

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**August 16, 2011**

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:** Johnny Hutchins, Chairman  
Ronnie Hawkins, Vice-Chairman  
Mary S. Accor, Commissioner  
Jason Falls, Commissioner  
David C. Dear, County Manager  
Robert Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Bill McCarter, Planning Director  
Alexis Pearson, Human Resources Director  
Chris Green, Tax Administrator  
Chris Crepps, Finance Director  
Barry Ditz, Cleveland Headline News  
Rebecca Clark, The Star  
Other individual names on file in the Clerk's Office

**ABSENT:** Eddie Holbrook, Commissioner

**CALL TO ORDER**

Chairman Hutchins called the meeting to order and Boy Scout Jacob Richards led the audience in the "Pledge of Allegiance" to the flag of the United States of America. County Clerk, Kerri Melton provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Mary Accor 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**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of the *August 2, 2011 Work Session*, motion was made by Ronnie Hawkins, seconded by Mary Accor, 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 *July 2011* (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 *July 2011*. The monthly grand total of tax abatements was listed as (\$8,244.54); and, the monthly grand total for tax supplements was listed as \$17,608.64.

**SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #003)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, 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>
010.440.4.810.41	Schools Resrce Offr./Donations/DARE	\$ 250.	
010.440.5.790.41	Schools Resrce Offr./Donations/DARE	250.	

*Explanation of Revisions: Request approval to budget \$250 received from CC Fair. The DARE (gazebo) booth that has been used at the Fair is in need of major repairs to be useful. Fair officials donated \$250 for the booth and have plans to repair it and put it in another location. Funding will be used exclusively for DARE supplies.*

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – PHILLIP MCCRAW (Case 11-07)(Schedule public hearing for September 6, 2011)**

**ACTION:** Motion was made by Ronnie Hawkins, seconded by Mary Accor, and unanimously adopted by the Board to *approve scheduling the public hearing as requested.*

**SPECIAL RECOGNITION**

**JACOB RICHARDS**

Commissioners presented Jacob Richards a Certificate of Recognition for his work with scouting.

The certificate read as follows:

**CERTIFICATE OF RECOGNITION  
FROM THE  
CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**PRESENTED TO**

**JACOB RICHARDS**

**FOR BEING COMMITTED TO SEEING POSITIVE CHANGE IN OUR  
COMMUNITY AND YOUR OWN LIFE BY YOUR WORK IN SCOUTING~ FOR  
PARTNERING WITH FIRST BAPTIST CHURCH AND OTHER ORGANIZATIONS  
TO SUSTAIN A MUCH NEEDED PROGRAM IN THE COMMUNITY ~ FOR  
BEING A LEADER AMONG YOUR PEERS ~ WE COMMEND YOU!**

**Presented this the 16<sup>th</sup> day of August, 2011.**

**PUBLIC HEARINGS**

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – SALLY BOWERS  
SHEPHERD (Case #11-06)**

Bill McCarter, Planning Director, presented a petition from Sally Bowers Shepherd requesting a zoning map amendment from Residential (R) to General Business (GB) for approximately 2.29 acres on S. Lafayette St. (Hwy 18), located south of Shelby near the intersection of S. Lafayette St. and Bear Creek Road. This area is currently a mixed use containing residential and business uses.

Mr. McCarter reviewed the following recommendations from the Planning Board and the Planning Consultant:

**Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: APPROVE**

Shepherd is requesting a zoning map amendment from R Residential to GB General Business of approximately 2.29 acres on S. Lafayette Street (Hwy 18) near the intersection with Bear Creek Road. After reviewing all pertinent information, we recommend that Cleveland County could rezone the property from R Residential to GB General Business. The future land use is listed as split commercial/residential, and there are several tracts across S. Lafayette to the west, and abutting tracts to the north that are already zoned GB General Business.

**Planning Board Recommendation: APPROVE**

The Planning Board voted unanimously (6-0) to recommend that the rezoning be approved.

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”.

*2015 Land Use Plan*

This area is partly within a commercial node along NC18 (S Lafayette Street), and therefore would be consistent with the 2015 Land Use Plan.

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

The applicant appears to have the support of the neighbors.

*Surrounding Properties*

This area is a mix of residential and commercial uses, and the Board indicated that the trend was toward commercial use.

