

CLEVELAND COUNTY BOARD OF COMMISSIONERS

March 20, 2012

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 Accor, Commissioner
Jason Falls, Commissioner
Eddie Holbrook, Commissioner
Eddie Bailes, Interim County Manager
Bob Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Carol McCraw, Veteran's Services
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Chris Crepps, Finance Director
Greg Traywick, Cooperative Extension
Alan Norman, Sheriff
Rebecca Clark, *The Star*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Hutchins called the meeting to order. Representatives from the Marine Corp League NC Foothills Detachment led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Chairman Johnny Hutchins provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Mary Accor made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adopt the agenda as presented by the County Clerk.*

CITIZEN RECOGNITION

Karin Cook, Casar- Hello, my name is Karin Cook. I am here this evening to speak about the issue before you of whether to approve a \$9 Million expenditure for the renovation of the former Shelby Middle School, according to a Strategic Plan that our administrators and school board set in place almost six years ago, on May 6, 2008.

There is certainly merit in a plan that calls for consolidating office spaces and offering a new, specialized environment for challenging students. However, I'd like you to consider the fact that Turning Point Academy enrolled 99 students last year. And, according to our Superintendent, we currently have 88 central staff members. For your reference, I have distributed a copy of student body counts at all schools in our system.

It is my opinion that the Adequate Facilities Committee members – the local citizens who volunteered their time to compile a blanket list of facility needs - did their job very well. They were advised to visit 12 of our (then) 28 schools. And while their duty was to tour schools and identify

deficiencies, their responsibility – as explained to me by a member of this committee – was NOT to provide costs.

Had costs of this \$9 million renovation project – which comes on the heels of a more than \$20 million investment in a new Shelby Middle School – been publically communicated, then the argument that I am making this evening would have been given much, much sooner.

Just less than one year ago, Dr. Boyles was quoted in the March 30, 2011 issue of The Star as saying, “Once we get the final design, then we’ll get some cost estimates,” Boyles said. “We don’t have any idea at this point. Any guess I make would be an uneducated guess.”

My question is how can we pull the trigger on an expenditure of this magnitude without having the costing of ALL of our needs outlined on the Strategic Plan?

The commissioners agreed to pledge support of the Strategic Plan on September 16, 2008. During that meeting, they were presented with a spreadsheet which included projected costs. Ms. Melton, our County Clerk, confirmed that the spreadsheet document was not included as part of the minutes associated with that meeting. The only other public reference of this \$9 million renovation expenditure was a report by The Shelby Star on March 5 – just a few weeks ago – that the School Board had approved spending \$9 million pending County Commissioner approval.

I have heard it said that this public outcry, if you will, should have been made several years ago. However, if you weren’t present at the September Commissioner 2008 meeting – to get the spreadsheet – then you would have been unable to provide Commissioners with any input on a \$9 million allocation of our collective, county-wide facility funding revenue.

I was also disappointed to learn that the plan has not been evaluated since September 2008. We all know a lot has happened since then. The single worst drop in Dow Jones History occurred September 29, 2008, roughly two weeks after this plan was adopted.

I understand that you may feel that it is not your place – as County Commissioners – to make a judgment on how our School Board spends money for capital improvements. But I do believe that it is your responsibility to ensure that the County’s money is spent wisely and in a way that will benefit the most people. I am respectfully asking that you revisit this expenditure and consider all the needs in our community.”

Jill Lineberger, Casar- “Good Evening. My name is Jill Lineberger and I am a resident of Casar, NC. I am a graduate of Burns High School and have lived most of my life in Upper Cleveland County.

After high school, I left this area to earn a higher education degree at UNC Chapel Hill and pursue a career in healthcare administration. I have recently returned to Casar with my husband, Allen, to raise our two young children. Our oldest school-age child is currently attending 1st grade at Casar Elementary.

I am here tonight to request that the Board of County Commissioners place a temporary hold on the Board of Education's request for a \$9 million allocation to renovate the former Shelby Middle School. While I strongly believe the Cleveland County School district has many different needs for these dollars, I feel reasonable doubt exists regarding the use of a comprehensive cost-benefit analysis and feasibility study associated with the 2008 Board of Education Strategic Facilities' Plan.

The 2008 Strategic Facilities Plan states it is a working document to be reviewed annually and is dependent upon funding. While I applaud the Board of Education's use of an external panel to develop a document of facility improvements, I am puzzled by the lack of documented methodology that could show support of these final recommendations.

Clearly, the examination of our educational facilities would be a daunting task for any committee or board, given the sheer number of facilities within our system, as well as the strengths and needs of each of them. When taking into account the need to weigh pros and cons of renovation versus new construction, this challenge would compound in complexity.

