

CLEVELAND COUNTY BOARD OF COMMISSIONERS

June 1, 2010

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: Jo Boggs, Chairwoman
Johnny Hutchins, Vice-Chairman
Eddie Holbrook, Commissioner
Mary S. Accor, Commissioner
Ronald J. Hawkins, 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
Alexis Pearson, Human Resources Director
Chris Martin, Zoning Administrator
Chris Crepps, Finance Director
Danielle Anzelone, Cleveland Headline News
David Allen, The Star
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Jo Boggs 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 Johnny Hutchins provided the invocation for the meeting.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

Danny Blanton, 1827 Creekr Ridge Road Shelby, spoke regarding recent situations happening in the Sheriff's Office. "Raymond Hamrick is a friend. I voted for him in the last election. However, it is time to let the people in his department do their jobs, quit fighting each other and begin protecting our citizens again. The county took care of Sheriff Hamrick while he was sick. It is time for him to go home."

Commissioner Eddie Holbrook made a public statement regarding the situation in the Sheriff's office. Commissioners have received many calls regarding the Sheriff situation. He stated, "The County Manager, under the direction of the Board of Commissioners, had discussions at great length with Sheriff Hamrick prior to and after the announcement that he was running and during periods of the primary campaign. Unfortunately, his suggestions were heard but not followed through with. Our intentions were to handle this in a very professional and ethical manner through Mr. Dear. Our County and Commissioners have stood by Sheriff Hamrick through his illness. The Sheriff Department assumed a lot of additional responsibility without a pay increase in order to cover for him during his illness and did a great job. I think all of us are indebted to those officers for the job that they did during that period of time. We as a board are limited to

what we can do legally concerning the Sheriff. I think that it is important that we convey or at least I convey my personal feelings to the people in the county. I think that we were all elected because people had confidence in us to handle difficult situations. This situation is becoming increasingly more complicated. It is becoming an increasingly more public relations issue and it is involving the creditability and loss of confidence in the county and challenging some of the people who sit up here as well as other county officials integrity. I really don't have any intentions to stand silently by which would be the easiest thing to do. When a man's personal and professional career are at stake and when his retirement and family income are being negatively affected by comments that are being made, I find it difficult to sit and say nothing. Since the day of filing, there have been morale problems in the department and one negative comment after the other have created tenseness....Our board has worked very hard to promote the positive effect of teamwork leading our county through difficult economic times....We have found that you can achieve more through positive teamwork. More importantly than anything else, our voters voted overwhelmingly for the candidate of their choice....that candidate was Mr. Norman. I would encourage Sheriff Hamrick to fulfill his term gracefully rather than be constantly trying to stir up provocative actions. I do not believe that is the will of the leadership of the county... I cannot support Sheriff Hamrick's actions or his words when it is affecting individuals in the manner that it is affecting them. I want to go on record saying that I wish that he would bow gracefully and walk gracefully when his term is concluded and let's get together and see if we can do good things in this county rather than negative."

Commissioner Hawkins asked County Attorney Bob Yelton to reiterate what, under North Carolina law, Cleveland County can do about this situation.

Attorney Yelton explained that the statutes are clear. The Sheriff and the Register of Deeds have the right to hire and fire at their pleasure. Mr. Yelton referred to GS 153A-103 and explained that Commissioners have no control over Sheriff Hamrick's employees, only his budget. He also explained that it is almost impossible to remove an elected official from office unless that have committed a felony.

Commissioner Hawkins voiced his opinion by stating that one of the comments most heard is the fact that the county has supported Sheriff Hamrick through his sickness. "Anywhere else in the country, if an employee is not able to fulfill their duties, they would be asked to retire or go on disability."

Commissioner Accor called the situation "unfortunate". "The citizens hired him and basically, the citizens fired him in May when they did not vote for him in the primary. Now we have a term, a waiting period....to sit and wait. I don't like to look down on a man unless I am picking him up, but in this case, some things are unacceptable in my opinion."

Vice-Chairman Hutchins echoed the feelings of the other Commissioners, "I supported him through his sickness...I hope the Sheriff would treat those who took care of the office while he was out the same way that he was treated by them...I hope that they can do the work that they need to be doing for the citizens of

the county.”

Chairwoman Boggs made a statement, “We have too many positive things happening in the county to be dragged down by one negative....I don’t want the public to think that the Commissioners have been sitting back and watching this happen and not doing anything about it. There have been times where I have had one on one conversations with Commissioners regarding this and then conveyed our feelings to David Dear and asked him to personally go have a conversation with Sheriff Hamrick...We have made our feelings known.”

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *May 4 and May 17, 2010*, motion was made by Mary Accor, seconded by Eddie Holbrook, and unanimously adopted by the Board, to ***approve the minutes as written.***

FINANCE DEPARTMENT: BUDGET AMENDMENTS (BNA #091)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.416.5.971.00	Legal/C/O Foreclosure Prop	\$ 9,286.	
010.410.4.991.00	General/Fd Bal Appropriated	9,286.	

Explanation of Revisions: *To budget for the purchase of foreclosed property (Parcel #'s: 57279, 57281, 57280, 71395). No upset bids were received on these properties.*

COOPERATIVE EXTENSION: BUDGET AMENDMENTS (BNA #092)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.495.4.350.00/OCGAS-9495	Coop Ext/State Grants	\$ 500.	
010.495.5.700.00/ OCGAS-9495	Coop Ext/ Grants	500.	

Explanation of Revisions: *To budget for the receipt of NC Corn Growers Association Grant.*

BOARD OF ELECTIONS: BUDGET AMENDMENTS (BNA #093)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.410.4.991.00	General/Fd Bal Approp	\$28,600.	
010.418.5.122.00	BOE/Part Time Salaries	15,000.	
010.418.5.310.00	BOE/Travel	225.	
010.418.5.410.00	BOE/Rent-Bldg.	375.	
010.418.5.411.00	BOE/Rent-Equipment	1,000.	
010.418.5.490.00	BOE/Professional Services	12,000.	

Explanation of Revisions: *To have budget for the called 2nd Primary on June 22, 2010.*

***Commissioner Hutchins asked that Commissioners contact Legislators regarding the election cycle noting that the cost of a 2nd primary is high for such a low voter turnout. All funding comes from the County’s local budget.

EMERGENCY MANAGEMENT SERVICES: BUDGET AMENDMENTS (BNA #094)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.437.4.310.00/93889-0437	Public Safety Grants/Federal Grants	\$ 1,000.	
010.437.5.910.00/93889-0437	Public Safety Grants/Capital Equipment	1,000.	

Explanation of Revisions: To budget additional funds awarded for tracks, rails and attachment points and straps for 28' trailer (Eq #1602) that was awarded in January 2010.

REGULAR AGENDA

CLEVELAND COUNTY JUVENILE CRIME PREVENTION COUNCIL (JCPC) ANNUAL PLAN FOR 2010-2011

Nelson Connor, JCPC Chairman, reviewed the following information regarding this year's plan. Each year a risk and needs assessment committee formed of JCPC members 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. The Risk and Assessment Committee comprised the following priority risks and needs of court involved youth:

- * School Behavior
- * Family Needs/Parental Supervision/Family Support
- * Mental Health and Substance Abuse Assessment and Treatment
- * Peer Relationships
- * Community Service/Restitution/Teen Court/Mediation

The committee proposed that the following services, ranked in order, be used as funding priorities for the FY 2010-11:

1. *School Behavior:* Service: (Behavior Management, Mentoring, Life Skills)
2. *Family Needs; Parental Supervision, family support, DV and criminality:* Service: (Parent/Family Skill Building, Home Based Family Services).
3. *Mental Health and Substance Abuse Assessment and Treatment (ranked together).* Service: (Counseling, Home based Family Services, Crisis Counseling, Sexual Offender Treatment, SA Assessments and Treatment.)
4. *Peer relationships:* Service: (Interpersonal Skills)
5. *Community Service/Restitution, Mediation, Teen Court:* Service: (Restorative Services).

