

**Cleveland County Board of Commissioners**  
**February 3<sup>rd</sup>, 2015:**

The Cleveland County Board of Commissioners met in a regular session on Tuesday, February 3<sup>rd</sup>, 2015 at 6:00 p.m. in the Commission Chamber of the Cleveland County Administrative Office.

**PRESENT:** Jason Falls, Chairman  
Eddie Holbrook, Vice-Chairman  
Johnny Hutchins, Commissioner  
Susan Allen, Commissioner  
Ronnie Hawkins, Commissioner  
Jeff Richardson, County Manager  
Bob Yelton, County Attorney  
Henry Earle, County Clerk  
April Crofts, Deputy Clerk  
Kerri Melton, Community Services Director  
Dorothea Wyant, Health Director  
Sam Lockridge, Health Services Director  
Lori Poston, Communications Director  
Allison Mauney, Human Resources Director  
Bill McCarter, Planning Director  
Brian Epley, Finance Director  
Wes Westmoreland, NC Senator

**CALL TO ORDER**

Chairman Falls called the meeting to order and then invited Boy Scout Troop 118 led the audience in the Pledge of Allegiance and provided the invocation for the meeting.

## **AGENDA ADOPTION**

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hawkins, and unanimously adopted by the Board, to adopt the agenda as presented by the County Clerk.

## **CITIZEN RECOGNITION**

- Adam Forcade: Mr. Forcade said he and his team have been telling commissioners for a year that they did not want the casino yet the commissioners won't listen. He said he'd ask again, please rescind your support of the casino.
- Steve Taylor: 2207 David Baptist Church Road, Kings Mountain. Mr. Taylor gave packets to the clerk to give to the board, with a survey he conducted, garnering 75 ministerial signatures, showing support in opposition to the casino.
- Ron Caulder: 122 Walking Horse Run, Shelby. Mr. Caulder said he supports the work of the commissioners but he does not support the casino and urged the commissioners to give up their support of it as well.
- Sandra Jenkins: 235 Borders Road, Blacksburg, SC. Ms. Jenkins used to live in Kings Mountain, growing up and working there. She wanted to show the commissioners that opposition to the casino was not merely inside the county but outside as well.
- James Lockridge: 112 Cyclone Lane, Kings Mountain. Appreciates the work the commissioners have done, but disagreed with the casino. He said the commissioners will need to choose between what is right and what is wrong.

## **CONSENT AGENDA**

**ACTION:** Commissioner Holbrook made the motion, seconded by Commissioner Allen, and unanimously adopted by the Board, to approve the following items:

**MINUTES:** There being no corrections, additions or deletions, the Minutes of the January 20<sup>th</sup>, 2015 regular meeting and were presented and approved as written.

**COMMUNICATIONS 911: BUDGET AMENDMENT #032**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
026.454.4.991.00	E911 Telephone System	\$ 116,491.00	
026.454.5.210.00	E911 Telephone Depart Supply	\$ 3,942.00	
026.454.5.910.00	E911 Telephone Capital Equip	\$112,549.00	

*Explanation of Revisions: Request to purchase new monitors, consoles, and card (protocol) sets. All items have been approved by the NC 911 Board for purchase.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT #033**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.547.4.350.00	CC4C/PCM-State Grants	\$ 347.00	
012.547.5.310.00	CC4C/PCM-Travel/Training	\$ 347.00	

*Explanation of Revisions: Request to budget DHHS Child Care Coordination funds.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT #034**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.546.660.49	CA-Medicaid-CPI	\$ 20,000.00	
012.546.5.210.00	CA-Departmental Supplies	\$ 2,000.00	
012.546.5.370.00	CA-Advertising/Promotions	\$16,000.00	
0.12.546.5.581.00	CA-Incentives/Awards	\$2,000.00	
012.546.4.660.37	CA-Medicaid	\$2,172.00	
012.546.5.121.00	CA-Salaries	\$488.00	
012.546.5.981.00	CA-Emergency and Control	\$1684.00	

