

CLEVELAND COUNTY BOARD OF COMMISSIONERS

December 5, 2006

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, Chairman
Eddie Holbrook, Vice-Chairman
Jo Boggs, Commissioner
Ronald J. Hawkins, Commissioner
Johnny Hutchins, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Wanda Crotts, CMC, County Clerk
Kerri Melton, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Pete Delea, The Star
Robert Williams, Citizens for Good Government
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman 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. Vice-Chairman Eddie Holbrook provided the invocation for the meeting.

AGENDA ADOPTION

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

CONSENT AGENDA

PLANNING DEPARTMENT : ZONING MAP AMENDMENT- RONALD & TERESA LANCASTER (Whelchel Road) (Case # 06-20) (Schedule a public hearing for January 2, 2007)

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

PLANNING DEPARTMENT : ZONING MAP AMENDMENT- ROBERT L. TRICE (115 Long Branch Road) (Case # 06-21) (Schedule a public hearing for January 2, 2007)

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

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #026)

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

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.533.4.540.00	Adult Health/Contracted Revenue	\$22,598.	
012.533.5.121.00	Adult Health/Salary-Reg.	\$ 2,216.	
012.533.5.131.00	Adult Health/Social Security	\$ 27.	
012.533.5.136.00	Adult Health/Medicare Insurance	\$ 6.	

012.533.5.213.00 Adult Health/Office Supplies \$ 385.
012.533.5.230.00 Adult Health/Prescription Drugs \$19,964.

Explanation of Revisions: Budget additional funds for Community Health Grant. The salary amount is for reimbursement of administrative expenses and a portion of a part-time Processing Assistant III position. Other funds are for supplies and prescription drugs. PA III is not a new position.

SOIL CONSERVATION: BUDGET AMENDMENTS (BNA #027)

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, 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>
010.498.4.540.00	Soil Conservation/Contracted Revenue	\$20,657.	
010.498.4.510.98	Soil Conservation/Soil Conservation Signs	\$ 2,000.	
010.498.5.530.00	Soil Conservation/Special Revenue	\$22,657.	

Explanation of Revisions: To budget for purchase of a truck with proceeds by EEP (\$20,657) and allowance for amount over the EEP check. State contract prices are not available until after Dec. 1.

SHERIFF'S OFFICE: REQUEST TO AWARD SERVICE REVOLVER

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, and

unanimously adopted by the Board, ***to award his service revolver (Serial Number FLU-947) to Deputy***

William Gantt after thirty-four years of service with the Cleveland County Sheriff's Office.

ECONOMIC DEVELOPMENT : ULTRA MACHINE & FABRICATION, INC. (Schedule a public hearing for January 2, 2007)

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins and

unanimously adopted by the board to ***approve scheduling the public hearing as requested.***

TARA RHOM- CLEVELAND COUNTY SCHOOLS TEACHER OF THE YEAR

Commissioners presented a Certificate of Recognition to Tara Rhom of Kings Mountain

Intermediate School for being selected as the 2006 Cleveland County Teacher of the Year.

PLANNING DEPARTMENT: CODE AMENDMENT- HISTORIC PRESERVATION – SECTION 12-403 HISTORIC PRESERVATION COMMISSION; SECTION 12-404 HISTORIC LANDMARKS PUBLIC HEARING

Bill McCarter, Planning Director, explained that Cleveland County has been designated as a Certified Local Government by the State Office of Historic Preservation. The application is being reviewed by the US Park Service for final approval. The State Office of Historic Preservation has recommended two minor changes to the code. The following changes were not required; however, these changes will help clarify the duties of the Historic Preservation Commission.

Section 12-403 Historic Preservation Commission

- (a) Membership. The Commission shall consist of nine members appointed by the County Board of Commissioners. Four (4) members shall reside in the county planning jurisdiction and four (4) members shall reside in one of the participating municipalities, and one (1) member shall be reserved for the current president of the Historic Shelby Foundation, or their designee. The population of the jurisdiction shall be used to determine the number of members representing each participating municipality.
- (b) Membership requirements. A majority of the members of the Historic Preservation Commission shall have demonstrated special interest, experience, or education in history, archaeology, preservation, architecture, real estate, or law.
- (c) Tenure. Members of the Commission shall serve terms of four (4) years, except for the President of the Historic Shelby Foundation, which is based on the term of that office. Initial appointments shall be staggered as follows: two (2) county members and (2) municipal members for four (4) years, two (2) county members and (2) municipal

members for four (2) years, ~~and the Historic Shelby Foundation representative shall be appointed for four (4) years.~~ Reappointments shall be limited to two (2) consecutive terms, after which a member may be re-appointed after one (1) year absence from the Commission.

(f) Duties. The commission may:

- (1) Undertake an inventory of properties of historical, architectural, archeological, or cultural resources.

Section 12-404. Historic landmarks.

Upon complying with the required landmark designation procedures set forth herein, the board of commissioners, or the governing board of the participating municipality, may adopt and from time to time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the commission to be of special significance in terms of its historical, ~~prehistorical~~ archeological, architectural or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

The landmark ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or ~~prehistorical~~ archeological value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the waiting period set forth in this article be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owners consent; otherwise the sign may be placed on a nearby public right-of-way.

No property shall be designated as a landmark until the following steps have been taken:

- (1) As a guide for the identification and evaluation of a landmark, the commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical, architectural, ~~prehistorical~~ archeological, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such report shall be forwarded to the state department of cultural resources, division of archives and history.

Public Hearing opened at 6:14pm (*public notice was accomplished in accordance with the mandates of NCGS 153A-343, with advertisements published in The Star on November 17, 2006 and November 24, 2006*) and closed at 6:15pm with no comments made by the public.

ACTION: Johnny Hutchins made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, *to approve the code amendment as reviewed and presented by Planning Director, Bill McCarter.*

CLEVELAND COUNTY BOARD OF HEALTH BOARD APPOINTMENTS

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the board, *to appoint C.V. Dino Nicopoulos, D.V.M.* (Veterinarian), *Steve Rackley, P.E.* (Professional Engineer), *Robert L. Miller* (Public Citizen) *and to re-appoint Bill Marsh, R.Ph* (Pharmacist) and *Joel F. Spragins, M.D.* (Physician) to serve as members of the Cleveland County Board of Health. Each appointment and re-appointment is for a period of three years, scheduled to conclude on December 31, 2009.

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

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

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

WHEREAS, the Cleveland County Board of Commissioners have determined that it is necessary to cancel their regular meeting of *Tuesday, December 19, 2006* in observance of the Christmas holiday season.

NOW, THEREFORE, BE IT RESOLVED, THAT, public notification of this change will be conducted in accordance with the mandates of North Carolina General Statute 153A-40 and 143-318.12. The regular meeting schedule, as adopted by the Board, will remain in place for all other regular meetings of the Commission.

ADJOURN

There being no further business to come before the Board at this time, Jo Boggs made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to adjourn the meeting (at 6:30 pm)*. The next regular meeting of the Commissioners is scheduled for *Tuesday, January 2, 2007* in this Commission Chamber.

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

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