Documents, such as a cost benefit analysis on all projected needs, would guide decision-making regarding how much money to spend on which project to render the greatest impact. Furthermore, an independent feasibility study, to evaluate "good fit" of an old building for contemporary use, should be minimal considerations to produce quantifiable recommendations with sound rationale.

By definition, a cost benefit analysis would provide a basis for comparing projects – or in this case, the facility needs of Cleveland County Schools. It would involve comparing the total expected cost of each facility need against the total expected benefits, to see whether the benefits outweigh the costs, and by how much. During these times of limited resources, fact-based planning, community-input and a structured system of continuous checks and balances are vital.

I have reviewed publically posted minutes, power points presentations, and spreadsheets dating from 2005 to current and have found few documents with quantifiable rationale.

As County Commissioners, I see it as your role to be good stewards of our public dollars and ensure a process of due diligence was followed before allocating funding. I ask each of you to examine this particular request for \$9 million dollars and determine if you have been presented with answers to the following questions:

1. Have you received a completed cost benefit analysis which reviewed ALL the projects on the May 2008 Strategic Plan, not just those projects prioritized by our School Board as Phase I, to determine the project that would yield the greatest impact?
2. Has the general public been educated on the plan, along with its associated costs, and allowed adequate opportunity for input?
3. The 2008 Strategic Facilities Plan is a living document and states annual reviews are required. What was the frequency of those reviews and, subsequently, the findings?

If any of these pieces are missing, then how can we be certain that we are following most the effective course of action?

I do believe the original Strategic Plan has merit, and that we should not throw the baby out with the bathwater. Instead, I respectfully request that you place a temporary hold on the \$9 million allocation until an independent review of the plan can occur.

I think we all agree that the money should be spent and that it should be spent on the right project, at the right time.

I appreciate your thoughtful deliberation of this matter and hope the needs of the entire county are foremost in your consideration. Thank you.”

Brenda Cook, Casar- Ms. Cook introduced herself as a retired teacher of Cleveland County Schools. Ms. Cook spoke in opposition of funding the renovations to the former Shelby Middle School. “I heard we are late. Nothing can be further from the truth.” A group in opposition of the renovations had plans drawn up for an auditorium at Burns High School. The estimated cost for such a project, as designed by an architect, was \$5,634,000. The purpose for having the plans drawn up was a discrepancy in estimated cost given to Ms. Cook by school board members. Ms. Cook said costs ranged from \$6 Million to as much as \$50 Million dollars. “Clearly someone doesn’t have a good idea of how much a project like this will cost.” During a forum held at Burns High School, opposers heard School Board members say, “We don’t have the money.” Ms. Cook asked Commissioners, “How do they know they don’t have the money when they don’t even know the cost?”

“All we are asking is for Commissioners to think about this before making a decision.”

Sheriff Alan Norman- In May 2011, the Sheriff’s Office submitted a COPS grant to the US Department of Justice. Unfortunately, funding was depleted and the grant was not awarded. Sheriff Norman asked Commissioners to consider allowing him to resubmit this grant in hopes of obtaining four additional positions in the Sheriff’s Office.

SPECIAL RECOGNITION

RECOGNITION OF GIRL SCOUTS 100TH ANNIVERSARY

Led by Vice-Chairman Ronnie Hawkins, Commissioners presented a proclamation in recognition of the Girl Scouts 100th Anniversary. Several Girl Scout and leaders from throughout Cleveland County were in attendance.

Number 02-2012

CELEBRATING GIRL SCOUT WEEK

WHEREAS: March 12, 2012 marks the 100th anniversary of Girl Scouts of the USA founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and

WHEREAS: throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and

WHEREAS: through the Girl Scout leadership experience, girls develop the skills and lessons that will serve them a lifetime so that they may contribute to their communities; and

WHEREAS: Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology and other fields that can expand their horizons; and

WHEREAS: more than 3 million current Girl Scout members nationwide will be celebrating 100 years of this American tradition, with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing Movement;

NOW THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, do hereby recognize the 100th Anniversary of Girl Scouting and hereby applaud the commitment Girl Scouting has made to support the leadership development of America's girls.

SIGNED THIS THE 20th DAY OF MARCH, 2012.

VETERAN'S SERVICES UPDATE

Carol McCraw and Debra Conn presented Commissioners with a brief update on the progress of the Veteran's Services Office. The office is currently serving 8,759 Veteran's in Cleveland County. Last year, these veteran's received a total of \$20,577,000 in benefits. This number is 6% higher than the previous year. An issue among many Veteran's today is Healthcare. This is one of the busiest tasks of this office. "Our job is to help them apply. It is a long process", explained Debra Conn.

