

CLEVELAND COUNTY BOARD OF COMMISSIONERS

May 1, 2007

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: Mary S. Accor, Chairwoman
Eddie Holbrook, Vice-Chairman
Jo Boggs, Commissioner
Ronald J. Hawkins, Commissioner
Johnny Hutchins, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Bill McCarter, Planning Director
Chris Green, Tax Administrator
Chris Crepps, Finance Director
David Dodd, 911 Directors
Dewey Cook, Emergency Management Director
Greg Traywick, Cooperative Extension Director
Kathryn Larson, Cleveland Headline News
Pete DeLea, the Star
Emily Weaver, Kings Mountain Herald
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Mary S. Accor called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioner Johnny Hutchins provided the invocation for the meeting.

MOMENT OF SILENCE

Chairwoman Mary S. Accor called for a brief moment of silence to remember the passing of John Cline, Cleveland County Sanitary District Chairman of the Board.

AGENDA ADOPTION

ACTION: Jo Boggs made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following additions/deletions:*

(1) Add Agenda Item: Cleveland County Firefighters Association Recruitment and Retention Survey.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *April 3, 2007 and April 17, 2007*, motion was made by Johnny Hutchins, seconded by Jo Boggs, and unanimously adopted by the Board, to *approve the minutes as written.*

SHERIFF DEPARTMENT: BUDGET AMENDMENTS (BNA #057)

ACTION: Johnny Hutchins made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, *to approve the following budget amendments:*

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.440.4.810.41	School Resrce. Offr./Contributions/Donat's	\$100.	
010.440.5.790.41	School Resrce. Offr./Donations-CC DARE	\$100.	

Explanation of Revisions: Request approval to budget a single donation to the Cleveland County Sheriff's Office DARE Program that was received from Cleveland County Food Services. Funds are to be used to provide incentives/awards, and purchase educational materials for DARE students.

MEGAN PEELER- COLGATE COUNTRY SHOWDOWN "BEST NEW ACT IN COUNTRY MUSIC" WINNER

Jo Boggs presented Megan Peeler with a Certificate of Recognition that read as follows:

IN RECOGNITION OF HER MUSICAL ACCOMPLISHMENTS ~ FOR MAKING A DIFFERENCE IN THE LIVES OF REHABILITATION AND ALZHEIMERS PATIENTS BY HEALING THROUGH MUSIC ~ FOR FOLLOWING YOUR DREAM TO BECOME A PERFORMER ~ FOR WINNING THE LOCAL, STATE AND REGIONAL COLGATE COUNTRY SHOWDOWN COMPETITIONS EARNING YOURSELF A SPOT IN THE NATIONAL COMPETITION ~ FOR WINNING THE TITLE OF "BEST NEW ACT IN COUNTRY MUSIC" AT THE COLGATE COUNTRY MUSIC SHOWDOWN IN NASHVILLE. WE COMMEND YOU!

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – KINGS MOUNTAIN PROPERTIES, LLC (Case #07-03) (Intersection of Oak Grove Road and Stony Point Road)

Bill McCarter, Planning Director, reviewed that Kings Mountain Properties, LLC has submitted a petition to rezone approximately 4.5 acres at the intersection of Oak Grove Road and Stony Point Road from Residential (R) to General Business (GB).

Existing property includes a vacant building, and five single-family homes. Surrounding land uses are residential to the north and south, commercial to the west, and a church to the east, future land use is described as "Commercial Node"; water provided by Cleveland County Sanitary District; and, Oak Grove and Stony Point are considered arterial streets.

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

Planning Consultant Recommendation: Approve
Chuck Nance, Isothermal Planning & Development Commission

Based upon all information provided, with particular interest in details such as the adjacent property already zoned General Business and future land use projected as a commercial node, it is our opinion that Cleveland County could legally rezone the property from Residential to General Business.

Planning Board Recommendation: Approve
John McCulloch, Chairman

The Planning Board voted 9 –2 to recommend this rezoning. This decision was based on the following facts:

Conforms with the 2015 Land Use Plan

- This property is located within a 1000' Commercial Node encompassing the intersection of Oak Grove Road and Stony Point Road.

Spot Zoning

- This request is an expansion of an existing General Business zoning district, and therefore would not be considered spot zoning.

Adequate Utilities & Roads

- Oak Grove Road is classified by NCDOT as a major thoroughfare. Traffic volume on Oak Grove Road is estimated at 36% of the practical capacity of 12,000 ADT.
- Public water is provided by CCSD, no sewer available.

