

CLEVELAND COUNTY BOARD OF COMMISSIONERS

July 1, 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
Ronnie Hawkins, Commissioner
Johnny Hutchins, Commissioner
Jeff Richardson, County Manager
Bob Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Dayna Causby, Elections Director
Paul Ezell, Chief Building Inspector
Jessica Pickens, *The Shelby Star*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Falls called the meeting to order. Jeff Richardson led the audience in the "Pledge of Allegiance" to the flag of the United States of America and provided the invocation for the meeting.

County Manager Jeff Richardson took a moment to recognize Kerri Melton for her recent promotion to Community Services Director and Perry Davis as Emergency Management Director.

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 with the following additions and deletions:*

ADD:

- E. EMERGENCY MANAGEMENT** Budget Amendment (BNA #003)
- F. MANAGERS OFFICE** Resolution for assistance with Kings Mountain Building Inspections.

DELETE:

- 7. ZONING MAP AMENDMENT 14-07 LISA LEETH- 713 OAK GROVE ROAD- RESIDENTIAL TO NEIGHBORHOOD BUSINESS**

CITIZEN RECOGNITION

The following residents spoke in opposition to the proposed casino project:

*Marie Jackson- 565 Lake Montona Road, Kings Mountain
Adam Forcade- 1005 Serenity Wood, Bessemer City
Scott Whitney- 504 Crescent Hill Road, Kings Mountain
Beauford Burton, 322 Margrace Road, Kings Mountain
Karen Clark, 35 Drury Lane, Shelby*

Reverend Lockhardt, 1465 E. Marion Street, Ellis Chapel Baptist Church, spoke regarding a decision to be made by the Board of Elections regarding the merging of Precincts. He spoke in opposition to the merger due to the hardship this would place on voters. He expressed his concern with new voting laws that would go into effect in 2016.

Robin Smith, 821 N. Piedmont Avenue Kings Mountain, Chairman of the Cleveland County Democratic Party also spoke in opposition to merging of precincts also making note of the unknowns that will be coming from new voting laws that will be in effect for the 2016 election.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of **May 20, 2014**, motion was made by Ronnie Hawkins, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the minutes as written.*

LIBRARY: BUDGET AMENDMENT (BNA #001)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.611.5.210.00/45310-RFID	Library/Dept Supplies	\$28,500.	
010.611.5.410.00/45310-RFID	Library/Rents/Leases	1,431.	
010.611.5.910.00/45310-RFID	Library/Capital Equip	59,695.	
010.611.5.490.00/45310-RFID	Library/Contracted Serv	4,524.	
010.611.5.211.00/45310-RFID	Library/Controlled Prop	3,595.	
010.611.4.310.00/45310-RFID	Library/Federal Grant	88,450.	
010.611.4.460.00/45310-RFID	Library/Other Units Shared	3,718.	
010.611.4.991.00/45310-RFID	Library/Matching Funds	5,577.	

Explanation of Revisions: This amendment is to accept Federal LSTA funding for a grant in the amount of \$88,450. The county will match this grant with \$5,577 and Kings Mountain will contribute \$3,718 to the match. This project will convert the main library, Spangler Branch and Mauney Library to RFID technology.

JCPC: BUDGET AMENDMENT (BNA #002)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.433.4.350.00/03700-P432	JCPC Admin/St Govt Grants	\$2,344.	
010.433.5.310.00/03700-P432	JCPC Admin/Travel/Training	2,344.	

Explanation of Revisions: To accept additional JCPC funds from the DPS JCPC Discretionary Funds. Funds will be used to cover registration to the National Symposium on Juvenile Justice in October for four (4) Council members: Sara Brunner, Gregory Grier, Joel Shores and Kevin Oliver.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #003)

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

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.445.5.210.00	Emergency Management/Dept. Supply	\$ 700.	
010.445.5.310.00	Emergency Management/Travel/Training	3,000.	
010.445.5.321.00	Emergency Management/Telecomm	1,200.	
010.445.5.910.00	Emergency Management/Capital Equip	34,800.	
010.445.5.421.00	Emergency Management/Contracts/Fees	1,200.	
010.445.5.213.00	Emergency Management/Office Supplies	600.	
010.445.5.322.00	Emergency Management/Postage	500.	
010.445.4.460.00	Emergency Management/Other Units Shared	42,000.	

