	

Explanation of Revisions: To budget supplement grant funds recd from FEMA Emergency Management Perform Grant Funds will be used to purchase two ATV's that have a \$600 rebate per each thru end of July.

ORDINANCE CHANGE FOR LEASED PROPERTY (SECTION 6-1(a))

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to approve the following change to the Cleveland County Code of Ordinances:*

ORDINANCE NO. 01-2013

AN ORDINANCE OF CLEVELAND COUNTY, NORTH CAROLINA, AMENDING SEC. 6-1 (a) OF CHAPTER 6 OF THE CODE OF ORDINANCES OF CLEVELAND COUNTY, NORTH CAROLINA, BY ADDING A NEW SENTENCE TO SAID SEC. 6-1 (a).

WHEREAS, The Board of Commissioners of Cleveland County, North Carolina, find it to be in the best interests of the citizens and residents of Cleveland County to add an additional exception to Sec. 6-1 (a) of the Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY, NORTH CAROLINA, that the Code of Ordinances is hereby amended as follows:

Section 1: The following sentence shall be added to Sec. 6-1 (a):

“This section shall also not apply to the property leased to Destination Cleveland County, Inc., and known as The Earl Scruggs Center: Music and Stories from the American South.”

Section 2: This ordinance shall be effective as of the date of its adoption.

RESOLUTION REGARDING TAX COLLECTION FOR INCENTIVE GRANTS

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

Number 17a-2013

**WAIVER OF COLLECTION FEE FOR
MUNICIPAL PROPERTY TAX INCENTIVES**

WHEREAS, Article 1 of Chapter 158 of North Carolina General Statutes grants cities and counties the authority to make appropriations for the purposes of aiding and encouraging the location or expansion of certain business in their jurisdiction; and

WHEREAS, the County and cities have successfully cooperated with each other in the matter of tax assessment, listing, billing and collection, and

WHEREAS, the county subcontracts a company for assistance in the auditing and listing of personal property; and

WHEREAS, municipalities are required to pay a 2% fee for services rendered by this company.

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

1. The 2% fee charged be waived on all properties which are incentivized 100% by participating municipalities throughout the duration of the incentive agreement. Anything less than 100% grant back will not qualify for the waiver.

ADOPTED this the 9th day of July, 2013.

SPECIAL RECOGNITION

NATIONAL RECREATION TRAIL DESIGNATION- KINGS MOUNTAIN GATEWAY TRAIL

In May, the Kings Mountain Gateway Trail was designated under President Obama's America's Great Outdoors program as a national recreation trail. Planning Director, Bill McCarter shared a letter from Secretary of Interior Sally Jewell.

National recreation trail designation recognizes existing trails and trail systems that link communities to recreational opportunities on public lands and in local parks across the nation. Upon receiving this designation, the Gateway Trail received a seat of national recreation trail markers.

Bill McCarter introduced those board members who were in attendance. Board Chairman, Ronnie Franks is very appreciative of this designation and thanked Bill McCarter and Shirley Brutko for their hard work.

Mrs. Brutko thanked Commissioners for their support of the Kings Mountain Gateway Trail.

Commissioners commended the Kings Mountain Gateway Trail committee for their hard work on the Trail.

RESOLUTION FROM CLEVELAND COUNTY OKLAHOMA

Recently, Vice-Chairman Jason Falls and his family travelled to Cleveland County, Oklahoma to present their Commissioners a resolution adopted by Cleveland County, North Carolina Commissioners on June 4, 2013 (*Clerks Note: See minutes from June 4, 2013 meeting*).

While in Oklahoma, Commissioner Falls spoke to the Oklahoma Association of County Commissioners about Cleveland County and the State of North Carolina.

He was presented with a resolution adopted by the Commissioners of Cleveland County Oklahoma on June 24, 2013. Commissioner Falls again thanked all those citizens who gathered items, donated money and just showed this area how much our community cares. He presented the resolution to the citizens of Cleveland County, North Carolina.



**A RESOLUTION RECOGNIZING AND THANKING CLEVELAND COUNTY, NC
FOR SUPPORT OF CLEVELAND COUNTY TORNADO VICTIMS**

WHEREAS, on May 19th Norman and Little Axe area of Cleveland County suffered severe damage from a tornado and

WHEREAS, on May 20th South Oklahoma City and Moore was hit with an EF5 tornado that killed 24 people and destroyed or damaged several thousand homes and business properties and


WHEREAS, people and local governments across the nation came to the aid of Cleveland County residents and

WHEREAS, Cleveland County North Carolina established donation stations throughout the county collecting tractor trailers full of items and collected several thousands of dollars for tornado victims of Cleveland County Oklahoma and

WHEREAS, Cleveland County Oklahoma and Cleveland County North Carolina not only share a common name but also compassion and service for its residents and others.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY would like to gratefully thank Cleveland County North Carolina for their generosity toward the residents affected by the tornadoes.