*Explanation of Revisions: Request to budget Chronic Pain Clinical Initiative funding to help carry out the grant statement of work. Secondary funds from Carolina Access Health Check.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT #035**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.537.4.310.00	Child Health-Grants	\$ 11,356.00	
012.537.5.210.00	Child Health-Supplies	\$ 558.00	
012.537.5.211.00	Child Health-Controlled Prop	\$805.00	
012.537.5.370.00	Child Health-Advertising	\$8,005.00	
012.537.5.910.00	Child Health-C.O. Equipment	\$1,988.00	

*Explanation of Revisions: Request to budget DHHS Immunization  
Action Funds to promote awareness of childhood immunizations*

**HEALTH DEPARTMENT: BUDGET AMENDMENT #035**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.537.4.310.00	Child Health-Grants	\$ 11,356.00	
012.537.5.210.00	Child Health-Supplies	\$ 558.00	
012.537.5.211.00	Child Health-Controlled Prop	\$805.00	
012.537.5.370.00	Child Health-Advertising	\$8,005.00	
012.537.5.910.00	Child Health-C.O. Equipment	\$1,988.00	

*Explanation of Revisions: Request to budget DHHS Immunization  
Action Funds to promote awareness of childhood immunizations*

**HEALTH DEPARTMENT: BUDGET AMENDMENT #036**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.535.4.350.00	HP-State Grants	\$ 13,757.00	
012.535.5.311.00	HP-Education Expense	\$ 4,585.00	
012.535.5.370.00	HP-Advertising/Promotion	\$4,585.00	
012.535.5.581.00	HP-Awards/Appreciation	\$4,587.00	

*Explanation of Revisions: Request to budget DHHS Healthy  
Communities funds for operational expenses.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT #037**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.533.4.800.00	Adult Health-Mis Revenue	\$ 450.00	
012.533.5.500.00	Adult Health-Mis Expense	\$ 450.00	
012.533.4.810.00	Adult Health-Donations	\$2,500.00	
012.533.5.790.00	Adult Health-Donations	\$2,500.00	

*Explanation of Revisions: Request to budget \$450 from Carolinas Healthcare System and \$2,500 from NC Farm Bureau to purchase pharmaceuticals for indigent clients.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT #038**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.539.4.310.00	Family Planning Grants	\$ 11,631.00	
012.539.4.310.00	Family Planning Grants	\$ 6,661.00	
012.539.5.513.00	Family Planning-Fees	\$18,292.00	

*Explanation of Revisions: Request to budget TANF funds and Family Planning Title X funds for operational expenses.*

**PUBLIC HEARING**

**ZONING MAP AMENDMENT CASE 15-01: INNOVATE SOLAR 33**

Chairman Falls called Chris Martin, Planner, up to the podium. Mr. Martin discussed how Innovative Solar 33 LLC was asking for a zoning map amendment from residential to light industrial conditional use district to turn the property into a solar farm. Mr. Martin mentioned that the property was 151 acres and showed an aerial map and site plan of the property. Mr. Martin said the planning board and the isothermal planning board had both given their approval and the planning board had recommended two proper conditions, the first was A1 type screening around the fence, shielding the solar farm from outside view and if the solar farm were to go below 50% of proposed production, within 180 days it would be deconstructed back to its original state. Commissioner Holbrook asked if the owners and the builders were ok with the conditions and Mr. Martin said they were.



**Cleveland County, NC**

**Disclaimer:** The information contained on this page is taken from aerial mapping, tax mapping, and public records and is NOT to be construed or used as a survey or 'legal description'. Only a licensed professional land surveyor can legally determine precise locations, elevations, length and direction of a line, and areas.

