

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**November 5, 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  
Jeff Richardson, County Manager  
Bob Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Bill McCarter, Planning Director  
Chris Green, Tax Administrator  
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. County Clerk Kerri Melton led the audience in the "Pledge of Allegiance" to the flag of the United States of America and 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 addition:*

***4a. SPECIAL RECOGNITION BY COMMISSIONERS***

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions or deletions to the minutes of the *September 23, 2013 Work Session, October 1, 2013* Johnny Hutchins, seconded by Susan Allen, and unanimously adopted by the Board, to *approve the minutes as written.*

**MAINTENANCE DEPARTMENT: BUDGET AMENDMENT (BNA #022)**

**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>
010.426.4.810.20	Maintenance/Donations-Equipment	\$ 948.	
010.426.5.790.20	Maintenance/Donations-Equipment		948.

*Explanation of Revisions: To record receipt of free A/C unit from Baker Distributing. This was received at time of purchase when three other units were ordered. This unit will be kept as a spare.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #023)**

**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>
012.546.4.660.49/NCCCN-4546	Carolina Access/Medicaid-Other Type	\$ 9,600.	
012.546.5.121.00/NCCCN-4546	Carolina Access/Salary-Regular	8,800.	
012.546.5.310.00/NCCCN-4546	Carolina Access/Travel/Training	800.	

Explanation of Revisions: Budget funds received from NC Community Care Network for Accreditation Specialist.

### **RECOGNITION OF SCOUTS FOR GATEWAY TRAIL PROJECTS**

On November 9, 2013, Kings Mountain Gateway Trail will honor three scouts who have completed work at the Trail. Commissioners will be presenting resolutions to the scouts during the event:

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

**Number 22-2013**

#### **A RESOLUTION IN HONOR OF KAITLYNN KRIEGER**

**WHEREAS**, it is a mark of distinction when a young lady receives the Gold Award, the highest achievement within the Girl Scouts of the USA, only after that Scout has demonstrated to her peers and to her troop leaders that she has the capacity for greatness, and

**Whereas**, the valuable lessons learned through scouting will follow her throughout life and will be a beacon to others of the leadership quality and commitment this young lady has shown, and

**Whereas**, **KAITLYNN KRIEGER** has completed a "Take Action" project that reached beyond the Girl Scout organization and that will provide a sustainable lasting benefit to the community, and

**Whereas**, **KAITLYNN KRIEGER** chose a Gold Award project that will be shared by Cleveland County residents and the surrounding region. Ms. Krieger planned and created steps and stepping stones leading to the picnic area, installed benches with protective coatings and created a beautiful butterfly garden at the Gateway Trail. These projects will be a benefit to the thousands of visitors to the Gateway Trail each year.

**Now therefore, the Cleveland County Commissioners** hereby recognize **KAITLYNN KRIEGER**, and present this resolution as an expression of the Board's admiration and appreciation of her attainment of the Gold Award and her outstanding work at the Gateway Trail; and for bringing honor not only to herself, her troop, and her family, but to the youth and all other citizens of Cleveland County.

This the 5<sup>th</sup> day of November, 2013.

**Number 21-2013**

#### **A RESOLUTION IN HONOR OF GREGORY ALAN GRABERT, JR.**

**WHEREAS**, it is a mark of distinction when Boy Scouts of America confers upon a young man the rank of Eagle Scout, only after that Scout has demonstrated to his peers and to his troop leaders that he has the capacity for greatness and the ability to retain knowledge and skill as the organization has instructed, and

**Whereas**, **GREGROY ALAN GRABERT** has demonstrated to his superiors that he is worthy of wearing the Eagle's badge to display to others the distinction of having achieved this honor, and

**Whereas**, the valuable lessons learned through scouting will follow him throughout life and will be a beacon to others of the leadership quality and commitment this young man has shown, and

**Whereas**, **GREGORY ALAN GRABERT** chose an Eagle Project that will be of great benefit to Cleveland County and the surrounding region. Mr. Grabert measured, created and installed signs on the Gateway Tail which provide the name of the trail, GPS coordinates and elevations every quarter mile. The installation of mile markers will be a benefit to the thousands of visitors to the Gateway Trail each year.

**Now therefore, the Cleveland County Commissioners** hereby recognize **GREGORY ALAN GRABERT**, and present this resolution as an expression of the Board's admiration and appreciation of his attainment of Eagle Scout rank and his outstanding work on mile markers along the Gateway Trail; and for bringing honor not only to himself, his troop, and his family, but to the youth and all other citizens of Cleveland County.

This the 5<sup>th</sup> day of November, 2013.

*Number 20-2013*

**A RESOLUTION IN HONOR OF  
ADAM DOUGLAS SATTERFIELD**

**WHEREAS**, it is a mark of distinction when Boy Scouts of America confers upon a young man the rank of Eagle Scout, only after that Scout has demonstrated to his peers and to his troop leaders that he has the capacity for greatness and the ability to retain knowledge and skill as the organization has instructed, and

**Whereas**, **ADAM DOUGLAS SATTERFIELD** has demonstrated to his superiors that he is worthy of wearing the Eagle's badge to display to others the distinction of having achieved this honor, and

**Whereas**, the valuable lessons learned through scouting will follow him throughout life and will be a beacon to others of the leadership quality and commitment this young man has shown, and

**Whereas**, **ADAM DOUGLAS SATTERFIELD** chose an Eagle Project that will be of great benefit to Cleveland County and the surrounding region. Mr. Satterfield spent over two hundred hours working on the Hamrick Overlook Project. His work of providing scenic views of downtown Kings Mountain as well as the surrounding mountain ranges, will be enjoyed by the thousands of visitors to the Gateway Trail each year.

**Now therefore**, the **Cleveland County Commissioners** hereby recognize **ADAM DOUGLAS SATTERFIELD**, and present this resolution as an expression of the Board's admiration and appreciation of his attainment of Eagle Scout rank and his outstanding work on the Hamrick Overlook Project; and for bringing honor not only to himself, his troop, and his family, but to the youth and all other citizens of Cleveland County.

This the 5<sup>th</sup> day of November, 2013.

**SPECIAL RECOGNITION**

**WESTERN REGIONAL CLERK SCHOOL**

Commissioners took a moment to thank Clerk Kerri Melton and Deputy Clerk April Crotts for their work hosting the Western Regional Clerk School. Chairman Hawkins read a letter written by the President of the North Carolina Association of County Clerks and asked that the letter be put into each of their personnel files.