Adopted by the Board of County Commissioner of Cleveland County on June 24, 2013


Rod Cleveland, Chairman


Rusty Sullivan, Vice-Chairman


Darry Stacy, Member




Tammy Belinson, County Clerk

REGULAR AGENDA

CLEVELAND COUNTY FOREST RANGER REPORT

Travis Shidal, Cleveland County Forest Ranger, presented Commissioners with a short video showing the different programs in which Mr. Shidal participates. He then presented Commissioners with a report of activities covering FY 2012-2013 (*copy found on Page _____ of Minute Book _____*).

PUBLIC HEARINGS

PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 13-03) NICHOLAS PATTERSON~ RM/R TO RR ALONG LONG BRANCH ROAD 90.25 ACRES

Nicholas Patterson has presented a multiple lot zoning map amendment for 11 parcels zoned Manufactured Home Parks (RM) and 2 parcels zoned Residential (R). His request is to change the

zoning to Restricted Residential (RR), approximately 90.25 acres along Long Branch Road, between Grover and Kings Mountain. There are multiple parcels within the rezoning request and there are currently a mixture of single family dwellings and manufactured homes on the proposed rezoning area.

The area to the north, east and west is currently zoned Manufactured Home Parks (RM). The area surrounding the property south of Long Branch Road is currently zoned Residential (R) with some Heavy Industrial (HI) to the south of the property. The property is listed as Residential on the 2015 Land Use Plan.

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 subject rezoning request – thirteen parcels totaling 90.25 acres from RM and R to RR -- and visited the area. The properties are located on the east and west sides of Long Branch Road at Mullinax Drive between Bethlehem Church Road and US Hwy 29. The area is primarily low-density residential, with a mix of site-built and manufactured single-family units, and vacant land. There are scattered commercial and institutional uses along Long Branch Road in the general vicinity. The current zoning of the lots included in this request is Residential (R) and Manufactured Homes/Parks (RM). The area across Long Branch Road is zoned Restricted Residential (RR) north of Mullinax Dr. and Residential (R) to the south; therefore, the area included in the request currently is contiguous to an RR district. The future land use designation is Residential. The proposed rezoning is consistent with the Future Land Use Plan. The map amendment would maintain consistency with the surrounding residential land uses. Of the thirteen parcels requested to be rezoned, the owners of eight parcels (61.5%) have signed in support of the Petition; however, these owners hold less than 20% of the total acreage. It is my understanding that the petitioner has attempted to contact the remaining owners without success. Current control of Parcel 10196 (Caldwell Heirs) has not been determined. The position of the owners of the remaining acreage may be made known after delivery of the mailed public notice. Approval of this map amendment would no longer allow manufactured housing parks, which may be considered beneficial or detrimental in the view of the remaining owners; therefore, their position should bear on the Board's decision. Barring objection from the remaining property owners, the requested map amendment is appropriate and consistent with the Land Use Plan.

Planning Board Recommendation: NO CONSENSUS

The Planning Board had a split vote of 3-3 that the zoning map amendment be denied. The Board was uncomfortable approving the rezoning request involving a large parcel that was not represented on the petition or at the meeting.

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".

- This area was designated as Residential in the 2015 Land Use Plan, and Restricted Residential zoning would be consistent with the plan.
- The Board could not reach a consensus on whether the amendment was reasonable and in the best interest of the public.

Chairman Hawkins opened the public hearing and asked anyone speaking for or against the proposed zoning map amendment to come forward (*In accordance with North Carolina General Statutes, a legal ad was published in the Shelby Star on June 21, 2013 and July 5, 2012*).

Nicholas Patterson, 1325 Long Branch Road, explained there is speculation that a number of mobile homes will be brought into this area. Mr. Patterson's was concerned with this. He made note that the property owners who are considering developing a mobile home park live out of state and Mr.

Patterson felt as though the property would not be taken care of. “We want to keep the integrity of our land. We don’t want our property values to go down.”

Brian Bickley, 105 Trudor Drive, has a parcel that connects to the property where there is discussion of a mobile home park. He explained that the property in question is a narrow tract but where the property opens up is where his property adjoins. He considers his lot very private and has concern that he would have to have a view of used mobile homes. He is concerned about the investment he has made in his property and feels a mobile home park will destroy everything he has worked for.

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

At this time, due to sickness in his family, Commissioner Holbrook left the meeting.

Commissioner Hutchins asked if there are other mobile homes located in this area. Mr. McCarter explained there are mobile homes in the vicinity but not in this immediate area. He could see this RR area possibly being extended to the north to cover a larger area.

Commissioner Hutchins was concerned that the property owners who signed the petition only made up 20% of the acreage included in the proposed zoning map amendment.

Vice-Chair Falls was concerned the zoning map amendment would target one property in particular. He felt as though doing so gets into personal property rights. He suggested getting by-in from the other property owners in a larger area as Mr. McCarter suggested earlier. Commissioners discussed extending the Restricted Residential designation. Mr. McCarter said the area could be made smaller but it cannot be made larger without re-advertising and holding another public hearing. He also said they could change the zoning classification of the area advertised.

Commissioner Hutchins asked if this could be sent back to the Planning Board for further consideration. Mr. McCarter explained if Commissioners were to zone the property Residential (R), it would give the property owners some level of protection as a conditional use permit would be required to construct a mobile home park in a Residential zoning district.

