

CLEVELAND COUNTY BOARD OF COMMISSIONERS

January 5, 2010

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: Jo Boggs, Chairwoman
Johnny Hutchins, Vice-Chairman
Mary Accor, Commissioner
Ronald J. Hawkins, Commissioner
Eddie Holbrook, Commissioner
David C. Dear, County Manager
Bob Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Alexis Pearson, Human Resources Director
Bill McCarter, Planning Director
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Jo Boggs called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Chris Green, Tax Administrator, provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following addition:*

(9) *Duke Energy Easement- PPG Water Tower*

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *December 1, 2009 and December 15, 2009*, motion was made by Johnny Hutchins, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the minutes as written*.

LIBRARY: BUDGET AMENDMENTS (BNA #037)

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

<i>Account Number/Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.611.4.409.00	Library/Local Revenues	\$10,000.	
010.611.5.211.00	Library/Controlled Equip	10,000.	

Explanation of Revisions: To budget funds from the Foundation of the Carolinas for the purchase of computer software and equipment.

REGULAR AGENDA

BROAD RIVER GREENWAY FEE STRUCTURE

At their November 18, 2008 regular meeting, Commissioners granted permission, for one year, to allow Broad River Greenway to charge \$5 per car for visitors to the Greenway. Greenway Council was to come back before Commissioners at the end of 2009 to give an update on the success of the program. At that time, the Greenway Council could request permanent approval (*see minutes of November 18, 2009*).

Deedi Barry of the Broad River Greenway shared details about the program. Since its inception, the Broad River Greenway has distributed 5,000 decals. Visitors have come from many counties throughout North and South Carolina. A little over 100,000 people visit Broad River Greenway ever year. In 2009, \$16,584. in fees were collected. Fees were used to pay for items such as erosion to American Disabilities Act trail, security coverage for peak attendance months, replacement of light fixtures and new locks on the restroom. The remaining funds will be applied to printing of 2010 decals and fencing to close College Farm Road, which was approved by Commissioners at their September 15, 2009 regular meeting. Ms. Barry requested that Commissioners grant permanent approval for the Broad River Greenway Fee Program.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board to, *approve the following fee structure (received from the Broad River Greenway) as follows, which includes but is not limited to, \$5 per carload to be charged to visit Broad River Greenway and free parking decals for Cleveland County residents.*

A base fee, set at \$5.00 per vehicle, this fee is in effect 365 days a year except for the following:

- a. Anyone who gives \$35.00 to the Annual Friends of the River campaign. **Decals must be displayed on vehicle for fee exemption**
- b. Anyone with a valid Gardner-Webb parking sticker **displayed** on the vehicle
- c. Cleveland County residents with decal. There will be an announced annual period during which Cleveland County resident may obtain a yearly pass for free. Obtaining this annual pass requires contacting the ranger during this 30 day period. New residents may contact the Ranger for a decal upon moving into the community. **Decals must be displayed on vehicle for fee exemption**
- d. Those who give \$35.00 to the Annual Friends of the River campaign may obtain a decal for free admission. **Decals must be displayed on vehicle for fee exemption**
- e. During Greenway sponsored large events admission will be free (i.e. Easter Bunny, Annual Birthday Party and Ducky Regatta, Santa at Phifer Cabin)
- f. During non-profit sponsored events approved by the Greenway board, admission will also be free
- g. Park Ranger, Greenway Director, and/or the Greenway Board will have discretion to evaluate requests of special circumstances and make decisions on a case by case basis.

Ms. Barry then introduced Kim Duren, Broad River Greenway Executive Director, to speak about their submittal of a North Carolina Parks and Recreation Trust Fund Grant Application. The total project cost is \$86,250. The Project Budget details the specifics of the project (*copy of project budget found on Page _____ of Minute Book 31*) with the grant request being \$43,125. The remaining funds are in-kind donations already raised by the Broad River Greenway. Commissioners were provided a copy of the grant application and asked to review it. Ms. Duren asked that she be allowed to come before Commissioners at their January 19, 2010 regular meeting to request a resolution of support for submittal of the grant application.

CAROLINA THREAD TRAIL MASTER PLAN

Randi Gates, Carolina Thread Trail Community Coordinator, gave Commissioners a brief overview of the *Carolina Thread Trail Master Plan for Cleveland County Communities*. The steering committee consisted of elected officials, city and county employees, community leaders and several county citizens. The purpose of the report is to outline a means for long-term coordination of greenway and trail development within the county, cities and towns in Cleveland County to help promote the preservation and improvement of resident's quality of live. She noted that the plan presents a first-ever plan to integrate all existing and proposed municipal and county trails with additional greenway/trail segments that will together create a comprehensive multi-use network for connecting people, places and destinations to each other and surrounding counties (*copy of map found on Page _____ of Minute Book 31*).

