

CLEVELAND COUNTY BOARD OF COMMISSIONERS

March 21, 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: Ronald J. Hawkins, Chairman
Jerry L. Self, Vice-Chairman
Mary S. Accor, Commissioner
Johnny Hutchins, Commissioner
Willie B. McIntosh, Commissioner
David C. Dear, County Manager
Bob Yelton, County Attorney
Wanda Crotts, County Clerk
Kerri Melton, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Pete DeLea, *The Star*
John Derek, *The Star*
Lindsey Allen, *Cleveland Headline News*
Robert Williams, *Citizens for Good Government*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Ronald J. Hawkins called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Bob Yelton, County Attorney, provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following addition:*

- (1) **Proclamation:** *Macedonia Missionary Baptist Church 100th Anniversary (Mary Accor)*
- (2) **Agenda Item #8:** *Planning – Zoning Map Amendment David Evans – Reschedule to April 4, 2006 meeting*
- (3) **Agenda Item #11:** *JCPC – Reschedule to April 4, 2006 meeting*

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *February 7, 2006, February 21, 2006, February 27, 2006, and March 3, 2006*, motion was made by Johnny Hutchins, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the minutes as written.*

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *February 2006* (copy found on Page _____ of Minute Book 29).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *February 2006*. The monthly grand total of tax abatements was listed as (\$18,744.59); and, the monthly grand total for tax supplements was listed as \$46,984.00.

LIBRARY: BUDGET AMENDMENTS (BNA #A039)

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, 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>
010.611.4.810.00	Library/Contributions-Donations	\$26,000.	
010.611.5.790.00	Library/Contributions-Donations	26,000.	

Explanation of Revisions: To purchase equipment from donated funds for library computer system upgrades and internet access computers for the public.

BOARD OF ELECTIONS: BUDGET AMENDMENTS (BNA #041)

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, 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>
010.418.4.991.00/90401-6418	BOE/Fund Balance Appr.	\$ 1,533.	
010.418.4.310.00/90401-6418	BOE/Federal grants	30,000.	
010.418.5.210.00/90401-6418	BOE/Departmental supply	7,079.	
010.418.5.211.00/90401-6418	BOE/Controlled Equipment	4,554.	
010.418.5.910.00/90401-6418	BOE/Capital Equipment	19,900.	

Explanation of Revisions: To budget additional funds needed to cover the new voting system mandated by NC State Board of Election for the 2006 primary election. Also, to budget the Allocated HAVA Grant Funds from NC State Board of Election to be used on voting equipment by April 1, 2006.

LAW ENFORCEMENT GRANTS: BUDGET AMENDMENTS (BNA #042)

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, 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>
010.438.4.310.00/16607-P438	LEG/Federal grants	\$ 3,385.	
010.438.5.250.00/16607-P438	LEG/Uniforms/clothing	3,385.	

Explanation of Revisions: To budget grant funds from the Department of Justice for 50% reimbursement for body armor purchased.

SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #043)

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, 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>
011.507.4.350.00	Outside Poor/State government grant	\$ 2,714.	
011.507.5.500.00	Outside Poor/Miscellaneous expenses	2,714.	

Explanation of Revisions: Budget amendment necessary to accept new State "NC Helping Neighbors Funds" to assist Hurricane Katrina evacuees remaining in our county.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT (CASE 06-06 – GENE WASHBURN AND GINGER ORIENTE) – Approximately 10-acres located at the corner of Washburn Switch Road and Alpha Drive – Rezone from Residential to Neighborhood Business - Schedule public hearing for April 4, 2006

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to schedule the public hearing on April 4, 2006 at 6:00 p.m.*

PLANNING DEPARTMENT: CODE TEXT AMENDMENT (CASE 06-02 – Section 12-21 Definitions of Basic Terms; Section 12-193 Minor Subdivision Approval; Section 12-193 Private Roads) (Schedule public hearing for April 4, 2006)

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to schedule the public hearing on April 4, 2006 at 6:00 p.m.*

RECOGNITION OF THE STAR SPELLING BEE WINNERS

Commissioners presented certificates of recognition to the following Spelling Bee participants and a plaque to Yeeva Cheng, the 7th grade student at Shelby Middle School, who won the Bee. Miss Cheng will participate in the National Spelling Bee in Washington, D.C. in May.

