

CLEVELAND COUNTY BOARD OF COMMISSIONERS

January 23, 2006

The Cleveland County Board of Commissioners reconvened their recessed regular session of January 17, 2006 on this date, at the hour of 5:00 p.m., in the Commission Chamber of the Cleveland County Administrative Offices.

PRESENT: Ronald J. Hawkins, Chairman
Jerry L. Self, Vice-Chairman
Mary S. Accor, Commissioner (*entered at 5:17 p.m.*)
Johnny Hutchins, Commissioner
Willie B. McIntosh, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Wanda Crotts, County Clerk
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Bill McCarter, Planning Director
Dewey Cook, Emergency Management Director/Fire Marshal
Perry Cook, Deputy Fire Marshal
Andie Brymer, Kings Mountain Herald
Joe Brymer, Kings Mountain Herald
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Ronald J. Hawkins called the meeting to order.

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to move the meeting to the R. L. Alexander Conference Room.*

AGENDA ADOPTION

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to adopt the agenda as presented by the County Clerk, "with the flexibility to move items around."*

EMERGENCY MEDICAL SERVICES BASE STATION

Dennis Beaver, a resident in the Ward's Gap area, requested Commissioners consider locating an EMS base station in the northern area of the county. He said the nearest station is located in Belwood and the Upper Cleveland Rescue Squad operates on a volunteer status. David Dear, County Manager, noted the intent is to eventually move a station to a more central location for that area of the county, but no timetable had been developed. There was discussion of possible regionalization.

ACTION: *Chairman Hawkins appointed Johnny Hutchins and Joe Lord, EMS Director, to discuss this issue and if a taskforce is needed to develop further plans, to bring that or any recommendations back to the Commission for further direction.*

PLANNING DEPARTMENT: CONDITIONAL USE ZONING

Bill McCarter, Planning Director, and Carol Rhea, AICP, Rhea Consulting, reviewed conditional use and conditional zoning (*a copy found on Pages _____ of Minute Book 29*).

Discussion – that the City of Shelby, Gastonia, Mecklenburg and Kings Mountain all use the conditional use process, which Ms. Rhea recommends “since this is easier and has less requirements”; the hearing process; recording conditions to give maximum protection to property; staff perspective is the “down side” – “regardless of process, you are adopting a zoning district, enforcement is an issue”; from the citizens perspective there is no “down side”; provides a “measure of comfort for citizens”; property can be “tagged” on GIS; how enforcement would impact the Planning Department staff; would be enforced same as current ordinance; can hold hearings with property owners to have them explain; Bob Yelton advised “the few we’ve had have been settled before reaching court order situation”; \$50.00 per day fine is imposed for violations; Mr. Yelton stated “from a legal standpoint this is good and gives Commissioners another option or tool to work with.”

CONSENSUS: *To direct the Bob Yelton, David Dear and Bill McCarter to develop a proposal regarding conditional zoning to bring back to the Board. Mr. McCarter advised he has discussed this with the Planning Board and recommended “working this process through the Planning Board and then bring back to Commissioners when they have developed appropriate wording.”*

PLANNING DEPARTMENT: DEVELOPMENT CODE REVIEW

Mr. McCarter introduced Karen Smith, Community Development Planner, Division of Community Assistance, North Carolina Department of Commerce, who has agreed to review the county development ordinance to be sure it is in compliance with recent State amendments. She highlighted the amendments, stating “the ordinances are really in pretty good shape, just in need of some clarification and incorporate recent amendments.” One of the most significant changes deals with zoning amendment cases, Commissioners are now required to make a statement of rationale for their decision, which must be recorded in the minutes.

KINGS MOUNTAIN GATEWAY TRAILS, INC.

Shirley Brutko, Vice-President of KM Gateway Trails, Inc., and David Ozmore, President, advised the organization is now becoming official after having worked with the National Park Service for the past three years on initiatives for Kings Mountain. They said they are in the process of beginning a trail from the City of Kings Mountain for biking, hiking, walking, running – down to the two City lakes and the new Crowders Mountain trail that connects all three parks. The Kings Mountain Tourism Development Authority has set aside \$12,500.00 to be matched to pay for a feasibility study for this project (*total cost of study estimated at \$25,000.00*), which will run out the last of January if not

matched. Ms. Brutko explained the group is seeking \$1,000.00 from County Commissioners to be applied toward the match.

