

Cleveland County Board of Commissioners
May 3, 2016

The Cleveland County Board of Commissioners met in a regular session on Tuesday, May 3rd at 6:00 p.m. in the Commission Chamber of the Cleveland County Administrative Office.

PRESENT: Jason Falls, Chairman
Eddie Holbrook, Vice-Chair
Johnny Hutchins, Commissioner
Jeff Richardson, County Manager
Tim Moore, County Attorney
Andrea Leslie-Fite, Assistant County Attorney
Henry Earle, Clerk to the Board
Kerri Melton, Community Services Director
Brian Epley, Finance Director
Allison Mauney, Human Resources Director
Chris Green, Tax Administrator
Kristin Reese, Economic Development Director

ABSENT: Susan Allen, Commissioner
Ronald Hawkins, Commissioner

CALL TO ORDER

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

AGENDA ADOPTION

ACTION: Commissioner Hutchins made the motion to adopt the agenda, as presented by the Clerk. It was seconded by Commissioner Holbrook and unanimously adopted by the Board.

SPECIAL RECOGNITION

PROCLAMATION FOR MOTORCYCLE AWARENESS MONTH: Chairman Falls stated that he was excited about the night's special recognition for Motorcycle Awareness Month. Chairman Falls asked the Clerk to read the following proclamation:

Number 05-2016

A Proclamation for Motorcycle Awareness Month

Whereas motorcycle riding is a 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 of Cleveland County be aware of motorcycles on our roads and recognize the importance of motorcycle safety; and,

Whereas safe motorcycle operation is enhanced through a combination of rider training and experience, good judgement and observance of traffic laws; and,

Whereas warm weather brings with it more motorcycles on our roads and highways; and,

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

NOW, THEREFORE, the Cleveland County Board of Commissioners proclaim May 2016 as Motorcycle Awareness Month and ask all citizens to help them keep Cleveland County's roads safe for all.

ADOPTED THIS THE 3rd DAY OF MAY 2016.

After the proclamation was read Chairman Falls invited the members of the Concerned Biker's Association (CBA) of Cleveland County up to the front to take pictures with the Commissioners. Commissioners took turns

thanking the CBA for their work with raising funds for children's needs in Cleveland County and encouraged citizens to be aware of those riding motorcycles on the road.

CITIZEN RECOGNITION

- Steve Padgett: Mr. Padgett wanted to say thank you to the Commissioners for their work with businesses, both large and small, in Cleveland County. Mr. Padgett spoke about state meetings he has been in and that from these meetings it is obvious that Cleveland County, under the Commissioner's direction, is doing a lot of good things for businesses and he wanted to ensure that the Commissioners knew he appreciated it.
- Robert Williams: Mr. Williams spoke about the Commissioners, referencing a previous comment made by Commissioner Holbrook regarding naysayers, who point out weaknesses. Mr. Williams said that coaches help their players by working on their weaknesses and he needed to point out a weakness. He referenced the minutes from April 19th, 2016, and that the paragraph about the appointment of Debra Harrill to be Interim Register of Deeds was not sufficient because it did not state specifically that the Commissioners appointed her to be the interim. Mr. Williams ended by saying that should have been specifically mentioned.

CONSENT AGENDA

MINUTES: There being no corrections, additions or deletions, the Minutes of the April 19th, 2016 regular meeting were presented. Commissioner Hutchins made the motion to approve the minutes, seconded by Commissioner Holbrook, and unanimously adopted by the Board.

PLANNING: The Planning Department requested to set the public hearing for June 7th to hear a proposal for abandoning a public right of way on Fielding Road on the landfill property. The proposal came from landfill Director Sam Lockridge with the intent to better control the flow of traffic into and out of the landfill and shooting complex. Commissioner Hutchins made the motion, seconded by Commissioner Holbrook, and unanimously adopted by the Board to set the hearing for June 7th.