Explanation of Revisions: To budget funding from Duke Power for FY 2014-2015. Funding in the capital equipment is to purchase 2 message boards that will be used during traffic situations such as detours to inform the public and also during special events.

AMENDMENT TO LEASE AGREEMENT WITH CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the amendment to the lease agreement as follows:*

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT (“Amendment”) is made as of this ____ day of _____, 2014, by and between **THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY** (“Landlord”) and **CLEVELAND COUNTY** (“Tenant”).

BACKGROUND

Landlord and Tenant have previously entered into a Lease Agreement dated March 7, 2013, (the “Lease”) pursuant to which Landlord leased to Tenant certain buildings in Shelby, North Carolina as more particularly set forth in the Lease. Landlord and Tenant have agreed and are entering into this Amendment for the purposes of extending the Lease Term.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree for themselves, their successors and assigns, that the Lease is hereby amended as follows:

1. **Extension of Term.** The Lease Term is hereby extended for a period of ninety (90) days so that the Expiration Date is March 31, 2016.
2. **Ratification.** Except as expressly amended in this Amendment, the Lease is hereby ratified and confirmed by the parties and shall continue in full force and effect.

IN WITNESS WHEREOF, Landlord and Tenant have executed this First Amendment to Lease under seal as of the day and year first above written.

A JOINT RESOLUTION BETWEEN THE CITY OF KINGS MOUNTAIN AND CLEVELAND COUNTY CONCERNING BUILDING INSPECTORS

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

RESOLUTION NO. 06-2014

A JOINT RESOLUTION BETWEEN THE CITY OF KINGS MOUNTAIN AND CLEVELAND COUNTY CONCERNING BUILDING INSPECTORS

WHEREAS, the Kings Mountain City Council and Kings Mountain Building Inspections Department requested the assistance of Cleveland County Building Inspectors due to the unforeseen staff turnover at the City of King Mountain Building Inspections Department; and,

WHEREAS, in order to accommodate their current workload, the City of Kings Mountain may need to obtain the services of one or more building inspectors employed by Cleveland County; and,

WHEREAS, North Carolina General Statute 160A-413 states in part as follows: “A City Council may designate an inspector from any other city or county to serve as a member of its Inspection Department with the approval of the governing body of the other city or county.”; and,

WHEREAS, North Carolina General Statute 160A-360(g) provides that the agreement set forth in North Carolina General Statute 160A-413 “be evidenced by a formally adopted resolution”; and,

WHEREAS, the City Council of the City of Kings Mountain desires to authorize the City Manager to designate one or more inspectors from Cleveland County to serve as a member of its inspection department for a period beginning at 8 a.m. on Monday July 7, 2014 and ending at 5 p.m. on August 8, 2014; and,

WHEREAS, the Board of Commissioners of Cleveland County desires to approve said designation for the time stated;

NOW, THEREFORE, be it resolved as follows:

1. The City Council of the City of Kings Mountain hereby authorizes the City Manager to designate one or more inspectors from Cleveland County to serve as members of the City’s inspection department for a period of one month beginning at 8 a.m. on Monday July 7, 2014 and ending at 5 p.m. on August 8, 2014.
2. The Board of Commissioners of Cleveland County hereby approves said designation of one or more of the County’s inspectors to serve as a member of the City’s Inspection Department for the time indicated above.
3. That no additional costs shall be borne by the City in using the designated inspectors. It is agreed that recovery of any costs associated with this resolution would be recouped from the City of Kings Mountain.

This Resolution shall become effective upon its adoption and approval by both the City Council of the City of Kings Mountain and the Board of Commissioners of Cleveland County.

Adopted and approved by the Board of Commissioners of Cleveland County on this the 1st day of July, 2014.

REGULAR AGENDA

CLEVELAND COUNTY FOREST RANGER REPORT

Travis Shidal, Cleveland County Forest Ranger, presented Commissioners with a short video showing the different programs in which Mr. Shidal participates. He then presented Commissioners with a report of activities covering FY 2013-2014 (*copy found on Page _____ of Minute Book _____*).