Following their report, Vice-Chairman Ronnie Hawkins asked the Marine Corp League NC Foothills Detachment and Brett Keeter to come forward. Brett Keeter, Regional Director for Congressman Patrick McHenry, surprised Carol McCraw with a flag. The flag was flown over the Capital in Washington DC in honor of Ms. McCraw. Ms. McCraw was also presented with a letter from Congressman McHenry thanking her for her service to Veteran's.

Commissioners as well as several members of the Marine Corps League praised Carol for her hard work.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of **February 7, 2012 regular meeting, February 21, 2012 recessed meeting and February 21, 2012 regular meeting**, 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 the following detailed written report regarding taxes collected during **February 2012** (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 *February 2012*. The monthly grand total of tax abatements was listed as (\$14,145.05); and, the monthly grand total for tax supplements was listed as \$23,012.85.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #052)

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>
010.441.5.790.20	Sheriff's Office/Donations/Equip	\$1,500.	
010.441.4.810.20	Sheriff's Office/Donations /Equip	1,500.	

Explanation of Revisions: To budget for three donated laptops from Newegg, Inc. that were recovered by the Sheriff's Office and held in storage. County Asset #'s assigned: 5503805-3807.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #053)

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>
012.533.4.350.00/93717-2871	Adult Health/State Gov't Grants	\$5,100.	
012.533.5.211.00	Adult Health/Controlled Prop Expense	4,269.	
012.533.5.310.00	Adult Health/Travel	831.	

Explanation of Revisions: Budget DHHS Infection Control funds for infection control training and laptops to support education of staff and community.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #054)

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>
012.548.5.540.00	CODAP/Contracted Revenue	\$10,000.	
012.548.5.210.00	CODAP/Departmental Supplies	4,000.	
012.548.5.311.00	CODAP/Educational Materials	3,549.	
012.548.5.370.00	CODAP/Advertising	2,451.	

Explanation of Revisions: Budget Pathways funds to purchase surveys and educational materials.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #055)

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>
012.538.4.410.00	Maternal Health/Local & Other Grants	\$ 2,000.	
012.538.5.490.00	Maternal Health/Professional Services	1,200.	
012.538.5.581.00	Maternal Health/Awards /Incentives	800.	

Explanation of Revisions: Budget March of Dimes grant to host a conference on "Mental Health as a Concern for Pregnant Women and Infants in Cleveland County."

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #056)

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>
012.542.4.810.00	Rabies Control/Donations/Contributions	\$ 373.	
012.542.5.790.00	Rabies Control/Donations/Contributions	373.	

Explanation of Revisions: Budget donations for operating expenses.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #057)

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>
012.534.4.540.00	School Health/Contracted Revenue	\$ 1,000.	
012.534.5.230.00	School Health/Medicine Supplies	1,000.	

Explanation of Revisions: Budget funds from Cleveland County Schools to purchase school health assessments in “Healthy and Ready to Learn” activities.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #058)

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>
012.539.4.310.00/93217-592A	Family Planning/Fed Govt Grants	\$ 2,240.	
012.539.5.230.01	Family Planning/Prescription Drugs	2,240.	

Explanation of Revisions: Budget DHHS Family Planning Bonus funds to purchase prescription drugs.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #059)

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>
012.542.4.980.10	Rabies Control/Cont-Primary Fund	\$ 3,000.	
012.542.5.122.00	Rabies Control/Salary-Part-time	3,000.	

Explanation of Revisions: Budget funds for part-time help to work extra hours on Saturdays.

PUBLIC HEARINGS

PLANNING DEPARTMENT: CODE TEXT AMENDMENT (CASE 12-04)

Brian Bednar, of Birdseye Renewable Energy, submitted a petition to amend the zoning table of uses to include “Other Electric Power Generation (NAICS 221119)” as a permitted use in the Rural Agriculture zoning district. Planning Director Bill McCarter presented background on the project.

Currently, Electric Power Generation/Distribution (NAICS 2211) is permitted in the General Business, Light Industrial, and Heavy Industrial zoning districts with a zoning permit, and also in Corridor Protection Overlay district with a conditional use permit. This category currently includes solar, wind and tidal power.

The proposed amendment would allow “Other Electric Power Generation (NAICS 221119)” as a permitted use in the Rural Agriculture zoning district, in addition to the other districts currently allowing this use.

Mr. McCarter reviewed the recommendation from Isothermal Planning and Development Commission and the Planning Board.

Jim Edwards, Isothermal Planning and Development Commission: APPROVE

The requested text amendment would add electric power generation / distribution -- NAICS Code 221119 -- as a permitted use in the Rural Agricultural district.