The mission of the Carolina Thread Trail as a whole is to bring resources to a 15-county region in the south-central piedmont of North Carolina and the north-central portion of South Carolina in order to create an interconnected trail system with major regional trails designated as the Carolina Thread Trail.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the following resolution adopting the Carolina Thread Trail Master Plan (a copy of the Master Plan can be found in the files of the County Managers Office)*.

Number 02-2010

RESOLUTION TO ADOPT THE CAROLINA THREAD TRAIL MASTER PLAN FOR CLEVELAND COUNTY COMMUNITIES

Whereas, the Carolina Thread Trail's mission is to bring resources to the 15-county region in the south-central piedmont of North Carolina and the north-central portion of South Carolina in order to create an interconnected trail system with major regional trails designated as the Carolina Thread Trail, and

Whereas, many communities in our region have taken a lead in planning and/or building local trails and greenways, and those efforts can be greatly enhanced by being connected to a larger regional network of trails; and

Whereas, this Master Plan outlines a means for long-term coordination of greenway and trail development within the county, cities and towns in Cleveland County to help promote the preservation and improvement of residents' quality of life; and

Whereas, it presents a first-ever plan to integrate all existing and proposed municipal and county trails with additional greenway/trail segments that will together create a comprehensive multi-use network for connecting people, places and destinations to each other and surrounding counties; and

Whereas, it is well understood that building a trail system of this scale is a long-term undertaking, and segments will emerge over time and grow together, and adjustments will be made to the proposed routes as circumstances change and more information becomes available; and

Whereas, adoption of this Master Plan means that it will serve as a guideline for developing future proposed connections and does not imply a commitment of funding by local governments for implementing the trails described therein; and

Now, Therefore, Be It Resolved by the Board of County Commissioners, that Cleveland County hereby adopts the Carolina Thread Trail Master Plan for Cleveland County Communities; an outline for a system of trails that will connect our communities, people and special regional points of interest for years to come.

Adopted this the 5th day of January, 2010.

RESOLUTION HONORING LANE ALEXANDER

On December 11, 2009, former County Manager Lane Alexander lost his battle with cancer. Lane served the citizens of Cleveland County for over thirty-three years. Several Commissioners asked that a resolution be adopted in honor of Lane and placed as a permanent record in the minute books of Cleveland County.

After Commissioner Hawkins read the resolution, several Commissioners took a moment to remember Lane and the impact that he had on Cleveland County and their life:

Ronnie Hawkins- “I served a good while with Lane. I remember there were a lot of hard feelings around the community when it came to school merger. Lane worked hard to make sure that the people came together.” Commissioner Hawkins asked that a framed copy of the adopted resolution be placed next to Lane’s picture in the R.L. Alexander Conference Room.

Mary Accor- “Lane introduced me to County Government. He came to see me and talked about why I should become a County Commissioner. Lane didn’t look at anything but a person’s ability to serve. He was a friend, servant and a true leader at heart.”

Eddie Holbrook- “I did not serve with Lane but had the privilege of being taken care of by his Mom. Lane’s Mom epitomized what Lane stood for. Lois Alexander was a servant to the community and Lane inherited those genes from her. The stability of our county can be attributed to Joe Hendrick, Lane Alexander and David Dear.”

Jo Boggs- “I did a bible study with Lane for several years. I had been asked by numerous people if I was going to run for County Commissioner. Lane was the final person who said, “Are you not going to file?” I thought, if Lane thinks I can do it, then I better file.”

The original resolution presented by the County Clerk had only the Chairwoman and the Clerk’s signature on it. Chairwoman Boggs asked the Clerk to revise the resolution to include a place or signature by each Commissioner.

Number 01-2010

IN APPRECIATION OF CONTRIBUTIONS TO CLEVELAND COUNTY

RICHARD LANE ALEXANDER

WHEREAS, the late Richard Lane Alexander has been a powerful influence for positive change in Cleveland County; and,

WHEREAS, Lane's life was dedicated to the best interests of the community and deserves special recognition; and,

WHEREAS, Lane served Cleveland County for over thirty-three years, first as Purchasing Agent, Assistant Finance Director, Finance Director, Assistant County Manager and lastly, retiring as County Manager in 2004, a position which he held for seventeen years; and,

WHEREAS, for Lane, Cleveland County was not only his employer, it was his home. Having been born and reared in Cleveland County, Lane brought something that many county managers throughout the state did not. He lived the history of Cleveland County as a child, a teenager and as an adult, something that no amount of education or job experience could replace; and,

WHEREAS, under his leadership, relationships between local government entities were formed, groups worked collaboratively on projects for the good of Cleveland County, such as the establishment of the Cleveland 20/20 Economic Development Partnership, facilitating a smooth transition following school merger, serving as a major voice in the partnership with the City of Shelby leading to the recruitment of Wal-Mart Distribution Center, and bringing the vision of the Broad River Greenway to reality . . . relationships which still exist today; and,

WHEREAS, during his tenure, he set a standard of excellence in commitment to public service and leadership, dedicating himself not only to the growth, success and future of Cleveland County, but to preserving our history . . . a dedication evidenced through his continued involvement in our community after his retirement; and,

WHEREAS, above all else, Lane Alexander was a Christian man, devoted to his family and friends.

NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, hereby express our sincere appreciation and deep gratitude for the dedication, distinguished service and friendship of Richard Lane Alexander, to us, and the citizens of Cleveland County.

ADOPTED THIS THE 5th DAY OF JANUARY 2010.

PUBLIC HEARINGS

PLANNING DEPARTMENT ZONING MAP AMENDMENT-CLEVELAND COUNTY (Case #10-01)

Mr. McCarter presented a petition from staff requesting a zoning permit related to the construction of the Southern Power Facility. They are requesting that several non-conforming properties along Caveny Road be changed from Light Industrial (LI) to Residential (R) (*copy of map found on Page _____ of Minute Book 31*). Southern Power will be relocating a manufactured home to one of these parcels on Caveny Road. The manufactured home is currently located on a parcel along NC216 where they have proposed to develop an entrance to their new facility.

He provided background information as follows:

Existing Land Use: Residential single-family homes and a vacant lot.

Future Land Use: Rural Residential.

Utilities: Public water provided by Cleveland County Sanitary District.

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

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

I have reviewed the information that you sent me, as well as viewed the property. Based upon all information that I have seen I would concur with staff on the proposal. It is my opinion that the proposal meets the proposed future land use designations, and that Cleveland County could rezone the property as proposed.

David Morrow, Chairman, Cleveland County Planning Board: 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”.

Consistent with the 2015 Land Use Plan

This area was designated as rural residential on our future land use map, and the proposed Residential (R) zoning district would be consistent with our plan.

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

Existing non-conforming residential uses will be corrected by this amendment.

Surrounding Properties

Existing residential to the south and east, proposed industrial to the north and west.

Non-Conforming Uses

Existing uses are single-family residential.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board, ***to open the public hearing.*** (Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on December 16 and December 23, 2009.)

Chairwoman Boggs asked if there were any other comments or if Commissioners had any questions of anyone in the audience or staff. Hearing no other comments, she called for the public hearing to be closed.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board, ***to close the public hearing.***

Chairwoman Boggs called for discussion among Commissioners. Hearing no comments, Chairwoman Boggs called for the vote on the zoning map amendment.

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

ORDINANCE AMENDING THE OFFICIAL ZONING MAP

CLEVELAND COUNTY

**Caveny Road – 7.6 Acres
Light Industrial (LI) to Residential (R)**

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, the Cleveland County Planning Board recommended the zoning map amendment on December 22, 2009; and

WHEREAS, this parcel is classified as “Rural Residential” on our 2015 Future Land Use Plan, and the Residential zoning district will be consistent with the comprehensive plan for this area; and

WHEREAS, said amendment will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County.

WHEREAS, notice of the Public Hearing was published in the Shelby Star on December 16, 2009, and December 23, 2009, notices were mailed to adjoining property owners on December 16, 2009 and a sign posted at the property on December 16, 2009; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by the Cleveland County Board of Commissioners to amend the Official Zoning Map following a Public Hearing on January 5, 2010; and

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 the following parcel(s), from Light Industrial (LI) to Residential (R) as identified on the attached map designated “Rezoning Case 10-01”, being incorporated herein by reference and made part of this ordinance.

BEGINNING at a point in the NC/SC state line, at the intersection of Caveny Rd (SR 2350); thence with the state line: N89-12-25W 426.40 feet, and N89-12-25W 137.50 feet; thence with the following property lines: N01-08-35E 316.80 feet, S88-51-25E 76.05 feet, N47-19-03E 441.70 feet, S47-47-50E 627.79 feet; thence with the centerline of Caveny Road: S57-41-21W 277.88 feet, S65-45-00W 95.23 feet to the point of beginning.

This Ordinance shall become effective upon adoption and approval.

Adopted this 5th day of January 2010 at 6:00 p.m.

PLANNING DEPARTMENT ZONING MAP AMENDMENT-CLEVELAND COUNTY (Case #10-02)

Mr. McCarter presented another petition from staff requesting a zoning permit related to the construction of the Southern Power Facility. This parcel along NC 216 will be used for the entrance to the new Southern Power Facility. Staff is requesting a change from Residential (R) to Light Industrial (LI). The manufactured home currently located on this property will be moved to the property on Caveny Road rezoned prior to this request.