Other Issues Discussed

- Although a landscape buffer will be required when a commercial zoning district abuts a residential zoning district, one Board member suggested not to re-zone the lot beside the church in order to provide greater physical separation between the proposed commercial use and the church.
- Mr. Brooks, an adjoining property owner, stated that his septic system was encroaching on the adjoining property. The Board indicated that this was a legal issue to be resolved by the two property owners, and that Mr. Brooks had access to a sewer line across the street, if needed.

Mr. McCarter explained to Commissioners this property, should it be re-zoned, would be required to have buffers.

Chairwoman Accor declared the public hearing open at 6:20 p.m. (*Public notice of this hearing was conducted in accordance with NCGS 153A-343, with legal advertisements published in The Star on April 20 and 27, 2007.*)

Thomas Brooks, opposed. Mr. Brooks property is adjacent to the proposed re-zoning. He explained to Commissioners that this is his home, where he raises his kids. He feels like he would be unable to let his kids out in the yard should this property be re-zoned. He also noted that there is NOT sewer available to him (point previously stated by Mr. McCarter.) Mr. Brooks has lived in the Oak Grove community his whole life and is concerned with what might be put there if it was re-zoned General Business.

Daphine Putnam, opposed. Ms. Putnum has lived in her house across the street for thirty eight years. She is a member of Oak Grove Baptist Church and emphasized that the church is not in favor of this re-zoning. She stated that she is not pleased with the present renter on the property in question. He has not kept the property up. She said "Our community revolves around our church. We need to preserve it just like the courthouse."

Vavera Blanton, opposed. Ms. Blanton is an active member of Oak Grove Baptist Church. It is her belief that the re-zoning of this property will cause the property to be a "hangout" or a "drive through." Ms. Blanton presented a petition with 160 signatures from church members who are opposed to this re-zoning. Ms. Blanton told Commissioners that has been a bedroom community for many years and she would hate to see it change.

Wayne Putnum, opposed. Mr. Putnum lives directly across from property in question. He feels that there is a hill that begins at the church parking lot and goes down to the crossroads. Visibility is very limited. It is a hazard to the driving public and the extra traffic would create a safety problem. There is also a ball field that is accessed by the cemetery road. He also felt that this venture is to suit one person's financial needs rather than the needs of the community.

Fred Lovelace, opposed. Mr. Lovelace lives down at the bottom of the hill. He feels that if they pave this parking lot, it will wash his property away. His grandfather donated all of the land for the church and the cemetery. He would hate to see it turned into anything other than something that would benefit the community.

Mike Lovelace, support. Mr. Lovelace stated, "Why should there be three retail stores at one intersection but this intersection not be allowed to have a retail business." Mr. Lovelace felt that was discrimination.

Carolyn Bell, oppose. Ms. Bell has a concern for the traffic. She asked Commissioners to consider the fact that there are a lot of elderly people in the community. She told Commissioners that currently, it takes 20 minutes to back out of her driveway because of the traffic. If we add another mall in this area, it would cause more problems.

Gene Lovelace, oppose. Mr. Lovelace is a member of the Cleveland County Planning Board. He lives in the Oak Grove Community and is opposed to the re-zoning.

Hearing no further comments, Chairwoman Accor closed the public hearing at 6:40 p.m.

Commissioner Hawkins stated, "I do have a problem with our commercial nodes and Land Use Plan when it is adjacent to a church and a cemetery. I am not saying that some of this land should not be zoned General Business." Commissioner Hawkins voiced concern for the traffic in this area and suggested that the NC Department of Transportation re-look review the traffic data, because it is a very dangerous intersection. He stressed the importance of buffers between industrial and commercial and commercial and residential properties also stating that he believed that this area would be a commercial area. Commissioner Hawkins said, "When I look at this intersection, I really don't see a pretty picture and I think that there should be some way that both can win. I do not believe that we can make the decision to make this commercial without some further study."

Commissioner Holbrook said, "I hate to see communities to become split because of issues of this nature." He stated, from a strictly technical standpoint, that it would be "a slam in our planning boards face" not to vote along with their recommendation. He also said that he had a problem with one land owner basically controlling the entire commercial property out there.

Commissioner Hutchins shared his understanding with the church's situation. He also explained that there are some existing commercial businesses located on the property. If these businesses were to remain in their current structures, they would be considered "grandfathered", falling under a non-conforming use status.

Chairwoman Accor agreed that the traffic situation really needs to be looked at in this area. She stated that she needed some additional study on this case before she can make a decision.

Commissioner Hawkins asked Attorney, Bob Yelton what would be the next logical step; send it back to the planning board and have them talk to the petitioner or approve it or deny it as it stands. Mr. Yelton stated that Commissioners could do either of those things and also mentioned that they could table it to give Commissioners time to gather more information. If Commissioners were to table it, then it would be their vote only when this item was brought back before them since the public hearing has already been held.

