

Cleveland County Board of Commissioners
September 6, 2016

The Cleveland County Board of Commissioners met in a regular session on Tuesday, September 6th, 2016, 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
Susan Allen, Commissioner
Ronald Hawkins, Commissioner **came at 6:18*
Alan Norman, Sheriff
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
Bill McCarter, Planning Director
Lorie Poston, E911 Communications Director

CALL TO ORDER

Chairman Jason Falls called the meeting to order and County Tax Administrator Chris Green led the audience in the Pledge of Allegiance and provided the invocation for the meeting.

AGENDA ADOPTION

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

SPECIAL RECOGNITION

RECOGNITION OF PINNACLE CLASSICAL ACADEMY'S CHAMPIONSHIP ARCHERY

TEAM: Chairman Falls stated that he was very excited for the Board to have the opportunity to honor both the elementary and middle school archery teams from Pinnacle Classical Academy for their 2015/2016 national titles in Scholastic 3-D archery. Chairman Falls introduced the archery team coach and Shooting Range Board member Todd Tongel, as well as Pinnacle Classical Academy Headmaster Robert Brown. Mr. Brown stated that it was quite the accomplishment and he was very proud to bring Cleveland County its only national titles in any sport and to have done with a school that was only in its third year.

The Clerk to the Board read the names of the elementary and middle school students and each student came to the front of the chamber and received a certificate. After all the names had been read Commissioners thanked each of the students for their hard work and then took pictures with them.

RESOLUTION IN SUPPORT OF LOCAL LAW ENFORCEMENT: Chairman Falls stated that the Board was very fortunate to get to present a resolution to the Sheriff in appreciation of local law enforcement. The Clerk read the resolution, shown below. Chairman Falls then asked the Sheriff to come forward. Sheriff Alan Norman stated that he was very thankful for the Commissioners and their commitment to the Sheriff's Office and to their needs. The Sheriff then asked his deputies that were present

to come forward. The Commissioners each thanked the deputies for their service to Cleveland County and reiterated the Board's support to them.



SPECIAL PRESENTATION

PARTNERS BEHAVIORAL HEALTH UPDATE: Chairman Falls introduced Andrew Schrag, Regional Director of Community Operations. Mr. Schrag thanked the Commissioners for giving him the opportunity to speak and to cover two projects. The first project was Cleveland Strong Community Prosperity Project. This project will look at things specific to Cleveland County that are social determinants of health, such as access to care, education, and access to healthy food. The project will take these social determinants of health and then look at how agencies and organizations can leverage their funding to combat these. Partners Behavioral Health Management is still in the early stages of development with the program but it has a lot of promise.

The second program is called Partnering for Excellence and it is with Cleveland County Social Services. Children involved in Social Services often deal with trauma which can have tremendous negative impact as they move forward in life. Partners and Cleveland County DSS will be conducting research and working with children coming through DSS to help negate those traumatic factors in their life.

Mr. Schrag next spoke about the Ollie Harris wing of the new Public Health Center. In July of 2016 over 200 new patients came to the Ollie Harris wing to receive treatment for behavioral health as opposed to going to the emergency room. Commissioner Hawkins asked if the Ollie Harris wing was suiting the needs of Partners. Mr. Schrag said it was an anchor for the strong mental health providers in Cleveland County and it has been a great facility. Mr. Schrag mentioned that transportation is still an issue for many but having Social Services, Public Health and Behavioral Health in one location is ideal for their client base. Chairman Falls asked if the Detox Crisis Center was being used at capacity and Mr. Schrag stated that it is being used at capacity. Commissioners thanked Mr. Schrag for what he and Partners were doing for the community.

CITIZEN RECOGNITION

- Barbara White – Cortland Drive in Shelby: Ms. White stated that she had hoped that issues brought up by Deb Hardin and Clifford’s Army would have been addressed but stated that they had not been. Ms. White asked why CARE volunteers were not allowed to do temperament testing on the animals and why the animal shelter had such restrictive hours. Ms. White stated that the meeting promised to them with the Health Director and County Manager did not happen. Ms. White ended by saying there would be fewer dead animals if there was less ego from the County Commissioners.

