

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**February 4, 2014**

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:** Jason Falls, Chairman  
Eddie Holbrook, Vice-Chairman  
Susan Allen, Commissioner  
Johnny Hutchins, Commissioner  
Jeff Richardson, County Manager  
Bob Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Chris Green, Tax Administrator  
Alan Norman, Sheriff  
Bill McCarter, Planning Director  
Chris Martin, Zoning Administrator  
Jessica Pickens, *The Shelby Star*  
Other individual names on file in the Clerk's Office

**ABSENT:** Ronnie Hawkins, Commissioner

**CALL TO ORDER**

Chairman Jason Falls called the meeting to order. The Pledge of Allegiance was led by Boy Scouts of Troop 118 from Zion Baptist Church. Commissioner Johnny Hutchins provided the invocation.

**AGENDA ADOPTION**

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

**CONSENT AGENDA**

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #036)**

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

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.530.4.810.00	General/Donations/Contributions	\$ 71.	
012.530.5.790.00	General/Donations/Contributions	71.	

Explanation of Revisions: Budget donation for medical assistance.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #037)**

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

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.535.4.350.00/01120-5503	Health Promotion/State Govt Grants	\$ 6,789.	
012.535.5.311.00	Health Promotion/Education Expense	3,394.	
012.535.5.370.00	Health Promotion/Advertising/Promotions	3,395.	

Explanation of Revisions: Budget additional DHHS Healthy Communities funds for operating expenses.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #038)**

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

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.543.4.410.00	Grants/Local & Other Grants	\$ 4,000.	
012.543.5.461.00	Grants/License Permit/Cert.		4,000.

Explanation of Revisions: Budget Office of Rural Health funds designated for MARP license fee.

**SPECIAL RECOGNITION**

**RECOGNITION OF DR. STEVE THORNBURG**

Commissioners recognized Dr. Steve Thornburg for being named NC Community Colleges President of the Year.

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following resolution:*

*Number 01-2014*

***IN HONOR OF DR. STEVE THORNBURG  
NC COMMUNITY COLLEGE'S PRESIDENT OF THE YEAR***

***WHEREAS,*** in 1991, Dr. Steve Thornburg joined Cleveland Community College as the second President in Cleveland Community College history; and

***WHEREAS,*** since becoming President, Dr. Thornburg has worked tirelessly to make Cleveland Community College one of the top community colleges in the state; and

***WHEREAS,*** as the nation has become more technology driven, under the direction of Dr. Thornburg, Cleveland Community College has developed many new programs such as Automation Engineering Technology, Surgical Technology and Biotechnology; and

***WHEREAS,*** the addition of these programs has led to not only to the growth in student population but the need for new facilities and resources; and

***WHEREAS,*** during Dr. Thornburg's tenure, the Cleveland Community College campus has grown to include state-of-the-art facilities such as the Paksoy Technology Center, the Bailey Allied Health and Science Center, the Brown Emergency Training Center and the LeGrand Center; and

***WHEREAS,*** Dr. Thornburg has been actively engaged with potential Economic Development clients by offering incentives and creating new programs for training of employees specifically programs designed to train the local workforce for positions required by data centers which has led to the increased recruitment of data centers; and

***WHEREAS,*** most recently, under Dr. Thornburg's guidance, Cleveland Community College led a consortium of higher education institutions and was awarded more than \$23 million as part of the U.S. Department of Labor's Trade Adjustment Assistance Community College and Career Training grant program; and

***WHEREAS,*** Dr. Thornburg has also been an active member of the Cleveland County Community by serving on countless boards and serving as chair of many of them; and

***NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS,*** congratulate Dr. Steve Thornburg for being named the Wells Fargo North Carolina Community College President of the Year.

**ADOPTED THIS THE 4<sup>th</sup> DAY OF FEBRUARY 2014.**

**REGULAR AGENDA**

**SHERIFF'S OFFICE GRANT FOR ADDITIONAL SCHOOL RESOURCE OFFICER**

Cleveland County Schools has been successful in obtaining additional grant funding through the State of North Carolina for additional School Resource Officers for the City of Shelby Police Department, Kings Mountain Police Department, and the Cleveland County Sheriff's Office for five (5) School Resource Officer positions. This funding is a 2/3 State of North Carolina grant which requires the local school system to match 1/3 funding, for the ten (10) month academic school year. The Sheriff's Office has the opportunity to receive one additional SRO through this state grant.