ACTION: Johnny Hutchins made the motion to table *the decision until the next scheduled regular Commissioners meeting*, however, after discussion, a second was not made and Commissioner Hutchins withdrew his motion.

Commissioner Accor shared that she believed that this needs to be brought back to the Planning Board in order for them to speak with the applicant. Vice-Chairman Holbrook agreed.

Commissioner Hutchins stated that he believed the Planning Board has looked at the issues and would only have the same information that Commissioners have at this time. He believed that Commissioners could get information easier and quicker than the Planning Board. He felt it was the responsibility of the Commissioners to obtain this additional information. He also felt that sending it back to the Planning Board would put pressure on the Commissioners to vote with the Planning Board.

Vice-Chairman Holbrook and Chairwoman Accor agreed that they would not feel pressure to vote with the Planning Board.

ACTION: Vice-Chair Holbrook made the motion to *refer this re-zoning request back to the Planning Board for further examination and come back to Commissioners with this additional information. At the same time they are doing that, the Board of Commissioners will examine the possibilities of other conclusions that could be reached and bring it back before the Board.*

Attorney Robert Yelton recommended that Vice-Chair Holbrook amend his motion to include tabling the decision until the June 3rd regular Commissioners meeting since the public hearing has already been held.

Vice-Chair Holbrook amended his motion to include the recommendation from Attorney Bob Yelton. Motion was seconded by Jo Boggs, and adopted by a majority vote to ***table the decision until the June 3rd regular Commissioners meeting. In the meantime, refer this re-zoning request back to the Planning Board for further examination for them to come back to Commissioners with additional information. At the same time they are doing that, the Board of Commissioners will examine the possibilities of other conclusions that could be reached and bring them back before the Board.***

(Votes were recorded as Commissioner Hutchins voting no and all other Commissioners voting yes.)

CLEVELAND COUNTY JUVENILE CRIME PREVENTION COUNCIL ANNUAL PLAN FOR 2007-2008

Greg Traywick, JCPC Chairman, reviewed the following information regarding this year's plan. Each year, JCPC completes a comprehensive planning process where they look at the situation in Cleveland County as it relates to youth crime, risk factors and existing factors. They then, identify the gaps in services and advertise the availability of funds to youth serving agencies.

Mr. Traywick made Commissioners aware of some important highlights and trends gathered through their data collection:

- *Decreased incidents of runaway behavior
- *Improvement in academic school functioning
- *Youth are getting in trouble at younger ages
- *Increase in repeat offenders
- *Increase in serious problem school behavior
- *Increase in youth reporting some use of alcohol and drugs

JCPC advertised request for proposals and received nine proposals. The risk factors guided this committee in making recommendations to Commissioners regarding the allocations of \$284,516 provided to Cleveland County by the North Carolina Department of Juvenile Justice and Delinquency Prevention (subject to approval by the General Assembly). Recommendations for funding are:

- \$100 JCPC Administrative Expense: Administrative Expenses of Council.
- \$159,606 Roots and Wings: Program deals with high percentage of court involved youth and their families. They complete substance abuse assessments, counseling and work on family dynamics.
- \$78,857 Cleveland Early Intervention Initiative: Will serve short term suspended juveniles ages 11-18 (grades 6 through 12) with priority being placed on juveniles who are under supervision of the Juvenile Division of the District Court, referred by Court Counselor or Law Enforcement Officer in the county. Goals are to appropriate and successfully re-enter and re-integrate each student to their assigned school through the Phoenix Program and to decrease the cumulative number of out of school suspension days by students in the system.
- \$15,621 Juvenile Mediation: Will serve youth referred by Juvenile Court and school resource officers. Through mediation and conflict resolution education, the program teaches juveniles how to deal with conflict in a positive manner, encourages young offenders to take responsibility for their actions, and helps victims develop a sense of justice being served.
- \$15,000 Multisystemic Therapy: A community based program which focuses on and works with court involved youth. Master-leveled clinicians work in the homes of these youth. The goal is to track progress in school or work and avoid re-arrest. Statistics show that 50%-80% of youth who completed this program had no re-arrest five years out.
- \$15,332 Teen Court: Program designed to reduce likelihood of re-offense and educate youth about the Criminal Justice System. Offenders are screened through Juvenile Court Counselors. Jurors are peers, however, jurors do not know the offender. Misdemeanor cases will be heard. Offenders are required to plead guilty and accept the sentence which will take three months to complete. Local lawyers act as judges and cases are heard in a real courtroom.

