

CLEVELAND COUNTY BOARD OF COMMISSIONERS

November 20, 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 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
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Chris Green, Tax Administrator
Alexis Pearson, HR Director
Bill McCarter, Planning Director
Drew Brooks, Shelby Star
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. Mike Philbeck, Minister and former Mayor of Shelby, provided the invocation for the meeting.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

Heather Robbins of 1010 Brookhaven Drive spoke regarding the Old Cleveland County Courthouse. Ms. Robbins feels strongly that this Historical Museum needs to stay intact and that an extra music exhibit would be an added bonus. She believes the interest in our county's history is out there in students and teachers. She is concerned about the renovation to the courthouse and the storage of the artifacts. She said that Destination Cleveland County should include some of the other societies and historical entities such as Broad River Genealogical Society, King Mountain Historical Museum, and Lawndale Museum in the development, design and meetings in order to get an opinion from every known historical group in the county. In closing she stated, "It is up to us now to save all of the heritage for future generations."

Max Hopper, Mayor of Earl, personally invited the Commissioners to the Town of Earl's Christmas parade. He commended the volunteers that have cataloged the artifacts in the Old Cleveland County Courthouse and expressed his support for Destination Cleveland County. He thanked the Commissioners for their support of this organization and believes that this group is one of the greatest things that has ever happened in Cleveland County.

CONSENT AGENDA

APPROVAL OF MINUTES

ACTION: There being no other corrections, additions or deletions to the minutes of

November 6, 2007, motion was made by Ronnie Hawkins, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *approve the minutes as written*.

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *October 2007* (copy found on Page _____ of Minute Book 30).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *October 2007*. The monthly grand total of tax abatements was listed as (\$41,396.92); and, the monthly grand total for tax supplements was listed as \$20,894.06.

PLANNING DEVELOPMENT: ZONING MAP AMENDMENT – BROAD RIVER WATERSHED CLASSIFICATION (Case 07-13) (Schedule a public hearing for December 4, 2007)

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board to *approve scheduling the public hearing as requested*.

ARCHITECTURAL SELECTION/JAIL EXPANSION

As allowed by North Carolina General Statute 143-64.32, the Cleveland County Sheriff's Office requested to exempt the Detention Center Annex Expansion Project from the provisions of using a qualification based selection process (QBS) for architect or engineering services and to authorize the County Manager, or designee, to negotiate and execute a service contract for needed design services.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the board, to *approve the exemption and authorize the County Manager or designee to negotiate and execute the design contract*.

SPECIAL RECOGNITION

STATE REPRESENTATIVE DEBBIE CLARY AND STATE REPRESENTATIVE TIM MOORE

Mary Accor asked Representative Debbie Clary and Representative Tim Moore to come forward to receive a resolution of appreciation written by the North Carolina Association of County Commissioners to the General Assembly for relieving counties of Medicaid. The resolution presented read as follows:

**RESOLUTION OF APPRECIATION TO THE GENERAL ASSEMBLY
FOR RELIEVING COUNTIES OF MEDICAID**

WHEREAS, relieving counties of the Medicaid burden was the Number One legislative goal for all counties;

WHEREAS, every member of the 2007 North Carolina General Assembly recognized and supported the need for Medicaid relief;

WHEREAS, every member of the House of Representatives supported House Bill 1424, which would have provided a permanent cap and additional targeted relief;

WHEREAS, every member of the Senate supported provisions of the budget to eliminate the county Medicaid share completely;

WHEREAS, Governor Mike Easley publicly expressed his support on numerous occasions;

WHEREAS, a negotiating team with representatives from the House, the Senate and the Governor's Office reached consensus on a solution to relieve counties of their Medicaid burden; and

WHEREAS, this solution is fair and equitable to all parties; and

WHEREAS, this solution protects municipal revenues, allows the state to phase in the assumption of the county Medicaid share over three years while gradually assuming sufficient county revenues to cover the increased costs, does not force counties to raise property or sales taxes to receive Medicaid relief and provides additional revenue authority to counties faced with rapidly increasing infrastructure needs;

NOW, THEREFORE, BE IT RESOLVED that the North Carolina Association of County Commissioners commends and expresses our appreciation to the 2007 North Carolina General Assembly for proving themselves to be true "Friends of the Counties";

FURTHER BE IT RESOLVED that the Speaker of the House and the Senate President Pro Tem are asked to read this resolution into the Journals of their respective bodies on May 13, 2008;

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to all counties, and that each board of county commissioners is asked to present a copy of this resolution to each member of their delegation as an expression of gratitude for this historic and significant action.