JCPC advertised request for proposals and received twelve proposals. The risk factors guided this committee in making recommendations to Commissioners regarding the approximate allocations of \$277,984 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:

- \$11,672 Restitution and Community Service: Administered through Communities in Schools the program allows the juvenile an option to give back to the community as well as offer them a chance to be held accountable and to repair some of the harm caused by his or her conduct. Monetary restitution is a process that offenders are held accountable, either partially or fully, for the financial losses suffered by the victims of their crimes.
- \$18,135 Teen Court: Administered through Communities in Schools the program is 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.

- \$97,531 Roots and Wings – Parent/Youth Skill Development: Administered by the Cleveland County Health Department is a program that deals with high percentage of court involved youth and their families. They provide counseling and work on family dynamics throughout a 12 session program.
- \$10,000 Multi-systemic Therapy: Administered through Alexander Youth Network is a community based program which focuses on and works with court involved youth. An evidence based program with 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.
- \$18,493 Juvenile Mediation: Administered through Mediation Center of the Southern Piedmont is a program that serves youth referred by Juvenile Court and school resource officers. Through mediation the program teaches and encourages juveniles 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.
- \$41,604 Roots and Wings – Substance Abuse Assessment: Administered by Cleveland County Health Department is a program that provides preliminary assessment to determine the level of substance abuse or risk for future substance use by adjudicated youth.
- \$78,045 Turning Point Academy – formally known as Cleveland Early Intervention Initiative – Phoenix Program: Administered by Cleveland County Schools is a program that provides a therapeutic alternative educational option to long-term suspended students and to students who are administratively placed in an alternative setting because of serious behavioral concerns. Life skill coordinators provide instruction and counseling to ensure successful re-enrollment in the regular school setting at the completion of the program.
- \$2,504 Administration – Administered by the JCPC council comprised of various members delegated by statute and appointed by County Commissioners. The administration will oversee all aspects of programs providing services to youth of Cleveland County.

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.

There were four programs that applied but not recommended by the JCPC Allocations/Budget Committee. All four requests were for programs that would provide services that were already being provided in Cleveland County. These programs were W.A.R. (Willfully Accepting Responsibility), Trinity Tutoring and Life Skills, True's Intensive In-Home Phoenix Substance Abuse Services and Phoenix Mental Health Services.

(Clerks Note: Chairwoman Boggs asked to be excused from the vote as her daughter is an employee of one of the programs receiving funding)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the plan as presented.*

PUBLIC HEARINGS

ECONOMIC DEVELOPMENT INCENTIVES: PROJECT SHARK

Chairwoman Boggs recommended that the Economic Development incentives for Project Shark public hearing be postponed to Thursday, June 10, 2010 at 10:00 am in the Commissioners Chamber.

(Clerks Note: Vote to continue public hearing made later in the meeting)

BUDGET: FISCAL YEAR 2010-2011

County Manager David Dear reviewed the budget process, the budget ordinance, and the budget message by delivering a PowerPoint presentation regarding the proposed budget (*copy of presentation found on Pages _____ of Minute Book _____, copy of budget message and ordinance found below*).

Commissioners praised Mr. Dear for doing an outstanding job with the budget considering the economy. Commissioner Hutchins asked, should things improve, if Mr. Dear could review a possible COLA mid-way through the fiscal year. Mr. Dear explained that employees were given additional vacation days based on years of service in lieu of a salary increase.

Mr. Dear thanked Chris Crepps and the Finance staff for doing a great job tracking the finances of the county.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor and unanimously adopted by the board, ***to open the public hearing.*** (Notice of this hearing was accomplished in accordance with General Statutes, with a legal ad published in the Star on May 19, 2010 and May 26, 2010.)

Chairwoman Boggs asked if there were any other comments or if Commissioners had questions of anyone in the audience or staff. Hearing no other comments, she called for the public hearing to be closed.

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

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board to, ***to adopt the budget as presented by the County Manager.***

June 1, 2010

To the Cleveland County Board of Commissioners:

This proposed fiscal year 2010-2011 budget for Cleveland County has been prepared in accordance with the North Carolina Local Government Budget and Fiscal Control Act and General Statute 153A-82. The fiscal year 2010-2011 budgeted revenues and expenditures are balanced with a property tax rate of 57 cents per \$100 of property valuation. The budget will be open for public inspection on May 19, 2010 and a public hearing will be held on June 1, 2010.

The Board of Commissioners met on March 25, 2010 to discuss and evaluate budget and capital project priorities for fiscal year 2010-2011. Our county has been facing challenging economic conditions that have negatively affected county revenues, but because of the Commissioners strong leadership and sound fiscal management, Cleveland County has been able to present a balanced budget with no tax increase and no reduction in county funded services.

General Fund Budget

The projected tax base for fiscal year 2010-2011 is \$6,550,000,000. This is a projected increase of \$115,000,000 in value over the previous year, which translates into \$635,835 in new revenue at a 57 cents tax rate and a 97% collection rate. Sales tax revenues are projected to slightly decrease this year but will hopefully recover sometime in 2011. Overall service-related fee collections are expected to see a reduction in most departments. As fees for services decline, departments will be asked to work harder to control associated departmental expenses. With minimal increases in the property tax base, our current allocated funding levels will be difficult to sustain over time unless growth in the tax base and sales taxes increase to match our mandated spending requirements.

Human Services

The overall appropriation of county funding for the *Department of Social Services* is \$4,550,723 for an increase in funding of 7.78% over the previous year. This increase is primarily the result of a rise in the county's share of state-mandated costs. County funding will be increasing for foster care services and state aid to counties for administration purposes will be decreasing. Due to the poor state of the economy, the volume of clients at Social Services is continuing to grow. The demand for services is likely to continue until the economy improves. This budget does include two new Income Maintenance Caseworker IIs for Social Services. If the County Commissioners had not approved a new computerized client services system a little over a year ago, we would be facing the need to add more staff to handle this increased workload, but as it stands we are able to handle the increased volume of clients with very little change in staffing levels.

