

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**April 5, 2011**

The Cleveland County Board of Commissioners met in a regular session on this date, at the hour of 6:00 p.m., in the Commission Chamber of the Cleveland County Administrative Offices.

**PRESENT:** Johnny Hutchins, Chairwoman  
Mary S. Accor, Commissioner  
Jason Falls, Commissioner  
Eddie Holbrook, Commissioner  
David C. Dear, County Manager  
Robert Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Chris Green, Tax Administrator  
Bill McCarter, Planning Director  
Alexis Pearson, Human Resources Director  
Dorothea Wyant, Health Director  
Barry Ditz, Cleveland Headline News  
Alicia Banks, The Star  
Other individual names on file in the Clerk's Office

**ABSENT:** Ronnie Hawkins, Vice-Chairman

**CALL TO ORDER**

Chairman Johnny Hutchins called the meeting to order. Brownie Troop 2308 of Central United Methodist Church led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Rob Helton of Zoar Baptist Church 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.*

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *February 24, 2011, March 1, 2011 and March 15, 2011*, motion was made by Jason Falls, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the minutes as written.*

**SPECIAL RECOGNITION**

**CLEVELAND COUNTY STEP ONE CHALLENGE**

Anne Short shared information regarding the 2011 Cleveland County Step One Challenge. This year, the Health Department will be running a contest within a contest for county employees to encourage them to participate, as part of the County Wellness Program. Ms. Short described the Step One Challenge as a way to address obesity in the county. Over the span of the five-year program, participants have walked a total of 663,962 miles. Commissioners were given a pedometer and asked to

participate in this six week walking program. Ms. Short recommended Commissioners adopt a resolution in support of the 6<sup>th</sup> Annual Cleveland County Step One Challenge.

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the resolution as requested.*

**Number 05-2011**

### **6th Annual Step One Challenge**

WHEREAS, we recognize that obesity is one of the greatest public health challenges of our time; and

WHEREAS, we acknowledge that obesity rates for adults and children have doubled in the last twenty years and tripled for teens; and

WHEREAS, the Cleveland County Board of Health identified overweight and obesity as a public health issue in 2003 and has worked since that time to educate the public about the risks associated with obesity; and

WHEREAS, the Alliance for Health has identified overweight and obesity as an issue for action through community education and prevention; and

WHEREAS, healthy food choices and increased physical activity are essential to reducing the incidence of obesity and to reducing health problems associated with obesity; and

WHEREAS, residents of Cleveland County have participated successfully in walking contests from 2006-2010 with great success in increasing physical activity; and

WHEREAS, walking is a physical activity available to residents of the county in all areas and in all walks of life;

NOW, THEREFORE, be it resolved that the Board of Commissioners for Cleveland County endorse the **2011 Step One Challenge** as a primary way to increase physical activity and reduce obesity and encourage all residents of Cleveland County to participate in the Challenge, walking as teams for six weeks beginning April 30, 2011 and ending June 10, 2011, in response to this public health issue.

IN WITNESS WHEREOF, I have set my hand in Cleveland County, North Carolina this the 5<sup>th</sup> day of April, 2011

### **REGULAR AGENDA**

#### **DESTINATION CLEVELAND COUNTY UPDATE**

Emily Epley, DCC Executive Director, presented Commissioners with an update of work that DCC has been doing over the last several months (see below with additional comments added). DCC is moving full-charge ahead with the Scruggs Center.

#### **Destination Cleveland County- Update to County Commissioners** **April 5, 2011**

**July – Jan**     ***New Harmonies: Celebrating American Roots Music (November 13 – December 29)***  
**Smithsonian’s Museum on Main Street (MoMS) exhibit**  
**Volunteer recruitment, scheduling, training, development of field trip and educational component,**  
**high school *New Harmonies* poster contest, programming, marketing, and reporting**

- **Almost 8000 Visitors to the exhibit or related programming**
  - **2100 Cleveland County School Students**
  - **1968 General Attendance**
  - **3921 Programs/Activities**

Ms. Epley described the Smithsonian exhibit as an “incredible opportunity” for Cleveland County.

The exhibit was run by all volunteers. Approximately 200 volunteers worked this exhibit including local musicians who would play for visitors.

**July**            **Trip to UNC Chapel Hill - Met with Bill Ferris (Center for the Study of the American South) and other ESC advisors about programming and received expert feedback on plans**

DCC staff and board members were encouraged by the group telling them they were “on the right track.”

**August Oral History Round Gathering, Round 2 – UNC-CH conducted an additional 40 interviews**

Over 100 oral histories have been completed to date.

**Open Houses at Don Gibson Theatre and storage facility for objects and artifacts**

Ms. Epley described how it was impressive for the public to see that artifacts are being taken care of to museum level standards.