Adopted this the 18th day of August, 2007.

Signed:


Terry E. Garrison
NCACC President and
Vance County Commissioner


David F. Thompson
Executive Director

Representative Clary acknowledged her appreciation to the County Commissioners for all the work that has been done in supporting Medicaid relief legislation. "For over 10 years North Carolina has been filing for this legislation". Representative Moore also applauded the Commissioners for supporting this and the decisions made regarding the budget.

REGULAR AGENDA

DESTINATION CLEVELAND COUNTY

Brownie Plaster, Chairwoman of Destination Cleveland County gave an update on the Earl Scruggs Center – Songs and Stories of the Carolina Foothills. Mrs. Plaster announced that on November 19, 2007, Destination Cleveland County was awarded \$250,000 from the Golden Leaf Foundation for the Earl Scruggs Center. Mrs. Plaster stated her concern with the Cleveland County Historic Courthouse and its artifacts. She was pleased to present Millie Wood and Sherrie Grenier to give a detailed update on how the collection from the courthouse is being recorded.

Mrs. Grenier presented Commissioners with an object catalog worksheet of a blue bowl for reference, which had the twenty-two items noted. This form will be completed for every item in the Old Courthouse. This process provides as much detail as possible for proper inventory purposes.

Commissioners were given a copy of the *Historic County Courthouse Collection Preservation Project Status (copy found on Page _____ of Minute Book 30)*. She went over a timeline of events in the report and acknowledged Laura Overbey and Lenore Serra, museum professionals employed by the Biltmore House in Asheville, NC. These ladies, along with Mickey Crowell, the Director of the Kings Mountain Museum, and many other volunteers have cataloged over 2,200 items. Mrs. Grenier explained

that Past Perfect computer software system will be used in the future to allow the items to be placed on the internet for a “virtual museum.”

JT Scruggs expressed his commitment to getting the Cleveland County Historic Courthouse open to the public again and to take care of the artifacts that are located in it. With the Earl Scruggs Center, Mr. Scruggs imagines the artifacts telling the stories through all types of music, and believes the artifacts should be on a rotation. Mr. Scruggs believes the Earl Scruggs Center can bring in much needed tourism and meet the educational need for history in our county. He mentioned how the Earl Scruggs Concert brought tourism to Cleveland County through hotel and restaurant usage. He then introduced five gentlemen to speak in support of Destination Cleveland County; Roger Holland, David Ozmore, Ted Alexander, Steve Padgett and Jeff Ross.

Roger Holland commended the passion that is expressed by all of the volunteers for Destination Cleveland County. As President of the Cleveland County Chamber, he informed the Commissioners that the Chamber Board voted unanimously, with one abstention from one of the Commissioners, to endorse Destination Cleveland County’s proposal. The Chamber acknowledges the tremendous impact that this will have on travel and tourism, the quality of life and economic development in our community. Mr. Holland, as a citizen of Cleveland County is convinced that what Destination Cleveland County proposes will honor and preserve our heritage better than any of us could imagine. Mr. Holland recommends, from Cleveland County Chamber and himself, that Commissioners look favorably at Destination Cleveland County’s request.

David Ozmore, President of Gateway Trails and Chief Operations Officer of Cleveland County YMCA, commended the citizens of Cleveland County for stepping up and being volunteers for Destination Cleveland County. He believes that Destination Cleveland County will help tourism, quality of life and economic development and commended them on their passion for what they are doing.

Ted Alexander, Mayor of City of Shelby, shared his support of Destination Cleveland County from Shelby City Council. City Council has taken action for Destination Cleveland County and agreed to match funds of \$500,000. The City of Shelby has signed a long term lease with Destination Cleveland County for the use of the State Theatre (Flick). City Council has allowed their staff to assist with research and grant projects and is convinced through many updates and meetings with Destination Cleveland County that the Earl Scruggs Center and Don Gibson Theatre are going to incorporate all of the history of Cleveland County.