**REGULAR AGENDA**

**PARTNERS BEHAVIORAL HEALTH MANAGMENT LOCAL BUSINESS PLAN**

Rhett Melton, Executive Director of Partners Behavioral Health Management (Partners) presented the Local Business Plan. The plan is different from the Strategic Plan that was presented several years ago. This Local Business Plan takes the states initiatives and addresses them in the order of importance to satisfy the states objectives. The second part of the plan looks at the local initiatives of Partners Behavioral Healthcare. He presented the plan as follows:

**OVERVIEW**

Per N.C. General Statute §122C-115.2, each Local Management Entity-Managed Care Organization (LME-MCO) is required to provide detailed information about how it will meet State standards, laws and rules for ensuring quality mental health, intellectual developmental disabilities, and substance abuse services and outcome measures for evaluating program effectiveness. Partners Behavioral Health Management (Partners BHM)'s Local Business Plan (LBP) will address key statewide and local initiatives.

The NC Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS) has developed and expressed commitment to the following *statewide* initiatives that are addressed in this LBP:

- A. Transition to Community Living
- B. Crisis Service Enhancement
- C. Assertive Community Treatment Team ACTT/Supported Employment
- D. Closer to Home Psychiatric Residential Treatment Facility (PRTF)
- E. The Intellectual Developmental Disability (IDD) Waitlist.

This LBP also includes Partners BHM's four *local* initiatives to improve or enhance the NC Department of Health and Human Services (DHHS) performance indicators, needs/gaps, and/or address any collaborative community planning process.

### **STATEWIDE INITIATIVES**

#### **A. Statewide Initiative: Transition to Community Living (TCL)**

**Issue:** Ensuring consumers are transitioned safely and effectively into independent living in the community from an assisted living facility or long term psychiatric hospitalization.

**Reason for Action:** The Department of Justice (DOJ) settlement with the State of North Carolina requires that Partners BHM transition consumers into independent living in the community after being identified from one of the following ways:

1. Residing in Adult Care Home,
2. Pre Admission Screening and Resident Review PASARR process for diversion, or
3. State psychiatric hospitalization with unstable housing.

**Measurable Goal(s) please specify if these are short term (< 1yr.) or long term (> 1yr.):**

1. At least three consumers will be in the "Transitions/Request for Proposal to Move into Housing" per month for FY 2013-2104. (Short term.)
2. In-Reach will be provided for at least 35% (231) of the 660 individuals in Priority 2 Population. (Long term.)
3. Ensure that 90% of TCL consumers living in independent housing have been referred and connected to appropriate community based services (i.e., ACTT, SE, CST) (Long term.)

**Partners BHM's plan for addressing the initiative and achieving goals:**

Partners BHM will:

1. Reconcile the In-Reach list to determine consumer status.
2. Track all referrals to community based services.
3. Utilize a standardized and documented process that ensures all consumers' needs are addressed, services and supports in place, prior to moving into independent living in community.
4. Review all potential TCL consumers with medical director or designee.
5. Participate in the TCL/DOJ Forum to standardize processes.

#### **B. Statewide Initiative: Crisis Services/ED Wait Times**

**Issue:** Over-utilization of hospital Emergency Departments (ED) results in higher rates of admission to inpatient psychiatric units.

**Reason for Action:** Several of the Partners BHM counties have historically higher rates of ED use by persons with behavioral health needs compared to peers, as shown through the NC DETECT report. Our eight-county area has a large number of inpatient psychiatric beds (237 community psychiatric hospital beds of the 1,788 statewide, more than 13%). Analysis has shown many consumers use EDs for perceived ease of access and because they are not fully aware of community based behavioral health services.

**Measurable Goal(s) please specify if these are short term (< 1yr.) or long term (> 1yr.):**

1. Use of Walk-in Crisis services will be increased by 20% during the calendar year over the baseline period. (Short term.)
2. Successfully conduct Crisis Intervention Training (CIT) for law enforcement officers and emergency personnel, certifying at least 50 individuals across the eight-county catchment area. (Short term.)
3. Delivery of Mobile Crisis services will be conducted in the community at least 51% of the time, instead of the ED. This goal will be measured on a monthly basis. (Long term.)

**Partners BHM's plan for addressing issue and achieving goals:**

1. Develop and initiate a community awareness campaign to providers, stakeholders, enrollees and the community at large identifying the non-emergency room options for crisis management.
2. Customer Services staff will be trained on an ongoing basis to appropriately advise each caller of the range of service options to match the consumer's level of clinical acuity.
3. Continue to build additional access to care through existing Walk-in Crisis Services in all eight counties.
4. Utilize the Memphis Crisis Intervention Training (CIT) curriculum, a 40-hour, one-week course as a law-enforcement agency training tool. Establish performance-based contracting with Mobile Crisis Management (MCM) providers to incentivize services being provided in the community rather than in EDs.
5. Educate local hospital EDs of Partners BHM's expectations of community-based delivery of MCM services.
6. Track all MCM responses and provide data analysis and reporting to workgroup of MCO & MCM Providers to monitor gains.

#### **C. Statewide Initiative: ACTT/Supported Employment**

**Issue:** Need for ACTT and Supported Employment providers to demonstrate growth oriented outcomes with consumers, (i.e., focus on community integration, transition and recovery). Current ACTT research indicates that the focus is more on decreasing hospital length of stay versus the number of visits. ACTT providers are expected to be the first line, if not sole, provider of all the services needed. This will assure that consumers in crisis will be served without additional visits to Emergency Departments and thus without additional costs to Medicaid.

**Reason for Action:** As a result of the DOJ settlement, the State of North Carolina determined that the ACTT and Supported Employment service definitions needed to be modified and represent the necessary supports for consumers

moving into independent living in the community. There is a need for enhanced quality providers, thus Tool for Measurement of ACT (TMACT), and a need for Supported Employment to be funded by Medicaid.

**Measurable Goal(s) please specify if these are short term (< 1yr.) or long term (> 1yr.):**

1. Maintain two Supported Employment Providers. (Long term.)
2. Refer at least 10% of consumers involved with TCL/DOJ housing for Supported Employment. (Long term.)
3. Refer at least 5% of consumers initially identified for TCL/DOJ, but were successfully diverted, for Supported Employment. (Long term.)