The *Health Department* budget reflects an overall increase of 1.83% for a total county appropriation of \$3,703,140. The Health Department is proposing to add four full time Public Health Nurse IIs, one Public Health Nurse I, one Public Health Nurse II (50%), and one new Computing Support Technician. These positions are grant funded; therefore when the grant

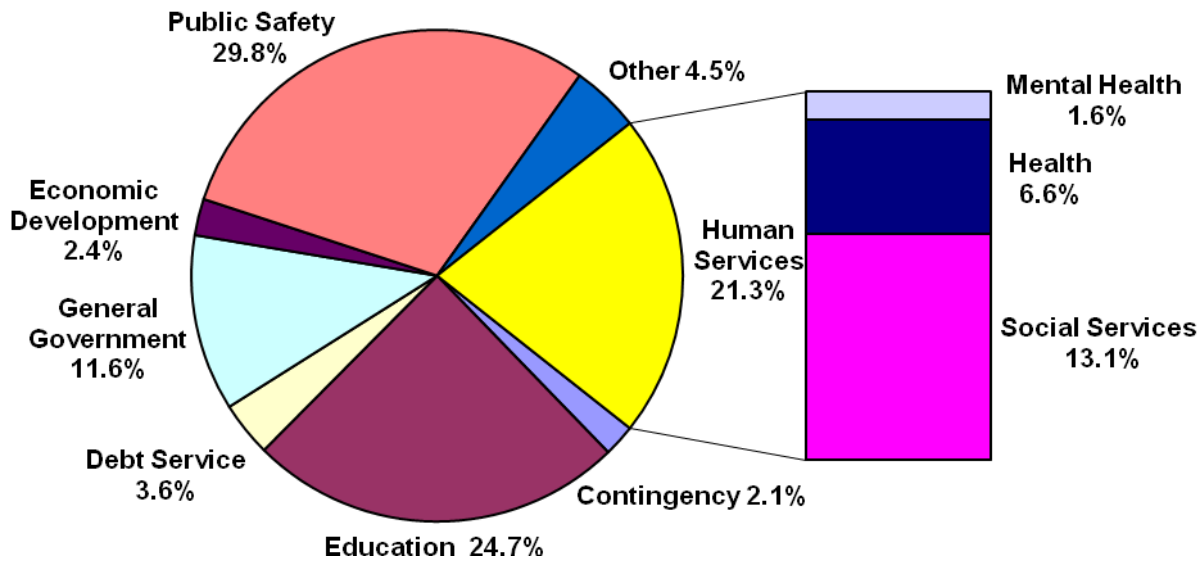
expires the positions will be abolished. This budget also reflects a reduction in force of two Environmental Health Specialists (012.541.0039, 012.541.0055).

Landfill (Enterprise Fund)

The county moved into our newly constructed landfill in January 2010. We are currently in the process of closing the old landfill. The fee schedule for the landfill will be rising by \$3 per ton due to the increased environmental costs associated with the old unlined landfill that we took over from the City of Shelby which ceased operations in the 1970s. We are continuing to explore the recovery and beneficial uses of the methane gas produced by the landfill. A proposal will be presented later in the year on the potential uses of this gas as a renewable energy resource.

Cleveland County Expenditures

FY 2010-2011 Primary Fund By Function



Public Safety

The *Emergency Medical Services* department budget is allocated a total of \$5,385,427. This department budget reflects an increase of .97%, with most of the additional funds consisting of part time salaries, billing company fees, and minor equipment purchases. A new ambulance is also included in the budget.

The *Sheriff's Office* budget reflects a decline of 1.11% for a total appropriation of \$5,577,386. This budget includes the addition of 10 new Sheriff's vehicles to replace current high mileage vehicles. With the retirement of the incumbent Sheriff in December, further adjustments may be necessary when the new Sheriff takes office.

The Detention Center appropriation is increasing by 28.66% for a total allocation of \$3,068,155. Due to the 152 bed expansion at the Detention Center annex, it is necessary to hire a total of 14 new staff members. As a result in the increased population, food, laundry, utilities, and health care costs have risen in the new budget. We have been working closely with the Sheriff's Office administration to keep costs down as much as possible but with the addition of new inmates some increase in operational costs are unavoidable.

Volunteer Fire Service Districts

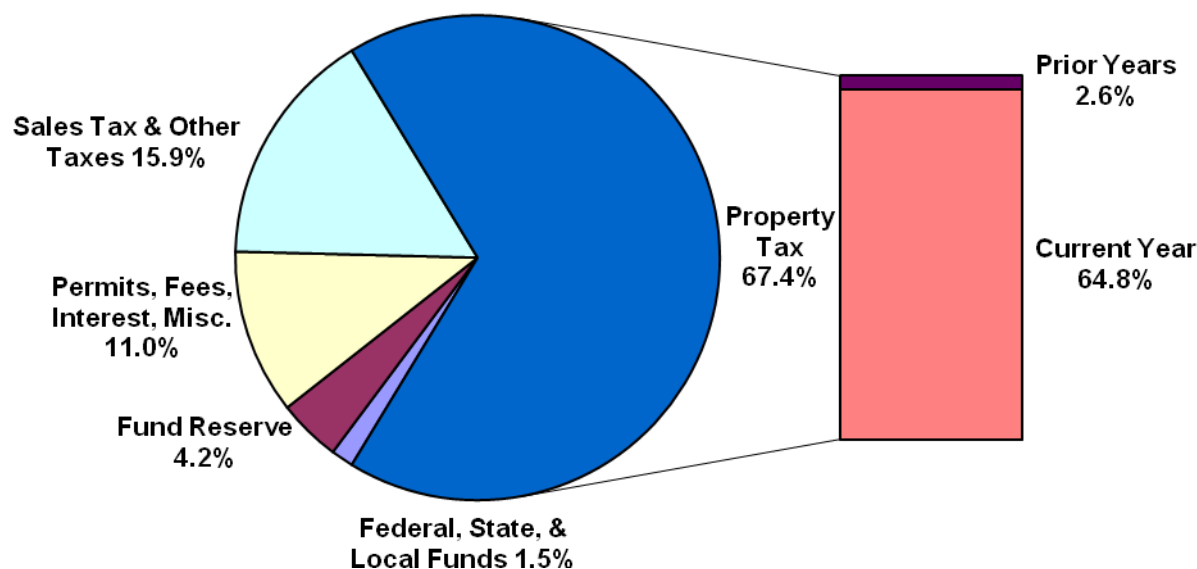
All fire service district tax rates will remain unchanged from last fiscal year. Fire departments continue to place an emphasis on the recruitment and retention of their volunteer members. It is often difficult to get volunteers during the day who are available to respond to calls, so in the near future we will need to explore the probability of having some paid staff during daytime hours.

Tax Administration

This budget proposes no change in the current property tax rate of 57 cents per \$100 of valuation. The tax rates for the county-wide school district and the county fire district will also remain at 15 cents and 3 cents respectively. The early payment discount for taxpayers who pay during the month of August will remain at the current discount rate of one-half of 1%. With the addition of the Paralegal position, our tax collection rate remains strong in spite of the poor economy. Later this coming year we will need to begin discussing the county's options for the next scheduled property revaluation.

Cleveland County Revenues

FY 2010-2011 Primary Fund By Source



Human Resources

In order to maintain a balanced budget, employee salaries will be frozen at current levels. The budget does not include any pay increases for employees, including cost of living, merit, or standard rate increases.

In lieu of a pay increase, county employees will receive bonus vacation hours based on years of service. The years of service will be determined as of July 1, 2010. The bonus vacation hours may be used like any other vacation time. The hours will be pro-rated for part time employees in permanently budgeted positions.

Years of Service	Bonus Vacation Hours
1-5	8
5-10	16
10-15	24
15-20	32
20-25	40
25-30	48
30+	56

We will continue to offer employees health insurance options with an opportunity to select either a Health Savings Account (HSA) or a traditional PPO. Our health insurance costs continue to remain stable due primarily to the savings of the HSA plan. For next year, the premiums paid by the county on behalf of the employees will rise by 4%.

The Wellness Program is a great benefit for employees that we began promoting several years ago. Employees are encouraged to make healthy choices which have a positive effect on their individual health as well as the overall stability of our health plan. In conjunction with our health plan, we have continued to promote our employee wellness clinic and pharmacy program as affordable options.