Steve Padgett, Broker/Owner of Gateway Properties of the Carolinas and member of the Cleveland County Chamber Board of Directors, stated that travel and tourism is a significant part of Cleveland County and Destination Cleveland County is a significant part of travel and tourism. Mr.

Padgett expressed support for this organization. “This will have an impact on this county for years to come.”

Jeff Ross, Cleveland County resident, believes that what Destination Cleveland County is doing is for the children. Mr. Ross expressed his belief that the Earl Scruggs Center will be able to tell the story of our history through the citizens. He wants Cleveland County to transition from good to great and Destination Cleveland County and the Earl Scruggs Center is the right thing to do.

JT Scruggs returned to the podium and thanked everyone for speaking in support of Destination Cleveland County. He then asked audience members who represented Destination Cleveland County to stand in support of his request for permission to work with the County Manager and County Attorney to draw up a contractual agreement for Destination Cleveland County’s use of the Cleveland County Historic Courthouse.

ACTION: Eddie Holbrook made a motion, seconded by Ronnie Hawkins, *for Destination Cleveland County to work with the County Manager and County Attorney to draw up a contractual agreement for the use of the Cleveland County Historic Courthouse.*

Commissioner Hutchins commended Destination Cleveland County and all of the volunteers for what they are doing and praised them for doing a great job. He told Commissioners that he would like to see a written document or draft of what he is approving.

Eddie Holbrook responded to Commissioner Hutchins by saying, the motion answers that request and is allowing the County Manager, County Attorney and representatives from Destination Cleveland County to bring back to the Commissioners a lease agreement or contractual agreement. Commissioner Holbrook stated that the old courthouse is a great example of partnership of county government, city government and private enterprise. Three or four years ago, even the exterior of the courthouse was in need of upgrading and we can see what this partnership can achieve. Commissioner Holbrook believes that economic development, tourism and quality of life are paramount and interwoven and these must all exist.

Commissioner Boggs thanked the volunteers for their work and believes that everyone is going in the same direction; protecting our heritage.

Chairwoman Accor thanked the citizens who had concerns and thanked those who tried to get those concerns answered. She also believes that everyone is on the same page which this makes this a workable situation and a win-win situation. Chairwoman Accor asked that the proposed document be on the Commissioners agenda the second meeting date in January.

ACTION: Chairwoman Mary Accor called for a vote on Commissioner Holbrook’s motion. Motion was adopted unanimously by the board, *for Destination Cleveland County to work with the*

County Manager and County Attorney to draw up a contractual agreement for the use of the Cleveland County Historic Courthouse. (Clerk's note: Commissioner Hutchins said he "did not want to vote," however, under NCGS 153A-44 [Duty to Vote] and Commission policy his failure to vote was recorded as an affirmative vote.)

PLANNING DEPARTMENT: CODE TEXT AMENDMENT – TOWN OF MOORESBORO (Case #07-05)

At the November 6, 2007 meeting, the Board of Commissioners held a public hearing concerning - The Town of Mooresboro (Case #07-05) code text amendment (see November 6, 2007 minutes.) At that meeting, Commissioners advised Planning Director, Bill McCarter to prepare a revised code amendment incorporating the recommendations from the meeting. Mr. McCarter revised the code text amendment to include "planted trees shall be at least three feet at planting and maintain normal growth". Full text amendment below:

ACTION: Johnny Hutchins made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, to approve the following text amendment to the Cleveland County Code

ARTICLE XV. SCREENING AND TREES.

| | |
|---------------------------------|--------------------------|
| Proposed Text Amendments | Revision 11-06-07 |
|---------------------------------|--------------------------|

ARTICLE XV. SCREENING AND TREES

Sec. 12-302. General Screening Standard.

Prior to the issuance of a certificate of occupancy, every development in the zoning districts indicated below shall install between it and the adjacent existing uses, the appropriate screening as described in section 12-305.

Industrial district: Whenever a lot in an industrial district abuts upon the following districts, with no intervening street, the indicated screen shall be required.

- All residential districts -- Type A Opaque screen
- Business district -- Type B Semi-opaque screen

(1) *Business district:* Whenever a lot in a business district abuts upon any residential district, with no intervening street or highway, a Type B Semi Opaque Screen shall be required.