There was discussion regarding funding currently provided to travel and tourism and the fact that “others have come for money after the budget has been set and been denied”; discussed how travel and tourism taxes are used in other counties.

CONSENSUS: *To discuss further during February 7, 2006 (later removed from the February 7, 2006 agenda by the Chairman) regular meeting, allowing more time for the organization to determine if the match deadline will be extended and how much they have obtained from other entities.*

INCENTIVES FOR VOLUNTEER FIRE AND RESCUE PERSONNEL

Dewey Cook, Emergency Management Director/Fire Marshal, and Perry Davis, Deputy Fire Marshal, reviewed information found on Pages _____ of Minute Book 29.

Discussion centered around the various methods used by other states to recruit and retain volunteers; Vice-Chairman Self requested more information on the South Carolina incentive – a tax deduction program awarding points on training received, meetings and calls attended, with a maximum deduction of \$3,000.00. Mr. Cook noted that “if we start, then we could set a precedent statewide.” It was determined this would become a “Commission goal” and discussed further during budget hearings.

TOLUCA FIRE STATION (CASAR VFD #2)

Vice-Chairman Self brought for discussion: “Since the Toluca area is underserved in fire protection, the people in this area explored the possibility of a separate fire district. The tax base was not sufficient to support a separate fire district since any area within the town of Belwood could not be included in the district. Adding a second fire station would be a major strain on the resources of a small nonprofit fire district such as Casar. If the county purchased the lot and leased the lot for a nominal price, then the county could require that a small amount of space be available as an EMS transient layover point as needed. Also, this could be used by the Sheriff as an occasional station as needed.”

There was discussion regarding the possibility of a taskforce to study; Mr. Cook noted while “any help is appreciated, but it is the cost of the fire apparatus that is the most expensive” and that a grant they had recently applied for was not awarded.

CONSENSUS: *That Jerry Self and Dewey Cook discuss and report to Commissioners regarding the project and if a taskforce needs to be developed they will recommend.*

LOCAL CONCEALED CARRY LAW

Vice-Chairman Self brought for discussion: “It has been over 10-years that North Carolina has had a concealed carry law. Both those in favor and those that opposed this law agree that it has been a success. Less than one-half of 1% have had their permit revoked. Other studies show that violent crime

decreases when concealed-carry laws are enacted. Proposal: To remove local restrictions that are within control of the County.”

Discussion – lack of knowledge added measure of security, if building is restricted then one could be reasonably assured that person coming out of the building would be unarmed; workplace violence policy which prohibits employees from carrying concealed weapon.

ACTION: Jerry Self made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *(1) to ask the County Attorney to draft ordinance changes to remove any local restrictions on concealed-carry for future agenda; and, (2) instructed Eddie Bailes to determine how a revision would affect Personnel Ordinance.*

PLANNING DEPARTMENT: BONAFIDE FARM CLASSIFICATION

Bill McCarter reviewed recommended wording for the classification developed by the committee appointed to work on this definition. Discussion – separating horticulture and animals or the need for a distinction between the two; discussed state terminology and requirements; Commissioner McIntosh statements that “if we’re not enforcing what we have why make more restrictive”; most of these issues are complaint driven and his concern that one day complaint driven enforcement will “come back on us” and emphasized the need for an enforcement officer; discussion as to whether changes are actually making things better; the need to be consistent with state bonafide farm definition; possibility of giving Planning Director discretion “down to two acres and leave rest like it is”; discussed education of public.

CONSENSUS: *Mr. McCarter will draft recommendations to be brought back to Commission (reference Minutes of February 7, 2006 and March 21, 2006).*

COUNTY COMMISSION METHOD OF ELECTION

Vice-Chairman Self brought for discussion: “Presently the Board is elected in staggered four-year terms with three commissioners elected in one cycle and two commissioners elected two-years later. I feel that if the voters are unhappy with the commissioners and the next election only allows them to replace two commissioners, then there would be a sense of frustration. Voters might become more cynical and feel as if there is no true democracy. If starting in the 2008 election year and every two years thereafter, three commissioners were elected with the two with the highest vote having a four-year term and the one with the lowest vote having a two-year term (see NCGS 153A-58(2)d). This change in method of election would be the least effect on current commissioners and give the voters more power to replace the board if they so decide.” Vice-Chairman Self proposed, “Change the method of election of the Board beginning in 2008, or have a special referendum on this question as this year’s November election.”