Johnna Eppers – Kings Mountain Intermediate – 1st runner-up
Jamaica Steele – Bethware Elementary
Emily Okon – Boiling Springs Elementary
Dylan Arthur – Burns Middle
Damon Painter – Casar Elementary
Steven Dobbins – Crest Middle
Caroline Waters – East Elementary
Alex Nanney – Elizabeth Elementary
River Mann – Fallston Elementary
Tyler Prince – Grover Elementary
Andrew Childers – Kings Mountain Intermediate
Sam McMurray – Marion Intermediate
Zach Reese – North Elementary
Susan Greene – Springmore Elementary
Matt Strickland – Township Three Elementary
Valerie Walker – Union Elementary
Seth Neal – Washington Elementary
Haley McDougal – West Elementary
Sam Wright – Cleveland County Homeschool Association

PROCLAMATION: MACEDONIA MISSIONARY BAPTIST CHURCH

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the following proclamation.*

Number 06-2006

***CELEBRATING THE
100TH ANNIVERSARY OF
MACEDONIA MISSIONARY BAPTIST CHURCH***

WHEREAS, in 1906, a group of Christians came together to form a church. They called this church, Macedonia Missionary Baptist Church;

WHEREAS, this church, which met in a one-room schoolhouse near Buffalo Creek was organized by Rev. James Surratt;

WHEREAS, Macedonia Missionary Baptist Church, led by Brother James E. Montgomery, bought the old Waco School Grounds.

WHEREAS, Macedonia Missionary Baptist Church is now led by the youngest pastor in the history of the church, Reverend Ryan McCain;

WHEREAS, in 1992, the renovations were completed on the old Waco School Building and Macedonia Missionary Baptist Church relocated to their current home. The church experienced an explosion in growth: Membership grew to more than 800, offering grew to \$300,000 and assets grew to more than \$2 million.

WHEREAS, Macedonia Missionary Baptist Church is described as “a place where love makes a difference” ~ “a church that loves each other and loves God”.

WHEREAS, Macedonia Missionary Baptist Church has had only seven pastors in 100 years and all of them have come from the community.

WHEREAS, the membership of Macedonia Missionary Baptist Church has faithfully served our county in various capacities too numerous to list, supporting programs to benefit people of all ages and walks of life;

WHEREAS, the work of this congregation has touched our lives and we are immeasurably better for having Macedonia Missionary Baptist Church as a part of our community.

NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, hereby congratulate **MACEDONIA MISSIONARY BAPTIST CHURCH** as they celebrate their 100th anniversary.

ADOPTED THIS THE 21st DAY OF MARCH 2006.

(original signed by all Commissioners)

ECONOMIC DEVELOPMENT: MACO, INC. INCENTIVE GRANTS

Stuart Gilbert, Chamber President, reviewed the following information regarding MACO, Inc.

The proposed grants are in keeping with the Cleveland County Industrial Incentive Grant Program, are being offered for the creation of at least 6 new full-time permanent employment positions over the next 12-months and an anticipated net new valued investment of at least \$534,000. The investment and job creation is to take place at 521 Plato Lee Road, Shelby, NC.

The value of the industrial incentive grant is to be approximately \$1,241.00 per year for five fiscal years. Funding for these grants is to be annually appropriated from the County's General Fund - Fund Reserve.

The total expected level of valued investment of MACO, Inc. is \$534,000.00 with a net incentivized investment of \$400,500.00. Based upon the total new investment, it is estimated that (County General Fund) property tax revenues received from this project would amount to more than \$15,480.00 over five tax years. Other economic benefits expected from this industrial project are the creation of 6 new full-time permanent employment positions over the next 12-months with a projected annual payroll of \$132,000.00 for new jobs. It is believed that this project will stimulate and provide stability for the local economy. They further believe that this project will provide local economic benefits for the citizens of Cleveland County through an increase in sales tax revenues and the increased purchases of local goods and services.