*Non-Conforming Uses*

No non-conforming uses.

Chairman Hutchins opened the public hearing and asked anyone wishing to speak for or against the zoning map amendment to please come forward.

Hearing no comments, Chairman Hutchins closed the public hearing.

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board, *to approve the rezoning as requested.*

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP  
Five Parcels totaling approximately 2.29 acres along South Lafayette Street  
Residential (R) to General Business (GB)**

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, Sally Bowers Shepherd presented a petition to amend the Cleveland County Zoning Map for approximately 2.29 acres on South Lafayette Street, Parcel #3660, 3661, 73876, 73877, and 73878 from Residential (R) to General Business (GB); and

WHEREAS, the Cleveland County Planning Board found these parcels were classified as both “Commercial” and “Residential” on our 2015 Future Land Use Plan, and the General Business zoning district would be consistent with the comprehensive plan; and

WHEREAS, the Cleveland County Planning Board found the amendment to be reasonable, in that the applicant appears to have the support of the neighbors; and

WHEREAS, in accordance with NCGS 153A-343, a public hearing was held by the Cleveland County Board of Commissioners on August 16, 2011, legal notices published on July 22 and August 12, 2011, and a sign posted on July 22, 2011 as required by law; and

WHEREAS, after consideration of comments made at the public hearing, along with the recommendation of the Cleveland County Planning Board,

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 zoning classification of parcels 3660, 3661, 73876, 73877, and 73878 from Residential (R) to General Business (GB) as illustrated on the attached map designated "Case 11-06", and being incorporated herein by reference and made part of this ordinance.

Parcel 3660

BEGINNING at an iron stake on the East edge of NC Highway No. 18, Southwest corner of Lot No. 31 and Northwest corner of Lot No. 32 as shown on the plat hereinafter mentioned said beginning corner being located 883.3 feet along the East edge of N.C. Highway No. 18 as it curves in a Southeastern direction, the radius being 6683.5, from the point said highway crosses the James Camp Estate line, and runs thence with the dividing line between Lot Nos. 31 and 32, North 81 deg. 31 min. East 225 feet to an iron stake, Southeast corner of Lot No. 31 and Northeast corner of Lot No. 32; thence with the West line of Clarence Gene Allen, et ux, as it curves in a Southeastern direction, the radius being 6458.5, a distance of 176.9 feet to an iron stake, Southeast corner of Lot No. 33 and Northeast corner of Lot No. 34; thence with the dividing line between Lot Nos. 33 and 34, south 79 deg. 57 min. West 225 feet to an iron stake in the East edge of Highway No. 18, Northwest corner of Lot No. 34 and Southwest corner of Lot No. 33; thence with the East edge of Highway No. 18 as it curves in a Northeastern direction 183 feet to the BEGINNING.

Parcel 3661

BEGINNING at an iron stake on the East side of North Carolina Highway No. 18, Southwest corner of Lot No. 33 and Northwest corner of Lot No. 34 as shown on the plat hereinafter mentioned, said beginning corner being located 1,066.3 feet along the East edge of North Carolina Highway No. 18 as it curves in a Southeastern direction, the radius being 6,683.5 feet from the point said highway crosses the James Camp Estate line, and runs thence, with the dividing line between Lot Nos. 33 and 34, North 79-57 East 225 feet to an iron stake, Southeast corner of Lot No. 33 and Northwest corner of Lot No. 34; thence, with the West line of Clarence Gene Allen, et ux, South 10-3 East 360 feet to an iron stake, Southeast corner of Lot No. 37 and Northeast corner of Lot 38; thence with the dividing line between Lots 37 and 38, South 79-57 West 225 feet to an iron stake in the East side of Highway No. 18, Northwest corner of Lot No. 38 and Southwest corner of Lot No. 37; thence with the East edge of said highway, North 10-3 West 360 feet to the BEGINNING.

Parcels 73876, 73877, 73878

BEGINNING at a point on the East side of North Carolina Highway 18, the Southwest corner of Lot. No. 34 as shown on the plat hereinafter mentioned, and running thence with the Southern boundary of Lot No. 34, N 79-57 E 225 feet to a point, the Northeast corner of Lot No. 34; thence with the West line of Clarence Gene Allen, S 10-03 E 270 feet to a point, the Northeast corner of Lot No. 38; thence with the Northern boundary of Lot No. 38, S 79-57 W 225 feet to a point in the East edge of Highway No. 18, the Northwest corner of Lot No. 38; thence with the East edge of Highway 18, N 10-03 W 270 feet to the place of BEGINNING.