The 2007 NAICS definition states “This U.S. industry comprises establishments primarily engaged in operating electric power generation facilities (except hydroelectric, fossil fuel, nuclear). These facilities convert other forms of energy, such as solar, wind, or tidal power, into electrical energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.”

There is increasing interest in solar electricity generation in Cleveland County and the surrounding region. Tidal power would not apply, and wind characteristics would tend to limit large-scale wind generation facilities. Solar generation facilities are a relatively passive and unobtrusive land use. There is the potential for some glare from the solar arrays, and limited noise in the form of an electrical humming. This use also requires electric lines to connect these facilities to the grid, unless the electric power produced is used on site. The proposed use would be appropriate in the RA district.

Planning Board Recommendation: DENY

The Planning Board voted 8-2 to recommend that this text amendment be denied as presented.

The following concerns were identified by the Board:

- Individual notice is not given to the property owners in the RA district that this new use will be permitted.
- This use does not fit within the rural character of horse farms and other agricultural uses, typical of the area.
- The RA district should not be singled out for this new use. Could it be a Conditional Use in all residential districts?
- Limit the new use to only Solar Power Generation. Wind power generation is not appropriate for residential areas, and tidal is not practical for this area.

The Board recognized the need to differentiate between power plants and solar farms, and permit this use in all zoning districts. One option would be to make them a Conditional Use in the residential districts.

Planning Director Bill McCarter made note that this zoning change can be made through a conditional use permit and allowable in all residential zoning districts. Chairman Hutchins asked if there would be an additional fee if this is made a conditional use. Mr. McCarter responded, the additional cost would be \$200.

Chairman Hutchins opened the public hearing (*public notice was accomplished, with an advertisement published in The Star on March 9 and March 16, 2012.*)

Brian Bednar, Owner of Birdseye Renewable Energy, 1125 Morehead Street Suite 202,

Charlotte- Mr. Bednar spoke of the successful solar farm project in Kings Mountain. “This project brings an example of the limited impact this type of project has on an area.” The purpose of Mr. Bednar’s request for the code text amendment is to protect the rural agriculture zoning while including this specific use. “We are open to suggestions. Fee is not an issue, we just want to make sure these areas continue to be protected.”

Marvin Hutchison, 307 Putnam Street, Waco- spoke in favor of the project. The proposed site would be located on Mr. Hutchison’s family farm. “My family has owned this farm since 1876. This

site is in my back yard. I would not support it if I didn't think was a good project." Mr. Hutchison was on the committee which originally brought the Rural Agriculture zoning district to Cleveland County. "I see this as a Rural Agriculture project because the solar panels are placed on grassland. There is also the possibility of sheep grazing the grass. This is a benefit of additional tax base but does not impact neighbors. I am in support of this code text amendment."

Clint Cook, 409 Pruett Road, Casar- asked if there were any environmental impacts for these type of projects.

Hearing no additional comments, Chairman Hutchins closed the public hearing.

Commissioners asked Brian Bednar to respond to Mr. Cook's question. "All permitting is done through DENR. We have hired consultants to complete additional studies that are not required. We have done our due diligence to ensure there are no issues."

ACTION: Ronnie Hawkins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to approve the following code text amendment which addresses the concerns of the Planning Board:*

Table of Permitted Uses										
RA-Rural Agricultural RR-Restricted Residential R-Residential	RM-Manufactured Home Parks NB-Neighborhood Business GB-General Business					CP-Corridor Protection LI-Light Industrial HI-Heavy Industrial				
	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
UTILITIES										
Electric Power Generation/Distribution	2211						Z	C	Z	Z
Other Electric Power Generation (Solar)	221119	C	C	C	C	C	Z	C	Z	Z
Natural Gas Distribution	2212						Z		Z	Z
Water & Sewer Treatment (Major)	2213						C		C	C
Water & Sewer Treatment (Minor)	2213	C	C	C	C	C	C	C	C	C

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – REMAX SELECT (CASE #12-01)

Bill McCarter, Planning Director presented a petition from ReMax Select requesting a zoning map amendment from Residential (R) to Neighborhood Business (NB) for approximately 4 acres along NC150, currently a vacant track.

He provided background information as follows:

The area north of NC150 is currently light industrial on the 2015 Land Use Plan. Several business uses are located in this area, such as a convenience store and a veterinary clinic. There are residential uses on adjoining property and across NC150.

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

Jim Edwards, Isothermal Planning and Development Commission: APPROVE

The property located at 1130 Cherryville Road is in a relatively low-density area of mixed uses – residential, agricultural, vacant land – with several commercial uses to the south. The property is separated from a Neighborhood Business district to the south by one Residential parcel. The 2015 Land Use Plan identifies the area as light industrial.