**2010 Aerial**

The public hearing was opened at 6:29 and the following people spoke at the hearing:

- Richard Greene: (Favor) Mr. Greene is the owner of Innovative Solar. He expressed that the Planning Board met on 1/27/15 and approved the solar farm 10-1. No variances had been asked for, all requests from the planning board have been accepted. He said they intend to be a good neighbor, much like the other solar company in the county.
- Don McBrayer: (Oppose) Mr. McBrayer lives in an adjacent property and said solar farms are not aesthetically pleasing. He said his biggest complaint is that he doesn't know what the company means by type A1 screening and that this area is a rural community and that it is still unknown what a solar farm will do to the property values. He did not see a need to the video when there are more choices elsewhere.
- David Matheny: (Favor) Mr. Matheny is an owner of some of the land that the farm is going to be built on. He grew up working it and remembers looking for ways to make money. It's gone from pine trees to soy beans and now they need a new way. Clearing the land is incredibly expensive and the solar farm is the way to go. The A1 screening will prevent anyone from seeing the solar panels.
- Danny Ledford: (Oppose) Mr. Ledford lives in the community and has farmed that exact land. The issue is not being for or against solar power but is this a win for the community? The Board of Adjustment already said no because it did not fit with the Land Use Plan. This is about spot zoning and Mr. Ledford said he is very opposed to doing that.
- Tim Hullett: (Favor) Mr. Hullett said this plan will keep giving for 20 years, bringing nearly \$80,000 in taxes for the next 20 years. This will be a 12 month crop and it will cut emissions from our fossil fuel plants. The right of an individual who has paid taxes and has been a good neighbor and good citizen matters and it is time to move forward with the times. Clean energy is the way to go and fossil fuels are going to run out.
- Brandon Lanign: (Oppose) Mr. Lanign said his property does not adjoin the property in question but he built his house near the property and near Duke Power. He wanted to know if this investment was going to lower their power bills or make Duke Power run more efficiently.
- Shannon Hovis: (Oppose) Ms. Hovis shared her concern that, according to her, it is unknown what a solar farm will do to the environment and to

- their community. The community does want development but she is unsure if a solar farm is the right choice.
- Ronald Mcabee: (Favor) Mr. Mcabee supports the solar farm because there are over 400 coal fire plants in the United States, pumping out 40 billion tons of CO<sub>2</sub>, therefore producing the greenhouse effect. In 50-70 years the world will be facing a big problem if more isn't done, the temperature will rise, insects will multiply, thus creating a need for more insecticides on our food. He said he loves seeing deer but he wants to look out more for the future of his grandchildren. The solar farm is the answer.
  - Robert Williams: (Oppose) Mr. Williams does not live near the proposed area but said his career has been in the power business and he knows that solar panels will not generate enough power to overtake fossil fuels. Solar farms are often subsidized so no money will be made. Mr. Williams urged the commissioners to stick to the land use plan.
  - Amanda McBrayer: (Oppose) Ms. McBrayer is afraid of chain link fence running down both sides of the road in her community. She is worried about immigrants coming in to violate her family. Farmland to her is not metal and solar panels but grass and dirt and seeds. She said her community has been violated enough and does not need to be violated again. If the commissioners zoned it rural then it needs to stay zoned that way.

The public hearing was then closed at 7:03 p.m. Chairman Falls then asked the commissioners for questions. Commissioner Hutchins said he understood the rights of the individual and understands seeing a rural area go industrial, for he saw it near his own house. Commissioner Holbrook said Duke Power's tax revenue stays in Cleveland County and the land plan is a guide for the planning board and commissioners. Also, based on what the planning board has recommended that the developer has agreed to, the solar farm will be nearly invisible.

**ACTION:** Commissioner Holbrook made the motion to accept the zoning map amendment that was presented by the planning board. It was seconded by Commissioner Hutchins and approved unanimously.

**PROPOSED ANIMAL CONTROL ORDINANCE CHANGE:** Chairman Falls introduced Dorothea Wyant, Health Director, who said that on January 13<sup>th</sup>, 2015 the Board of Health unanimously supported a Cleveland County Large Commercial Breeders Ordinance. This ordinance would give Animal Control Officers the power to regulate conditions for these animals. The ordinance will be complaint driven and will be used to educate breeders and the public. Breeders will be charged an annual fee of \$50.00.