Due to the poor economy and the failure to reach targeted investment earnings, the North Carolina Local Government Employees' Retirement System Board of Trustees approved an increase in the employer contribution rate to 6.35% of payroll, which is a 1.55 percentage point increase above the current rate of 4.8%. This new rate will be effective July 1, 2010.

Veterans Services

As a result to the increased volume of veterans in the county, the Veterans Services office has been redesigned and moved to a new location in the basement of the county administrative building. In order to continue our priority in providing prompt and effective services for our county veterans, this budget has allocated a new Administrative Support Assistant to this department.

Public Schools

The current expenditures for the Cleveland County School System will remain the same as in the previous year. The county allocation in the budget totals \$24,133,213 with the overall funding equating to over \$1,679 per pupil. The increase in per pupil funding is due to an increase in the property tax base as well as a decrease in the number of students. Restricted capital projects funding will be the same as the previous year for a total of \$1.4 million.

CLEVELAND COUNTY SCHOOL FUNDING WORKSHEET (ACCRUAL BASIS) March 15, 2010						
FISCAL YEAR	2011 <i>projected</i>	2010 <i>estimate</i>	2009	2008	2007	2006
Current Expense	10,408,213	10,408,213	10,408,213	9,908,213	9,808,213	9,808,213
Capital Outlay	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Special Capital Projects	1,400,000	1,400,000	1,400,000	1,400,000	1,300,000	1,100,000
Supplemental Tax	10,325,000	10,200,000	10,099,060	9,215,690	9,091,504	8,972,776
Fines & Forfeitures	550,000	575,000	590,056	640,742	561,027	488,464
Sales Tax	2,440,500	2,679,000	3,282,542	4,022,266	4,035,765	3,828,164
Total Funding	27,123,713	27,262,213	27,779,872	27,186,911	26,796,509	26,197,617
Student Population	16,147	16,411	16,768	16,957	17,089	17,217
Per Pupil Funding	1,679.80	1,661.22	1,656.72	1,603.29	1,568.06	1,521.61
Annual Amount Change	18.58	4.50	53.43	35.23	46.44	70.64
Annual Percentage Change	1.12%	0.27%	3.33%	2.25%	3.05%	4.87%

The Board of Commissioners approved plans to build the new Shelby Middle School which is scheduled to open in the fall of 2011. Once completed, the old Shelby Middle School will be renovated to house the school administrative offices. There are also plans to renovate North Shelby School sometime in the near future.

Community College

The budget includes an allocation of \$1,415,129 in current expenditures for the Cleveland Community College. This appropriation includes increased funding due to the rise in student enrollment and for utilities and maintenance for new campus facilities. Funding for capital projects will remain unchanged.

Capital Projects

This budget addresses several capital projects. These projects are summarized as follows:

- Conference Center/Early College High School/Continuing Education facility - Collaborating with the Cleveland County Schools and the Cleveland Community College to construct a multi-purpose facility. The design of the facility has been completed. The financing and other fund raising efforts are in progress.
- Shelby Middle School – Working with the School Board to prepare for a new Shelby Middle School with plans to open in the fall of 2011.
- Detention Center Annex Expansion – Construction is under way for the 152 bed expansion project with an estimated completion date of January 2011.
- Animal Shelter – Final stages of an extensive animal shelter renovation and expansion are under construction.
- Foothills Commerce Center – Working in a joint venture with the City of Shelby to develop an industrial park west of the City. Efforts continue with the exploration of funding sources to construct a shell building in the park.

- Fuel Facility – Worked with the City of Shelby on a joint project to save taxpayers by constructing a fuel facility for public vehicles. This facility, located on Grover Street, opened the first of May.
- Shelby – Cleveland County Regional Airport Terminal - Working on a project with the City of Shelby to construct a new airport terminal to be completed later this year.

Economic Development/Tourism

The budget appropriates \$242,000 to the Cleveland 20/20 Economic Development Partnership to be used in the recruitment of new businesses, as well as existing industry expansions. We continue to receive calls and visits from potential businesses considering locating to our area. We will also continue to explore new and innovative ways to be more marketable to current and future businesses.

The county has continued to place an emphasis on local travel and tourism within our community. This budget is allocating \$90,000 for travel and tourism with a majority of funding coming from the local occupancy tax. Cleveland County and the City of Shelby were recently awarded a four year contract to host the American Legion World Series baseball tournament. As a result of the hard work of many dedicated volunteers, our community will see a tremendous economic benefit and national recognition. Destination Cleveland County recently received a \$1.5 million grant from the Economic Development Administration to assist with the development of the Scruggs Center. Once complete, this facility along with the Don Gibson Theatre will have a significant impact on the numbers of visitors to our county.

Conclusion

The county unemployment rate is currently 14.3%. Retail sales have continued to decline and local housing starts are currently very depressed. Despite declining revenues, this budget focuses on maintaining overall public expenditures at current levels. We are exploring all avenues to manage costs while providing exceptional quality services. Based on the Commissioners direction and leadership, we will continue to operate with no reduction in county funded services and no increase in property taxes in the near future.

We look forward to continuing our focus on the recruitment of new businesses and the retention of our current businesses. Creating and retaining jobs for our citizens will help stabilize our local economy as well as assist with maintaining a stable tax rate. We are currently working on several economic development projects which if successful will have a positive impact on our overall economy and unemployment rate.

I would like to thank Chris Crepps, Finance Director and his staff for their outstanding work in assisting with the preparation of this budget. Our county departments and staff will continue to work diligently to contain costs and manage our resources wisely while providing exceptional public services.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY:

SECTION I. FUND ESTIMATED REVENUES. It is estimated that the revenues and fund balances of the funds and departments as listed below will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011 to meet the functional appropriations as set forth in Section II. All fees, commissions, and other sums paid to or collected by any County Officer, or agent in their capacity, shall accrue to the benefit of the County and become County funds.

A. GENERAL FUND ESTIMATED REVENUES

		\$96,583,840	
	<i>Less Transfers In:</i>	(\$13,748,976)	\$82,834,864
<u>Primary</u>		\$58,461,375	
	<i>Less Transfers In:</i>	(\$1,469,097)	\$56,992,278
<i>Ad Valorem Tax:</i>	Current Year	\$36,214,950	
	(57.0 Cents per \$100 value) X (\$6,550,000,000 total value) X (97% collection)		
	Prior Years	\$1,100,385	
	Advertising/Penalties	\$360,000	
<i>Other Taxes:</i>	Sales		
	Tax 1 Cent (Article 39)	\$4,605,000	
	Two 1/2 Cents (Art 40 & 42)	\$3,470,000	
	Occupancy Tax	\$196,000	
	Heavy Equip Tax	\$24,000	
	Gross Receipts Tax	\$24,000	
	Excise Stamps Tax	\$200,000	
<i>Intergovernmental:</i>	US Forfeited Property-Sheriff	\$126,926	
	US Grant-Emergency Management	\$30,385	
	NC Telecommunications Surcharge	\$350,000	
	NC Grants-Third Party (Pass-Thru)	\$825,192	
	NC Grant--J.C.P.C. Admin.	\$2,504	
	NC Grant--Crim. Just. Part. Prog.	\$103,939	
	NC Court Arrest Fees-Sheriff	\$45,000	
	NC Forfeited Property-Sheriff	\$81,840	
	NC Housing of State Prisoners-Jail	\$130,000	
	NC Court Fees-		
	Jail	\$40,000	
	NC License Revocation-		
	Jail	\$9,000	
	NC Grant-Soil Conservation Match	\$25,800	

	NC Grant-Veterans' Services Match	\$2,000
	NC Grant-State Aid to Libraries	\$148,043
	Kings Mtn: County Library System	\$11,439
	Schools: School Resource Officers	\$277,031
	Shelby: Payment in Lieu of Taxes	\$11,000
	Other Various Sources	\$13,826
<u>Permits/Fees:</u>	Register of Deeds	\$425,000
	Sheriff	\$150,000
	Inspections	\$200,000
	Planning & Zoning	\$20,000
<u>Sales/Services:</u>	Rents	\$1,478,000
	Contracted Revenues	
	Municipal Tax Collection	\$250,000

SECTION I. FUND ESTIMATED REVENUES.