This grant will allow the Sheriff's Office to provide an SRO presence in all county elementary schools. In addition, for the two (2) months that school is out of session, the officer will work in the court system for necessary court security. The fiscal impact is \$7,180.44 to the Sheriff's Department Annual Operating Budget effective immediately.

Commissioners received information regarding the pros/cons:

Pros:

- Continued support of the SRO program serves to increase school safety in the county, specifically county elementary schools.
- This grant funding arrangement defers security costs to the State of North Carolina and local school system for the 10 month academic year for salary and benefits of SRO positions.
- The Sheriff's Office is able to use SRO positions for required court officer staffing during June and July, which decreases the reliance on part-time hourly officer staffing dollars.

Cons:

- One-time cost such as uniforms, equipment, and vehicles are not provided through this grant and is absorbed by the existing Sheriff's Office budget.

Sheriff Norman spoke in favor of the project and applauded the efforts of the Cleveland County Schools, Cleveland County and the Sheriff's Office for this partnership.

Commissioners all agreed this is a good start in the right direction toward school safety.

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the cost sharing partnership with Cleveland County Schools for the hiring of a School Resource Officer. Two-thirds of the salary will be paid for by the state. One-third of the salary will be paid by Cleveland County Schools. Cleveland County will be responsible for the two-months while school is out of session (\$7,180.44).*

#### **SUMMER FUNDING FOR SCHOOL RESOURCE OFFICERS**

Cleveland County Schools (CCS) has requested that the current SRO financial partnership with Cleveland County Sheriff's Office be adjusted from the 11 month/1 month cost share to 10 months Schools/2 months County to accurately reflect position usage.

The Cleveland County Sheriff's Office has successfully worked since the 2002-03 year with Cleveland County Schools to appropriately cost share for the funding of six (6) school resource officers (SRO's) used in the high schools/middle schools in the county. A memorandum from CCS in May, 2002 outlined the need for these officers during the months of August through June, thus creating the 11 month Schools/1 month County cost share arrangement. At some point since 2002, CCS's needs have changed and all SRO's are fully released back to the Sheriff's Office for June and July. In turn, the Sheriff's Office plans for these additional staff by scheduling SRO's to cover court activity during this time. Because the Sheriff's Office uses part-time retired deputies on a per hour basis to cover court responsibilities, using SRO's in the court system during June-July saves the Sheriff's Office approximately \$20,000 from the part-time salaries account. The additional operating cost for Cleveland County to pay for one additional month of salary and benefits for the SRO's is \$26,330.71. This operational increase is off-set by the part-time salaries savings for officer staffing in the court system.

Sheriff Norman spoke of the fact that the SRO's are used as Bailiffs in the summer months. Sending the part-time employees home helps to reserve his part-time salary budget.

**ACTION:** Eddie Holbrook made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to approve adjusting the cost share from the 11 month Schools/1 month County current situation to 10 months Schools/2 months County to accurately reflect position usage.*

**CONSIDERATION OF TWO ADDITIONAL FULL-TIME SHERIFF'S DEPUTIES**

The Sheriff's Office has continued to monitor sworn officer patrol deputy staffing across Cleveland County and has requested consideration for two additional deputy officer positions during this current 13-14 fiscal year. Cleveland County has continued to experience positive tax base growth over the past three year period. Additional tax base density requires additional dedicated patrol hours to help continue adequate law enforcement presence to help deter criminal activity and insure the public's safety and welfare. Statewide benchmarking for sworn officer/citizen staffing ratios is one additional factor that supports this additional staffing allocation request.

Lapse salary money has been identified in the General Fund and upon approval by the County Commissioners, can be reallocated to the Sheriff's Office in order to cover necessary expenses for these two positions for the remainder of the fiscal year. Additional sworn deputy officer staffing provides the Sheriff's Office with additional staffing coverage to help insure adequate law enforcement presence throughout Cleveland County. Statewide benchmarking suggests additional staffing is warranted provided funding is available. Mid-year adjustments to General Fund operating budget requires allocation of additional funding for next year's budget due to the compounding rollover effect.

County Manager Jeff Richardson explained the fiscal impact would be \$7,180 per month in the current Fiscal Year, once positions are hired. Additional one-time costs for supplies and equipment are to be absorbed in the Sheriff's Office current year budget. These positions will be budgeted in the FY 2014-2015 budget.