Commissioners Hutchins and Accor noted they felt four-year terms were beneficial because of the “at least one and one-half year” learning period; that someone would always be in “election mode”; and this would be doing the citizens an injustice.”

ACTION: *Vice-Chairman Self withdrew his proposal “due to a lack of consensus.”*

SUMMARY OF ANNUAL AUDIT

Chris Crepps, Finance Director, reviewed the handout of information found on Page _____ of Minute Book 29. Vice-Chairman Self noted the audit report was “a compliment to the efficiency of management.” There was discussion regarding new accounting laws and how they will affect local governments and that counties cannot under-fund employee pension plans.

FISCAL YEAR 2006-07 BUDGET OUTLOOK

David Dear, County Manager, reviewed the budget outlook, stating anticipated increases are - Medicaid between 9-14% or \$760,000; health insurance approximately \$224,000; and, energy at \$100,000. The “tax base erosion is estimated at \$208,000, so we are starting out with a negative of \$1.3 million.”

Discussion – insurance rates; “holding the line or tax increase”; the need to look at cutting entire functions; asking departments to cut budget 5%; looking at “actual dollars” spent by each department in December of each year.

CONSENSUS: *To direct the County Manager to “go forward” and to “instruct department heads to hold the line and come in close to last year’s budget or less.”*

PERSONNEL EVALUATIONS – MERIT PAY

Commissioner Hutchins brought this item for discussion. He stated, “I feel we don’t have a good evaluation or merit system in place, what we have is the good ole boy system.” He said he feels some are “using merits for pay increases” and that “merit money is the least controlled money in the county.” There was discussion regarding cost-of-living increase “gaps”; that the same people should not get the raises all the time; that the “last three years the middle man has been overlooked”; discussed suspending merits; same amount across the board raises instead of percentages; holding accountable those handling merits and evaluations incorrectly; Vice-Chairman Self suggested Commissioners should stay “away from micro managing” departments and that merit monies should never go to an elected official; discussed evaluation forms and the need for training department heads, supervisors and boards who supervise as to proper completion. Commissioner Accor said evaluations should be “performance driven”; there was discussion regarding the possibility of not giving merits due to “budget crunch”; telling department heads merit distributions are being monitored for future evaluation.

CONSENSUS: *Take cue from County Manager as to COLA or merit raises; discuss further during budget process; possible committee to review evaluation document for revisions; Commission goal is to study evaluation process to be added to Commission goals.*

FORMAT FOR COMMISSION RESOLUTIONS AND AGENDA PLACEMENT

CONSENSUS: To put recognition type resolutions on ‘consent agenda’ and also in special recognition section of the agenda, and continue to use the format that allows space for all Commissioners to sign.

ADVERTISEMENT FOR BOARDS AND COMMITTEES

CONSENSUS: *Not to re-advertise for applicants.*

SHELBY AMATEUR RADIO CLUB: REQUEST TO LOCATE ANTENNAS ON COUNTY TOWERS

Mr. Dear referenced a memorandum from Joe Cherry, Electronic Maintenance Engineer, stating a request has been received from the Shelby Amateur Radio Club to locate their antennas and equipment on our new towers being constructed in Shelby and Kings Mountain. Mr. Cherry noted, “As a former member of this club, I can attest to their community service and their desire to be an asset to Cleveland County in times of emergency. Amateur radio has historically provided communications in areas stricken by disaster when other communications systems failed or were overloaded.”

Mr. Cherry recommended the following guidelines:

- Permission to be given to be on the Shelby tower, but not the Kings Mountain tower due to the Kings Mountain site being owned by the city of Kings Mountain with the tower site not being accessible to non-authorized personnel.
- Their equipment cannot cause interference to any other communications system located on the premises.
- All antennas, equipment and installation has to be approved by this department and installed in a professional manner that is consistent with the site plan.
- That the club furnish their own equipment shelter with their own utilities, and that we be given unrestricted access to their facility in case of interference.
- That the Shelby Amateur Radio Club sign a disclaimer relieving Cleveland County of any liability due to injury or any other circumstances that should occur on the property.
- That no one is allowed to climb the tower without being properly trained and certified in OSHA requirements, is adequately insured, and meets our approval.

CONSENSUS: *To allow at appropriate time.*

NATIONAL ASSOCIATION OF COUNTIES (NACo)

Vice-Chairman Self questioned the benefit of belonging to NACo, stating he felt this should be examined at budget. Discussion – decisions made by NACo and the North Carolina Association of County Commissioners will “trickle” down to the local level eventually; and, the benefits of networking were discussed.