A. GENERAL FUND ESTIMATED REVENUES

<u>Sales/Services:</u>	Local Fees & Medicaid	
	Emergency Med Serv	\$2,587,500
	Volunteer Rescue	\$15,000
	Electronic Maintenance	\$15,000
	Cooperative Extension	\$20,655
	County Library System	\$32,000
<u>Interest:</u>	Interest on Investments	\$750,000
<u>Miscellaneous:</u>	ABC Per Bottle & Profit Distribution	\$75,000
	Sale of Used Assets	\$25,000
	Vending/Payphone Commissions	\$44,000
	Contributions & Donations	\$48,800
	Other Miscellaneous	\$20,000
<u>Other Sources:</u>	School Capital Reserve Fund (Transfer)	\$1,400,000
	Emergency Telephone Fund (Transfer)	\$69,097
	ROD Automation E & P	\$56,363
	Fund Balance Appropriated	\$2,351,700

Social Services & Public Assistance

		\$23,425,299	
	<i>Less Transfers In:</i>	(\$7,303,132)	\$16,122,167
	Grants-Federal and State Govts	\$16,045,408	
	Local Fees	\$76,759	
	Primary Fund (Transfer)	\$7,303,132	

Public Health

		\$12,270,614	
	<i>Less Transfers In:</i>	(\$3,887,907)	\$8,382,707
	Grants-Federal and State Govts	\$1,779,850	
	Local Fees & Medicaid	\$6,602,857	
	Primary Fund (Transfer)	\$3,703,140	
	Other Funds (Transfer)	\$184,767	

Employee Wellness

		\$753,412	
	<i>Less Transfers In:</i>	(\$590,000)	\$163,412
	Local Fees	\$163,412	
	Health Insurance Fund (Transfer)	\$590,000	

Court Facilities

		\$321,140	
	<i>Less Transfers In:</i>	(\$105,000)	\$216,140
	Departmental Fees	\$216,140	
	Primary Fund (Transfer)	\$105,000	

Workers' Compensation

		\$722,000	
	<i>Less Transfers In:</i>	(\$393,840)	\$328,160
	Interest on Investments/Other	\$328,160	
	Primary Fund (Transfer)	\$105,000	
	Other Funds (Transfer)	\$288,840	

<u>Health Insurance</u>		\$630,000	\$630,000
Fund Balance Appropriated	\$630,000		
SECTION I. FUND ESTIMATED REVENUES.			
<u>B. SPECIAL REVENUE FUND ESTIMATED REVENUES</u>			\$11,362,056
<u>School Property Taxes</u>		\$9,530,250	\$9,530,250
Ad Valorem Tax: Current Year	\$9,530,250		
(15.0 Cents per \$100 value) X (\$6,550,000,000 total value)			
<u>Emergency Telephone</u>		\$376,840	\$376,840
E911 Subscriber Fees	\$376,840		
<u>County Fire Service District</u>		\$1,454,966	\$1,454,966
Ad Valorem Tax: Current Year	\$829,350		
(3.0 Cents per \$100 value) X (\$2,850,000,000 total value) X (97% collection)			
District Revenues	\$625,616		
<u>C. DEBT SERVICE FUND ESTIMATED REVENUES</u>			\$4,782,136
	<i>Less Transfers In:</i>	(\$3,690,936)	\$1,091,200
<u>Debt Service</u>		\$4,782,136	
	<i>Less Transfers In:</i>	(\$3,690,936)	\$1,091,200
Other Unit's Share of Expenditures	\$1,091,200		
Primary Fund (Transfer)	\$1,938,536		
School Capital Reserve Fund (Transfer)	\$1,752,400		
<u>D. CAPITAL PROJECT FUND ESTIMATED REVENUES</u>			\$5,814,400
	<i>Less Transfers In:</i>	(\$2,356,000)	\$3,458,400
<u>Capital Projects</u>		\$1,406,000	
	<i>Less Transfers In:</i>	(\$1,256,000)	\$150,000
Other Various Sources	\$150,000		
Capital Reserve Fund (Transfer)	\$1,256,000		
<u>County Capital Reserve</u>		\$1,256,000	
	<i>Less Transfers In:</i>	(\$1,100,000)	\$156,000
County Funds	\$1,100,000		
Fund Balance Appropriated	\$156,000		
<u>School Capital Reserve</u>		\$3,152,400	\$3,152,400
Sales Tax: Two 1/2 Cents (Art. 40 & 42)	\$3,152,400		
<u>E. ENTERPRISE FUND ESTIMATED REVENUES</u>			\$8,980,518
<u>Solid Waste Landfill</u>		\$8,980,518	
Grants and Shared Taxes-State Govt	\$166,000		
Local Fees and User Fees	\$8,679,018		
Sale of Recyclables/Other	\$135,500		
<u>Section I Total (TOTAL FUND ESTIMATED REVENUES)</u>			\$127,522,950
	<i>Less Transfers In:</i>	(\$19,795,912)	\$107,727,038
SECTION II. FUND APPROPRIATIONS. It is hereby affirmed that the appropriations of the funds and departments as listed below will be sufficient to meet the County's normal operating obligations.			
<u>A. GENERAL FUND APPROPRIATIONS</u>			\$96,583,840
	<i>Less Transfers Out:</i>	(\$14,989,808)	\$81,594,032
<u>General Government</u>		\$24,960,208	
	<i>Less Transfers Out:</i>	(\$14,884,808)	\$10,075,400
10.411 Commissioners (Governing Body)	\$428,888		

10.412	County Manager's Office		\$461,467
10.413	Finance/Purchasing		\$616,426
	Property Tax		
10.415	Administration		\$1,465,475
10.416	Legal		\$64,200
10.418	Elections		\$367,230
10.419	Register of Deeds		\$364,882
10.421	Information Technology		\$483,578
	Human		
10.423	Resources		\$343,940
10.426	Building Maintenance		\$1,427,318
10.428	Municipal Elections		\$0
10.430	Municipal Grants		\$147,048
10.432	Grants--Third Party (Pass Thru)		\$825,192
10.433	Grant--J.C.P.C. Administration		\$2,704
10.613	Communities in Schools		\$58,500
10.619	ROD Automation E & P		\$22,000
10.981	Transfers Out To:		\$14,254,808
	Social Services	\$4,550,723	
	Public		
	Assistance	\$2,752,409	
	Public Health	\$3,703,140	
	Courts	\$105,000	
	Workers' Comp.	\$105,000	
	Debt Service	\$1,938,536	
	Capital Reserve	\$1,100,000	
10.998	Emergency & Contingency		\$1,200,000
13.660	Employee Wellness		\$753,412
14.417	Court Facilities		\$321,140
60.650	Workers' Compensation		\$722,000
65.981	Employee Wellness (Transfer)		\$630,000

Public Safety

\$16,951,330 \$16,951,330

10.439	Grant--Criminal Justice Partnership		\$103,939
10.440	School Resource Officers		\$322,459
10.441	Sheriff		\$5,577,386
	Forfeited Property--		
10.442	Federal		\$126,926
10.443	Forfeited Property--State		\$81,840
10.444	Detention/Jail		\$3,068,155
10.445	Emergency Management		\$289,046
10.446	Emergency Medical Services		\$5,385,427
10.447	Volunteer Rescue		\$123,825
10.448	Communications		\$954,284
10.449	Electronic Maintenance		\$397,161
10.450	Building Inspections		\$415,507
	Coroner / Medical		
10.451	Examiner		\$84,520
10.453	Hazardous Materials		\$20,855

SECTION II. FUND APPROPRIATIONS.