Sheriff Norman spoke of the need for the additional deputies explaining the patrol function has had no increase since 2002. He called it a "step in the right direction." He thanked Commissioners for their consideration.

Commissioners took a moment to thank Sheriff Norman for his understanding in the fact that the Sheriff's office has been understaffed.

**ACTION:** Susan Allen made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve hiring of two additional Sheriff's deputies using lapse salaries from the General Fund.*

**PLANNING DEPARTMENT: MIMIMUM HOUSING CODE VIOLATION- 4004 SHARON DRIVE- HOWARD DAWKINS HEIRS**

In accordance with Section 3.5-45(b), Planning Director Bill McCarter submitted an ordinance to Commissioners ordering the owners to comply with the Order of Code Enforcement to demolish an abandoned house.

Mr. McCarter has been working with Attorney Biggers to see if the property could be sold. Unfortunately, that was not able to happen. In order to give the neighbors some relief, the only solution to having the property cleaned up is to go through this process. This property is located in a neighborhood with other houses around it.

The adoption of the ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

*CLEVELAND COUNTY  
NORTH CAROLINA*

***AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A DWELLING AT 4004 SHARON CIRCLE***

*WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 4004 Sharon Circle, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and*

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 4004 Sharon Circle, (Parcel 23947) now or formerly owned by Howard Dawkins Heirs; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 4th day of February 2014 by the Cleveland County Board of Commissioners in open session.

**PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 13-12) THOMAS JOHNSON- 35 ACRES ON GAFFNEY ROAD**

Chris Martin, Zoning Administrator presented a request from Thomas H. Johnson of Nexsen Pruet, PLLC. Mr. Johnson is requesting a zoning map amendment from Residential (R) to Neighborhood Business Conditional District (NBCD) for approximately 35 acres on Gaffney Rd. The applicant is requesting a map amendment so that the property can be developed for a telecommunications tower. The area surrounding the property is currently zoned Residential (R). This property is listed as Rural Residential on the 2015 Land Use Plan. The surrounding area is rural in nature, with larger tracts of land, consisting of single family residential uses.

Mr. Martin reviewed recommendations from Planning Consultant Jim Edwards and the Planning Board.

**Jim Edwards, Planning Consultant, Isothermal Planning and Development Commission: APPROVE**

The application proposes rezoning from Residential to Neighborhood Business Conditional Use designation to allow the construction of a cellular telecommunication tower. The parcel is approximately 35 acres in size and the surrounding area is comprised of low-density rural land uses; therefore, the proposed tower would not be out of character, with the possible exception of structure height, which is planned at 250 feet. The current zoning is residential and the 2015 Land Use Plan indicates rural residential use for the property, except for the highway and river frontages, which are scenic highway and greenway overlays, respectively.

The only concern of note is that a significant portion of the proposed access road and utility easements to the tower site and a portion of the tower fall zone are on the adjacent 24-acre property to the south (parcel 400). This parcel is owned by the Applicant, so there is no immediate impact; however, should that parcel be sold during the term of the land lease for the tower, these encroachments could pose a problem for the purchaser and the tower owner. The County should consider adding parcel 400 to the rezoning request or suggest that the Applicant combine both parcels with a NB-CU designation to avoid this potential issue.

As demand for better wireless communication service increases throughout the region's rural areas, providers need additional sites in appropriate locations with suitable topographic conditions. The construction of additional cell towers could be viewed as a public convenience or necessity, and area residents would benefit from improved cellular service. Barring significant neighborhood opposition, I would recommend approval of this rezoning

**Jeff Ward, Chairman, Planning Board Recommendation: APPROVE**

The Planning Board voted unanimously to recommend that the zoning map amendment be approved. The following conditions were recommended:

- Easement for the fall zone on the adjoining property recorded with Register of Deeds
- Restrict lighting to strobe during daytime and red light at night

NCGS 153A-341 Requirements:

Is the amendment consistent with the 2015 Land Use Plan?

This area was designated as Rural Residential in the Land Use Plan, and future commercial uses should blend into the rural setting.

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

The Board felt that the addition of cellular towers in rural areas of the county would increase coverage along the river and benefit the surrounding community.

Chairman Falls opened the public hearing and asked anyone speaking for or against the proposed zoning map amendment to come forward.