SHERIFF'S OFFICE: The Sheriff's Office requested to remove the service weapon from county inventory for retiring Deputy Mark Self. Commissioner Hutchins made the motion to approve the removal of county service weapon, asset number 200523, from inventory. It was seconded by Commissioner Holbrook, and unanimously adopted by the Board.

PUBLIC HEARING:

ZONING MAP AMENDMENT 16-03: Chris Martin, Zoning Administrator, came to the podium. Mr. Martin introduced case 16-03, a request to rezone property located at 203 Farris Road, Kings Mountain from Restricted Residential to Residential. Isothermal Planning and the Cleveland County Planning Board approved the amendment.

ZONING MAP AMENDMENT - CASE 16-03
Restricted Residential (RR) to Residential (R)

Planning Consultant Recommendation

APPROVE

The applicant seeks to rezone approximately 1 acre located at 203 Farris Road from Restricted Residential (RR) to Residential (R). The adjoining property north of Farris Road is currently zoned RR and RM. Property directly across Farris Road is zoned R. The surrounding area is primarily developed for single-family detached housing on parcels of about 0.5 acre and larger. The Land Use Plan designates the area as Rural Residential.

The requested Zoning Map amendment is consistent with the Land Use Plan, and barring neighborhood opposition, I would recommend approval of the proposed rezoning.

Jim Edwards

Isothermal Planning & Development Commission

Planning Board Recommendation

APPROVE

The Planning Board voted unanimously to recommend approving this rezoning request.

NCGS 153A-341 Requirements:

Is the amendment consistent with the 2015 Land Use Plan?

This area was designated as Rural Residential in the Land Use Plan, and Residential would be consistent with the plan.

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

There was no opposition at the Planning Board meeting. The Board noted that this rezoning would simply be an extension of an existing Residential zoning district.

Bill Chambless, Chairman

Cleveland County Planning Board

Hearing no questions, the public hearing was opened at 6:21 p.m.

- Evelyn Black: 203 Farris Road. Mrs. Black is the land owner and wants to put a double wide trailer on the property for her son. Mrs. Black stated that her house was small and her son had children, therefore she wanted to put the double wide on her property.

The public hearing was closed, hearing no one else, at 6:23.

ACTION: Commissioner Hutchins moved to approve the zoning map amendment. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

ZONING MAP AMENDMENT CASE 16-04: Chris Martin, Zoning Administrator, came to the podium. Mr. Martin introduced case 16-04, a request to rezone property located at 401 Milsap Road from Restricted Residential to Neighborhood Business. Mr. Martin said Isothermal Planning Board recommended approval of the measure but the Planning Board recommended denial of the proposed amendment, due to concerns over spot zoning and the broad range of uses in neighborhood business.

ZONING MAP AMENDMENT - CASE 16-04
 Restricted Residential (RR) to Neighborhood Business (NB)

Planning Consultant Recommendation	APPROVE
<p>The applicant requests rezoning of a .57-acre parcel at 401 Millsap Road from Restricted Residential (RR) to Neighborhood Business (NB). The surrounding lots are currently zoned RR on the north side of Oak Grove Rd., and R to the south. There is an existing NB district just east of the subject parcel. The Land Use Plan designates the area as Residential.</p> <p>Because the immediately adjoining lots are residentially zoned, an argument could be made that the requested action is spot zoning. However, there is a NB district in the immediate vicinity, and the stated purpose of the NB district is to allow small retail and service uses that serve the immediate neighborhood, and whose design is compatible with the residential character of the area.</p> <p>Absent community opposition, I recommend approval of the requested map amendment.</p>	