These allocations, require a 20% local match in the form of local cash and in-kind services. There will be no direct cost to Cleveland County.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the plan as presented.* (Copies found on Pages _____ of Minute Book 29).

INDUSTRIAL REVENUE BONDS: CHRIS CRAFT CORPORATION

Bob Yelton, County Attorney, the read the title to the resolution as follows:

“RESOLUTION APPROVING THE ISSUANCE OF \$10,000,000 MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT REVENUE BONDS (CHRIS CRAFT CORPORATION PROJECT), SERIES 2007 OF THE CLEVELAND COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A PROJECT IN CLEVELAND COUNTY FOR CHRIS CRAFT CORPORATION AND APPROVING THE PROJECT”

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the resolution as presented* (copy found on Page _____ of Minute Book 29).

CLEVELAND COUNTY VOLUNTEER FIREFIGHTERS RECRUITING AND RETENTION SURVEY

David Dodd presented a PowerPoint which outlined the results of a recruiting and retention survey, (a copy of which is found on Pages _____ of Minute Book 29.) This survey was distributed to volunteer firefighters at the request of Commissioners. Cleveland Volunteer Firefighters Association Board of Directors adopted a resolution on April 30, 2007:

RESOLUTION IN SUPPORT OF INCENTIVES FOR RETENTION AND RECRUITMENT OF VOLUNTEERS

WHEREAS, Volunteerism in Cleveland County is a very crucial asset with over 400 Firefighters in service to our County.

WHEREAS, The Cleveland County Firefighters association has explored numerous ways to continue to retain and recruit firefighters due to the decline in volunteer resources over the past years.

WHEREAS, The Cleveland County Firefighters Association solicited comments in a survey format from firefighters across Cleveland County to obtain information that may help to retain and recruit firefighters

WHEREAS, Approximately 300 Firefighters participated by responding to the survey.

WHEREAS, The Survey results show the desire for paid retirement and access to the Cleveland County Health and Wellness Center

WHEREAS, The Board of Directors of the Cleveland County Firefighters Association in a meeting held April 26, 2007 voted unanimously in support of a resolution supporting the request of the Cleveland County Commissioners to give all Volunteer Firefighters Access to the Cleveland County Health and Wellness Center.

WHEREAS, The Cleveland County Firefighters Association Board of Directors also voted unanimously support a request for funding of Paid Retirement into the NC Fire and Rescue Pension Fund for all Volunteer Firefighters in Cleveland County.

Chairwoman Accor commended Mr. Dodd and all other volunteer firefighters. She informed that Commissioners would be in Raleigh the following day and told him that they would study and review their request.

COMMISSIONER REPORTS

Commissioner Hutchins:

Commissioner Hutchins attended a Cleveland 20/20 Economic Development Partnership meeting where they are working on many favorable projects. He also attended the firefighters quarterly meeting, floodplain mapping meeting and the NCACC regional meeting where Medicaid was stressed. Last week Commissioners recognized John Cline for his outstanding work to the community.

Commissioner Boggs:

Commissioner Boggs attended a 4H Youth Coalition meeting, Isothermal Board of Directors Meeting, Spangler Library Mural Dedication and the 100th anniversary of the courthouse where she was proud to stand up and represent Cleveland County.

Vice-Chairman Holbrook:

Vice-Chair Holbrook attended the Merry-Go-Round Festival, NCACC regional meeting, Hospice board meeting, CARE meeting, School Career Day and the Carousel Banquet.

Chairwoman Accor:

Chairwoman Accor met with Mayor Jack Shytle, Town of Polkville to discuss what the county can do to help the town meet their needs for projects including the Town of Polkville Sewer Project and the Polkville Ballfield.

“In 2002, the Cleveland County unemployment rate was 14.2% and in 2007, it is 5.9%. Let’s celebrate!” said Chairwoman Accor.

Chairwoman Accor attended the Cleveland County Schools academic banquet where over 140 youth received a \$500 scholarship for having a 4.0 GPA. She also attended the 100th court square birthday party. She reminded Commissioners of a few important dates.

*Board Training	May 3, 2007	6:00 p.m.
*JROTC Drill Team	May 5, 2007	12:30 p.m.
*State of the Community- Upper Cleveland	May 8, 2007	7:30 a.m.

ADJOURN

There being no further business to come before the Board at this time, Vice-Chair Eddie Holbrook made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adjourn the meeting*. The next regular meeting of the Commission is scheduled for ***Tuesday, May 15, 2007 at 6:00 p.m.*** in the Commission Chamber.

*Mary S. Accor, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*