Due to the neighborhood business uses in the immediate vicinity, the mixed uses in the general area and the highway frontage of the property, the requested rezoning would provide additional land for neighborhood business uses that would serve that area.

Planning Board Recommendation: APPROVE

The Planning Board voted unanimously 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 was designated as Light Industrial, and conversion to a commercial use would be consistent with the 2015 Land Use Plan.

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

Neighborhood business properties are expanding around the NC150 / NC180 intersection.

Surrounding Properties

The area is a mix of commercial and industrial properties, with a trend toward retail and service related business along the NC150 corridor.

Non-Conforming Uses

Vacant.

Chairman Hutchins opened the public hearing (*public notice was accomplished, with an advertisement published in The Star on March 9 and March 16, 2012.*)

Dr. Steven Jones, 164 N. Shore Drive Cherryville- Dr. Jones is looking to build a larger medical office for conducting clinical trials. The current facility, located in Boiling Springs, has seven full-time and four part-time employees. The proposed site will be closer proximity to the residence of Dr. Jones and several employees.

Hearing no other comments, Chairman Hutchins closed the Public Hearing.

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

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
4 Acre Tract along Cherryville Road-NC 150
Residential (R) to Neighborhood Business (NB)**

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, RE/MAX Select is requesting a Zoning Map amendment, being a portion of Parcel #24376 from Residential (R) to Neighborhood Business (NB); and

WHEREAS, the Cleveland County Planning Board found this parcel to be classified as “Light Industrial” on our 2015 Future Land Use Plan, and conversion to a commercial use would be consistent with the comprehensive plan; and

WHEREAS, the Cleveland County Planning Board also found the amendment to be reasonable, due to the expanding commercial properties in the vicinity of the NC 150/180 intersection; and

WHEREAS, in accordance with NCGS 153A-343, a public hearing was held by the Cleveland County Board of Commissioners on March 20, 2012, and legal notices were published on March 9 and March 16, 2012 and a sign posted on February 22, 2012 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 a portion of parcel 24376, from Residential (R) to Neighborhood Business (NB) as illustrated on the attached map designated "Case 12-01, and being incorporated herein by reference and made part of this ordinance.

BEGINNING at a point in the center of Cherryville Road–NC 150, a common corner with Mauney (Parcel 24378); thence with the Mauney line, North 18-30 West 369.5 feet; thence with the Simpson line, North 58 East 627.7 feet; South 24-26 East 300 feet; to the center of NC-150; thence with the center of said highway, South 52-45-21 West 677 feet, to the point of BEGINNING.

This Ordinance shall become effective upon adoption and approval.

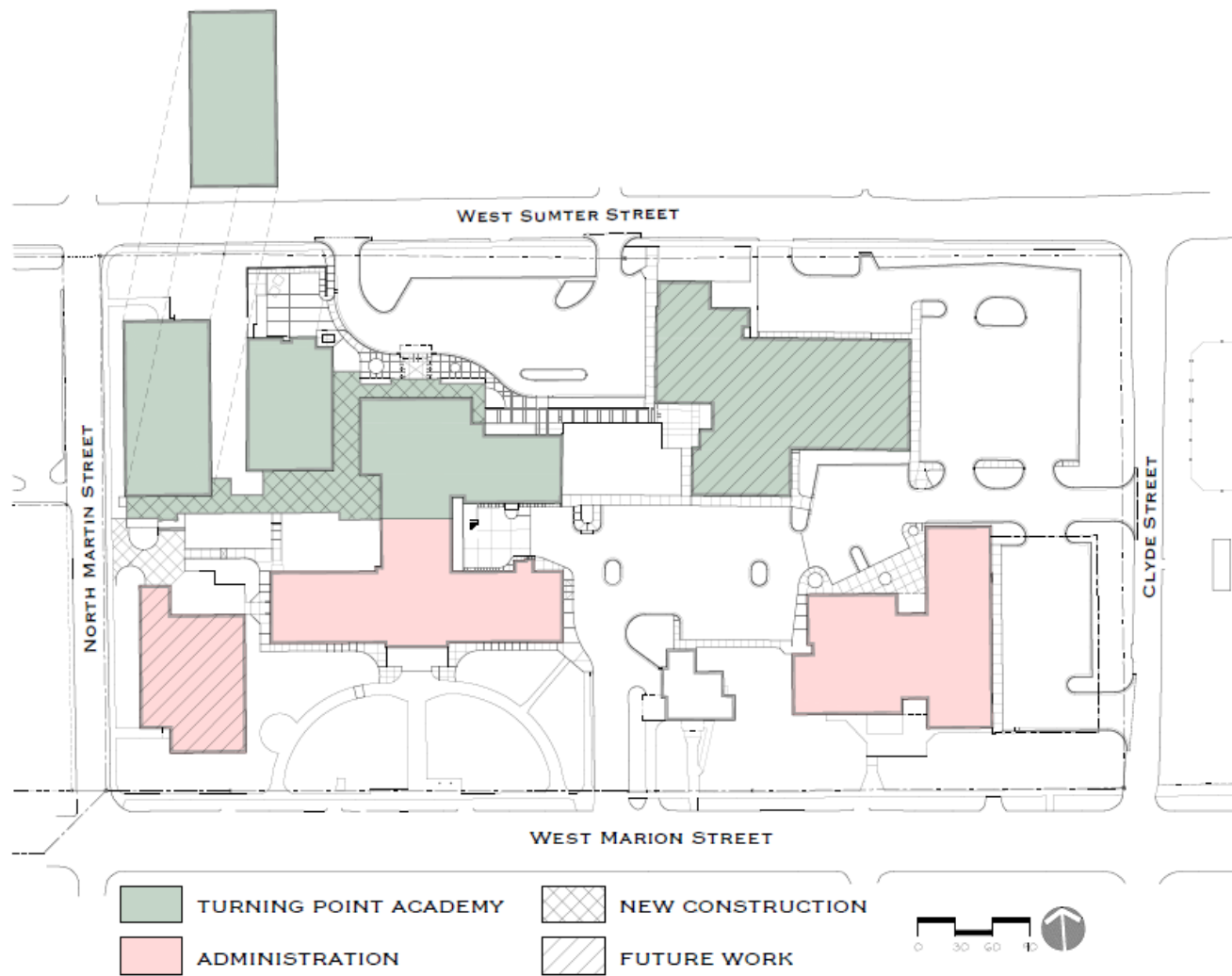
Adopted this 20th day of March, 2012 at 6:00 p.m.