**Partners BHM plan for addressing issue and achieving goals:**

1. Careful monitoring for medical necessity and adherence to service definitions.
2. Educate consumers in TCL on the benefits of Supported Employment.
3. Develop and implement provider training through multiple LME-MCO departments (Provider Network, UM, Medical Director, Quality Management, Care Coordination, System of Care).

**D. Statewide Initiative:** Closer to Home - PRTF

**Issue:** Ensure PRTF providers are outcome driven and family focused, including as geographically optimal as feasible.

**Reasons for Action:** Historically, consumers from the Partners BHM catchment area have been referred to PRTFs throughout North Carolina and several programs out of state. Partners BHM has reviewed and is closely monitoring all PRTF providers within the network. Partners BHM's focus has been on: reducing the number of children placed in PRTF who did not meet medical necessity; reducing the length of stay; and ensuring that consumers are placed, when possible, within close proximity to their home. A caveat to out of state PRTF placements is that South Carolina facilities are closer than several North Carolina facilities for some Partners BHM enrollees, therefore making these facilities more conducive to family visits and family therapy.

**Measurable Goal(s) please specify if these are short term (< 1yr.) or long term (> 1yr.):**

1. 100% of PRTF providers in the Partners Behavioral Health Management network will be outcome driven and family focused. (Long term.)
2. 95% of PRTF placements will consider proximity to the consumer's family and natural support system. (Long term.)
3. 100% of PRTF Initial Service Authorization Requests will be reviewed by the medical director or designee. (Short term.)

**Partners BHM's plan for addressing issue and achieving goals:**

1. Continue to develop and offer training on the continuum of care, facilitated by multiple departments within Partners BHM (Provider Network, Utilization Management, Medical Director, Quality Management, Care Coordination).
2. Close monitoring of provider outcomes:
  - Use of therapeutic treatment interventions;
  - Ensuring discharge/step down plans, and;
  - Increase of family engagement with treatment within the home community.
3. Modify number of PRTF providers to better reflect the needs of our network.
4. Facilitate care reviews prior to PRTF placement to ensure community resources are considered prior to placing a child outside of their home community.
5. Increase peer reviews and decrease the length of authorization periods.
6. Improve requirements for assessment forms and required documentation.
7. Increase review of current medications and medication changes by increasing engagement of PRTF Medical Directors.
8. Assign Care Coordination staff to each PRTF facility to participate in Child/Family Team Meetings and assist with bringing consumers closer to home.

**E. Statewide Initiative:** Intellectual/Developmental Disabilities Waitlist

**Issue:** Ensure the accuracy of the Registry of Unmet Needs.

**Reasons for Action:** Three legacy LMEs (Crossroads, Mental Health Partners and Pathways) merged in July 2012, resulting in approximately 1,100 individuals on the resulting Registry of Unmet Needs. The process for screening and referral varied across the three legacy LMEs.

**Measurable Goal(s) please specify if these are short term (< 1yr.) or long term (> 1yr.):** Validate the number of individuals on the Registry of Unmet Needs by October 1, 2014 to have an accurate analysis of individuals for potential Innovations expansion slots. (Short term.)

**Partners BHM's plan for addressing issue and achieving goals:**

1. All individuals placed on the Registry of Unmet Needs prior to July 1, 2012 will be screened for potential eligibility using a consistent tool and method.
2. Each individual will be screened using the I/DD Tracking Sheet, which includes all areas reported on the quarterly waitlist report.
3. The individuals will have one of the following dispositions once screened: Remain on Registry of Unmet Needs, Inactive, or Removed from Registry.

## LOCAL INITIATIVES

### **A. Local Initiative:** Providing Timely Engagement after Acute Care Services

**Issue:** Many consumers leaving Inpatient or Facility-Based Care (FBC) are not seen for aftercare within seven days. This increases the risk of readmission to acute care services.

**Reasons for Action:** Over the past year of Community Systems Progress Reporting, Partners BHM's data has trended downward in both "timely follow up from community hospitals" and "timely follow up Crisis Services." Providers report a variety of reasons why they are not able to provide a billable service. Research suggests that recidivism rates are reduced substantially by providing timely aftercare.

**Measurable Goal(s) please specify if these are short term (< 1yr.) or long term (> 1yr.):**

1. By 2015, 60% of FBC and inpatient care discharges will receive a billed service by a behavioral health provider within seven days of discharge. (Long term.)
2. Providers will be contracted in each of the eight counties to provide engagement services to consumers being discharged from completed acute care stays and will use alternative service definitions for outreach as needed within the first 30 days. (Short term.)

**Partners BHM's plan for addressing issue and achieving goals:**

1. Assure that Care Coordinators are assigned and working closely with all local facilities (Hospitals and FBC).
2. Care Coordinators will ensure referrals are made to local providers.
3. Provider Network will recruit and contract with an adequate number of quality providers to ensure accessibility.
4. Quality Management will ensure these codes are captured in the state reports for services provided.
5. Providers will meet regularly with the MCO to review gains, problem solve, and implement additional engagement strategies as needed to promote higher rates of timely follow up.

### **B. Local Initiative:** Assure Appropriate Use of Intensive In-Home and Therapeutic Foster Care Services

**Issue:** There is a historic overutilization of Intensive In-Home (IIH) and Therapeutic Foster Care (TFC) Services.

**Reasons for Action:** Prior to February 2013, children and adolescents had been receiving these services beyond the recommended lengths of stay without concrete interventions supporting continued stay criteria (i.e., no identified changes in consumer treatment symptoms and no evidence of discharge planning). The purpose of this initiative is to ensure that each consumer receives the right treatment for their symptoms, for the right amount of time, and appropriate discharge planning is being carried out to support the consumer's success in least restrictive services.

**Measurable Goal(s) please specify if these are short term (< 1yr.) or long term (> 1yr.):**

1. Ensure that individuals receiving Intensive In-Home and Therapeutic Foster Care services meet medical necessity. (Short term.)
2. All Intensive In-Home and Therapeutic Foster Care providers will utilize evidenced based practices. (Long term.)

**Partners BHM Plan for addressing issue and achieving goals:**

1. Hold bi-annual collaborative meetings with local Department of Social Services and Juvenile Justice staff.
2. Administer focus reviews of authorizations for IIH and TFC.
3. Conduct provider trainings on service definitions and medical necessity, utilizing staff in various Partners BHM departments.
4. Improve assessment forms and required documentation.
5. Establish benchmarks that require peer reviews for Intensive In-Home and Therapeutic Foster Care.
6. Adjust the number of IIH providers to match our consumers' need while strengthening clinical outcomes.