*Patrick Sarsfield of American Tower Corporation* attended the meeting in support of the project as a representative for Mr. Johnson. He presented each Commissioner with a packet of information which included a map of the current and proposed cell phone coverage area. The map showed the substantial need for cell phone service in this area. He explained that tower will hold up to four transmitters. AT&T will be the first to locate on the tower should it be approved. The specified tower will meet all building codes and comply with all county ordinances and FCC requirements. Mr. Sarsfield explained the company had no objections with the conditions of the Planning Board.

*Carl Jensen* asked if a study had been done to look at the impact of these towers on the property values in the area.

Planning Director, Bill McCarter responded that this type of study is not required. The only issues addressed are safety issues.

*Randy Anthony* owns the property in question. He made note his home is the only house on this property and there are no houses even close to his property. He has no plans to develop the property.

Hearing no other comments, Chairman Falls closed the public hearing.

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, *to approve the zoning map amendment to include the conditions set by the*

*Planning Board as follows:*

ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
2328 Gaffney Road – 32.40 acres  
Residential (R) to Neighborhood Business Conditional District (NBCD)

**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 amendment of the zoning map on January 30, 2014; and

**WHEREAS**, this parcel is classified as “Rural Residential” on our 2015 Future Land Use Plan, and Neighborhood Business Conditional District zoning would not 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 January 24, 2014, and January 31, 2014, notices were mailed to adjoining property owners on January 22, 2014 and a sign posted at the property on January 24, 2014; 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 February 4, 2014; 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 classification from Residential (R) to Neighborhood Business Conditional District (NBCD) for the development of a Telecommunications Tower (NAICS 51721). The property is identified on the attached map designated “Rezoning Case 13-12”, being incorporated herein by reference and made part of this ordinance.

Parcel Number 401 (DB 17-J DP 319)

BEGINNING at an old corner being the concrete marker of the Duke Power Company property and running thence a new line South 63-09 East 268 feet to a stake, a new corner in Highway 150; this is also a corner of lot No 11; thence down the highway the following calls: South 15-47 West 62 feet to a stake; South 11-30 West 100 feet to a stake: South 00.30 West 100 feet to a stake; South 11 East 100 feet to a stake; S. 11-30 E 75.8 feet to a stake being the Northeast corner of Lot No 9 ; thence leaving the said road and with the North line of Lot No. 9 North 58-21 West 1650 feet to a stake, a new division corner; continuing with Lot No. 9 North 67-28 West 1613 feet to a stake, an old corner of the Ledbetter property; thence with the old Ledbetter line North 71-45 East 181.3 feet to a stake, an old corner; thence North 24 East 870 feet to a stake just South of Broad River; thence continuing with the said river North 24 East 200 feet to a stake in the said river; thence down the said river South 65-30 East 670 feet, more or less, to a stake, an old corner in the Broad River, being the Northwest corner of the Duke Power Company property; thence with the Duke Power line South 22 West 880 feet to a concrete marker, an old corner; continuing with the Duke Power line South 63-09 East 750 feet to a stake; thence South 63-09 East 1489 feet to a concrete marker, the place of BEGINNING, containing 32.40 acres, more or less.

**NOW THEREFORE BE IT ALSO ORDAINED** that the following conditions were found to be needed to insure that the spirit and intent of the code was preserved:

- Develop property as shown on site plan.
- Easement for the fall zone on the adjoining property to be recorded with the Register of Deeds
- Restrict lighting to strobe during daytime and red light at night

This Ordinance shall become effective upon adoption and approval.

**Adopted this 4th day of February 2014, at 6:00 p.m.**

**PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 14-01) CLEVELAND COUNTY PLANNING DEPARTMENT- 4.64 ACRES ON ELIZABETH AVENUE**

Chris Martin, Zoning Administrator presented a request from the Planning Department for five parcels totaling approximately 4.64 acres located at moss Lake on Elizabeth Avenue. Staff recognized these parcels were zoned inconsistently with the surrounding community. These five properties, which form the point, are zoned Neighborhood Business whereas the surrounding community is zoned Restricted Residential. Neighborhood Business has many permitted uses, such as manufactured homes, single family dwellings, as well as many commercial uses that would not be consistent with the

surrounding community. The Planning Department has spoken with all property owners and they were all in support of this amendment.

Mr. Martin reviewed recommendations from Planning Consultant Jim Edwards and the Planning Board.