CONSENT AGENDA

MINUTES: There being no corrections, additions or deletions, the minutes of the August 2nd, 2016 regular meeting were presented.

ACTION: Commissioner Hawkins moved to adopt the minutes as presented. It was seconded by Commissioner Holbrook and unanimously adopted by the Board.

MANAGER’S REPORT: The manager’s report from August 2016 was presented to Commissioners.

ACTION: Commissioner Hawkins moved to approve the Manager’s Report. It was seconded by Commissioner Holbrook and unanimously adopted by the Board.

TAX ADMINISTRATION: As of July 31st, 2016, 2.32% of taxes for fiscal year 2016/2017 had been collected by the Tax Collector’s Office.

ACTION: Commissioner Hawkins moved to accept the Tax Collector’s monthly report as presented. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

TAX ADMINISTRATION: For July, 2016, abatements were \$66,962 and supplements were \$6,038.

ACTION: Commissioner Hawkins moved to approve the abatements and supplements. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

SOCIAL SERVICES: BNA #006

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.504.4.350.00	TITLE XX	\$120,000.00	
011.504.5.891.00	TITLE XX	\$120,000.00	

Explanation of Revisions: Budget state funds for the Special Needs Adoption program.

ACTION: Commissioner Hawkins moved to approve Budget Amendment #006. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

PUBLIC HEALTH CENTER: BNA #007

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.535.4.991.00	FUND BALANCE APPR.	\$3,134.00	
012.535.5.790.00	DONATIONS	\$3,134.00	

Explanation of Revisions: Budget donations allocated for purchase of staff fitness room equipment.

ACTION: Commissioner Hawkins moved to approve Budget Amendment #007. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

PUBLIC HEALTH CENTER: BNA #008

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.538.4.991.00	FUND POOL	\$300.00	
012.538.4.800.00	MISC. REVENUE	\$600.00	
012.538.5.500.00	MISC. EXPENSES	\$900.00	

Explanation of Revisions: Budget funds received for precepting students to go toward the miscellaneous operating expenses in the Maternal Health Clinic.

ACTION: Commissioner Hawkins moved to approve Budget Amendment #008. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

PUBLIC HEALTH CENTER: BNA #009

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.540.4.310.00	FED GOV GRANTS	\$3,952.00	
012.540.5.422.00	CONTRACTED LABOR	\$3,952.00	

Explanation of Revisions: Budget additional WIC breastfeeding peer counselor services.

ACTION: Commissioner Hawkins moved to approve Budget Amendment #009. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

PUBLIC HEALTH CENTER: BNA #010

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.546.4.991.00	FUND BALANCE APPR	\$5,400.00	
012.546.5.310.00	TRAVEL TRAINING	\$400.00	
012.546.5.490.00	PROFESSIONAL SRVCS	\$5,000.00	

Explanation of Revisions: Budget funds to pay a portion of a state consultant's salary to be used to establish a strategic path to meet state and federal health system reform. .

ACTION: Commissioner Hawkins moved to approve Budget Amendment #010. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

EMERGENCY MEDICAL SERVICES: BNA #011

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.437.4.310.00	FED GOV GRANTS	\$3,450.00	
010.437.5.210.00	DEPARTMENTAL SUPPLY	\$1,575.00	
010.437.5.211.00	CONTROLLED PROPERTY	\$1,875.00	

Explanation of Revisions: Budget SMAT III Sustainment Grant from the Charlotte-Mecklenburg Hospital Authority to purchase a Shelter Cart Kit and Shelter Lighting.

ACTION: Commissioner Hawkins moved to approve Budget Amendment #011. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

LIBRARY: BNA #012

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.611.4.810.07	DONATIONS SPECIAL	\$2,300.00	
010.611.5.790.07	DONATIONS SPECIAL	\$2,300.00	

Explanation of Revisions: Budget donation to cover purchase of a new server for the library.