### **C. Local Initiative:** Maintain Medical Loss Ratio

**Issue:** Assertive management of our medical loss ratio is imperative for our financial health and performance as a MCO.

**Reasons for Action:** To be good stewards of public dollars, regular financial monitoring must occur to ensure that capitated Medicaid funds are appropriately utilized within the catchment area to ensure all behavioral health needs are met. Partners BHM has a historically good penetration rate. Our objective is to maintain this rate, continually evaluate utilization and expand services as funding allows.

**Measurable Goal(s) please specify if these are short term (< 1yr.) or long term (> 1yr.):** To meet a Medical Loss Ratio Percentage of 92% to 98% on a monthly basis. (Long term.)

**Partners BHM's plan for addressing issue and achieving goals:**

- Monitor the Medical Expense Ratio and Defensive Interval tool and evaluate the results on a monthly basis.
- Record the results and report to DMA and DMH, as well as internal management and our Board per NC Session Law 2013-85.
- Take appropriate action when there is a variance above or below the stated benchmark.
- Convene an interdepartmental Benefit Grid Team to review and adjust the benefit grids as needed.
- Convene the Services Gaps and Analysis Team as necessary to look at areas of underutilization for possible service expansion.

### **D. Local Initiative:** Same Day Access to Outpatient and Psychiatric Treatment

**Issue:** Inability of consumers to access same day services.

**Reasons for Action:** To provide quick access to service for individuals in need of behavioral or physical health support, including initial assessment for immediate service or to facilitate referral for individuals who are not able to be served by Integrated Health Centers (IHCs). The primary, but not exclusive, target population will be individuals or families displaying needs involving mental health or substance use issues. Same Day Access is a shift in practice from just “scheduling a client” to actually delivering a service.

**Measurable Goal(s) please specify if these are short term (< 1yr.) or long term (> 1yr.):**

Develop Integrated Health Centers (IHCs) so all consumers will have access to same day services within 30 minutes or 30 miles of where they reside (Long term.)

**Partners BHM’s plan for addressing issue and achieving goals:**

1. Through a Request for Information process or negotiation, Partners BHM will select a provider to operate a central facility, which is accessible and known to the community, for each county in our catchment area.
2. The IHC will emphasize Same Day Access as an over-arching service strategy. The services to be provided at the beginning of the IHC project will include the following:
  - Same Day Access to Care Walk-in Crisis and psychiatric aftercare for adults and children.
  - On-site prescriber capability, with psychiatry services available on call or by video.
  - Appropriate levels of nursing services to support the prescriber capacity.
  - Licensed Outpatient capacity to perform initial assessments, including both MH and SA expertise.
  - Qualified Professional and support capacity to facilitate referral and placement.
  - Sufficient Outpatient capacity to provide some on-going therapy for urgent or emergent service needs for children and adults with MH and/or SA needs.

Mr. Melton asked Commissioners to adopt a joint resolution approving and adopting the plan.

**ACTION:** Eddie Holbrook made the motion, seconded by Jason Falls and unanimously adopted

by the board, *to adopt the following resolution:*

**JOINT RESOLUTION  
OF  
THE BOARDS OF COUNTY COMMISSIONERS  
OF  
BURKE, CATAWBA, CLEVELAND, GASTON, IREDELL, LINCOLN, SURRY AND YADKIN  
COUNTIES  
APPROVING AND ADOPTING  
PARTNERS BEHAVIORAL HEALTH MANAGEMENT’S LOCAL BUSINESS PLAN 2013-2016**

**WHEREAS**, Partners Behavioral Health Management (“Partners BHM”) was established by joint agreement between the Commissioners of Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry and Yadkin counties on July 1, 2012, by merging the former Mental Health Partners, Crossroads Behavioral Healthcare, and Pathways Local Management Entity (LME) Area Authorities; and

**WHEREAS**, North Carolina General Statute § 122C-115.2 requires each Local Management Entity-Managed Care Organization (LME-MCO), including Partners BHM, periodically to provide a Local Business Plan (LBP) detailing information about how each LME-MCO will meet State standards, laws and rules for ensuring quality mental health, intellectual developmental disabilities, and substance abuse services and outcome measures for evaluating program effectiveness, including state and local initiatives; and

**WHEREAS**, on October 17, 2013, the Board of Directors of Partners BHM thoroughly discussed and approved the attached “Partners Behavioral Health Management Local Business Plan 2013-2016;” and

**WHEREAS**, North Carolina General Statute § 122C-115.2 requires Partners BHM’s LBP be approved by the eight Boards of County Commissioners in Partners BHM’s catchment area before submitting that LBP to the Secretary of the North Carolina Department of Health and Human Services for certification.

**NOW THEREFORE, BE IT JOINTLY RESOLVED** that the Boards of County Commissioners of Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry and Yadkin counties hereby approve and adopt the attached “Partners Behavioral Health Management Local Business Plan 2013-2016,” in compliance with North Carolina General Statute § 122C-115.2.

**ADOPTED AND RATIFIED** in eight counterparts by the Boards of County Commissioners of Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry and Yadkin.

Rhett Melton closed by informing Commissioners about some changes that may be coming from the state. The state is mentioning consolidating counties even further and having Mental Health

managed by an out-of-state company. Partners is working with other neighboring counties to come up with a solution because they feel the system would be better managed locally.

### **PUBLIC HEARINGS**

#### **PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 13-06) THOMAS JOHNSON- 31.244 ACRES ON DELIGHT ROAD**

Chris Martin, Zoning Administrator presented a request from Thomas H. Johnson of Nexsen Pruet, PLLC. This would be one of four similar requests from Mr. Johnson on the agenda. Mr. Johnson is requesting a zoning map amendment from Residential (R) to Neighborhood Business Conditional District (NBCD) for approximately 31.244 acres on Delight Rd., off Casar Rd. between the towns of Casar and Polkville. This property is currently a vacant track of land. The applicant is requesting a map amendment so that the property can be developed for a telecommunications tower. The area surrounding the property is currently zoned Residential (R). This property is listed as Rural Residential on the 2015 Land Use Plan. The surrounding area is rural in nature, with larger tracts of land, consisting of residential uses and agricultural uses. The application was submitted with a site plan.

