

CLEVELAND COUNTY BOARD OF COMMISSIONERS

May 6, 2014

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: Jason Falls, Chairman
Susan Allen, Commissioner
Ronnie Hawkins, Commissioner
Johnny Hutchins, Commissioner
Jeff Richardson, County Manager
Bob Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Chris Green, Tax Administrator
Allison Mauney, Human Resources Director
Bill McCarter, Planning Director
Jessica Pickens, *The Shelby Star*
Other individual names on file in the Clerk's Office

ABSENT: Eddie Holbrook, Vice-Chairman

CALL TO ORDER

Chairman Jason Falls called the meeting to order, led the audience in the Pledge of Allegiance and provided the invocation for the meeting.

County Clerk Kerri Melton took a moment to introduce Traeton McGlohon who has interned in the County Managers Office for the past few months. Traeton will be graduating from Gardner Webb University later in the month.

AGENDA ADOPTION

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to adopt the agenda as presented by the County Clerk.*

CITIZEN RECOGNITION

Marty Ramey, 703 Robinson Clemmer, Road Dallas- spoke in opposition to the casino stating he is concerned for the spiritual well-being of the citizens.

Beauford Burton, 322 Margrace Road, Kings Mountain- spoke in opposition to the casino. He asked Commissioners to withdraw the letter of support they had signed previously. He also asked Commissioners to review information that has been gathered by the Kings Mountain Awareness Group.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of the *April 1, 2014 regular meeting*, motion was made by Johnny Hutchins, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the minutes as written.*

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #056)

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, 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>
012.542.4.810.00	Rabies Control/Donations Contrib	\$ 1,000.	
012.542.5.790.00	Rabies Control/Donations Contrib	1,000.	

Explanation of Revisions: Budget anticipated donations for operating expenses and enhancement of the Animal Control Program.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #057)

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, 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>
054.474.4.350.00/05510-EWSTCollections/Manned Site/State Gov Grants		\$ 6,537.	
054.474.5.240.00	Collections/Manned Site/Auto Supplies	1,900.	
054.474.5.211.00	Collections/Manned Site/Controlled Equip Exp	4,637.	

Explanation of Revisions: To budget E Waste funds that have been received from State to cover purchase of decals for the E trailers (Electronics Recycling Trailers) and purchase of new trailer.

COOPERATIVE EXTENSION: BUDGET AMENDMENT (BNA #058)

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, 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>
010.495.4.510.00	Cooperative Ext/Dept. Fees	\$ 1,737.	
010.495.4.510.00	Cooperative Ext/Master Gardeners	1,845.	
010.495.4.810.00	Cooperative Ext/4H Program	650.	
010.495.4.810.00	Cooperative Ext/Contrib/Donat	900.	
010.495.5.210.00	Cooperative Ext/Dept. Supplies	1,737.	
010.495.5.530.00	Cooperative Ext/Master Gardeners	1,845.	
010.495.5.530.00	Cooperative Ext/4H Program	650.	
010.495.5.790.00	Cooperative Ext/Contrib/Donat	900.	

Explanation of Revisions: To budget unbudgeted funds that have been received to cover expenses incurred and future expenses to be incurred.

SPECIAL RECOGNITION

MOTORCYCLE AWARENESS MONTH

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

NUMBER 03-2014

**PROCLAIMING MAY, 2014
MOTORCYCLE AWARENESS MONTH
IN CLEVELAND COUNTY**

WHEREAS, motorcycles are an increasingly popular means of transportation for commuting, touring and recreational use; and,

WHEREAS, motorcycles are an energy efficient vehicle that reduces fuel consumption, traffic and parking congestion; and,

WHEREAS, it is important that citizens be aware of motorcycles on our roadways and recognize the importance of motorcycle safety; and,

WHEREAS, studies have shown that operators of automobiles tend to be less aware of the presence of non four-wheeled vehicles in their vicinity and that two-thirds of accidents involve a motorcycle and a four-wheeled vehicle; and,

WHEREAS, with the warm weather approaching, more motorcycles will be on the highways; and,

WHEREAS, Cleveland County Commissioners encourage operators of motorcycles, trucks and automobiles to be conscious of their respective responsibilities on the public roads in our community.

NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, proclaim May 2014 as **MOTORCYCLE AWARENESS MONTH**.

ADOPTED THIS THE 6th DAY OF MAY 2014.

RESOLUTION CELEBRATING CLEVELAND COUNTY RELAY FOR LIFE 20TH ANNIVERSARY

Susan Allen recognized Julie Pearson and Jeff Ross to represent the Cleveland County Relay for Life Committee. In honor of their 20th Anniversary, Commissioners presented them with a resolution.

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

Number 03-2014

**CELEBRATING CLEVELAND COUNTY RELAY FOR LIFE
20TH ANNIVERSARY**

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease and empowers individuals and communities to fight back against cancer; and

WHEREAS, the Relay For Life organization has helped fund more than \$4 billion in cancer research since 1946; and

WHEREAS, this year's Cleveland County's Relay for Life event which will be held May 16-17 at the Fairgrounds, marks the 20th Anniversary for Relay in the county; and

WHEREAS, with over 130 teams participating, the goal of Cleveland County's Relay event is to raise \$300,000; and

WHEREAS, since 1993, Cleveland County's Relay has raised more than \$4.5 million for the American Cancer Society; and

WHEREAS, money raised during Relay For Life of Cleveland County supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay for Life organizers are making a call to all cancer survivors to come out to the event and “finish the fight”.

Therefore, we, the Cleveland County Board of Commissioners, celebrate **CLEVELAND COUNTY RELAY FOR LIFE'S 20TH ANNIVERSARY** and call upon all citizens, community agencies, faith groups, elected leaders and businesses to help finish the fight against cancer by participating in the Relay For Life event at the Cleveland County Fairgrounds on May 16 – 17, 2014.

ADOPTED THIS THE 6th DAY OF MAY, 2014.

REGULAR AGENDA

EARL SCRUGGS CENTER UPDATE

Emily Epley, Earl Scruggs Center Executive Director gave a brief update of number of visitors, programs they have presented, facility rentals and other events that have occurred since the Scruggs Center opened in January. Below, please find a brief overview of her discussion.

Earl Scruggs Center Update

January 10

Advisory Board Dinner and program - 125 guests

January 11th

Grand Opening Dedication Ceremony - estimated approximately 700 people in the church where the dedication ceremony was held. It had to be moved indoors because of excessive rain and damaging winds. Additional guests were present in town but unable to get into the building due to space limits.

Preview Tours of the Center were given throughout the grand opening day. There were approximately 400-500 people who went through the Center during the preview tours – fire code limited us to 70 guests per 45 minute time slot.

Remembering Earl: Music & Stories 1300 people attended the event at Malcolm Brown auditorium at Shelby High School.

VIP Reception was held for approximately 200+ attendees at the Center following the event. All of the musicians and members of Earl's family were present to meet with those in attendance.

Media Attention continues with the Washington Post writing an article on the front page of their Travel section in April.

Admissions come in the form of daily sales, small group sales, large group sales and education groups. Guests have visited the Center from around the country and the world.

Facility Rentals

Weddings, Corporate events, Reunions, Church services, Government events - CAGO

Programming.

Ongoing, mix of seminars and interactive programming touching on history as well as music, southern culture and traditions. Tie into main exhibits as well as temporary exhibit.

Exhibits

Current temporary exhibit is called: Resorts, Healing Waters, and Cures: Drinking You're Way to Better Health. Information, photos and objects about the springs and resorts associated with them throughout Cleveland County's history.

Education

Test groups from 5th grade and 9th grade have come through and tested the educational resources developed in conjunction with Cleveland County teachers as well as the process and systems that the school groups would go through during their visit from arrival to departure. It was a great success. An additional resource in being developed, materials being branded and education website being built currently. Will be able to launch full scale for fall. School groups can and do come now but are getting into testing and year end activities so less opportunity to get out for field trips through year end.

Why Cleveland County Matters – educational resource – developing knowledge and inspiring pride in Cleveland County students.