This Ordinance shall become effective upon adoption and approval.

Adopted this 16<sup>th</sup> day of August, 2011 at 6:00 p.m.

**REGULAR AGENDA**

**BOARD OF EDUCATION PROPERTY PURCHASE**

David Lee, Cleveland County Schools Finance Director, presented a request from the Cleveland County Board of Education to purchase a parcel of land on Goforth Street (Parcel # 7930) near West Elementary School. He described the current situation at the school as "basically landlocked". The Board of Education approved the purchase on August 8, 2011 pending County Commissioners approval.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve Cleveland County Board of Education's purchase of Parcel # 7930 located adjacent to West Elementary School.*

**PLANNING DEPARTMENT: PETITION FOR ABANDONMENT OF PUBLIC RIGHT OF WAY- LARGO ROAD**

The NCDOT has requested the abandonment of approximately 0.036 miles of public right-of-way at the end of Largo Drive (SR 1528). This is a portion of right-of-way extending into Claude Falls Farm. Mr. Falls would like to put up a gate at his property line.

Mr. McCarter requested that Commissioners set a public hearing for September 6, 2011 to hear comments from citizens.

Commissioner Hawkins suggested charging petitioners for the cost of advertising a road abandonment. Mr. McCarter felt this was a good idea and will look into changing the policy.

**ACTION:** Mary Accor made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adopt the following Resolution of Intent which sets the public hearing for September 7, 2011 at 6:00 p.m.*

**NUMBER 18-2011**

**Resolution  
Intent To Abandon Public Right-Of-Way  
Portion Of Largo Drive (SR 1528)**

**WHEREAS**, the Cleveland County Board of Commissioners have received a petition from the North Carolina Department of Transportation requesting the abandonment of a portion of the public right-of-way of SR 1528 Largo Drive (approximately 0.036 miles).

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with the mandates of NCGS 153A-241, the Cleveland County Board of Commissioners do hereby call for a public hearing regarding the proposed abandonment of a portion of *Largo Drive*, to hear all interested persons on **Tuesday, September 6, 2011 at 6:00 pm** in the Commissioners Chamber, Cleveland County Administrative Building, 311 E. Marion Street, Shelby, North Carolina.

**ADOPTED THIS 16<sup>TH</sup> DAY OF AUGUST 2011.**

**MEMORANDUM OF UNDERSTANDING- SPECIAL MEDICAL NEEDS SHELTER**

At their July 12, 2011 regular meeting, Commissioners approved a Memorandum of Understanding (MOU) between the City of Shelby and Cleveland County for a Special Medical Needs Shelter. After review by the Shelby City Manager, several changes were made to the MOU. County Manager David Dear presented a revised agreement for approval.

**ACTION:** Ronnie Hawkins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *approve the Memorandum of Understanding between Cleveland County and the City of Shelby for development and operation of the proposed Special Medical Needs (SMN) Shelter at the City Park Community Center (copy found on Page \_\_\_\_\_ of Minute Book \_\_\_\_\_).*

### **COMMISSIONER REPORTS**

Commissioner Falls attended the CIT graduation where fifteen officers graduated. This program is designed to train officers how to deal with mental of substance abuse issues. Pathways merger discussions will continue with a work session on Saturday, August 20, 2011.

Commissioner Falls and Commissioner Hawkins have been working on an adoption center for animals in Cleveland County. Lastly, Commissioner Falls made note of a charity auction he will be working at Brackett Cedar Park. All proceeds go to the Abuse Prevention Council.

Commissioner Hawkins who was recently re-appointed to the Cleveland Community College Board of Trustees noted that the college has seen record enrollment this year.

Commissioners again thanked Commissioner Holbrook and his team for their work on the American Legion World Series.

### **ADJOURN**

There being no further business before the board at this time, Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to adjourn the meeting. The next regular meeting of the Commission is scheduled for ***Tuesday, September 6, 2011 at 6:00 p.m.*** in the Commission Chamber.

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*Johnny Hutchins, Chairman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*