Jim Edwards
Isothermal Planning & Development Commission

Planning Board Recommendation	DENY
<p>The Planning Board voted to recommend that the rezoning request be denied.</p> <p>NCGS 153A-341 Requirements:</p> <p><i>Is the amendment consistent with the 2015 Land Use Plan?</i> This area is designated as Residential in the Land Use Plan, and Neighborhood Business district would not be consistent with the plan.</p> <p><i>Is the amendment reasonable and in the best interest of the public?</i> Several neighbors spoke in opposition to the rezoning, stating that Millsap was a dead-end road and traffic had been an issue in the past with other commercial uses. The Board also identified these factors that may constitute spot zoning.</p> <ul style="list-style-type: none"> • Balancing Benefit and Detriment. Spot zoning creates great benefit to the land owner of the rezoned property, with only an accompanying detriment and no benefit to the community, and therefore may be considered illegal. • Relationship of Uses. Several years ago this community requested the most restricted residential zoning. Neighborhood Business is a four step change in the hierarchy of zoning classifications. A big difference in the relationship of uses. 	

Bill Chambless, Chairman
Cleveland County Planning Board

The public hearing was opened at 6:25 p.m.

- **Robert Devoe:** Mr. Devoe is the property owner at 410 Milsap Road. Mr. Devoe is for the amendment, stating that he intends to set up a produce stand on the property. Mr. Devoe said this would help the community by giving 1-2 people a summer job helping with the produce stand.
- **Michael Hardwick:** 403 Murdock Circle: Mr. Hardwick moved into the neighborhood within the last month because of it being a quiet place to live. He is opposed to the amendment because he does not want a business to ruin his home value.
- **Franklin Kelly:** 410 Milsap Road. Mr. Kelly is against the amendment. He was part of the group that got the neighborhood zoned into restricted residential due to a club that was there previously. He said it would be a step back to allow businesses back into their neighborhood.
- **Christian Gaston:** 403 Murdock Circle. Ms. Gaston is against the amendment. She is afraid that it will not be a produce stand but will be used for something else entirely.

- Alicia Manning: 410 Murdock Circle. Ms. Manning said the club was very bad for the neighborhood and the neighbors have worked diligently to make it great and the neighbors want to keep it that way. Therefore she is against the amendment.
- Robert Devoe: Mr. Devoe was allowed to give a rebuttal. Mr. Devoe assured his neighbors that this would only be used as a produce stand and nothing else.
- Wanda Guest: 401 Murdock Circle. Ms. Guest stated that she had spoken to Mr. Devoe and that he told her he was going to do lawnmower repair in the building that is on the property, which is contradictory to his claims of only selling produce.
- Tracy Mintz: Mr. Mintz said he is typically for anything that can help the community at large but he had concerns due to the amount of neighbors that are unsure what Mr. Devoe intends to do with the produce stand. He stated that, for this reason, he was against the amendment.

The public hearing was closed at 6:39 p.m. Commissioner Hutchins stated that he had concerns due to the large number of uses that were possible in neighborhood business and that there were so many concerns from neighbors. He said it might be better for Mr. Devoe to look into getting a conditional use permit from the Board of Adjustment.

ACTION: Commissioner Hutchins moved to deny the zoning request and to instruct the Planning Department to help Mr. Devoe look into a Conditional Use Permit for his property and fruit stand. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

PROJECT MAROON: Economic Development Director Kristin Reese came to the podium. Mrs. Reese stated that the company is well established in Washington D.C. and is looking to expand into Cleveland County, while maintaining its presence in DC. This business would be looking to utilize a building that has been vacant for nearly 10 years. The City of Kings Mountain is applying for a North Carolina Rural Division Infrastructure Grant of \$297,600.00, which requires a 5% match. The city has asked Cleveland County to provide the match in the amount of \$14,880.00 to provide sewer and water infrastructure to the building. The project will create 45 new permanent full time jobs at an average salary of \$55,200.00 and an anticipated new investment of approximately \$3,850,000.00.

The public hearing was opened at 6:45.