Mr. Martin 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 applications and supporting documentation and viewed the sites. Each application proposes a Neighborhood Business Conditional District designation to allow the construction of a cellular telecommunication tower. Each is located on relatively large parcels (approximately 13 to 60 acres) in rural areas of the county. The current zoning is residential and the 2015 Land Use Plan indicates residential or rural residential uses for these properties. While these requested rezonings affect single parcels, the proposed towers would not be out of character with the surrounding low-density rural uses, with the possible exception of structure height.

As demand for better wireless communication service increases throughout the region's rural areas, providers need additional sites in appropriate locations with suitable topographic conditions. The construction of additional cell towers can be viewed as a public necessity, and area residents would benefit from improved cellular service.

Barring significant neighborhood opposition, I would recommend approval of these four requests.

#### **Jeff Ward, Chairman, Planning Board Recommendation: APPROVE**

The Planning Board had a unanimous vote that the zoning map amendment be approved. The Board felt that the addition of cellular towers in rural areas of the county would increase coverage and benefit the community.

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 Rural Residential in the Land Use Plan, and Neighborhood Business Conditional District zoning would not 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 the addition of cellular towers would increase cell coverage for 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 October 18, 2013 and November 1, 2013*).

*Patrick Sarsfield of American Tower Corporation* attended the meeting in support of the project as a representative for Mr. Johnson. He presented each Commissioner with a packet of information which included a map of the current and proposed cell phone coverage area. The map showed the substantial need for cell phone service in this area. He explained that tower will hold up to four transmitters. AT&T will be the first to locate on the tower should it be approved. The specified tower will meet all building codes and comply with all county ordinances and FCC requirements. This will have no impact on traffic. The tower will be monitored approximately two times per month.

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

**ACTION:** Jason Falls made the motion, seconded by Johnny Hutchins and unanimously adopted by the board, *to approve the zoning map amendment as follows:*

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
Delight Road – 31.24 acres  
Residential (R) to Neighborhood Business Conditional District (NBCD)**

**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 October 22, 2013; and

**WHEREAS**, this parcel is classified as “Rural Residential” on our 2015 Future Land Use Plan, and Neighborhood Business Conditional District zoning would not 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 October 18, 2013, and November 1, 2013, notices were mailed to adjoining property owners on October 14, 2013 and a sign posted at the property on October 18, 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 November 5, 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 classification from Residential (R) to Neighborhood Business Conditional District (NBCD) for the development of a Telecommunications Tower (NAICS 51721). The property is identified on the attached map designated “Rezoning Case 13-06”, being incorporated herein by reference and made part of this ordinance.

Beginning at a point in the center of Delight Road, the southwest corner of the Stamey property; thence with the Stamey property, North 79-18-28 East 993.88 feet, and South 34-03-48 East 970.33 feet, and South 12-58-13 West 164.95 feet; thence with the Brackett property, South 77-27-37 West 1448.38 feet, to the center of the road; thence with Delight Road, North 03-37-14 West 1096.84 feet, to the point of beginning.

**NOW THEREFORE BE IT ALSO ORDAINED** that the following conditions were found to be needed to insure that the spirit and intent of the code was preserved:

- Develop property as shown on site plan

This Ordinance shall become effective upon adoption and approval. Adopted this 5<sup>th</sup> day of November 2013 at 6:00 p.m.

**PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 13-07) THOMAS JOHNSON- 60.36 ACRES ON JESSE MOUNTAIN ROAD**

Chris Martin, Zoning Administrator presented the second request from Thomas H. Johnson of Nexsen Pruet, PLLC. The request is for a zoning map amendment from Residential (R) to Neighborhood Business Conditional District (NBCD) of approximately 60.36 acres on Jesse Mountain Rd., northeast of Casar. This property currently has four single family dwellings located on it. The applicant is requesting a map amendment so that the property can be developed for a telecommunications tower. The area surrounding the property is currently zoned Residential (R). This property is listed as Rural Residential on the 2015 Land Use Plan. The surrounding area is rural in nature, with larger tracts of land, consisting of residential uses. This property surrounds a property with a Cleveland County Water container tower located on it. The application was submitted with a site plan.

Mr. Martin 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 applications and supporting documentation and viewed the sites. Each application proposes a Neighborhood Business Conditional District designation to allow the construction of a cellular telecommunication tower. Each is located on relatively large parcels (approximately 13 to 60 acres) in rural areas of the county. The current zoning is residential and the 2015 Land Use Plan indicates residential or rural residential uses for these properties. While these requested rezonings affect single parcels, the proposed towers would not be out of character with the surrounding low-density rural uses, with the possible exception of structure height.

As demand for better wireless communication service increases throughout the region's rural areas, providers need additional sites in appropriate locations with suitable topographic conditions. The construction of additional cell towers can be viewed as a public necessity, and area residents would benefit from improved cellular service.

Barring significant neighborhood opposition, I would recommend approval of these four requests.

**Jeff Ward, Chairman, Planning Board Recommendation: APPROVE**

The Planning Board had a unanimous vote that the zoning map amendment be approved. The Board felt that the addition of cellular towers in rural areas of the county would increase coverage and benefit the community. The Board recommends the fall zone to be shown on the site plan in relation to the existing Cleveland County Water tank, and to verify the access right-of-way to the proposed tower, which is shown crossing the Cleveland County Sanitary Districts property.

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 Rural Residential in the Land Use Plan, and Neighborhood Business Conditional District zoning would not 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 the addition of cellular towers would increase cell coverage for the public.

The Planning Board had asked that the Planning Department get additional information regarding the fall zone of the tower. Bill McCarter, Planning Director, presented a map outlining the fall zone and

noting that the water tower is not within the fall zone of the proposed communications tower. He spoke with Butch Smith who is in support of the project. Commissioners expressed concern that there was no written confirmation that Cleveland County Water was in support of the project.

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 October 18, 2013 and November 1, 2013*).

**Patrick Sarsfield of American Tower Corporation** again spoke in favor of the project explaining they have revised the site plan so they would not encroach on the property where the Cleveland County Water tower is located. Mr. Sarsfield noted the substantial benefit in terms of public safety making note that approximately 75% of calls made to 911 are now being made from cell phones.