PUBLIC HEARINGS

PLANNING DEPARTMENT; ZONING MAP AMENDMENT- CLEVELAND COUNTY- 248 ACRES ON WASHBURN SWITCH AND FARMVILLE ROAD

Chris Martin, Zoning Administrator, presented a request from Cleveland County for a zoning map amendment from Residential (R) to Heavy Industrial (HI) for approximately 248 acres located between Washburn Switch Road and Farmville Road, northwest of Shelby. The area surrounding the property to the north is zoned Restricted Residential and Residential and the area to the south is an industrial zoning

district. This area is listed as Light/Heavy Industrial on the 2015 Land Use Plan. The surrounding area is mixed uses with larger tracts of land, consisting of industrial uses and single family residential uses.

Jim Edwards, Planning Consultant, Isothermal Planning and Development Commission: APPROVE

I have reviewed the rezoning petition and supporting documents and visited the property location. The County is requesting a map amendment to reclassify property located southeast of the intersection of Washburn Switch Road and Farmville Road from Residential to Heavy Industrial. The requested amendment would expand the existing industrially-zoned areas to the south and west of the property. Low-density residential uses and agricultural and vacant land are located to the north of the property. The 2015 Land Use Plan indicates industrial use of the property.

In light of the need for additional land to accommodate future industrial development in the western part of the County, the availability of necessary infrastructure in the vicinity, and the consistency of this request with the Land Use Plan, I would recommend approval of this rezoning request.

Planning Board Recommendation: APPROVE

The Planning Board voted unanimously to recommend that the rezoning be approved.

NCGS 153A-341 Requirements:

Is the amendment consistent with the 2015 Land Use Plan?

This area was designated as Light/Heavy Industrial, therefore Heavy Industrial would be consistent with the plan.

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

This property is within a designated Industrial area on the 2015 Land Use Plan, and there are existing industrial uses along Washburn Switch Rd. Farmville Rd. consist mostly of rural residential properties and single family dwellings.

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

Jonathan Davis, 1625 Farmville Road, owns 30 acres of land adjacent to the property. Mr. Davis suggested the possibility of rezoning the property to Light Industrial. He presented a petition to Commissioners signed by two dozen property owners.

Kyle Aldinger, 1507 Chatfield Road, urged Commissioners to consider not rezoning this property. Mr. Aldinger owns a small farm that he would like to certify it as organic. In 2013, the neighbors welcomed Light Industrial designation to the area. Mr. Aldinger is concerned with the difference between Light Industrial and Heavy Industrial, namely with respect to petroleum. He also has several environmental concerns and asked if an Environmental Impact Study had been completed. "Please take deep consideration of the residents and small businesses in the area. We understand this area will develop, we are just asking for restrictions and limitations." Mr. Aldinger presented Commissioners with a petition with 100 signatures asking them to consider Light Industrial over Heavy Industrial.

Heather Webb, 1630 Farmville Road, owns a 30 acre blackberry farm in the area and is beginning work on another 25 acres of blackberries. Ms. Webb is the second largest blackberry producer in Cleveland County. In 2012, their company produced millions of dollars worth of blackberries.

Ms. Webb feels whatever is developed in this area could be detrimental to their business. They have been producing for Dole for the last 10 years and are audited by them each year.

She expressed environmental concerns such as not knowing what could seep into the water. They currently have a 350' agriculture well located on their property. "The decision you make today will affect my tomorrow." She expressed her willingness to work together with the county.

Steve Thornburg, Chair of Cleveland County Economic Development Partnership (CCEDP), spoke in support of the rezoning and described the rezoning as a valuable economic tool. This change could potentially bring hundreds of new jobs to Cleveland County.