REGULAR AGENDA

CLEVELAND COUNTY SCHOOLS CENTRAL SERVICES & TURNING POINT ACADEMY FINANCING

Dr. Boyles addressed Commissioners on behalf of the Board of Education (BOE). He explained in 2007, 124 individuals participated in a Strategic Plan for Cleveland County Schools. This plan took approximately six months to complete. The plan was adopted by the Board of Education on May 1, 2008 and has been listed on the Cleveland County Schools website since then. The Strategic Plan was meant to be reviewed every five years. The plan will be revisited in 2013.

Shelby Middle School was listed as the top priority. Once the Middle School was completed, the Board of Education looked at the next priority project identified in the plan. This project, Cleveland County Schools Central Services & Turning Point Academy was projected to cost \$9.1 Million. The goal of the BOE was complete the project under \$9 Million. The original architectural plans did not call for the buildings to be connected. However, due to safety concerns, staff felt as though the buildings needed to be connected. Additional cost for connecting the buildings was taken from the Central Services side of the project (copy of drawing found below)



Cleveland County Schools received bids on the project. Bids ranged from a low of \$11.4 Million to a high of \$13 Million. With the help of the architect, staff did value engineering and reduced the bid by \$2.3 Million. Reductions, again, were taken mostly from the Central Services side. Dr. Boyles recommended Commissioners approve \$8,979,040 in funding for the Cleveland County Schools Central Services & Turning Point Academy project.

Once this project is completed, Cleveland County Schools will vacate the Central Offices in Kings Mountain, Post Road, Patton Drive, the Office of School Readiness and the leased space and mobiles that currently house Turning Point Academy. Dr. Boyles is anticipating the cost savings from leases and the reduction in personnel to be in excess of \$200,000 per year.

Commissioner Falls asked what would be done with the buildings once they are vacated. For those properties that Cleveland County Schools owns, Dr. Boyles explained, they would first be offered back to the County.

Chairman Hutchins asked if Dr. Boyles and the Board of Education have given consideration to the concerns of the citizens who spoke earlier in the meeting.

Dr. Boyles made mention of how the Board of Education intends to fund the additional phases of the Strategic Plan (*Clerks Note: see minutes of the May 6, 2008 County Commissioners meeting*). Plans are to have the first Phase paid for using local money. Phase 2 was designed to be projects which would possibly use a local bond referendum. Lastly, those projects in Phase 3, would be considered for a state bond referendum.

He reminded Commissioners, it is the intention of the Board of Education to revisit the Strategic Plan next year to see if the priorities are the same. This will be done prior to the renovation/addition of North Shelby School (Project 1c under Phase 1 in the Strategic Plan).

Commissioner Falls- "This is an area of concern from not only the Upper End. I can understand their feelings. However, the School Board is elected to make these kinds of decisions. I would encourage the school board to revisit the Strategic Plan as soon as possible."