He provided background information as follows:

Existing Land Use: Residential manufactured home (to be relocated)

Future Land Use: Industrial

Utilities: Public water provided by Cleveland County Sanitary District.

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

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: APPROVE
I have reviewed the information that you sent me, as well as viewed the property. Based upon all information that I have seen I would concur with staff on the proposal. It is my opinion that the proposal meets the proposed future land use designations, and that Cleveland County could rezone the property as proposed.

David Morrow, Chairman, Cleveland County Planning Board: 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”.

Consistent with the 2015 Land Use Plan

This area was designated as industrial on our future land use map, and the proposed Light Industrial (LI) zoning district would be consistent with our plan.

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

This lot will be used to provide access to an industrial site.

Surrounding Properties

Existing residential to the north, industrial to the south and east.

Non-Conforming Uses

Existing dwelling will be relocated.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board, ***to open the public hearing.*** (Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on December 16 and December 23, 2009.)

Chairwoman Bogs asked if there were any other comments or if Commissioners had any questions of anyone in the audience or staff. Hearing no other comments, she called for the public hearing to be closed.

County Manager David Dear explained that over the last several years, Southern Power has been acquiring property to construct a new power plant. They broke ground in October and are preparing to begin construction. Southern Power has worked out a property swap with members of the Caveny family to move the manufactured home currently located on this property. This property swap could not take place without a proper rezoning of the property. The waterline being constructed for the Southern Power Facility will also enter through the property along NC 216 next to Transco.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, ***to close the public hearing.***

Chairwoman Boggs called for discussion among Commissioners. Hearing no comments, Chairwoman Boggs called for the vote on the zoning map amendment.

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

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP
CLEVELAND COUNTY
Battleground Road (NC 216) – 2 Acres
Residential (R) to Light Industrial (LI)**

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, the Cleveland County Planning Board recommended the zoning map amendment on December 22, 2009; and

WHEREAS, this parcel is classified as “Light Industrial” on our 2015 Future Land Use Plan, and the Light Industrial zoning district will be consistent with the comprehensive plan for this area; and

WHEREAS, said amendment will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County.

WHEREAS, notice of the Public Hearing was published in the Shelby Star on December 16, 2009, and December 23, 2009, notices were mailed to adjoining property owners on December 16, 2009 and a sign posted at the property on December 16, 2009; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by the Cleveland County Board of Commissioners to amend the Official Zoning Map following a Public Hearing on January 5, 2010; and

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 the following parcel(s), from Residential (R) to Light Industrial (LI), as identified on the attached map designated "Rezoning Case 10-02", and being incorporated herein by reference and made part of this ordinance.

BEGINNING at a point in Battleground Road (NC 216); thence with property lines: South 51-52-00 West 392.34 feet, North 35-23-06 West 237.73 feet, North 57-12-14 East 403.00 feet, thence with the centerline of Battleground Road: South 32-20-00 East 201.0 feet to the point of beginning. Parcel 45523 / Deed Book 1101 Page 1715.

This Ordinance shall become effective upon adoption and approval.

Adopted this 5th day of January 2010 at 6:00 p.m.

REGULAR AGENDA (CONT.)

DUKE ENERGY EASEMENT

The City of Shelby is in the final stages of constructing a waterline to serve the proposed Foothills Commerce Center. As part of the waterline project, Duke Energy is requesting a 15' wide electrical easement to construct a powerline across county property to also serve the proposed industrial park. County Attorney Bob Yelton informed Commissioners that this would not be detrimental to the county property in any way and the easement would be for this particular project only.

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, ***to approve the electrical easement to Duke Energy (copy found on Page ____ of Minute Book 31).***

COMMISSIONER REPORTS

Commissioner Hawkins praised the success of the Sports Commissions annual basketball tournament. He has been working with the City of Kings Mountain trying to get Fitness Grants.

Commissioner Holbrook will be meeting with Architect Roger Holland to review processing of the conference center noting that he would like to put the project "in overdrive" in order to take advantage of the low construction costs at this time. He also reminded Commissioners of a Duke Energy Hearing on January 14, 2010 and the Golden Leaf meeting on January 25, 2010.

Commissioner Accor will be in Washington next week representing the NCACC to hear a briefing from the White House on the state of the nation.

Commissioner Hutchins reminded Commissioners of the Fire Association Meeting to be held on January 28, 2010.

County Manager David Dear has begun working on a preliminary budget for FY 2010/2011. He will distribute printed materials to Commissioners within the next 30 days.

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, ***to adjourn***. The next regular meeting will be held on ***Tuesday, January 19, 2010, at 6:00 p.m.*** in this Commission Chamber.

*Rebecca Jo Powell Boggs, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*