David Dear, CCEDP Partnership, expressed his understanding of the concerns of neighbors and confirmed CCEDP staff will be very sensitive to the needs of the community. CCEDP has passed on several potential opportunities because the companies would not "fit" in the community. Rezoning the property would not allow companies like KSM, PPG or Clearwater to locate there. It is important that the property be rezoned HI. It fits in with the long-range plan. This piece of property is in the top 3 or 4 of rail-served sites in the CSX area and it lends itself well to larger companies because of the utilities and the proximity to the new Highway 74 bypass. He noted there are strict, state regulations regarding air and groundwater quality and confirmed several environmental impact studies have been completed. He asked Commissioners to consider moving forward with the rezoning.

Krista Aldinger, 1507 Chatfield Road, urged Commissioners to put some restriction on the rezoning including setbacks.

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

Commissioner Hutchins expressed his concern for the neighbors and asked Commissioners to possibly consider giving staff time to address some of the concerns.

County Manager Jeff Richardson offered he and Mr. Dear to set up a meeting with the neighbors to talk about their concerns regarding buffer, road widening and traffic patterns.

Commissioner Hawkins felt it would not be appropriate to make decisions on buffers prior to knowing what a client may need.

ACTION: Johnny Hutchins made a motion *to delay the decision to May 20th to consider the neighbors and give them information regarding what steps have already been taken to alleviate their concerns. (Motion failed for a lack of second)*

Commissioner Hawkins asked that staff meet with neighbors to inform them of what information is in place.

ACTION: Ronnie Hawkins made the motion, seconded by Susan Allen, and unanimously adopted by the Board (*Johnny Hutchins abstained which counted as a vote in favor*), ***to adopt the following ordinance:***

ORDINANCE AMENDING THE OFFICIAL ZONING MAP

CLEVELAND COUNTY

**Farmville Rd. and Washburn Switch Rd. – 248 Acres
Residential (R) to Heavy Industrial (HI)**

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

WHEREAS, the Cleveland County Planning Board recommended the amendment of the zoning map on April 22, 2014; and

WHEREAS, these parcels are classified as “Light/Heavy Industrial” on our 2015 Future Land Use Plan, and Heavy Industrial (HI) would be consistent with the comprehensive plan for this area; and

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

WHEREAS, notice of the Public Hearing was published in the Shelby Star on April 25, 2014, and May 2, 2014, notices were mailed to adjoining property owners on April 25, 2014, and a sign posted at the property on April 25, 2014; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by the Cleveland County Board of Commissioners to amend the Official Zoning Map following a Public Hearing on May 6, 2014; 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 Heavy Industrial (HI) for the property identified on the attached map designated “Rezoning Case 14-04”, being incorporated herein by reference and made part of this ordinance, including:

Parcel 32624 described by Plat Book 35 Page 32.

Parcel 32196 described by Plat Book 35 Page 57.

Parcel 61941 described by Deed Book 1626 Page 1244.

Exception of Deed Book 1626 Page 1271.

This Ordinance shall become effective upon adoption and approval.

Adopted this 6th day of May 2014 at 6:00 p.m.

**PLANNING DEPARTMENT; ZONING MAP AMENDMENT- ROBERT L. YARBRO- 12.9
ACRES LOCATED AT RANGE ROAD/BETHLEHEM ROAD INTERSECTION**

Chris Martin, Zoning Administrator, presented a request from Robert L. Yarbrow for a zoning map amendment from Restricted Residential (RR) to Residential (R).

The property for consideration is owned by Flora Blackburn Yarbrow, and is approximately 12.9 acres located at the Range Rd. and Bethlehem Rd. intersection, between Kings Mountain and Grover.

The areas surrounding the property to the north and south are zoned Residential (R) and the areas surrounding the property to the east and west are zoned Restricted Residential (RR). This area is listed as Residential on the 2015 Land Use Plan. The surrounding area is single family residential, with a mixture of larger tracts of land and smaller subdivision lots.

Jim Edwards, Planning Consultant, Isothermal Planning and Development Commission: APPROVE

I have reviewed the subject Petition and viewed the property located at 450 Range Road. The applicants request rezoning of a parcel of approximately 13 acres from the Restricted Residential (RR) to Residential (R) classification. The property is situated in the southwestern corner of the intersection of Range Road and Bethlehem Church Road. Land uses to the east and west of the site are single-family subdivisions, with Restricted Residential zoning. Uses to the north and south consist of low-density

residential, agricultural and vacant land, and is zoned Residential. Since the property abuts Residential districts, spot zoning should not be an issue. The 2015 Land Use Plan indicates residential use for the property; therefore, the requested rezoning is consistent with the future land use plan.

