

CLEVELAND COUNTY BOARD OF COMMISSIONERS

August 5, 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
Eddie Holbrook, Vice-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
Brian Epley, Finance Director
Allison Mauney, Human Resources Director
Bill McCarter, Planning Director
Perry Davis, Emergency Management Director
Jessica Pickens, *The Shelby Star*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Falls called the meeting to order. Ronnie Hawkins 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: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk.*

CONSENT AGENDA

The following citizens spoke in opposition to the proposed casino.

Beauford Burton- 222 Margrace Road, Kings Mountain
Jim Bishop- 2539-1 Shoal Creek Church Road, Kings Mountain
Tammy Kapoor- 50 Open Lane, Kings Mountain
Noah Clark- 35 Drury Lane, Kings Mountain
Adam Forcade- 1005 Serenity Woods, Bessemer City

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *June 3, 2014 and June 17, 2014*, motion was made by Ronnie Hawkins, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *approve the minutes as written.*

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *June 2014* (copy found on Page _____ of Minute Book _____).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *June 2014*. The monthly grand total of tax abatements was listed as (\$6,653.83) and, the monthly grand total for tax supplements was listed as \$(3,114.26).

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #004)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.441.4.350.00/16738-8476	Sheriff/Fed Govt Grants	\$ 50,016.	
010.441.4.991.00/16738-8476	Sheriff/Fd Bal Approp	16,672.	
010.441.5.121.00/16738-8476	Sheriff/Salaries/Wages FT	34,560.	
010.441.5.122.00/16738-8476	Sheriff/Salaries/Wages PT	8,510.	
010.441.5.131.00/16738-8476	Sheriff/Salaries/Social Security Tax	2,670.	
010.441.5.132.00/16738-8476	Sheriff/Salaries/Retirement	2,516.	
010.441.5.133.00/16738-8476	Sheriff/Salaries/Hospital Insurance	6,024.	
010.441.5.134.00/16738-8476	Sheriff/Salaries/Dental Insurance	180.	
010.441.5.135.00/16738-8476	Sheriff/Salaries/Employer 401K	1,728.	
010.441.5.136.00/16738-8476	Sheriff/Salaries/Medicare Taxes	625.	
010.441.5.210.00/16738-8476	Sheriff/Salaries/Department Supply	300.	
010.441.5.211.00/16738-8476	Sheriff/Salaries/Controlled Equip	3,645.	
010.441.5.910.00/16738-8476	Sheriff/Salaries/Capital Equip	5,930.	

Explanation of Revisions: Request approval to budget 2014 Prescribed Epidemic Grant from the Governor's Crime Commission funded for one year with 75% funded and 25% local match. Funds will be used to cover salary of one full-time investigator and one part-time investigator, surveillance equipment, generator and enclosed trailer.

TAX COLLECTIONS: ORDER TO COLLECT TAXES

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the following order:*

State of North Carolina
County of Cleveland

To Necole' Richard, Tax Collector:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records for the year 2014, and all taxes outstanding for tax years 2004 through 2013, as filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in Cleveland County and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, and to use or cause to be used, all remedies provided by law.

Adopted this the 5th day of August, 2014.

SPECIAL RECOGNITION

SPECIAL RECOGNITION OF RETIRED EMERGENCY MANAGEMENT DIRECTOR DEWEY COOK

Commissioners recognized retired Emergency Management Director Dewey Cook and presented him with a resolution honoring him for his service. The resolution read as follows:

**A RESOLUTION IN RECOGNITION OF
EMERGENCY MANAGEMENT DIRECTOR DEWEY COOK**

WHEREAS, effective July 31, 2014, Dewey Cook retired from Cleveland County; and

WHEREAS, Dewey has been a full-time employee of Cleveland County since September 1988 beginning as Deputy Fire Marshall and retiring as Emergency Management Director/Fire Marshall; and

WHEREAS, during his tenure, Dewey has responded to numerous disasters and hurricanes across the state; and

WHEREAS, throughout his career, he has lead emergency management efforts during local disasters such as the drought of 2002, the ice-storm of 2000 as well as several tornadoes that devastated Upper Cleveland County and Boiling Springs; and

WHEREAS, Dewey was instrumental in Cleveland County being awarded grant funding for the purchase of generators to be used during disasters further preparing Cleveland County to be storm-ready; and

WHEREAS, Dewey Cook will always be remembered by Cleveland County employees as well as Public Safety personnel across the county as the “man with all the keys”; and

WHEREAS, throughout his years of service, Dewey has earned the admiration, respect and friendship of those with whom he has worked and come into contact.

THEREFORE, BE IT RESOLVED the Cleveland County Board of Commissioners commends Dewey Cook for his years of service to the County and the citizens and we extend to Dewey, best wishes for many years of good health and happiness during his retirement and future endeavors.

Adopted this the 5th day of August 2014.

****** Commissioner Holbrook was excused from the meeting at 6:25******

REGULAR AGENDA

APPOINTMENT AND OATH OF OFFICE- CLERK TO THE BOARD

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to appoint Henry Earle as Cleveland County Clerk to the Board.*

Chairman Jason Falls administered the Oath of Office to Henry Earle following the appointment by the Board of Commissioners.