SCHOOL LITERACY GRANT PROGRAM

Commissioner Hutchins brought for discussion questions regarding the benefits of the School Literacy program, stating “I wonder if it really works” and “if we don’t set the stage at home” programs of this type are not going to work. He noted the end-of-grade test scores which he felt indicated that while some students failed the end-of-grade tests, were still promoted to the next grade. Commissioner Accor explained the criteria of local standards of growth, noting that while some students failed the end-of-grade tests they were in fact passing the grade work, they just are not “good test takers.” She said, “The best chance some of these kids are going to get is to stay in school” noting the importance of teaching students to read. She said the grants will be evaluated with the end-of-grade tests, which will be before budget, so Commissioners will have an opportunity to evaluate the success of the program at that time.

RESOLUTION OF SUPPORT: HIGHWAY 74 ACCESS ROAD IMPROVEMENTS (ROGERS AUTOMOTIVE GROUP)

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following resolution.*

NUMBER 01-2006

HIGHWAY 74 SERVICE ROAD PROJECT

WHEREAS, Rogers Automotive Group has near completion an auto complex that will significantly boost Cleveland County’s economy;

WHEREAS, this complex represents an estimated twelve million dollar investment by the Rogers Automotive Group and 75 jobs;

WHEREAS, Rogers Automotive Group prides themselves on the fact that they have kept the majority of the money spent on this project in our surrounding areas to support local businesses and local economy;

WHEREAS, it is essential to this project that the Highway 74 service road which provides access to this complex be restructured to provide a safe means of ingress and egress to the facility;

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners encourages any funding which can be appropriated to support the estimated \$144,000.00 restructuring project be expedited to allow for the completion of this important Cleveland County business.

ADOPTED THIS THE 23rd DAY OF JANUARY 2006.

COMMISSIONER MEETINGS HELD THROUGHOUT THE COUNTY

Commissioner Hutchins brought for discussion the possibility of Commissioners holding one regular meeting per quarter in either Upper Cleveland, Boiling Springs, and Kings Mountain.

CONSENSUS: *It was the unanimous consensus of the Board to adopt this plan, with the first meeting being the regular meeting of July 18th held at the Spangler Library in Lawndale. Another location will be selected for an October meeting.*

JOINT COUNTY WIDE PLANNING BOARD WORK SESSIONS

Chairman Hawkins suggested conducting a joint meeting of planning boards in the county to “get people together to be sure growth is planned.”

CONSENSUS: *That David Dear and Chairman Hawkins will meet with the City Managers and bring back to the Commission a suggested meeting schedule.*

COMMISSION MEETING HELD WITH MUNICIPALITIES

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to have the Clerk send a letter to each municipality asking for dates they could meet with Commissioners in their municipality to “open communications” between Councils and Commissioners.*

ECONOMIC DEVELOPMENT INCENTIVES

Commissioner McIntosh proposed a “finder’s fee” be paid to private citizens if they help bring an industry into the county.

CONSENSUS: *To pass this suggestion on to the 20/20 committee and have them pursue possible development and funding of such a program.*

LITTER CAMPAIGN

Commissioner Hutchins expressed his concerns regarding the litter campaign, stating he does not “think a good job has been done” to address the problems. He said the program “needs to be looked at and if a better job is not done, then it needs to be moved to a different department (*other than the Health Department*).” Commissioner McIntosh stated he would volunteer to “manage the law enforcement issues.”

COMMISSIONER GOALS FOR 2006

- No tax increase
- No layoffs (*of county employees*)
- Evaluate merit pay system
- Increase communication with local councils/boards (*municipalities*)
- Support fire/rescue volunteer retention efforts
- Evaluate EMS system in upper part of county
- Water park
- Finalize Sports Council
- Continued support for 20/20
- Evaluate literacy grant program
- Evaluate litter campaign
- Sponsor county employee blood drive

PRIORITIZED “TOP 5” GOALS FOR 2006

1. No tax increase
2. Finalize Sports Council
3. Evaluate merit pay system
4. Evaluate EMS system in upper part of county
5. Support volunteer fire/rescue retention and recruitment efforts

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to adjourn the meeting (at 11:00 p.m.).

*Ronald J. Hawkins, Chairman
Cleveland County Board of Commissioners*

*Wanda Crotts, CMC, Clerk
Cleveland County Board of Commissioners*