Commissioner Holbrook- "The board is sensitive to the needs of Upper Cleveland County. I understand that Upper Cleveland County is in need of a facility for school and community use. However, this is the school boards money and we are charged to pass it along to them."

Commissioner Accor- "I am appreciative of all of the phone calls I received. I support the fact that the school system is in need of the project Dr. Boyles presented. Having a central office will tend to be the glue that will bring Cleveland County Schools together."

Vice-Chairman Hawkins- "Pre-merger, Cleveland County schools did not collect as many taxes as Shelby and Kings Mountain."

Chairman Hutchins- "Having multiple school districts was a benefit to some and a hindrance to others. I also ask that the Board of Education review the needs of the County as soon as possible."

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, *to approve \$8,979,040 in funding for the Cleveland County Schools Central Services & Turning Point Academy project.*

KINGS MOUNTAIN GATEWAY TRAIL: UPDATE ON PHASE 3 CONSTRUCTION

Construction began on the Kings Mountain Gateway Trail in 2009 with land donated by Martin Marietta and Chemetall Foote. Phase 1 and 2 were completed in 2009. In 2010, Kings Mountain Gateway Trail (KMGT) solicited bids for Phase 3. This phase was a 3 mile section of gravel trail extending to I-85. The ultimate goal of the group is to extend the trail to the Crowders Mountain State Park-Boulders Access facility located on Bethlehem Road.

The low bid for Phase 3 was \$566,358. This low bid exceeded the amount of funds remaining in the budget. Phase 3 needed to be complete in order to satisfy the grant agreement with the Parks and Recreation Trust Fund (PARTF). The group decided to construct Phase 3 themselves by renting equipment, hiring local operators and soliciting the help of many volunteers. With Phase 3 close to completion, the to-date costs for Phase 3 totaled only \$225,625. Bill McCarter presented a funding spreadsheet to Commissioners noting a shortage of \$27,797.00. KMGT has contributed \$5,000 from private donations. KMGT is requesting the remaining \$23,000 needed from Cleveland County.

Commissioners asked how the shortage occurred. Mr. McCarter explained, one of the reasons was an overrun on a portion of the project which included the construction of two bridges. In the original bid for Phase 3, the cost of the two bridges was \$43,700 each. When KMGT decided to do the work themselves, they received a bid for the construction of both bridges which totaled \$9,521 each. Due to a change in specifications required by the City of Kings Mountain which required a re-design by a structural engineer, the total cost was \$23,909 one bridge and \$16,738 for the other. KMGT was unaware of the additional cost due to the fact that a change order was not requested by the contractor (Concrete Specialities). The contractor has since given KMGT a detail breakdown of cost of materials outlining the additional work completed.

Chairman Hutchins clarified that it is not the responsibility of Cleveland County to pay for this noting that it is the responsibility of KMGT.

Cleveland County is the applicant for the PARTF application used to construct this project. PARTF grants are not given to non-profit agencies but rather to government agencies.

Vice-Chairman Hawkins asked how many people visit the trail each month. Mr. McCarter responded by stating, in 2009, 5,000 people visited the trail per month. In 2010, that number had increased to 11,500 per month. "This fits in line with the efforts of the Health Department trying to make Cleveland County a fit community," Mr. Hawkins said.

Commissioner Holbrook who served on the Parks and Recreation Board when this project was approved, encouraged KMGT to "not let this happen again."

Commissioner Falls is a supporter of KMGT as "a great addition to Cleveland County." He did, however, voice his concerns with how the shortage occurred. "This amount is equal to part of a Sheriff's Deputy salary."

Joy Fortenberry of Concrete Specialties spoke regarding the changes to the original bid plans. "When Engineer Mark Thompson became involved, the bridge went from a pedestrian bridge to a vehicle bridge."

Commissioner Falls asked if Cleveland County would be legally responsible to pay for the shortage in funds for the project. Attorney Bob Yelton, felt the county would not be legally responsible. Commissioner Falls again expressed his concern asking, "Are we setting precedence, if someone was to go over on expenses, we will pay?"

ACTION: Ronnie Hawkins made the motion which was seconded by Eddie Holbrook, and adopted by a majority of the Board(*Votes recorded as Ayes: Johnny Hutchins, Eddie Holbrook and Ronnie Hawkins and Nays: Mary Accor and Jason Falls*), **to authorize \$23,000 to fund 40.220.5.992**

Joint Venture Construction for Kings Mountain Gateway Trail, with instruction to never let a situation like this happen again.

PINNACLE CLASSICAL ACADEMY

Commissioners received a letter from Dr. Jacob Friedman, Chairman of the Pinnacle Classical Academy Founding Board requesting a letter of intent in assisting Pinnacle Classical Academy with the acquisition of a suitable site for their proposed Charter School.