**SEC. 3-22 – Standards of Care for Large Commercial Dog and/or Cat Breeders**

- (a) Any Large Commercial Dog and/or Cat Breeder shall provide the following for each dog and/or cat owned, kept, or maintained by that person:
- (1) Exercise on a daily basis outside of the animal's primary enclosure.
  - (2) Fresh food and water daily.
  - (3) Fresh food provided at appropriate intervals to maintain a healthy weight.
  - (4) Appropriate veterinary care, including routine and preventative care.
  - (5) Daily assessment of each dog and/or cat's overall health and behavior.
  - (6) Appropriate and prompt treatment or attention to any deviation in health.
  - (7) Preventative care sufficient to keep dogs and/or cats free from internal and external parasites.
  - (8) When necessary, euthanasia performed humanely by a licensed veterinarian or Animal Control.
  - (9) A primary enclosure that:
    - i. is constructed and maintained so that dogs and/or cats are securely confined;
    - ii. does not cause injury to the dogs and/or cats;
    - iii. protects the dogs and/or cats from extreme weather conditions;
    - iv. is maintained in a sanitary manner;
    - v. is large enough that each dog and/or cat can sit, stand, lie down, or turn around comfortably with no overcrowding. Minimum space requirements shall comply with the following formula:
      1. (length of the dog and/or cat in inches +6) x (length of dog/or cat)= required floor space in inches per animal.
      2. Required floor space in inches/144 = required floor space in square feet.
    - vi. allows for all animals to be removed from the enclosure during cleaning; and
    - vii. solid flooring that provides solid footing.
  - (10) No more than four (4) dogs and/or cats shall be housed in the same primary enclosure without supervision.
  - (11) Lighting that provides a regular lighting cycle for the dogs and/or cats.
  - (12) Shall keep the whole facility and enclosures clean and free from debris and odor, shall remove feces and dispose of the same as frequently as necessary, and any bedding materials made available to dogs and/or cats shall be clean and not pose a threat to the health and welfare of the dogs and/or cats.

- (b) All Large Commercial Dog and/or Cat Breeders must register with Cleveland County Animal Control.
- (c) All breeders must complete an annual application and pay an annual nonrefundable registration fee of Fifty Dollars (\$50.00).
- (d) Upon submission of the annual application and registration fee to Animal Control, all applicants must provide Animal Control sufficient documentation to show compliance with this subsection before any permit allowing any large breeder operation will be issued.
- (e) All breeders are subject to annual and random inspections by Cleveland County Animal Control. All random inspections are performed at the discretion of Cleveland County Animal Control.
- (f) Upon request of an Animal Control Officer, the breeder shall furnish to Animal Control all medical records of all animals owned by the breeder.
- (g) Failure to comply with the standards established under subsection (a) or (b) of this section constitutes a Class 3 misdemeanor punishable by a fine of not less than \$100.00 per animal.
- (h) In addition to any criminal penalty, Cleveland County may seek civil remedies for a violation of this section including but not limited to: indemnification for expenses relating to the enforcement of this section, injunctive relief, abatement, attorney fees, a civil penalty of \$100.00 per animal, or any other remedy provided by law.
- (i) The provisions of this section are in addition to, and not in lieu of, any other law protecting the welfare of animals.
- (j) This section shall not be construed to place any numerical limits on the number of dogs and/or cats a person may own or control or to regulate persons' ownership of dogs and/or cats when those dogs and/or cats are not used for breeding and selling of offspring as pets.
- (k) This section does not apply to kennels operated solely for the purpose of boarding dogs and/or cats or kennels exclusively used for training dogs and/or cats for hunting, sporting, field trials, or show.
- (l) Any provision of this ordinance, or the application of this act to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this act that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.