NCACC VOTING DELEGATE

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to appoint Jason Falls as the Voting Delegate for the NCACC Conference to be held in Asheville, NC.*

A RESOLUTION TO CANCEL AUGUST 19, 2014 COUNTY COMMISSIONERS MEETING

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

**CHANGE IN REGULAR MEETING SCHEDULE OF THE
CLEVELAND COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Cleveland County Board of Commissioners have decided that it is appropriate to cancel their regular meeting of **August 19, 2014**.

NOW, THEREFORE, BE IT RESOLVED, THAT, the Cleveland County Board of Commissioners cancel their meeting in accordance with the mandates of North Carolina General Statute 153A-40. The regular meeting schedule as adopted by the Board will resume September 2, 2014.

ADOPTED THIS 5th DAY OF AUGUST, 2014.

**PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 14-10) JESSIE
BOONE- 30 ACRES ELLENBORO ROAD AND W. DIXON BLVD.**

Chris Martin, Zoning Administrator presented a request from Jessie Boone. Mr. Boone is requesting a zoning map amendment from Residential (R) to Heavy Industrial (HI) for approximately 30 acres located between Ellenboro Road, US 74 and a rail line and lies just west of the Town of Mooresboro. The area surrounding the property to the north, south and west is zoned Residential, while the area to the East is Rural Agriculture and Light Industrial. This area is listed as Light Industrial on the 2015 Land Use Plan. The surrounding area is mixed uses, with larger tracts of land, consisting of single family residential uses, agricultural uses, agriculture, and also commercial buildings on Ellenboro Road.

Mr. Boone is also requesting a zoning map amendment for adjoining property within the Mooresboro town limits, approximately 8.4 acres, from Rural Agriculture (RA) and Light Industrial (LI) to Heavy Industrial (HI). The Town council held a public hearing on this request on July 14, 2014 and tabled their decision until the next meeting.

In accordance with NCGS 153A-343, notice of the public hearing was mailed to the property owner(s) and adjoining owners, and a sign posted on the property by July 25, 2014. Legal ads were published in the newspaper on July 25, 2014 and August 1, 2014.

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 information provided for the subject cases and viewed aerial photography of the area. The rezoning requests seek zoning map amendments from the Town of Mooresboro and Cleveland County to reclassify adjoining tracts – 8 acres within the Town’s jurisdiction and 30 acres within the County jurisdiction – to the Heavy Industrial (HI) classification. The property within the Town is currently zoned as Light Industrial and Rural Agriculture. The parcel outside the Town is zoned Residential. Surrounding land uses are a mixture of vacant parcels, residential and commercial uses. The subject parcels adjoin or contain the rail line which follows US-74 Business (Ellenboro Road) to the north and US-74 (W. Dixon Blvd.) to the south. The County’s 2015 Land Use Plan designates the future land use as light industrial.

Since the subject properties are served by both rail and multi-land highway, a Heavy Industrial classification could be justified; however, the size of the property may be a bit small for some of the more intensive HI uses. I know that Rutherford County has identified several prospective industrial sites just across the county line to the west, so industrial uses in the Mooresboro area would seem to be appropriate if the necessary water, sewer and other infrastructure is or can be made available to serve the property. The requested rezoning is in keeping with the Land Use Plan, and absent neighborhood concerns, I would recommend approval of these two map amendments.

Jeff Ward, Chairman, 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 Industrial; therefore an industrial use would be consistent with the plan.

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

Due to the location of this property, situated between US74 and the railroad, the Board considered an industrial use to be a reasonable use.

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

Billy Holland- 737 Crawley Gin Road purchased 10 acres close to the proposed project area with the intention of building a home. He spoke of some concerns he has including traffic, hours of operation and noise from a saw mill.

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

Commissioner Hutchins asked if Commissioners could approve the project as a conditional use. Mr. Martin explained, because the application was submitted this way, he would need to start all over.

ACTION: Ronnie Hawkins made the motion, seconded by Susan Allen and unanimously adopted by the board, ***to approve the zoning map amendment found on Page _____ of Minute Book _____.***

COMMISSIONERS REPORTS

Commissioner Hawkins attended the Distinguished Image Awards where three great candidates were recognized.

Commissioner Allen led a Mock Commissioners meeting for the BEST Program. Commissioners Hutchins and Falls also attended.

Commissioner Hutchins attended the KM Advisory Council meeting. He also attended a meeting with the Wildlife Commission. Phase I is being designed. Plans are expected to be completed in two weeks.

Chairman Falls will be attending the Veteran's Council meeting where they will look at goals for the upcoming year.

ADJOURN

There being no further business to come before the Board at this time, Susan Allen made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***adjourn the meeting.*** The next regular meeting of the Cleveland County Board of Commissioners will be held on ***Tuesday September 2, 2014 at 6:00 p.m.*** in the Commissioners Chambers.

*Jason Falls, Chairman
Cleveland County Board of Commissioners*

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