- Robert Williams: Mr. Williams stated that he hoped there would be some sort of guarantee that the company would come to Cleveland County if the county was to invest money. Mr. Williams also asked about the 45 jobs and what the median salary of those jobs would be. His fear was that the average could be offset by several high paying executives and lots of near minimum wage jobs. Mr. Williams asked if the money for infrastructure was going for infrastructure in the building or just leading up to the building. He stated that if it was in the building then it was not proper for the county

to pay for. At a previous economic development hearing he had expressed concern over the great number of people in Cleveland County on Food Stamps and that he would like to have seen those concerns addressed within these economic development proposals but he did not see it mentioned in the staff report. He then thanked the Commissioners for their work with bringing business to Cleveland County.

The public hearing was closed at 6:49 p.m.

Commissioner Holbrook stated that the Commissioners get asked about vacant buildings quite often and it is great to see a vacant building being used, and that we need to encourage use of those if possible. To Mr. Williams' question, Commissioner Holbrook said the money will not be committed until there is a commitment from the company to come to Cleveland County. Commissioner Hutchins stated that he hoped some of the individuals on public assistance can apply for some of these 45 new jobs and/or go through the new robotics education course being offered at the Community College. Chairman Falls then stated that the Commissioners are aware of the number of people on food stamps and public assistance but the incentive agreement of an economic development is not the place to address those concerns.

ACTION: Commissioner Holbrook moved to approve the incentive agreement as presented by Economic Development. It was seconded by Commissioner Hutchins and unanimously approved by the Board.

REGULAR AGENDA

JUVENILE CRIME PREVENTION COUNCIL 2016-2017 PRIORITIES: Shelby Police Chief Jeff Ledford, Chair of the Juvenile Crime Prevention, came to the podium. Mr. Ledford stated that the Juvenile Crime Prevention Council annually looks at priority risks and landed on the following needs:

- Family Needs: Domestic violence exposure, family criminality, family substance abuse
- Juvenile substance use/abuse
- Serious school behavior problems/suspensions/truancy
- Mental health needs, assessment/treatment
- Association with negative/delinquent peers/gang associations
- Dangerous sexual practices

Funding priorities were established for JCPC for 2016/2017 in the following order:

- Parent/Family Skill Building
- Home Based Family Counseling
- Substance Abuse Treatment
- Assessment Services: Psychological, Substance Abuse/Sex Offender Specific
- Sex Offender Treatment

- Mentoring
- Interpersonal Skills
- Mediation
- Temporary Shelter Care/Foster Care
- Community Service/Restitution
- Teen Court

JCPC advertised a request for proposals and received nine proposals (in addition to the administrative (operational) budget for the JCPC). The risk factor assessment guided this committee in making recommendations to Commissioners regarding the approximate allocations of \$277,984 provided to Cleveland County by the North Carolina Department of Public Safety, Division of Juvenile Justice/Community Programs Section, and subject to approval by the General Assembly. Recommendations for 2016-17 funding are:

\$18,881	<u>Restitution and Community Service:</u> Administered through Communities in Schools of Cleveland County, the community service program allows the juvenile an option to give back to the community as well as offer them a chance to be held accountable and to repair some of the harm caused by his or her conduct. Monetary restitution is a process that offenders are held accountable, either partially or fully, for the financial losses suffered by the victims of their crimes.
\$18,135	<u>Teen Court:</u> Administered through Communities in Schools the program is designed to reduce likelihood of re-offense and educate youth about the Criminal Justice System. Offenders are screened through Juvenile Court Counselors. Jurors are their peers; however, jurors do not know the offender. Misdemeanor cases (only) will be heard. Offenders are required to plead guilty and accept the sentence which typically takes a minimum of three months to complete. A local lawyer acts as judges and cases are heard in a real courtroom.
\$48,062	<u>Mentor Program:</u> Administered through Communities in Schools, this program provides a one on one relationship with a caring adult for at risk and court involved youth. The program maintains a Mentor Coordinator who accepts referrals from DJJ, school, etc., and works to partner them with volunteer mentors from local businesses, communities of faith and the general public. The mentors are trained and receive orientation directly from the Mentor Coordinator. This program provides wrap around services to those already being served in the community service, restitution and teen court programs. (CIS)
\$92,596	<u>Roots and Wings – Parent/Youth Skill Development:</u> Administered by the Cleveland County Health Department. Roots and Wings is a program that deals with high percentage of court involved youth and their families. They provide counseling and work on family dynamics throughout a 12 week session program.