Maco, Inc. started in 1979 and is a full-service machine shop serving the Charlotte region and South Carolina. The expansion will allow more growth in their “beam line division to fabricate structural steel” and will increase their workforce to 60 employees.

Chairman Hawkins opened the public hearing at 6:30 p.m. (*Public notice of this hearing was conducted in accordance with NCGS 158-7.1 with legal advertisement published in The Star on March 8, 2006.*) Hearing no comments, Chairman Hawkins declared the public hearing closed at 6:31 p.m.

ACTION: Jerry Self made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to approve the following Finding of Facts and approve the incentive grants* (copy of contract found on Pages _____ of Minute Book 29).

- The total expected level of valued investment of **MACO, Inc.** is **\$534,000.00** with a net incentivized investment of **\$400,500.00**. Based upon the total new investment, it is estimated that (County General Fund) property tax revenues received from this project would amount to more than **\$15,480.00** over five tax years.
- Other economic benefits expected from this industrial project are the creation of **6 new full-time permanent employment positions over the next 12-months** with a projected annual payroll of **\$132,000.00** for new jobs.
- The Cleveland County Board of Commissioners believes that this project will stimulate and provide stability for the local economy.
- They further believe that this project will provide local economic benefits for the citizens of Cleveland County through an increase in sales tax revenues and the increased purchases of local goods and services.

ECONOMIC DEVELOPMENT: ALIVE APPAREL, INC. INCENTIVE GRANTS

Mr. Gilbert explained this is a screen printing company. He said they have hired “thirteen employees in the last 30-days and the owners have just purchased a house, so they are anxious to become a productive part of the community.”

Mr. Gilbert reviewed the following information:

The grants are in keeping with the Cleveland County Industrial Incentive Grant Program, are being offered for the creation of at least 10 new full-time permanent employment positions over the next 12-months and an anticipated net new valued investment of at least \$500,000.00. The investment and job creation is to take place at 331 Jim Cline Road, Lawndale, NC.

The value of the industrial incentive grant is to be approximately \$1,163.00 per year for five fiscal years. Funding for these grants is to be annually appropriated from the County’s General Fund - Fund Reserve. The total expected level of valued investment of Alive Apparel, Inc. is \$500,000.00 with a net incentives investment of \$375,000.00. Based upon the total new investment, it is estimated that (County General Fund) property tax revenues received from this project would amount to more than \$14,500.00 over five tax years. Other economic benefits expected from this industrial project are the creation of 10 new full-time permanent employment positions over the next 12-months with a projected annual payroll of \$160,000.00 for new jobs. This project will stimulate and provide stability for the local economy. They further believe that this project will provide local economic benefits for the citizens of Cleveland County through an increase in sales tax revenues and the increased purchases of local goods and services.

Chairman Hawkins opened the public hearing at 6:32 p.m. (*Public notice of this hearing was conducted in accordance with NCGS 158-7.1 with legal advertisement published in The Star on March 8, 2006.*) Hearing no comments, Chairman Hawkins declared the public hearing closed at 6:33 p.m.

ACTION: Willie McIntosh made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the following Finding of Facts and approve the incentive grants* (copy of contract found on Pages _____ of Minute Book 29).

- The Board of County Commissioners has determined that the value of the industrial incentive grant is to be approximately **\$1,163.00** per year for five fiscal years. Funding for these grants is to be annually appropriated from the County’s General Fund - Fund Reserve.
- The total expected level of valued investment of **Alive Apparel, Inc.** is **\$500,000.00** with a net incentives investment of **\$375,000.00**. Based upon the total new investment, it is estimated that (County General Fund) property tax revenues received from this project would amount to more than **\$14,500.00** over five tax years.