The public hearing was opened at 7:09 and the following people spoke:

- Margaret Maven: Mrs. Maven is the director of the Cleveland County Humane Society. She applauded the efforts of the Board of Health and the Animal Control Department for their commitment. In years past as long as the dogs had water, food and rabies shots then there was nothing that could be done to keep animals from being in paltry conditions. It was very sad but legal. Mrs. Maven asked that the Commissioners please support the ordinance to give Animal Control what they need to help the lives of animals.

The public hearing was closed at 7:13.

**ACTION:** Commissioner Hawkins wanted to thank the health department staff for their work and what they did. Commissioner Hawkins then made a motion to approve the ordinance, seconded by Commissioner Hutchins.

## **REGULAR AGENDA**

**PILOT COUNTY CURBSIDE RECYCLING PROGRAM:** Chairman Falls called Dorothea Wyant, Health Director, back and on January 13<sup>th</sup>, the Board of Health unanimously approved the voluntary county wide curbside recycling program. It is a voluntary program, and in 6 months after implementation the Solid Waste department is going to evaluate the success of the program and will come back to the board with recommendations.

**ACTION:** Commissioner Hawkins made the motion, seconded by Commissioner Allen and unanimously approved, to initiate the pilot county recycling program.

**PINNACLE NOTE DISCUSSION:** When giving Pinnacle Classical Academy the land for the school the county included a promissory note for \$325,000, if the school does not stay in existence until 2028. Local legislation (Session Law 2013-7, House Bill 37) has since been enacted, which will allow Cleveland County to make an amendment to get the

property in lieu of the money. The county would still be secondary, after the primary note holder. The County Manager said that the attorney has been in talk with the school of government to make sure everything was legal. The finance director has ensured the reversionary clause will not affect the county in any way. Commissioner Hutchins said it seems like a win for the county because before the county would get nothing but now the at least the county will get the land back if the charter school folds.

**ACTION:** Commissioner Hutchins made the motion to amend the promissory note to remove the \$325,000 financial liability. A second was made by Commissioner Holbrook and was unanimously approved.

**BOARD APPOINTMENT TO FILL VACANT ISOTHERMAL**

**PLANNING BOARD SEAT:** Chairman Falls called on Henry Earle, county clerk, to bring names for the isothermal planning board. Mr. Earle read the 4 names listed below.

## Isothermal Planning Board

Applicant	Currently Serving On
Bob Watson	Board of Adjustment-Alternate

Bob Smith	Historic Preservation
Jeff Ward	Board of Adjustment
Thomas Gary Brooks	CC Planning Board

**Terms:**  
 Appoint One Member  
 Three Year Term  
 Term Expires 12/2017

**ACTION:** Commissioner Allen made the motion to nominate Bob Watson to fill the vacant seat, seconded by Commissioner Holbrook, and unanimously approved by the Board.

**COMMISSIONER’S REPORTS:**

**Commissioner Hawkins:** Commissioner Hawkins said the animal control ordinance couldn’t have been done without the Board and thanked them for their diligence in getting it done.

**Commissioner Allen:** Commissioner Allen thanked Commissioner Hawkins for his work, the chamber had their awards banquet this week and she thanked Commissioner Hawkins for getting the Bridge Builder Award.

**Commissioner Hutchins:** It has been very busy so stay tuned, more to come.

**Commissioner Holbrook:** Congrats to Commissioner Hawkins on his award. He said he has been very busy with economic development.

**Commissioner Falls:** It has been a very busy and long day. He is honored to be able to drive with Commissioner Hutchins to Raleigh after the meeting

because Commissioner Hutchins is being sworn in as the District 15 chair of the North Carolina Association of County Commissioners.

### **ADJOURNMENT**

Chairman Falls entertained a motion to adjourn the meeting. The motion was made by Commissioner Holbrook, seconded by Commissioner Hutchins and unanimously approved by the Board. The next regularly scheduled meeting will be on Tuesday, February 17, 2015 at 6:00 p.m. in the Commissioners Chambers.