**Jim Edwards, Planning Consultant, Isothermal Planning and Development Commission: APPROVE**

I have reviewed the information regarding the proposed staff-initiated rezoning request for the five parcels at the end of Elizabeth Avenue. I agree the NB designation is inconsistent with other properties in the area, and that the potential exists for land uses incompatible with the surrounding properties. The proposed rezoning to Restricted Residential would bring these properties into alignment of the zoning in the vicinity. The RR district would be more consistent with the Future Land Use Plan; therefore, I recommend approval of the map amendment.

**Jeff Ward, Chairman, Planning Board Recommendation: APPROVE**

The Planning Board had a unanimous vote that the zoning map amendment 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 Residential, therefore Restricted Residential would be consistent with the plan.

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

These properties are currently developed residential and the surrounding community is zoned Restricted Residential. Many of the uses permitted in Neighborhood Business zoning district would not be compatible with the surrounding neighborhood.

Chairman Falls opened the public hearing and asked anyone speaking for or against the proposed zoning map amendment to come forward.

Hearing no comments, Chairman Falls closed the public hearing.

**ACTION:** Johnny Hutchins made the motion, seconded by Susan Allen and unanimously adopted by the board, *to approve the zoning map amendment as follows:*

**ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
CLEVELAND COUNTY  
2328 Gaffney Road – 32.40 acres  
Residential (R) to Neighborhood Business Conditional District (NBCD)**

**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 amendment of the zoning map on January 30, 2014; and

**WHEREAS**, this parcel is classified as “Rural Residential” on our 2015 Future Land Use Plan, and Neighborhood Business Conditional District zoning would not 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; and

**WHEREAS**, notice of the Public Hearing was published in the Shelby Star on January 24, 2014, and January 31, 2014, notices were mailed to adjoining property owners on January 22, 2014 and a sign posted at the property on January 24, 2014; 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 February 4, 2014; 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 classification from Residential (R) to Neighborhood Business Conditional District (NBCD) for the development of a Telecommunications Tower (NAICS 51721). The property is identified on the attached map designated "Rezoning Case 13-12", being incorporated herein by reference and made part of this ordinance.

Parcel Number 401 (DB 17-J DP 319)

BEGINNING at an old corner being the concrete marker of the Duke Power Company property and running thence a new line South 63-09 East 268 feet to a stake, a new corner in Highway 150; this is also a corner of lot No 11; thence down the highway the following calls: South 15-47 West 62 feet to a stake; South 11-30 West 100 feet to a stake: South 00.30 West 100 feet to a stake; South 11 East 100 feet to a stake; S. 11-30 E 75.8 feet to a stake being the Northeast corner of Lot No 9 ; thence leaving the said road and with the North line of Lot No. 9 North 58-21 West 1650 feet to a stake, a new division corner; continuing with Lot No. 9 North 67-28 West 1613 feet to a stake, an old corner of the Ledbetter property; thence with the old Ledbetter line North 71-45 East 181.3 feet to a stake, an old corner; thence North 24 East 870 feet to a stake just South of Broad River; thence continuing with the said river North 24 East 200 feet to a stake in the said river; thence down the said river South 65-30 East 670 feet, more or less, to a stake, an old corner in the Broad River, being the Northwest corner of the Duke Power Company property; thence with the Duke Power line South 22 West 880 feet to a concrete marker, an old corner; continuing with the Duke Power line South 63-09 East 750 feet to a stake; thence South 63-09 East 1489 feet to a concrete marker, the place of BEGINNING, containing 32.40 acres, more or less.

**NOW THEREFORE BE IT ALSO ORDAINED** that the following conditions were found to be needed to insure that the spirit and intent of the code was preserved:

- Develop property as shown on site plan.
- Easement for the fall zone on the adjoining property to be recorded with the Register of Deeds
- Restrict lighting to strobe during daytime and red light at night

This Ordinance shall become effective upon adoption and approval.

*Adopted this 4th day of February 2014, at 6:00 p.m.*

### **COMMISSIONER REPORTS**

*Commissioner Allen* reminded Commissioners of the Coast2Coast Rx press release the following morning at 11am. She also worked with the Rural Fire Commission.

*Commissioner Hutchins* invited Commissioners to a public hearing from NCDOT regarding MPO regional projects on February 6<sup>th</sup>.

### **ADJOURN**

There being no further business to come before the Board at this time, Johnny Hutchins made a motion seconded by Susan Allen, and unanimously adopted by the Board, *to adjourn. The next regular scheduled meeting will be held on February 18, 2014 in the Commissioners Chamber.*

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*Jason Falls, Chairman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*