- Other economic benefits expected from this industrial project are the creation of **10 new full-time permanent employment positions over the next 12-months** with a projected annual payroll of **\$160,000.00** for new jobs.
- The Cleveland County Board of Commissioners believes that this project will stimulate and provide stability for the local economy. They further believe that this project will provide local economic benefits for the citizens of Cleveland County through an increase in sales tax revenues and the increased purchases of local goods and services.

ECONOMIC DEVELOPMENT: QUALITY CULVERT, INC. INCENTIVE GRANTS

Mr. Gilbert advised that Quality Culvert plans to construct a High Density Polyethylene (HDPE) corrugated pipe facility on a 25-acre site located on Highway 29 in Grover. He said the Astatula, Florida based company expects to employ 35 people within two years and invest \$4.5 million in the new facility and by 2010 they hope to increase that investment to \$9 million and employ up to 80 people.

Other information was provided as:

The grants are in keeping with the Cleveland County Industrial Incentive Grant Program, are being offered for the creation of at least **15 new full-time permanent employment positions over the next 12-months** and an anticipated net new valued investment of at least **\$4,500,000**. The investment and job creation is to take place at **1829 South Battleground Avenue, Kings Mountain, NC**.

The value of the industrial incentive grant is to be approximately **\$10,463.00** per year for five fiscal years. Funding for these grants is to be annually appropriated from the County's General Fund - Fund Reserve.

The total expected level of valued investment of **Quality Culvert, Inc.** is **\$4,500,000.00** with a net incentivized investment of **\$3,375,000.00**. Based upon the total new investment, it is estimated that **(County General Fund)** property tax revenues received from this project would amount to more than **\$130,500.00** over five tax years. Other economic benefits expected from this industrial project are the creation of **15 new full-time permanent employment positions over the next 12-months** with a projected annual payroll of **\$330,000.00** for new jobs. The Cleveland County Board of Commissioners believes that this project will stimulate and provide stability for the local economy. They further believe that this project will provide local economic benefits for the citizens of Cleveland County through an increase in sales tax revenues and the increased purchases of local goods and services.

Chairman Hawkins opened the public hearing at 6:36 p.m. (*Public notice of this hearing was conducted in accordance with NCGS 158-7.1 with legal advertisement published in The Star on March 8, 2006.*) Hearing no comments, Chairman Hawkins declared the public hearing closed at 6:37 p.m.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the following Finding of Facts and approve the incentive grants*** (*copy of contract found on Pages _____ of Minute Book 29*).

- Commissioners find the value of the industrial incentive grant is to be approximately **\$10,463.00** per year for five fiscal years. Funding for these grants is to be annually appropriated from the County's General Fund - Fund Reserve.
- The total expected level of valued investment of **Quality Culvert, Inc.** is **\$4,500,000.00** with a net incentivized investment of **\$3,375,000.00**. Based upon the total new investment, it is estimated that **(County General Fund)** property tax revenues received from this project would amount to more than **\$130,500.00** over five tax years.
- Other economic benefits expected from this industrial project are the creation of **15 new full-time permanent employment positions over the next 12-months** with a projected annual payroll of **\$330,000.00** for new jobs.

- The Cleveland County Board of Commissioners believes that this project will stimulate and provide stability for the local economy. They further believe that this project will provide local economic benefits for the citizens of Cleveland County through an increase in sales tax revenues and the increased purchases of local goods and services.

PLANNING DEPARTMENT: PROPOSED TEXT AMENDMENT (Case #05-16) (Section 12-21 Definition of Terms; Section 12-125 Agriculture)

Bill McCarter, Planning Director, reviewed the proposed changes, which were recommended by Commissioners during their work session of January 23, 2006.

Chairman Hawkins opened the public hearing at 6:45 p.m. (*Public notice of this hearing was conducted in accordance with NCGS 158-7.1 with legal advertisement published in The Star on March 10 and 17, 2006.*) Commissioner McIntosh suggested verbiage be changed to reflect “two acres or greater” instead of “any tract of land greater than two acres.” Hearing no further comments, Chairman Hawkins declared the public hearing closed at 6:47 p.m.

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the amendment with the verbiage change suggested by Commissioner*

McIntosh.