Vice-Chairman Falls suggested the neighborhood work toward looking at the whole area and reiterated the fact that he has a problem with singling out one property owner.

ACTION: Johnny Hutchins made the motion, seconded by Jason Falls and unanimously adopted by the board, *to the deny approval of the zoning map amendment.*

BOARD APPOINTMENTS

VETERAN’S ADVISORY COUNCIL

ACTION: Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint Donald Schenck as a member of this Council.* This appointment is for a period of three-years set to expire in June 30, 2016.

INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to re-appoint David Leonhardt and Doug Lawing to serve as members of this board.* This appointment is for a period of six-years, scheduled to conclude on June 30, 2019.

JUVENILE CRIME PREVENTION COUNCIL

County Clerk Kerri Melton presented Commissioners with a list of recommended appointments to the Juvenile Crime Prevention Council.

Name	Specified Member (GS 147-33.61)
Jeff Ledford	Chief of Police
Paul Ditz	District Attorney
Rebecca Harris	Director AMH/DD/SA
Titus Hopper	Faith Community
David Schweppe	Juvenile Defense Attorney
Ray Hurley	Parks and Recreation Rep
Melissa Spearman	Commissioner Appointee
Dr. Collette Deviney	Commissioner Appointee
Nelson Conner	Commissioner Appointee
Connie Farrington	Commissioner Appointee

ACTION: Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint those presented by the County Clerk to the Juvenile Crime Prevention Council.* Appointments are for a period of two-years, scheduled to conclude on June 30, 2015.

REGION C WORKFORCE DEVELOPMENT

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to re-appoint David Pharr and appoint Vince Reece to this board.* Appointments are for a period of three-years, scheduled to conclude on June 30, 2016.

CLEVELAND MEMORIAL LIBRARY ADVISORY BOARD

ACTION: Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to re-appoint Connie Savell to serve as a member of this board.* This appointment is for a period of three-years, scheduled to conclude on June 30, 2016.

ISOTHERMAL PLANNING BOARD OF DIRECTORS

ACTION: Susan Allen made the motion, seconded by Jason Falls, and unanimously adopted by the board, *to re-appoint Larry Dooley to serve on the Isothermal Planning Board of Directors.* This appointment is for a period of three-years, scheduled to conclude on June 30, 2016.

CHILD FATALITY PROTECTION TEAM

ACTION: Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the board, *to re-appoint Cathy Robertson and Janice Morton to serve as members of the Child*

Fatality Protection Team. These appointments are for a period of three-years, scheduled to conclude on June 30, 2016.

CLEVELAND COUNTY PLANNING BOARD

ACTION: Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint Darryl Crawford to serve as a member of the Planning Board.* This appointment is to fill an unexpired term scheduled to conclude on December 31, 2013.

HISTORIC PRESERVATION

Commissioners tabled appointing members to the Historic Preservation Commission until further review by the Planning Director and County Clerk.

TOWN OF BOILING SPRINGS PLANNING BOARD/ZONING BOARD OF ADJUSTMENT

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to re-appoint Ed White and Paul Bridges to serve as members of this board,* for a period of three-years, scheduled to conclude June 30, 2016.

RESOLUTION FOR PROJECT GNOME

ACTION: Jason Falls made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to adopt the following resolution:*

Number 18-2013

AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT

NC Building Reuse and Restoration Grants Program for Project Gnome

WHEREAS, the Building Reuse program of the North Carolina Economic Development Center is designed to spur economic activity and job creation by expanding and renovating buildings currently in use in rural communities; and,

WHEREAS, Cleveland County is engaged in activities to assist local industries and increase the number of jobs in the area; and,

WHEREAS, Cleveland County intends to request grant assistance from the NC Building Reuse Program for the renovation costs for the expansion of Project Gnome's current facility.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY COMMISSIONERS OF CLEVELAND COUNTY:

That Cleveland County will provide 5% of the grant amount for the renovation project, if approved for the grant.

That the County Manger is hereby authorized to execute and file an application on behalf of Cleveland County and Project Gnome with the North Carolina Rural Economic Development Center for a Building Reuse Grant.

That the County Manager is hereby authorized and directed to furnish such information as the North Carolina Rural Economic Development Center may request in connection with the grant application and project; to make assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Cleveland County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

ADOPTED this the 9th day of July, 2013.

COMMISSIONERS REPORTS

Vice Chairman Falls thanked Mr. Poarch for coming to help get the word out about the issues with the National Guard.

Commissioner Hutchins will be attending the NACo conference in Fort Worth. In his absence, Vice-Chairman Falls will attend the RPO meeting. A Memorandum of Understanding regarding the three-county RPO will be presented to Commissioners at an upcoming meeting.

Commissioner Allen gave an update on the County Manager search. Commissioners will begin conducting interviews this week. She gave special thanks to David Dear for stepping in as Interim Manager.

RECESS TO RECONVENE

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 recess to reconvene to Wednesday, July 10th at 10:00am in the board room at the LeGrand Center at 1800 E. Marion Street for a closed session to discuss a personnel matter under NCGS 142-318.11(a)(6)).

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

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*