\$19,000	Juvenile Mediation: Administered through Mediation Center of the Southern Piedmont. This program serves youth referred by Juvenile Court and school resource officers. Through mediation the program teaches and encourages juveniles to deal with conflict in a positive manner, encourages young offenders to take responsibility for their actions, and helps victims develop a sense of justice being served. Conflict resolution is also a component of the program; classes are held on the campus of Turning Point Academy.
\$45,000	Turning Point Academy- The program is known as the Cleveland Early Interventions Initiative. Administered by Cleveland County Schools, CEI is a program that provides a therapeutic alternative and educational option to long-term suspended students and to students who are administratively placed in an alternative setting because of serious behavioral concerns or suspensions. A life skills coordinator provides instruction and counseling to ensure successful re-enrollment in the regular school setting at the completion of the program.
\$18,895	Family Centered Treatment (FCT)- FCT is a best practice, tested and evidence based model of home-based family therapy developed by practitioners over a twenty year period. FCT has been gradually formalized into a model of therapy with evidence based practices that have been shown to lower rates of out of home placements, juvenile recidivism, and maladaptive areas of family functioning. It has been refined based on research, experience and evidence of effectiveness derived from practice and application. The Family Centered Treatment Foundation contracts with Pinnacle to provide the model to families.
\$15,916	Gang Prevention through Targeted Outreach- Program will target youth currently involved or at risk of becoming involved in a gang and provides them with productive youth development experiences and positive alternatives in the Boys and Girls Club of Cleveland County setting. The program is modeled after an Office of Juvenile Justice and Delinquency Prevention (OJJDP) promising gang program that involves 1) Community/Family Collaboration, 2) Recruitment, 3) Specialized Programs, and 4) Case Management. Focus areas are academics, school behavior, substance use, sexual activity, risky behavior and negative peer associations. * (New Program 2016-17).
\$1499	Administration- Administered by the JCPC, comprised of various members delegated by statute and appointed by County Commissioners. The administration will oversee all aspects of programs providing services to our youth.

Mr. Ledford asked that the Commissioners adopt these priorities as presented by JCPC.

ACTION: Commissioner Hutchins moved to approve the funding priorities for JCPC for fiscal year 2016-2017. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

AMENDMENT TO THE MINUTES: Chairman Falls stated that, at the recommendation of the County Attorney, the minutes of the April 19th meeting should be amended with respect to the provision concerning the Register of Deeds by adding the following sentence: *The County Commission so appointed Debra Mull Harrill to the Register of Deeds upon the retirement of Mrs. Reece.*

ACTION: Commissioner Holbrook moved to amend the minutes with the above mentioned sentence added. It was seconded by Commissioner Hutchins and unanimously passed by the Board.

ACTION: Commissioner Holbrook then moved to accept the amended minutes. It was seconded by Commissioner Hutchins and unanimously passed by the Board.

COMMISSIONER REPORTS

Commissioner Holbrook: Congratulated Commissioner Hutchins on the opening of the shooting range and congratulated Steve Padgett for his work on the job fair.

Chairman Falls: Attended the swearing in of the Interim Register of Deeds and look forward to working with Mrs. Harrill.

ADJOURN

Chairman Falls entertained a motion to adjourn. The motion was made by Commissioner Hutchins, seconded by Commissioner Holbrook and unanimously approved by the Board. The next regularly scheduled meeting of the Cleveland County Board of Commissioners will be Tuesday, May 17th at 6:00 in the Commissioner's Chamber.