A. GENERAL FUND APPROPRIATIONS

Economic & Physical Development

\$1,315,358 \$1,315,358

	Planning &		
10.491	Zoning		\$316,039
10.492	Economic Development/Tourism		\$537,448
10.495	Cooperative Extension		\$302,533
10.496	Forestry Management		\$68,805
10.498	Soil Conservation		\$90,533

Transportation

\$39,464

10.497	Transportation Admin. of Clev. Cty.		\$39,464
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Human Services

\$36,821,366

		<i>Less Transfers</i>		
		<i>Out:</i>	(\$105,000)	\$36,716,366
10.560	Mental Health (Pathways)		\$891,938	
10.591	Veterans' Service Officer		\$93,480	

10.617	Council on Aging (Senior Center)		\$140,035		
11.000	Social Svcs. & Public Asst.		\$23,320,299		
11.000	Transfers Out To Other Funds		\$105,000		
12.000	Public Health		\$12,270,614		
Education				\$15,223,342	\$15,223,342
10.600	Cleveland County Schools		\$13,808,213		
	Current Expense	\$10,408,213			
	Capital Outlay	\$3,400,000			
10.604	Cleveland Community College		\$1,415,129		
	Current Expense	\$1,415,129			
Cultural				\$1,202,910	\$1,202,910
10.611	Libraries		\$1,088,610		
10.612	Broad River Greenway		\$74,300		
10.614	Old Courthouse (Museum)		\$40,000		
Debt Service (small lease purchase agreements)				\$69,862	\$69,862
10.800	Debt Service		\$69,862		
<u>B. SPECIAL REVENUE FUND APPROPRIATIONS</u>				\$11,362,056	
			<i>Less Transfers</i>		
			<i>Out:</i>	(\$69,097)	\$11,292,959
Education				\$9,530,250	\$9,530,250
20.600	School Property Taxes		\$9,530,250		
<u>Public Safety</u>				\$1,831,806	
			<i>Less Transfers</i>		
			<i>Out:</i>	(\$69,097)	\$1,762,709
26.454	Emergency Telephone		\$307,743		
26.454	Transfer Out To Other Funds		\$69,097		
28.452	Volunteer Fire Departments		\$1,454,966		
SECTION II. FUND APPROPRIATIONS.					
<u>C. DEBT SERVICE FUND APPROPRIATIONS</u>				\$4,782,136	\$4,782,136
Debt Service				\$4,782,136	\$4,782,136
30.800	Debt Service		\$4,782,136		
<u>D. CAPITAL PROJECT FUND APPROPRIATIONS</u>				\$5,814,400	
			<i>Less Transfers</i>		
			<i>Out:</i>	(\$4,408,400)	\$1,406,000
Capital Projects				\$5,814,400	
			<i>Less Transfers</i>		
			<i>Out:</i>	(\$4,408,400)	\$1,406,000
40.210	General Projects		\$1,256,000		
40.220	Kings Mountain Gateway Trails Project		\$150,000		
41.209	County: Capital Reserves (Transfer)		\$1,256,000		
	Schools: Local Option Sales Taxes				
42.105	(Transfer)		\$3,152,400		
<u>E. ENTERPRISE FUND APPROPRIATIONS</u>				\$8,980,518	
			<i>Less Transfers</i>		
			<i>Out:</i>	(\$328,607)	\$8,651,911
Environmental				\$8,980,518	
			<i>Less Transfers</i>		
			<i>Out:</i>	(\$328,607)	\$8,651,911
54.472	Solid Waste Capital Projects		\$3,000,000		
54.473	Solid Waste Disposal		\$3,839,509		
54.473	Transfer Out To Other Funds		\$328,607		
54.474	Solid Waste Collections		\$1,812,402		

Section II Total (TOTAL FUND APPROPRIATIONS)		\$127,522,950	
	<i>Less Transfers</i>		
	<i>Out:</i>	(\$19,795,912)	\$107,727,038

SECTION III. PROPERTY TAX RATES. The County-wide property tax rate shall be 57 cents per \$100 valuation for purposes of the General Fund and 15 cents per \$100 valuation for purposes of the School Property Taxes Fund; thus, the combined County-wide property tax rate shall be 72 cents per \$100 valuation. Further, the property tax rate for the County Fire Service District shall be 3 cents per \$100 valuation and derived revenues shall be used to benefit volunteer fire departments in the district.

SECTION IV. BUDGET CHANGES. The County Manager shall have authorization to make budget changes between any and all operating funds and departments as long as the Total Fund Estimated Revenues and Total Fund Appropriations remain at the level, including all subsequent budget amendments, approved and adopted by the County Board of Commissioners, except as provided below.

SECTION V. BUDGET CARRY FORWARDS. The County Manager shall have authorization to include in the budget all prior year budget amounts remaining for outstanding purchase order encumbrances, unspent grants, unspent donations, and other ongoing projects as determined by the County Finance Director.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – TIRA ROBERTS (Case #10-13)

Chris Martin, Zoning Administrator presented a petition from Tira Roberts requesting a zoning map amendment from Restricted Residential (RR-CP) to General Business (GB) for a several parcels at the intersection of Polkville Road and Zion Church Road.

He provided background information as follows:

Parcel 28153 Kebos Real Estate is the owner of this property. Tira Roberts was recently issued a zoning permit for Discount Grocery & Consignment on April 5, 2010. This retail use is permitted in the Corridor Protection District.

Parcel 41264 Tom & Lisa Fitts own and operate Fitts Motor Company (Used Auto Sales). Self storage units were added to the business in 2006 and 2007. These commercial uses are also permitted in the Corridor Protection District.

Parcel 48207 Kebos Real Estate is the owner of this property. Robert Earwood has owned and operated a convenience/gas store at this location since 1994. This retail use is also permitted in the Corridor Protection District.

Parcel 54220 Kebos Real Estate is the owner of this vacant property.

Mr. Martin also reviewed the following recommendations from the Planning Board and the Planning Consultant:

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: APPROVE

A request from Tira Roberts to rezone four parcels at the intersection of Polkville Road and Zion Church Road from RR-CP Restricted Residential Corridor Protection to GB General Business. All of the current commercial uses are permitted under the Corridor Protection Overlay. I am assuming the rezoning request is for a specific use that can only be approved in GB. Future land use is projected to be commercial. It is my opinion that Cleveland County could go either way with this proposal. The properties in question are surrounded by (R) Residential or (RR) Restricted Residential properties. If the Planning Board and Board of Commissioners feel that this area is growing toward a more commercial nature then (with the future land use projected as commercial) it would be appropriate to consider rezoning this area. You will need to decide if all of the uses in the GB zoning district are an appropriate fit for the surrounding neighbors. Since the future land use is projected as commercial, you would have a basis for rezoning this property, without having to worry about the arbitrary and capricious nature of “spot zoning”. If both Boards feel that the CP District allows for enough commercial type uses along the corridor, then they could leave the zoning as is.