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

**ACTION:** Eddie Holbrook made the motion, seconded by Susan Allen and unanimously adopted by the board, *to approve the zoning map amendment as follows with the stipulation that a letter from Cleveland County Water stating they had no objection to the project be recorded with the ordinance.*

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
Jesse Mountain Road – 60.36 acres  
Residential (R) to Neighborhood Business Conditional District (NBCD)**

**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 October 22, 2013; and

**WHEREAS**, this parcel is classified as “Rural Residential” on our 2015 Future Land Use Plan, and Neighborhood Business Conditional District zoning would not be consistent with the comprehensive plan for this area; and

**WHEREAS**, said amendment will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County.

**WHEREAS**, notice of the Public Hearing was published in the Shelby Star on October 18, 2013, and November 1, 2013, notices were mailed to adjoining property owners on October 14, 2013 and a sign posted at the property on October 18, 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 November 5, 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 classification from Residential (R) to Neighborhood Business Conditional District (NBCD) for the development of a Telecommunications Tower (NAICS 51721). The property is identified on the attached map designated “Rezoning Case 13-07”, being incorporated herein by reference and made part of this ordinance.

Parcel Number 38017 and Deed Book 1174 Page 2173

Tract Number One:

BEGINNING on a stone and runs South 1, East 101 poles to a stone near a pine tree; thence South 86 East 28 poles to a stone on the East side of the branch, near the Spring; thence a new line North 61.5 East 48 poles to an iron stake near the road; thence North 22 West 22 poles to an iron stake at the end of the field; thence North 1/3 East 37 poles to an iron stake in the center of the road; thence with the road North

17 ¾ East 22 poles to a stake in the center of the road in the old line; thence with the road North 17 ¾ East 22 poles to a stake in the center of the road in the old line; thence with the old line 88 27/100 West 40 poles to a chestnut oak; thence South 88 West 29 poles to the BEGINNING. Containing 40 acres more or less.

Tract Number Two:

BEGINNING at a stake; thence South 22 East 22 poles to an iron stake near the road; thence South 61 ½ West 48 poles to a stone, near the spring; thence North 86 West 28 poles to a stone, near a pine; thence South 22 poles to a stone; thence South 50 ½ East 34 ½ poles to a stone Queens corner; thence North 76 East 46 ½ poles to a hickory, now down; thence North 2 West 29 poles to a post oak and stone; thence South 87 East 51 poles to a chestnut oak; thence North 42 West 31 poles to a stone; thence North 65 West 30 ½ poles to a black gum; thence North 42 West 15 ½ poles to an iron stake, place of BEGINNING and containing 25 acres more or less.

Excepting Parcel 62095 as described in Deed Book 1635 Page 844.

***NOW THEREFORE BE IT ALSO ORDAINED*** that the following conditions were found to be needed to insure that the spirit and intent of the code was preserved:

- Develop property as shown on site plan.
- Submit a letter of support to the Planning Department from the Cleveland County Sanitary District.

This Ordinance shall become effective upon adoption and approval. Adopted this 5<sup>th</sup> day of November 2013 at 6:00 p.m.

**PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 13-08) THOMAS JOHNSON- 33.38 ACRES ON MAPLE SPRINGS CHURCH ROAD**

Chris Martin, Zoning Administrator presented the third request from Thomas H. Johnson of Nexsen Pruet, PLLC. The request is for zoning map amendment from Residential (R) to Neighborhood Business Conditional District (NBCD) of approximately 33.38 acres on Maple Springs Church Road, located east of Boiling Springs and southwest of the Shelby airport. This property currently has two single family dwellings located on it. The applicant is requesting a map amendment so that the property can be developed for a telecommunications tower. The area surrounding the property is currently zoned Residential (R). This property is listed as Residential on the 2015 Land Use Plan. The surrounding area is rural in nature, with larger tracts of land, consisting of single family residential uses, and some agricultural uses.

Mr. Martin 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 applications and supporting documentation and viewed the sites. Each application proposes a Neighborhood Business Conditional District designation to allow the construction of a cellular telecommunication tower. Each is located on relatively large parcels (approximately 13 to 60 acres) in rural areas of the county. The current zoning is residential and the 2015 Land Use Plan indicates residential or rural residential uses for these properties. While these requested rezonings affect single parcels, the proposed towers would not be out of character with the surrounding low-density rural uses, with the possible exception of structure height.

As demand for better wireless communication service increases throughout the region's rural areas, providers need additional sites in appropriate locations with suitable topographic conditions. The construction of additional cell towers can be viewed as a public necessity, and area residents would benefit from improved cellular service.

Barring significant neighborhood opposition, I would recommend approval of these four requests.

**Jeff Ward, Chairman, Planning Board Recommendation: APPROVE**

The Planning Board had a unanimous vote that the zoning map amendment be approved. The Board felt that the addition of cellular towers in rural areas of the county would increase coverage and benefit the community.

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 Neighborhood Business Conditional District zoning would not 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 the addition of cellular towers would increase cell coverage for 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 October 18, 2013 and November 1, 2013*).

**Patrick Sarsfield of American Tower Corporation** again spoke in favor of the project. He noted that the company carries a General Liability Policy on all cell towers should there ever be a problem but again reiterated the fact that towers are built to state building code.

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

Commissioners brought up the issue of aging towers. Planning Director Bill McCarter made note the Planning Board is reviewing cell tower standards and will be presenting a recommendation to Commissioners over the next several months.

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls and unanimously adopted by the board, *to approve the zoning map amendment as follows:*

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
Maple Springs Church Road – 33.38 acres  
Residential (R) to Neighborhood Business Conditional District (NBCD)**

**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 October 22, 2013; and

**WHEREAS**, this parcel is classified as “Residential” on our 2015 Future Land Use Plan, and Neighborhood Business Conditional District zoning would not be consistent with the comprehensive plan for this area; and

**WHEREAS**, said amendment will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County.

**WHEREAS**, notice of the Public Hearing was published in the Shelby Star on October 18, 2013, and November 1, 2013, notices were mailed to adjoining property owners on October 14, 2013 and a sign posted at the property on October 18, 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 November 5, 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 classification from Residential (R) to Neighborhood Business Conditional District (NBCD) for the development of a Telecommunications Tower (NAICS 51721). The property is identified on the attached

map designated "Rezoning Case 13-08", being incorporated herein by reference and made part of this ordinance.