Sec. 12-21 Definitions of Basic Terms

Agriculture. The raising of crops and/or the keeping of both, animals or fowl typically for profit. The term “agriculture” encompasses both the bona fide farm eligible for tax deferral as authorized in NCGS 105-277, and the minimum two (2) three acre tract, which may be designated as an “agricultural use” by the zoning administrator.

Agri-tourism. The act of visiting a working farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education or active involvement in the activities of the farm operation. Uses may include but are not limited to a corn maze, petting zoo related to farm animals, hay rides, and educational programs. Accessory uses to the agri-tourism enterprise may include refreshments and concessions being served, entertainment on a scale not to exceed intent of other districts, sale of farm or agricultural related products not produced on site.

Farm, bona fide. Any tract of land ~~larger than~~ two (2) acres or more in horticulture production , or ten (10) acres in general agriculture production, or twenty (20) acres in forestry production and otherwise eligible for tax deferral as authorized in ~~Section NCGS 105-277.1 et seq. of the General Statutes~~ shall be considered as a bona fide farm. ~~Any tract of land on which agricultural activities are clearly a primary activity, may also be considered as a bona fide farm, upon determination by the zoning administrator. Under no circumstances will any parcel, smaller than three (3) acres be considered either an agricultural tract or a bona fide farm.~~

Motor Vehicle. Every vehicle, which is self-propelled, and every vehicle designed to run upon the highways, or one that is pulled by a self-propelled vehicle.

Sec. 12-125. Agriculture

NCGS 153A-340 specifically exempts a bona-fide farm from zoning regulations and some requirements contained in the North Carolina State Building Code. The provisions of this code shall in no way regulate, restrict, prohibit, or otherwise deter a bona-fide farm or an agricultural use, except that any use of farm property for non-farm purposes is subject to the applicable provisions of this code.

Any tract of land two (2) acres or more, on which agricultural activities are clearly a primary activity, or any tract of land in horticulture production regardless of the size, may also be exempt from zoning upon determination by the zoning administrator.

Manufactured homes (NCGS 105-164.3(20)), modular homes (NCGS 105-164.3(21b)), and motor vehicles (NCGS 105-164.3(23)) on agricultural property must be used only for the purpose for which they were originally designed.

PLANNING DEPARTMENT: PROPOSED TEXT AMENDMENT (Case #06-05) (Section 12-171 Minimum Lot Size)

Mr. McCarter advised that Evans-Davis, Inc. has presented a petition to amend Section 12-171 of the County Code to reduce the minimum lot size from 15,000 square feet to 8,000 square feet, when both public water and sewer are available.

Mr. McCarter reviewed the recommendations of Chuck Nance, Planning Consultant, and the Planning Board, as follows, noting both recommended that the petition be denied:

Chuck Nance, Isothermal consultant, recommendations:

This request from Evans-Davis Inc. is to amend the text of the code, reducing the minimum lot size in the R, RM, RR residential districts and the NB commercial districts from 15,000 square feet per lot, to 8,000 square feet per lot. In their letter, they refer to the availability of water and sewer in municipal zoning districts as the key reasons to approving this request. It is true that municipalities offer smaller lot sizes generally as a result of water and sewer availability, but the Board also needs to consider the effect on the rural character of the county. Before approving this text amendment, the Board needs to consider the recent land use planning process. If preserving the rural character of the county is an objective of this plan, then the Board should not change the density of these zoning districts.

Planning Board recommendations:

The Planning Board voted 9-1 to oppose this amendment. The Board felt that higher densities would be in conflict with the desire to protect our rural character. Allowing higher densities outside city limits would also encourage sprawl.

2015 Land Use Plan

Goal: Maintain the rural character of the unincorporated areas.

Objectives:

- Maintain lower-density residential development in rural portions of the county.
- Keep the “rural” feel of the community-protect view-sheds and ensure that new development fits with older.

Goal: To ensure that Cleveland County contains viable, vibrant and attractive cities, towns, and villages that serve as the focal points for develop and community life.

Objective:

- Work with cities and towns to promote development within the town or ETJ, rather than encouraging sprawl.