**November Brownie, Emily and J.T. attended the NC Rural Center Conference**

**Stan Lowery hired as Executive Director of the Don Gibson Theatre**

- Attendance up about 20%
- Visitors from 15 states and 7 foreign countries
- Positive economic impact on the community continues

Having seen visitors from 15 states and 7 foreign countries proves that the whole concept of economic impact is being seen by the theater. “The impact will be even greater with the opening of the Scruggs Center,” said Ms. Epley.

**January North Carolina Main Street Conference at Don Gibson Theatre - Received NC Department of Commerce Main Street award for the Theatre for *Best Public/Private Partnership***

**February Visited Charlotte Museums and Gift Shops: Levine, Bechtler, Discovery Place, Harvey Gantt, Mint Museum, NASCAR, Stowe Botanical Garden**

**Hosted Tour Operators/Travel Writers from QC, ON, FL, CA, MI, IL, TX, PA, MI, SC, GA at the Don Gibson Theatre to share Scruggs Center plans**

Tour operators were very excited and are already planning tour groups to visit Cleveland County.

Many have written blogs about what a great place Cleveland County is.

**March Brownie and Emily attended NC Governor’s Conference in Asheville, NC**

**Moving forward with many components for the Earl Scruggs Center:**

- Housekeeping at the Center in preparation for renovations to begin
- DCC and Cleveland County Schools integrating ESC content and core curriculum
- Branding platform and marketing plan under development
- Renovations complete by end of December with opening planned for January

**Mississippi and Tennessee Trip**

- |                 |                                     |
|-----------------|-------------------------------------|
| ▪ Indianola, MS | B.B. King Museum                    |
| ▪ Greenwood, MS | Alluvian Hotel/Downtown             |
| ▪ Oxford, MS    | quare Books, Thacker Mountain Radio |
| ▪ Memphis, TN   | Stax Museum of American Soul Music  |

The purpose of this trip was to see other projects with the same concept as the Earl Scruggs Center.

Commissioners thanked DCC for their hard work and praised them for the difference they are making in the community.

### **PLANNING BOARD APPOINTMENTS**

Raymond Walker, 1210 Casar-Lawndale Road served one term (1-15-08 thru 12-31-10) and was re-appointed on January 7, 2011 to serve another three year term which would have expired on

December 31, 2013. Mr. Walker contacted the Clerk to the Board and informed her that he no longer wishes to serve on the Planning Board.

Evangeline Jones, 230 London Road, was appointed on January 7, 2011 to serve a three-year term to expire on December 31, 2013. The Planning Department has been unable to contact her regarding the appointment and has requested that a new member be appointed to serve her term.

**ACTION:** Eddie Holbrook made the motion, seconded by Mary Accor and unanimously adopted by the board, *to appoint Max Hopper and Darius Griffin to serve a three-year term to expire on December 31, 2013.*

#### **PERSONNEL ADVISORY COMMITTEE BOARD APPOINTMENT**

The County Clerk received a letter from DSS Director Karen Ellis regarding the recent appointment of Connie Pressley to the Cleveland County Personnel Advisory Committee. Due to work obligations, Ms. Pressley will be unable to serve on this board. Ms. Ellis asked that Linda Brooks, Program Manager for the DSS Medicaid Unit be appointed in place of Ms. Pressley.

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, *to appoint Linda Brooks as a replacement for Connie Pressley on the Cleveland County Personnel Advisory Committee. The term of this appointment is two-years to expire on December 31, 2012.*

#### **PUBLIC HEARINGS**

##### **PLANNING DEPARTMENT: ZONING MAP AMENDMENT – BECKY MARTIN JONES (Case #11-01)**

Mr. McCarter presented a petition from Becky Martin Jones requesting a zoning map amendment from Restricted Residential (RR) to Neighborhood Business Conditional Use (NB-CU) for Parcel 4796. Rezoning the property to Neighborhood Business Conditional Use is very similar to a regular rezoning case except that the property will be limited to only one use under the Neighborhood Business classification. This property consists of approximately 3.28 acres along the corner of Beaman St. and Dana Pl. between Shelby and Patterson Springs. The property is currently a vacant, single family residence with a barn. Ms. Jones has plans to purchase the property and operate a small screen-printing business out of the barn. She will reside in the single family residence.

Mr. McCarter reviewed the following recommendation from the Planning Board. The Planning Consultant also recommended approval of this zoning map amendment:

##### **Planning Board Recommendation: APPROVED**

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 Commercial, and therefore would be consistent with the 2015 Land Use Plan.

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

The applicant appears to have the support of the neighbors.

**Surrounding Properties**

Most of the surrounding properties are residential, with retail and service related businesses located along NC180.

**Non-Conforming Uses**

Residential uses are also permitted in the Neighborhood Business District.