BEGINNING at a stake in the center of a dirt road and in the Ollen Ledbetter corner; and runs thence South 89-45 West 463 feet to a stake; thence South 12-45 West 300 feet to a stake; thence South 89 West 1,741 ½ feet to a stake; thence with the creek, North 22-30 West 177 feet; thence North 12-30 West 159 feet; thence North 24-45 West 100 feet; thence North 09 East 224 feet to a stake; thence South 70 East 181 feet to a stake; thence North 57 East 133 feet to a maple; thence North 80 264 ½ feet to a hickory; thence South 86-45 East 231 1/3 feet to a stone; thence North 69-15 East 566 feet to a large pine; thence South 77-20 East 858 feet to a locust; thence South 58-30 East 264 feet to a stone in the West bank of said dirt road; thence South 02-30 West 224 ½ feet to the place of BEGINNING, containing 33.38 acres, according to a survey made by Ray Hendren, Surveyor, on January 10, 1947.

**NOW THEREFORE BE IT ALSO ORDAINED** that the following conditions were found to be needed to insure that the spirit and intent of the code was preserved:

- Develop property as shown on site plan

This Ordinance shall become effective upon adoption and approval. Adopted this 5<sup>th</sup> day of November 2013 at 6:00 p.m.

**PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 13-09) THOMAS JOHNSON- 13.4 ACRES ON ECHO ROAD**

Chris Martin, Zoning Administrator presented the final request from Thomas H. Johnson of Nexsen Pruet, PLLC. The request is for zoning map amendment from Residential (R) to Neighborhood Business Conditional District (NBCD) of approximately 13.4 acres on Echo Rd., located off McKinney Rd. west of Boiling Springs and south of Mooresboro. This property is currently vacant land. The applicant is requesting a map amendment so that the property can be developed for a telecommunications tower. The area surrounding the property is currently zoned Residential (R). This property is listed as Residential on the 2015 Land Use Plan. The surrounding area is rural in nature, with larger tracts of land, consisting of single family residential uses.

Mr. Martin 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 applications and supporting documentation and viewed the sites. Each application proposes a Neighborhood Business Conditional District designation to allow the construction of a cellular telecommunication tower. Each is located on relatively large parcels (approximately 13 to 60 acres) in rural areas of the county. The current zoning is residential and the 2015 Land Use Plan indicates residential or rural residential uses for these properties. While these requested rezonings affect single parcels, the proposed towers would not be out of character with the surrounding low-density rural uses, with the possible exception of structure height.

As demand for better wireless communication service increases throughout the region's rural areas, providers need additional sites in appropriate locations with suitable topographic conditions. The construction of additional cell towers can be viewed as a public necessity, and area residents would benefit from improved cellular service.

Barring significant neighborhood opposition, I would recommend approval of these four requests.

**Jeff Ward, Chairman, Planning Board Recommendation: APPROVE**

The Planning Board had a unanimous vote that the zoning map amendment be approved. The Board felt that the addition of cellular towers in rural areas of the county would increase coverage and benefit the community.

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 Neighborhood Business Conditional District zoning would not 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 the addition of cellular towers would increase cell coverage for 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 October 18, 2013 and November 1, 2013*).

**Patrick Sarsfield of American Tower Corporation** again spoke in favor of the project and echoed his comments of earlier in the meeting.

**Robert Williams, 814 E. Stagecoach Trail** spoke in favor of the project noting that he is currently using AT&T cellular service due to the expanded coverage area in Fallston.

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

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls and unanimously adopted by the board, *to approve the zoning map amendment as follows:*

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
Echo Dr. – 13.4 acres  
Residential (R) to Neighborhood Business Conditional District (NBCD)**

**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 October 22, 2013; and

**WHEREAS**, this parcel is classified as “Residential” on our 2015 Future Land Use Plan, and Neighborhood Business Conditional District zoning would not be consistent with the comprehensive plan for this area; and

**WHEREAS**, said amendment will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County.

**WHEREAS**, notice of the Public Hearing was published in the Shelby Star on October 18, 2013, and November 1, 2013, notices were mailed to adjoining property owners on October 14, 2013 and a sign posted at the property on October 18, 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 November 5, 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 classification from Residential (R) to Neighborhood Business Conditional District (NBCD) for the development of a Telecommunications Tower (NAICS 51721). The property is identified on the attached map designated “Rezoning Case 13-09”, being incorporated herein by reference and made part of this ordinance.

BEGINNING on an iron in the center of the right of way for State Road No. 1184, Southwest corner of the Steve Smith 2.7 acre tract; and runs thence with the center of said road in a new line, North 68-18 West 271.45 feet to an iron, a new corner; thence North 21-42 East 202.1 feet to an iron pin, a new corner; thence North 66-31 West 444.8 feet to an iron in the right of way of an unnamed road, a new corner in the East line of Sam A. Jenkins; thence with said road and Jenkins’ line as follows; North 15-49 East 75 feet; North 25-08 East 242.02 feet; North 41-41 East 205.41 feet; and North 48-13 East 258

feet to an iron, common corner of Jenkins and James Eaker; thence with Eaker's South line, North 67 East 213.68 feet to a stone, common corner of Jenkins and Ray Hensley; thence with Hensley's West line, South 23-30 East 647.4 feet to an iron pin, Northwest corner of Steve Smith; thence with the West line of the Smith tract, South 29-20 West 656 feet to the place of BEGINNING, containing 13.4 acres, according to a map and survey by J.D. Turner, Registered Surveyor, dated January 1979.

***NOW THEREFORE BE IT ALSO ORDAINED*** that the following conditions were found to be needed to insure that the spirit and intent of the code was preserved:

- Develop property as shown on site plan

This Ordinance shall become effective upon adoption and approval. Adopted this 5<sup>th</sup> day of November 2013 at 6:00 p.m.

**PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 13-10) TYLER HALL - 2.2 ACRES AT 1006 E. COLLEGE AVENUE**

Chris Martin, Zoning Administrator presented a request from Tyler Hall for a zoning map amendment from Residential Corridor Protection (RCP) to General Business Conditional District (GBCD) of approximately 2.23 acres on College Ave., located between Boiling Springs and Shelby, near the Shelby airport. This property is currently vacant land. The applicant is requesting a map amendment so that the property can be developed for an automobile body repair garage and automobile sales. The area surrounding the property is currently zoned Residential Corridor Protection (RCP) and Residential (R). This property is listed as Residential on the 2015 Land Use Plan, and is within 350 feet of a commercial node. The surrounding area is mixed uses with single family residences, an auto sales business, an auto repair garage, a playground construction business, and the airport are nearby.