Planning Board Recommendation: APPROVE

The Planning Board voted unanimous, to recommend that the request 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 is designated as commercial on our future land use map, and the proposed General Business (GB) zoning district would be consistent with our plan.

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

The Board considered this intersection a growing commercial area.

Surrounding Properties

Commercial in 3 corners of the intersection, other corner vacant

Non-Conforming Uses

None.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to open the public hearing.* (Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on May 21 and May 28, 2010.)

Chairwoman Boggs asked if there were any other comments or if Commissioners had questions of anyone in the audience or staff. Hearing no other comments, she called for the public hearing to be closed.

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

Chairwoman Boggs called for discussion among Commissioners.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board, *to approve the rezoning as requested.*

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
Intersection of Polkville Road & Zion Church Road
Restricted Residential-Corridor Protection (RR-CP) to General Business (GB)**

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, Tira Roberts presented a petition to amend the Cleveland County Zoning Map for several parcels at the intersection of Polkville Road and Zion Church Road from Restricted Residential-Corridor Protection (RR-CP) to General Business (GB); and

WHEREAS, the Cleveland County Planning Board found the map amendment would be consistent with the 2015 Land Use Plan; and

WHEREAS, the Cleveland County Planning Board found the map amendment to be reasonable and in the best interest of the public and noted that this intersection is considered to be 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 June 1, 2010, and legal notices published on May 21 and May 28, 2010 and a sign posted on May 21, 2010 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 parcels 28153, 41264, 48207, and 54220 from Restricted Residential-Corridor Protection (RR-CP) to General Business (GB) as illustrated on the attached map designated “Case 10-13”, and being incorporated herein by reference and made part of this ordinance.

BEGINNING at a point in the center of Polkville Road (NC 226), North 84-39-35 West 210 feet, North 5-25-38 East 229.45 feet to a point in the center of Zion Church Road; thence with the centerline of the road, North 76-11-51 West 140 feet; thence with property lines, North 05-20-25 East 220 feet, South 83-22-42 East 335 feet to a point in the center of Polkville Road; thence with the centerline of NC 226, North 05-20-25 East 10 feet; thence with a property line, South 85-00 East 264 feet, to a point in the center of Cotton Road, thence with the centerline of the road South 5-20 West 290.6 feet, to a point in the center of Zion Church Road; thence with the centerline of the road, South 89-21 West 36 feet; thence with property lines, South 00-46 East 183.4 feet, South 00-46 East 152.32 feet, South 89-14 West 290.5 feet, to a point in the center of NC 226; thence with the centerline of the road, North 00-46 West 150 feet, to the point of BEGINNING.

This Ordinance shall become effective upon adoption and approval.

Adopted this 1st day of June, 2010 at 6:00 p.m.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – RANDOLPH BIGGERS (Case #10-14)

Mr. Martin presented a petition from Randolph Biggers, requesting a zoning map amendment from Residential (RM-CP) to General Business (GB) for approximately 4.3 acres along S. Post Road (NC 180) between Shelby and Patterson Springs.

He provided background information as follows:

Parcel 3128 is currently vacant.

Parcel 3130 is being used for a single family residence.

Mr. Martin also reviewed the following recommendations from the Planning Board and the Planning Consultant:

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: APPROVE

A request from Randolph Biggers to rezone approximately 4.3 acres along S. Post Road from RM-CP Residential to GB General Business. All of the current commercial uses are permitted under the Corridor Protection Overlay. I am assuming the rezoning request is for a specific use that can only be approved in GB. Future land use is projected to be commercial. It is my opinion that Cleveland County could go either way with this proposal. It should be further noted that some of the surrounding properties are already zoned (GB) General Business. If the Planning Board and Board of Commissioners feel that this area is growing toward a more commercial nature then (with the future land use projected as commercial) it would be appropriate to consider rezoning this area. You will need to decide if all of the uses in the GB zoning district are an appropriate fit for the surrounding neighbors. Since the future land use is projected as commercial, you would have a basis for rezoning this property, without having to worry about the arbitrary and capricious nature of “spot zoning”. If both Boards feel that the CP District allows for enough commercial type uses along the corridor, then they could leave the zoning as is.

Planning Board Recommendation: APPROVE

The Planning Board voted unanimous, to recommend that the request 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 is designated as commercial on our future land use map, and the proposed General Business (GB) zoning district would be consistent with our plan.

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

The Board considered this intersection a growing commercial area.

Surrounding Properties

Commercial on parcels to north, east, and west. Residential on parcel to the south.

Non-Conforming Uses

Parcels are vacant.

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board, *to open the public hearing.* (Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on May 21 and May 28, 2010.)

Peter Potemkin asked if this property was adjacent to the property which will be discussed later in the meeting (Case 10-15). Zoning Administrator Chris Martin confirmed that these properties were not adjacent.

Chairwoman Boggs asked if there were any other comments or if Commissioners had questions of anyone in the audience or staff. Hearing no other comments, she called for the public hearing to be closed.

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

Chairwoman Boggs called for discussion among Commissioners.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins and unanimously adopted by the board, *to approve the rezoning as requested.*

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
Approximately 4.3 Acres along South Post Road (NC180)
Residential Manufactured Home and Parks-Corridor Protection (RM-CP) to General Business (GB)**

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, Randolph Nelson Biggers presented a petition to amend the Cleveland County Zoning Map containing approximately 4.3 Acres along South Post Rd. (NC180) from Residential Manufactured Home Park-Corridor Protection (RM-CP) to General Business (GB); and

WHEREAS, the Cleveland County Planning Board found the map amendment would be consistent with the 2015 Land Use Plan; and

WHEREAS, the Cleveland County Planning Board found the map amendment to be reasonable and in the best interest of the public and noted that this intersection is considered to be 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 June 1, 2010, and legal notices published on May 21 and May 28, 2010 and a sign posted on May 21, 2010 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 3128 from Residential Manufactured Home Park (RM) to General Business (GB) as illustrated on the attached map designated "Case 10-14", and being incorporated herein by reference and made part of this ordinance.

PARCEL 3128

BEGINNING at a point in the center of Post Road (NC 180), thence with the center of said highway, South 13-31-15 East 214.55 feet, thence with property lines, North 86-25-20 West 355.99 feet, North 12-10-15 East 276.37 feet, North 12-10-15 East 51.20 feet, South 68-18-20 East 362.00 feet, to the place of BEGINNING.

PARCEL 3130

BEGINNING at a point in the center of Post Road (NC 180), North 86-25 West 450 feet, North 12-15 East 200 feet, South 86-25 East 450 feet, thence with the center of the highway, South 21-15 West 200 feet, to the place of BEGINNING.

This Ordinance shall become effective upon adoption and approval.

Adopted this 1st day of June, 2010 at 6:00 p.m.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – RANDOLPH BIGGERS (Case #10-15)

Mr. Martin presented a petition from Randolph Biggers requesting a zoning map amendment from Residential (R-CP) to General Business (GB) for a 2.8 acre tract along Cleveland Avenue (NC226) between Patterson Springs and Grover.