Planning Board Recommendation: APPROVE

The Planning Board voted unanimously to recommend that the rezoning be approved.

NCGS 153A-341 Requirements:

Is the amendment consistent with the 2015 Land Use Plan?

This area was designated as residential, therefore Residential zoning would be consistent with the plan.

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

The areas to the north and south are zoned Residential with larger rural residential uses. The areas east and west are zoned Restricted Residential, with subdivision lots used for single family dwellings.

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

Tim Yarbrow, 465 Range Road, is the neighbor across the street from the property in question. Mr. Yarbrow expressed he is 100% against the rezoning. He feels this rezoning would allow a trailer to be placed on the property which would ultimately decrease the value of his brick home. Although the property owner signed the rezoning application, Mr. Yarbrow did not feel like the property owner is capable of making this decision.

Terri Moore, 411 Greyfield Drive, opposed the proposed rezoning stating the property needs to match the quality of the subdivisions in the surrounding area. She felt changing the property to R would lower the quality of the area.

Robert Yarbrow, petitioner, said his intention was to build a barn on the property. He wanted to move one mobile home onto the property. He made note that rezoning only one acre of the property would suit his needs.

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

Commissioners asked if this property would be used as a rental property. Chris Martin explained it was his understanding that a farm worker would reside in the property.

Staff showed Commissioners what it would look like if only one acre was rezoned.

Commissioner Hutchins informed those opposing the rezoning that a mobile park could not be placed on this property without a conditional use permit.

Chairman Falls has spoken with the Power of Attorney for the property owner and she is aware of this rezoning and is in support of it. He shared, "I think the rights of property owners is important as long as they are not harming anyone else.

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, ***to approve the rezoning of one acre as presented by the Planning Board.***

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP
CLEVELAND COUNTY
450 Range Road
Restricted Residential (RR) to Residential (R)**

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

WHEREAS, the Cleveland County Planning Board recommended the amendment of the zoning map on April 22, 2014; and

WHEREAS, these parcels are classified as “Residential” on our 2015 Future Land Use Plan, and Residential (R) would be consistent with the comprehensive plan for this area; and

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

WHEREAS, notice of the Public Hearing was published in the Shelby Star on April 25, 2014, and May 2, 2014, notices were mailed to adjoining property owners on April 25, 2014, and a sign posted at the property on April 25, 2014; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by the Cleveland County Board of Commissioners to amend the Official Zoning Map following a Public Hearing on May 6, 2014; 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 Restricted Residential (RR) to Residential (R) for the property identified on the attached map designated “Rezoning Case 14-05”, being incorporated herein by reference and made part of this ordinance.

BEGINNING on an unmarked point in the centerline of Range Road (State Road 2246), said unmarked point being the Northeast corner of Cathy Early Montgomery’s property (Book 1640, Page 2496), thence with the Montgomery property, South 23-18-33 West 210 feet, South 80-24-43 East 210 feet, North 23-18-33 East 210 feet, thence with center of the road, North 80-24-43 West 210 feet to the place of BEGINNING, containing approximately 1 acre.

***This Ordinance shall become effective upon adoption and approval.
Adopted this 6th day of May 2014 at 6:00 p.m.***

COMMISSIONER REPORTS

Commissioner Hutchins has received final approval on the gun range from the Wildlife Commission. A bridge has been taken out of the original plans which will free up enough funding to also complete Phase 2. Groundbreaking is expected in July.

ADJOURN

There being no further business to come before the Board at this time, Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to adjourn the meeting*** .

The next meeting of the Commission is scheduled for ***Tuesday, May 20, 2014 at 6:00 p.m in the Commissioners Chamber.***

*Jason Falls, Chairman
Cleveland County Board of Commissioners*

Kerri Melton, Clerk
Cleveland County Board of Commissioners