ACTION: Commissioner Hawkins moved to approve Budget Amendment #012. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

PLANNING: The Planning Department requested that the Commissioners set a public hearing for October 4th, 2016, to hear zoning map amendment case 16-10, Residential (R) to Light Industrial (LI), at the corner of Washburn Switch Road and Greenbrook Drive.

ACTION: Commissioner Hawkins moved to set the public hearing for October 4th for zoning map Amendment Case 16-10. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

PUBLIC HEARINGS

ZONING CASE 16-06 – 1608 LITHIA SPRINGS ROAD: Chairman Falls called Chris Martin, Zoning Administrator, to the podium. Mr. Martin stated that the petitioner was requesting a zoning map amendment at 1608 Lithia Springs Road from Restricted Residential (RR) to Residential (R). Mr. Martin stated that the property surrounding it was all Restricted Residential but across the street was residential. The Planning Board approved the amendment, as they felt it was an extension of the Residential area across the street. The public hearing was opened at 6:58 p.m. After hearing no one speak the public hearing was closed at 6:58 p.m.

ACTION: Commissioner Hawkins moved to approve zoning map amendment 16-06 as presented. It was seconded by Commissioner Allen and unanimously approved by the Board

ZONING CASE 16-07 – 199 OLD MILL ROAD: Chairman Falls called Chris Martin, Zoning Administrator, to the podium. Mr. Martin stated that the petitioner was requesting a zoning map amendment at 199 Old Mill Road from Residential (R) to General Business Conditional District (GBCD). Mr. Martin stated that the property housed old mills and that the petitioner was already leasing the property. The petitioner planned to operate a classic car restoration business and also have weddings on the property. The petitioner has already met with the neighbors and let them see what his intentions were with the property. The Planning Board approved the amendment and stated that it was a part of the land use plan to promote use of vacant buildings.

The public hearing was opened at 7:01 p.m.

- Michael Foshet: Mr. Foshet is the petitioner and currently leases the property at 199 Old Mill Road. Mr. Foshet stated that he owned a classic car restoration business in Cherryville but that he has outgrown the space. Mr. Foshet explained that he gave tours to the community so they could see what he was doing and the community response has been overwhelmingly positive. Neighbors are glad to see the building being used.

The public hearing was closed at 7:05 p.m.

ACTION: Commissioner Hawkins moved to approve zoning map amendment 16-07 as presented. It was seconded by Commissioner Allen and unanimously approved by the Board.

ZONING MAP TEXT AMENDMENT CASE 16-08 – REQUEST TO ADD DISTILLERIES AS A PERMITTED USE IN THE RURAL AGRICULTURE (RA) ZONING DISTRICT WITH THE ISSUANCE OF A CONDITIONAL USE PERMIT: Mr. Martin stated that the petitioner has requested to add distilleries as a permitted use in the rural agriculture zoning district. Distilleries are currently allowed in the Heavy Industrial (HI) zoning district and this amendment would allow them to also be allowed in the rural agriculture district, with the issuance of a conditional use permit. Commissioner Hutchins asked if wineries were under conditional use permits in rural agriculture and Mr. Martin stated that wineries only needed a zoning permit in rural agriculture. Chairman Falls asked if this amendment was only allowing distilleries in the district to produce or if it was allowing them to sell. Mr. Martin stated that Cleveland County was a dry county and this did not allow distilleries to sell anything to anyone outside of the state Alcohol Beverage Commission.

The public hearing was opened at 7:09 a.m.

- Tara Botts: Ms. Botts is the petitioner and wants to open a distillery. She has spoken to neighbors around the property and has gotten positive responses from the neighbors. She hoped that Commissioners would consider her request.

The public hearing was closed at 7:10 p.m. Commissioner Hawkins stated that, with the County being dry, he sees no issue with it.

ACTION: Commissioner Hawkins moved to approve the change to the ordinance as requested.

Commissioner Hutchins stated that it seemed to be an unnecessary step to add the conditional use permit.