He provided background information as follows:

The property has a 2,000 square foot warehouse, 1,200 square foot office, and two grain bins. This facility was formerly the Ellis Feed Mill.

Mr. Martin also reviewed the following recommendations from the Planning Board and the Planning Consultant:

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: DENY

A request from Randolph Biggers to rezone a 2.8 acre tract along Cleveland Avenue from R-CP Residential, to GB General Business. The future land use is projected to be residential. We recommend NOT rezoning this tract unless the County wants to reconsider the future land use designation in its Comprehensive Plan. (Clerks Note: In the Commissioners agenda books, there was a typographical error listing the recommendation from Mr. Nance as APPROVE. This error caused confusion among Commissioners)

Planning Board Recommendation: APPROVE

The Planning Board voted unanimous, to recommend that the request 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 is designated as residential on our future land use map, and the proposed General Business (GB) zoning district would not be consistent with our plan.

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

The feed mill was constructed in 1953. After it’s closing, a variety of businesses have been located at this site, currently a machine shop. The Board felt that it was important to protect existing small business and encourage them to grow and expand.

Surrounding Properties

Rural residential in nature.

Non-Conforming Uses

CP Metal Crafters Inc. (permitted use only in LI or HI)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins and unanimously adopted by the board, ***to open the public hearing.*** (Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on May 21 and May 28, 2010.)

Chairwoman Boggs asked if there were any other comments or if Commissioners had questions of anyone in the audience or staff. Hearing no other comments, she called for the public hearing to be closed.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins and unanimously adopted by the board, ***to close the public hearing.***

Chairwoman Boggs called for discussion among Commissioners.

ACTION: Ronnie Hawkins made the motion which was seconded by Mary Accor ***to deny the rezoning as requested.***

Before a vote was taken, Commissioners discussed the request. Commissioner Hutchins stated, “I don’t know why it is like it is. Sometimes our zoning maps are outdated. People are starting to take these areas and make them General Business to attract new General Business companies. If no one is contesting this, I don’t see any reason to deny the request.”

Commissioner Accor was concerned with the fact that the Planning Board recommended the rezoning for approval but noted that it was not consistent with the Land Use Plan.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, *to send the request back to the Planning Board for verification and bring it back before the Board of Commissioners at their next scheduled regular meeting.*

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – LARRY WHITAKER (Case #10-16)

Mr. Martin presented a petition from Larry Whitaker, requesting a zoning map amendment from Restricted Residential (RR-CP) to General Business (GB) for approximately 6.3 acres along Polkville Road between Shelby and Polkville.

He provided background information as follows:

Parcel 57288 is being used as a cabinet shop.

Parcel 57289 is being used for an automotive transmission repair shop.

Parcel 28201 is currently a vacant convenience store.

Parcel 57984 is currently a vacant auto repair garage.

Parcel 55212 is currently a vacant lot.

Mr. Martin also reviewed the following recommendations from the Planning Board and the Planning Consultant:

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: APPROVE

A request from Larry Whitaker to rezone approximately 6.3 acres along Polkville Road from RR-CP to GB. All of the current commercial uses are permitted under the Corridor Protection Overlay. I am assuming the rezoning request is for a specific use that can only be approved in GB. Future land use is projected to be commercial. It is my opinion that Cleveland County could go either way with this proposal. If the Planning Board and Board of Commissioners feel that this area is growing toward a more commercial nature then (with the future land use projected as commercial) it would be appropriate to consider rezoning this area. You will need to decide if all of the uses in the GB zoning district are an appropriate fit for the surrounding neighbors. Since the future land use is projected as commercial, you would have a basis for rezoning this property, without having to worry about the arbitrary and capricious nature of “spot zoning”. If both Boards feel that the CP District allows for enough commercial type uses along the corridor, then they could leave the zoning as is.

Planning Board Recommendation: APPROVE

The Planning Board voted unanimous, to recommend that the request 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 is designated as commercial on our future land use map, and the proposed General Business (GB) zoning district would be consistent with our plan.

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

The Board considered this intersection a growing commercial area.

Surrounding Properties

Rural residential in nature.

Non-Conforming Uses

Transmission Repair Garage (permitted use in GB)

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to open the public hearing.* (Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on May 21 and May 28, 2010.)

Chairwoman Boggs asked if there were any other comments or if Commissioners had questions of anyone in the audience or staff. Hearing no other comments, she called for the public hearing to be closed.

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

Chairwoman Boggs called for discussion among Commissioners.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to approve the rezoning as requested.*

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
Approximately 6.3 Acres along Polkville Road (NC 226)
Restricted Residential-Corridor Protection (RR-CP) to General Business (GB)**

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, Larry Whitaker presented a petition to amend the Cleveland County Zoning Map containing approximately 6.3 acres along Polkville Rd. (NC 226) from Restricted Residential-Corridor Protection (RR-CP) to General Business (GB); and

WHEREAS, the Cleveland County Planning Board found the map amendment would be consistent with the 2015 Land Use Plan; and

WHEREAS, the Cleveland County Planning Board found the map amendment to be reasonable and in the best interest of the public and noted that this intersection is considered to be 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 June 1, 2010, and legal notices were published on May 21 and May 28, 2010 and a sign posted on May 21, 2010 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 parcels 28201, 57288, 57289, 57984, and 55212 from Restricted Residential-Corridor Protection (RR-CP) to General Business (GB) as illustrated on the attached map designated "Case 10-16", and being incorporated herein by reference and made part of this ordinance.

BEGINNING at a point, the intersection of Polkville Road (NC 226) and Nalley Road, thence with the right-of-way of NC 226, North 03-16-40 East 199.39 feet, North 03-16-40 East 80.21 feet, North 06-00-32 East 200.00 feet, North 05-59-06 East 60.00 feet; thence with property lines, South 79-08-35 East 200.52 feet, South 78-57-00 East 224.17 feet, South 14-04-57 West 255.63 feet, South 82-33-34 East 111.81 feet, South 11-39-32 West 405.30 feet; thence with the right-of-way of Nalley Road, North 65-19-41 West, 116.91 feet, North 65-48-31 West 117.93 feet, North 66-55-59 West 158.03 feet, North 71-36-20 West 74.46 feet to the place of BEGINNING.

This Ordinance shall become effective upon adoption and approval.

Adopted this 1st day of June, 2010 at 6:00 p.m

COMMISSIONER REPORTS

Commissioner Hawkins spoke of the great time at the Emergency Services Volunteer Appreciation Program at the Fairgrounds.

Commissioner Holbrook has been busy making visits concerning funding for the Conference Center and reminded Commissioners of the World Series Volunteer Appreciation night on June 17th.

Commissioner Accor explained that a focal topic NCACC has been annexation. She hosted the first Cleveland County Youth Council meeting and reported that the Fair Staff has been reviewing applications

for a Fair Manager.

Commissioner Hutchins described the Mecklenburg Quality Air Program which is open to governments to participate in. The program replaces old diesel engines. It is an 80/20 grant with the government entity paying 20%. County Manager David Dear said that the county has taken advantage of this program on a few occasions.

ECONOMIC DEVELOPMENT INCENTIVES: PROJECT SHARK (continued)

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to continue the Public Hearing on the Project Shark incentive agreement to Thursday, June 10, 2010 at 11:00 a.m.*

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to recess to reconvene the meeting to Thursday, June 10, 2010 at 11:00 a.m.*

*Rebecca Jo Powell Boggs, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*