(2) ~~Manufactured Homes & Parks *Mobile home residential*:~~ Whenever a lot in a Residential Manufactured Homes & Parks mobile home residential district abuts a developed single family residential lot upon the following districts, with no intervening street, the indicated screen shall be required. A Type C-Broken Screen shall be required.

- ~~Restricted residential -- Type B, semi-opaque screen~~
- ~~Residential -- Type C, broken screen~~

(4) *Corridor overlay districts:* When a lot in this zoning district is developed for a business use and abuts a residential use district, with no intervening public street or highway, a Type B semi-opaque screen shall be required.

(Amd. of 12-17-02)

Sec. 12-303. Retention and protection of large trees.

(1) The County board encourages the retention and protection of existing large trees to the maximum extent possible, consistent with the development process.

(2) The plantings, fences, walls, or berms that constitute a required screen shall be properly maintained. Any vegetation that dies shall be replaced. ~~Board discourages any excavation or other subsurface disturbance or the placement of any impervious surface within the drip line of any tree eighteen (18) inches in diameter or more. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.~~

Sec. 12-304. Flexibility in administration required.

~~The Board of Commissioners recognizes that because of the wide variety of types of development and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, the permit-issuing authority The Administrator may permit deviations from the presumptive requirements of section 12-302 and may either require more intensive or allow less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in this section without imposing unnecessary costs on the developer. Although these standards are considered minimum, the owner or developer may install additional screening if desired.~~

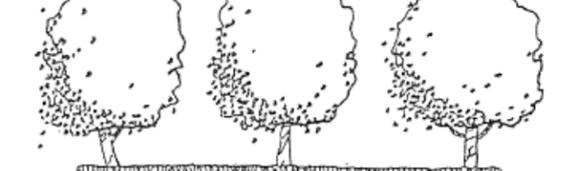
Sec. 12-305. Description of screens.

(1) *Opaque Screen, Type A:* A screen that is opaque from the ground to a height of at least six (6) feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty (20) feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Planted trees shall be at least three (3) feet in height at planting. ~~Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the~~

average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are listed below:

| | |
|--|---|
|  | <p>Small Trees 30 FEET ON CENTER 20 FEET MATURE HEIGHT</p> <p>Evergreen</p> |
|  | <p>LARGE TREES 40 FEET ON CENTER</p> <p>Fence 6 FEET & OPAQUE</p> |
|  | <p>EVERGREEN TREES STAGGERED PLANTING BRANCHES TO GROUND</p> |

- (2) *Semi-opaque screen, Type B:* A screen that is opaque from the ground to a height of three (3) feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty (20) feet at maturity. This screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Planted trees shall be at least three (3) feet in height at planting. ~~Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.~~ At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are illustrated below:

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|--|--|
|  | <p>Small Trees 30 FEET ON CENTER 20 FEET MATURE HEIGHT</p> <p>Wall or Fence 3 FEET IN HEIGHT</p> |
|  | <p>Small Trees 20-30 FEET ON CENTER 20 FEET MATURE HEIGHT</p> <p>Berm 3 FEET HIGH & SEEDED</p> |
|  | <p>Large Trees 40 FEET ON CENTER</p> <p>Hedge Shrubbery 3 FEET ON CENTER 3 FEET MATURE HEIGHT</p> |

- (3) *Broken screen, Type C:* A screen composed of intermittent visual obstructions from the ground to a height of at least twenty (20) feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Planted trees shall be at least three (3) feet in height at planting. ~~Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.~~ The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are illustrated below:

| | |
|--|--|
|  | <p>Small Trees 30 FEET ON CENTER 20 FEET MATURE HEIGHT</p> |
|  | <p>Small Trees 30 FEET ON CENTER 20 FEET MATURE HEIGHT</p> <p>Split Rail Fence</p> |



COMMISSIONER REPORTS

Commissioners discussed meetings they attended the past two weeks and wished everyone a Happy Thanksgiving.

ADJOURN

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adjourn the meeting*.

The next regular meeting of the Commissioners is scheduled for *Tuesday, December 4, 2007* in this Commission Chamber.

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

*April Crotts, Deputy Clerk
Cleveland County Board of Commissioners*