Chairman Falls asked counsel if it was ok to approve the amendment without a conditional use permit.

Assistant County Attorney Fite stated that the conditional use permit gave the board of adjustment protection to set conditions.

ACTION: Commissioner Hutchins moved to amend the original motion, dropping the conditional use permit, allowing distilleries in the rural agriculture zoning district with a zoning permit. It was seconded by Commissioner Holbrook and unanimously approved by the Board.

ZONING MAP TEXT AMENDMENT CASE 16-09 – REQUEST TO ADD BUILDING MATERIALS

AS A PERMITTED USE IN THE CORRIDOR PROTECTION (CP) ZONING DISTRICT: Mr.

Martin stated that the petitioner was asking for building materials to be added as a permitted use in the corridor protection zoning district. Currently, the corridor protection district has setback and screening requirements. The planning board had concerns with outside storage, but approved it with a conditional use permit.

The public hearing was opened at 7:16 p.m. and was closed at 7:17 p.m. after hearing no one.

ACTION: Commissioner Hutchins moved to approve adding building materials to the corridor protection zoning district. It was seconded by Chairman Falls and unanimously approved by the Board.

ECONOMIC DEVELOPMENT INCENTIVE FOR PROJECT LAVA: Chairman Falls invited Matt Blackwell, Cleveland County Economic Development Partnership Business Services Director, to the podium. Mr. Blackwell stated that there were two parts to the incentive agreement for this company.

**Commissioner Holbrook left at 7:20 p.m.* Mr. Blackwell stated that this business had proposed to invest \$17.9 million over five years, creating 113 new jobs at an average salary of \$31,723. The first part of the incentive proposed was a five year incentive grant at 30% of new taxable investment, at the 57 cent tax rate, over five years, equaling \$94,000 in total grant money. The second part of the incentive agreement is a building reuse grant. This grant, from the Department of Commerce, is worth up to \$500,000 and requires a 5% match, which could be up to \$25,000.

The public hearing was opened at 7:22 p.m.

- David Dear: Mr. Dear stated that the project was very exciting and was going to renovate a vacant building inside the City of Shelby. The building has been there since 1974 and has been vacant for about four years. It is currently without sewer but the City of Shelby, if approved, is going to do that as an incentive.

The public hearing was closed at 7:24 p.m.

ACTION: Commissioner Hutchins moved to approve the incentive agreements for Project Lava. It was seconded by Commissioner Allen and unanimously approved by the Board.

REGULAR AGENDA

MINIMUM HOUSING CODE VIOLATION – 116 HIGHFIELD COURT: Chairman Falls called Bill McCarter, Planning Director, to the podium. Mr. McCarter reminded Commissioners that this item was originally heard at the August 2nd, 2016 meeting. The owner had purchased the property in January of 2012. The mobile home on the property at the time of purchase had been grandfathered in on that property but current zoning on that property did not allow for mobile homes. The owner had gotten a zoning permit for a new mobile home but had let it lapse and had not hooked up the mobile home to utilities. Due to the

expiration of the building permit, the mobile home lost its grandfathered status and is now considered a nonconforming use on that property.

ACTION: Commissioner Hawkins moved to approve the order to demolish the mobile home at 116 Highfield Court. It was seconded by Commissioner Hutchins and unanimously approved by the Board.

COMMISSIONER REPORTS

Commissioner Allen: Bethlehem Volunteer Fire Department is having an Open House on Sunday, 9/11, at 2:00 p.m., and Destination Cleveland County has a picnic on Tuesday, September 13th at 6:00 p.m.

Commissioner Hutchins: Commissioner Hutchins stated that he and Bill McCarter had been busy with MPO projects and that the state had given extra points to the 74 bypass project.

ADJOURN

Chairman Falls entertained a motion to adjourn. The motion was made by Commissioner Hawkins, seconded by Commissioner Hutchins and unanimously approved by the Board. The next regularly scheduled meeting of the Cleveland County Board of Commissioners will be Tuesday, September 20th at 6:00 in the Commissioner's Chamber.