A RESOLUTION TO RESCHEDULE JULY 15, 2014 REGULAR MEETING TO JULY 22, 2014

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

NUMBER 05-2014

CHANGE IN REGULAR MEETING SCHEDULE OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Cleveland County Board of Commissioners have decided that it is appropriate to cancel their regular meeting of **Tuesday, July 15, 2014** and to schedule a regular meeting for **Tuesday, July 22, 2014 at 1:00pm for a Commissioners Work Session to be held at the Shelby-Cleveland County Regional Airport at 830 College Avenue, Shelby, NC 28152.**

NOW, THEREFORE, BE IT RESOLVED, THAT, the Cleveland County Board of Commissioners will reschedule said meeting and notify the public of their decision in accordance with the mandates of North Carolina General Statute 153A-40. The regular meeting schedule as adopted by the Board will resume after these meetings.

ADOPTED THIS 1st DAY OF JULY, 2014.

CITY OF SHELBY PLANNING AND ZONING BOARD

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to appoint Will Rucker to a three year term to expire June, 2017.*

PUBLIC HEARINGS

PLANNING DEPARTMENT; ZONING MAP AMENDMENT (CASE 14-08) THOMAS JOHNSON- 2206-1 KINGSTOWN 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 10.24 acres located on Kingstown Road abutting the town limits. The applicant is requesting a zoning map amendment so that the property can be developed for a telecommunications tower, specifically a 250' self-supporting tower. The area surrounding the property to the west and south is within the Kingstown town limits. The area surrounding the property to the north and east is zoned Residential, and is listed as Residential on the 2015 Land Use Plan. The subject property is surrounded by subdivision lots with single family dwellings as the primary use.

In accordance with NCGS 153A-343, notice of the public hearing was mailed to the property owner(s) and adjoining owners, and a sign posted on the property by June 20, 2014. Legal ads were published in the newspaper on June 20, 2014 and June 27, 2014.

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

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

Case 14-08 requests the rezoning of an approximate 10.25-acre parcel located on Kingston Road from Residential (R) to Neighborhood Business – Conditional Use (NBCU). The rezoning will allow the construction of a 250-foot cellular telecommunications tower and supporting appurtenances. The site is large enough to support a tower fall zone with a radius equal to the height of the tower. The surrounding properties are zoned Residential, and the area is designated as residential in the 2015 Land Use Plan. As with a number of recent requests for cell tower locations, the requested rezoning would support the improvement of wireless communication service in the area. The proposed use is low-impact, with few negative externalities aside from the visual impact of the tower itself. I believe that the rezoning is consistent with the Land Use Plan, and in the absence of community opposition, I recommend approval of the requested zoning map amendment.

Jeff Ward, Chairman, Planning Board Recommendation: APPROVE

The Planning Board voted to recommend that the zoning map amendment be approved. The vote was split 4-3. Several Board members were concerned with the proximity of existing neighborhoods to the site. We also heard comments from three residents opposing the tower. The applicant was able to show the need for cellular service in this area and stated that there were no other towers within a mile of this site to permit co-location as an alternative.

NCGS 153A-341 Requirements:

Is the amendment consistent with the 2015 Land Use Plan?

This area was designated as Residential in the Land Use Plan, and Neighborhood Business Conditional District zoning would not be consistent with the plan.

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 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. Mr. Sarsfield expressed the need for this tower as a safety feature. He also shared, studies show, cell towers do not have negative impact on property values.

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

Commissioner Hutchins discussed the possibility of screening the tower to look like a tree. He expressed his interest in sending it back to the Planning Board for review as there was concern at the Planning Board meeting.

Commissioner Holbrook described this as a complicated issue realizing the need for coverage but understanding the view of those citizens who attended the Planning Board.

(Clerks Note: No citizens attended the public hearing and spoke in opposition to the project)

Commissioner Allen reminded the others that the majority of 911 calls come from cell phones.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins and unanimously adopted by the board, *to approve the zoning map amendment found on Page _____ of Minute Book _____.*

COMMISSIONERS REPORTS

Commissioner Allen visited the National Field Day for Amateur Radios and reminded citizens that the gas chamber had been dismantled.

Vice-Chairman Holbrook encouraged everyone to contact Legislators to recommend moving forward with Economic Development Policy and Planning.

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to recess to reconvene to Tuesday, July 22, 2014 at 1:00pm at the Shelby/Cleveland County Regional for a work session.*

*Jason Falls, Chairman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*