Chairman Hutchins opened the public hearing.

Becky Jones 1675 N. Lafayette St., petitioner, spoke in support of the project stating that she would like to have her business at her house to make it more convenient.

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

Chairman Hutchins called for discussion among Commissioners.

**ACTION:** Mary Accor made the motion, seconded by Jason Falls and unanimously adopted by the board, *to approve the zoning map amendment.*

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP  
1821 Beaman Road, Parcel # 4796  
Restricted Residential (RR) to Neighborhood Business-Conditional District (NB-CD)**

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, Becky Martin Jones, presented a petition to amend the Cleveland County Zoning Map at 1821 Beaman Road, Parcel # 4796, from Restricted Residential (RR) to Neighborhood Business-Conditional District (NB-CD); and

WHEREAS, the Cleveland County Planning Board found this parcel was classified as “Commercial” on our 2015 Future Land Use Plan, and the Neighborhood Business-Conditional District zoning district would be consistent with the comprehensive plan; and

WHEREAS, the Cleveland County Planning Board found the amendment to be reasonable, and in the best interest of the public as a growing commercial area; and

WHEREAS, in accordance with NCGS 153A-343, a public hearing was held by the Cleveland County Board of Commissioners on April 5, 2011, and legal notices published on March 18 and March 25, 2011 and a sign posted on March 18, 2011 as required by law; and

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

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Code, be amended to change the zoning classification of parcel 4796 from Restricted Residential (RR) to Neighborhood Business-Conditional District (NB-CD) as illustrated on the attached map designated “Case 11-01”, and being incorporated herein by reference and made part of this ordinance.

Being located about three miles southeast of Shelby, North Carolina, and being a part of the property conveyed to James W. White, by Addie S. Beam, and being lot Nos. 1, 2, 3, 4, 5, 6, 7, and 8 in Block “H” of the map of WOODLAWN PARK subdivision as surveyed and platted by Joe F. Robinson, C.E. on May 2, 1960 in Book of Plats 8 at Page 37, Cleveland County Registry and being described by metes and bounds as follows:

BEGINNING at a stake in the east edge of Beam Drive where the same is intersected with the south edge of Fourth Street, this being the northwest corner of Lot No. 1; thence with the south edge of Fourth Street, S. 70-05 E. 175 feet to a stake, the same being the northwest corner of Lot no. 9 of the said property; thence with the west line of lot No. 9, S. 19-55 W. 195 feet to a stake, the same being the southwest corner of Lot No. 9 and in the north line of the Southerland property, also the southeast corner of Lot No 8; thence with the Southerland line N. 89-52 W. 185 feet to a stake in the Southerland line and in the east edge of Beam Drive where Beam Drive dead-ends at the Southerland line; thence with the east edge of Beam Drive, N. 19-55 E. 255.15 feet to an iron pin, the place of BEGINNING.

This Ordinance shall become effective upon adoption and approval.

Adopted this 5<sup>th</sup> day of April, 2011 at 6:00 p.m.

### **COMMISSIONER REPORTS**

Several Commissioners attended balloon launches, in honor of Child Abuse Prevention Month, at Higher Learning Childcare Academy in Shelby and Kings Mountain. During the meeting, Commissioners displayed artwork made by the students of Higher Learning Childcare Academy to honor Child Abuse Prevention Month.

*Commissioner Falls* made note that the Pathways Detox Center is now complete. The furniture has been moved in and hiring of staff has begun. As a member of the Nursing Home Advisory Committee, Commissioners Falls encouraged citizens to visit nursing homes. "We have some great residents in some of our nursing homes," he said.

*Commissioner Holbrook* took a trip to Washington to meet with American Legion Officials. Cleveland County was then visited by American Legion World Series officials from Indianapolis. He described several existing industry expansions in Cleveland County including:

- Curtiss Wright is in the process of constructing a 40,000 square foot building.
- Ultra Machine just received a \$15M contract from General Dynamic.
- B&W Fiberglass is looking to possibly double the size of their operation.

*Commissioner Accor* attended the DSS retreat which mainly focused on the 2011/2012 budget. She also attended a meeting with NCACC where they were updated on pending bills in the General Assembly that would impact counties. This month, the Cleveland County Board of Education hosted CAGO at Kings Mountain Intermediate School.

County Manager David Dear will present a first draft of the budget to Commissioners in 2-3 weeks. The first run-through of the budget is out of balance by \$1.7 Million.

### **ADJOURN**

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adjourn the meeting*. The next regular meeting of the Commission is scheduled for *Tuesday, April 19, 2011 at 6:00 p.m in the Commissioners Chamber*.

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*Johnny Hutchins, Chairman*  
*Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk*  
*Cleveland County Board of Commissioners*