The Pinnacle Classical Academy Board has plans to bring a charter school to Cleveland County with plans to open in August 2013. The group will be submitting an application to the state on April 10th and are requesting a letter from Commissioners to submit with the application.

ACTION: Ronnie Hawkins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to write a letter of intent from the County Commissioners expressing support in assisting Pinnacle Classical Academy with the acquisition of a suitable site for their proposed Charter School.*

PLANNING DEPARTMENT~ MINIMUM HOUSING CODE ENFORCEMENT, 139 WOODBERRY DRIVE~ OWNER: DAVID WAYNE ALLEN

Bill McCarter, Planning Director advised a hearing was held on October 17, 2011 regarding this case and the owner was allowed 90 days to demolish the dwelling. The order expired on January 18, 2012. To date, the structure has not been demolished or removed from the site. Mr. McCarter noted that Mr. Allen owns several mobile homes throughout the county and has made an effort to clean up many of them.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to allow Planning Director Bill McCarter the discretion to work with Mr. Allen. At the time where no work has been completed, Mr. McCarter is to come back before the board for action to demolish.*

PLANNING DEPARTMENT~ MINIMUM HOUSING CODE ENFORCEMENT, 153 WOODBERRY DRIVE~ OWNER: DAVID WAYNE ALLEN

Bill McCarter, Planning Director explained this request was identical to the request just heard. A hearing was held on October 17, 2011 regarding this case and the owner was allowed 90 days to demolish the dwelling. The order expired on January 18, 2012. To date, the structure has not been demolished or removed from the site.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to allow Planning Director Bill McCarter the discretion to work with Mr. Allen. At the time where no work has been completed, Mr. McCarter is to come back before the board for action to demolish.*

JUVENILE CRIME PREVENTION COUNCIL BOARD APPOINTMENT

Commissioners received a request from the Juvenile Crime Prevention Council (JCPC) to consider Dr. Collette Deviney for appointment to the JCPC Board. This appointment is available due to the retirement of current board member. Dr. Deviney attended the JCPC Board meeting on February 13, 2012 and received the full blessing of the board.

ACTION: Mary Accor made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to appoint Dr. Collette Deviney to the JCPC for a two year term which will expire June 30, 2014.*

SHERIFF'S OFFICE GRANT APPLICATION DISCUSSION

During Citizen Recognition, Sheriff Alan Norman discussed submittal of a grant application to the US Department of Justice, which, if approved, would fund four additional positions. The grant would require a match and all four positions would need to be maintained for an additional year after the grant term.

Commissioners held a brief discussion on allowing the County Manager to sign the grant application. Commissioners felt, in order to discuss this item, it would need to be added to the agenda.

ACTION: Mary Accor made the motion, which died due to lack of a second, *to add the Sheriff's Office Grant Application Discussion to the agenda.*

Chairman Hutchins suggested Commissioners voice their opinions regarding the matter during Commissioner reports.

COMMISSIONER REPORTS

Jason Falls attended the NACo Legislative Conference in Washington where they discussed several issues with the North Carolina delegation including the Upper Cleveland Reservoir and school funding.

The official Pathways merger date is scheduled for July. State officials are suggesting board members to the merged agencies be made at the state level rather than the local level. Commissioner Falls voiced his opinion that these appointments should be made at the local level.

Commissioner Falls voiced his support for the request from the Sheriff's Office to submit a grant application. He did not support any commitment of funds at this time.

Eddie Holbrook has been working on Fiberoptics at the LeGrand Center. Commissioner Holbrook and his staff are continuing fundraising for the LeGrand Center.

During the ALWS games, Sunday will be considered Veteran's Day. There will be flag ceremonies held in honor of local veteran's and a special presentation in honor of Sgt. Chris Newman, a local soldier who lost his life while serving our country.

Mary Accor, on behalf of the Youth Council, will be sending packets with applications for new members to each high school. A survey, which will look at the top ten issues for teens in North Carolina, has also been sent to each high school. The Youth Council will be compiling the results. These results will be presented to County Commissioners.

Ms. Accor attended the funeral of Ms. Betty McKessom, a long-time active member of the Commission for Women.

Ronnie Hawkins shared news of another successful Rabies Clinic which was held at Crest High School. The Animal Shelter was open for the first time for Saturday adoptions. Only one animal was adopted, however, it was well attended.

Johnny Hutchins attended the RPO meeting. The 74 bypass project is moving forward. The NCDOT is currently working on land acquisition. Chairman Hutchins voiced his support of the Sheriff's request for submittal of the grant application to the US Department of Justice.

ADJOURN

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

*Johnny Hutchins, Chairman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*