Mr. Martin 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 application and supporting documents and viewed the property. The application requests a zoning change from Residential Corridor Protection (RCP) to General Business Conditional Use (GBCD). The 2.23-acre property is located on College Avenue just west of the intersection with Maple Springs Church Road and Poplar Springs Church Road. The surrounding area is zoned Residential and RCP; however, there is a mix of residential and commercial uses in the immediate vicinity, and the nearby intersection is designated as a commercial node in the 2015 Land Use Plan. The applicant proposes to develop this vacant property for an automotive repair and auto sales business. I believe that the requested rezoning is consistent with the Future Land Use Plan in that the intersection is identified as a commercial node. The GBCU designation would allow appropriate conditions (setbacks, parking placement, screening, etc.) to be applied to assure that the objectives of the corridor protection overlay could largely be maintained.

Barring significant neighborhood opposition, I recommend approval of this request.

**Jeff Ward, Chairman, Planning Board Recommendation: APPROVE**

The Planning Board vote was unanimous to recommend that the zoning map amendment be approved. The board noted the location of the property was on a major thoroughfare with existing corridor protection zoning, there were existing businesses nearby, and there was a commercial node in close proximity to the property.

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 property was designated as Residential in the Land Use Plan, but is close to a commercial node, and General Business Conditional District zoning would therefore be consistent with the plan.



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

Approving the rezoning is reasonable and in the best interest of the public because it is located on a major corridor, other businesses are located in the area, including another auto repair garage.

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 October 18, 2013 and November 1, 2013*).

Hearing no comments, Chairman Hawkins closed the public hearing.

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

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
1006 E College Avenue – 2.2 acres  
Residential (R) to General Business Conditional District (GBCD)**

**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 October 22; and

**WHEREAS**, this parcel is located near a Commercial node on the 2015 Future Land Use Plan, and within the Corridor Protection overlay district, therefore a proposed auto repair facility would be consistent with the comprehensive plan for this area; and

**WHEREAS**, said amendment will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County.

**WHEREAS**, notice of the Public Hearing was published in the Shelby Star on October 18, 2013, and November 1, 2013, notices were mailed to adjoining property owners on October 14, 2013 and a sign posted at the property on October 18, 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 November 5, 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 classification of Parcel 62400 from Residential (R) to General Business Conditional District (GB-CD) as identified on the attached map designated “Rezoning Case 13-10”, being incorporated herein by reference and made part of this ordinance:

Beginning at a point in the right-of-way for NC-150 College Avenue, the southeast corner of the Hall property; thence with the Hall line, North 00-25-50 West 477.46 feet; thence with the Wilson/Visoso line, South 77-27-51 East 488.62 feet; thence with the Humphries/Jones line, South 27-11-02 West 235.00 feet; thence with the McCurry line, North 89-35-11 West 33.33 feet, and South 01-40-36 East 198.81 feet, to the right-of-way for NC 150; thence with the right-of-way for the road, South 89-34-10 West 170.22 feet, to the point of beginning.

**NOW THEREFORE BE IT ALSO ORDAINED** that the following conditions were found to be needed to insure that the spirit and intent of the code was preserved:

- Development shall comply with the site plan on file with the Planning Department.

This Ordinance shall become effective upon adoption and approval. Adopted this 5th day of November 2013 at 6:00 pm.

**PLANNING DEPARTMENT- CODE TEXT AMENDMENT- SECTION 12-124 TABLE OF PERMITTED USES- OTHER AMUSEMENT & RECREATION NAICS 71399**

Chris Martin, Zoning Administrator presented a recommendation from the Planning Department

for a code text amendment to add NAICS Other Amusement and Recreation as a compliant use in the Heavy and Light Industrial zoning districts with the issuance of a zoning permit. The use of Other Amusement and Recreation is currently compliant in the business zoning districts with a zoning permit, and also in the residential zoning districts with a conditional use permit. It is not a compliant use in either Heavy Industrial (HI) or Light Industrial (LI). The Planning Department feels that this use can also be compatible in the industrial districts.

The Planning Board voted unanimously to recommend that this text amendment be approved as presented. The Board recognized that NAICS Other Amusement and Recreation could be a compatible use in the industrial zoning districts.

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 October 26, 2013 and November 1, 2013*).

Hearing no comments, Chairman Hawkins closed the public hearing.

**ACTION:** Susan Allen made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, *to approve the code text amendment as follows:*

Table of Permitted Uses										
NAICS	RA-Rural Agricultural RR-Restricted Residential R-Residential RM-Manufactured Homes & Parks					NB-Neighborhood Business GB-General Business CP-Corridor Protection			RS-Rural Scenic LI-Light Industrial HI-Heavy Industrial	
	RA	RR	R	RM	NB	GB	CP	LI	HI	
<b>AMUSEMENT, GAMBLING &amp; RECREATION INDUSTRIES</b>										
Amusement Parks & Arcades	71310					Z	Z			
Gambling & Video Gaming Machine(s)	71320					C				
Golf Course & Country Club	71391	C	C	C	C	Z	Z	Z		
Marina	71393	C	C	C	C	Z	Z	Z		
Private Airpark	00000	C	C	C	C	Z	Z	Z	Z	Z
Fitness & Recreational Sport Center	71394					Z	Z	Z	Z	Z
Bowling	71395					Z	Z			
Other Amusement & Recreation	71399	Z	C	C	C	Z	Z	Z	Z	Z

**COMMISSIONERS REPORTS**

Commissioner Falls expressed concern with a moratorium from the State on the number of Alzheimer’s beds at nursing home facilities. He is working with Tim Moore on this issue and said local nursing homes were able to add a few beds in order to move patients closer to their loved ones.

Commissioner Holbrook invited Commissioners to the Lighting of the LeGrand on November 7<sup>th</sup>.

Chairman Hawkins reminded everyone of the Veteran’s Day events throughout the county on November 11<sup>th</sup>. He also informed the Board that he would be out of the country during the next Board meeting.

County Clerk Kerri Melton reminded Commissioners they will meet as the Board of E&R on November 19<sup>th</sup> at 3:00pm.

**ADJOURN**

There being no further business to come before the Board at this time, Jason Falls made the motion, seconded Eddie Holbrook, and unanimously adopted by the Board, to adjourn. Next regular scheduled meeting will be held on ***Tuesday, November 19, 2013 in the Commission Chamber.***

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*Ronnie Hawkins, Chairman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*