Cluster Option:

The Board also noted that a developer could develop lots as small as 8,000 sf , using our “cluster subdivision” standards, while maintaining the overall density required by the respective zoning district, for example: 1 house per acre or 1 acre lots, 2 houses per acre or ½ acre lots, and 1 house per 3 acres or 3 acre lots.

Chairman Hawkins opened the public hearing at 6:53 p.m. (*Public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisements published in The Star on March 10th and 17th, 2006.*)

David Evans, petitioner, stated he is asking for the reduction in order to develop property in Boiling Springs, as he feels the market is now demanding smaller lots.

Gene Lovelace, Planning Board member, explained the Board’s recommendation to deny the petition, noting this would not just affect the proposed development in question, but the entire county. He said, “This would go against the land use plan, for which we spent a lot of money.”

Pete Pedersen, Cleveland County Sanitary District Board member, spoke in support of the amendment.

Hearing no further comments, Chairman Hawkins declared the public hearing closed at 6:56 p.m.

Mr. McCarter explained the current ordinance allows for three houses per acre and if amended as requested, there would be four, nearly five, lots per acre. Vice-Chairman Self stated he felt this lot size may be appropriate inside the boundaries of municipalities but not for the county, noting some of the problems associated with “packed developments and neighborhoods.”

ACTION: Jerry Self made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to deny the zoning map amendment petition.*

PLANNING DEPARTMENT: SHEREE LANE PAVING ASSESSMENT – CHANGE ORDER

Mr. McCarter explained that on November 1, 2005, Commissioners awarded a bid for the reconstruction and paving of Sheree Lane to Custom Paving Company. During reconstruction of the cul-de-sac, the contractor has discovered that additional storm drainage pipe is needed. Mr. McCarter stated, “I have met with the contractor and Gary Spangler, NCDOT, at the site and Mr. Spangler agrees with the recommendation of the contractor.” He stated the contract amount of \$143,615 will need to be amended to include an additional \$1,300 for storm drainage, bringing the total contract amount to \$144,915 (*an increase of \$68.42 per property owner*).

There was discussion regarding the consequences of not adding the drain; the fact that the bid was based on plans which included an erosion control permit; DOT cannot spend public money on a private road and they approved the initial plan; this is the first change order on this type project since the implementation of the paving assessment program in 1991; the fact that during the public hearing several property owners indicated the amount assessed would create a hardship for them; and, the contractor’s lack of willingness to assume the responsibility of the miscalculation.

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to “take no action”* and “have the contractor do what he was contracted to do.”

SHERIFF’S DEPARTMENT: REQUEST TO REMOVE CANINE FROM COUNTY INVENTORY (Zuesa)

Zuesa was purchased in November 1998 for \$2,000. Zuesa is now nine-years-old and Dr. Joseph Wright, Cottonwood Veterinary Hospital, recommends this canine be retired from duty based on his age and the age-related problems he is experiencing due to the work related tasks required of him. Zuesa has had a very productive career, with some of his successes including the seizure of over \$1.2 million in US currency, 10.5 pounds of marijuana, 4.5 pounds of methamphetamine, 28 pounds of cocaine and four vehicles, recovery of over \$8,000.00 in stolen property, the arrest of over 100 individuals, and has served in over 1,000 demonstrations to the public.

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to transfer ownership of Zuesa to his handler, John McIntyre, for the sum of one-dollar (\$1.00).*

COMMISSIONER REPORTS

Commissioner Accor advised she will be absent from the April 4, 2006 meeting.

EMS/RESCUE MEETING

Commissioner Hutchins reported that a meeting has been scheduled for next week with David Dear, Commissioner McIntosh and himself to “decide what a taskforce should do.”

POLKVILLE TOWN MEETING

Vice-Chairman Self stated he attended the Polkville Town meeting, where the council discussed the proposal for the 800-mhz tower location on town property, which was “tentatively” approved.

DAY REPORTING CENTER

Vice-Chairman Self said a “new (*funding*) formula” has been developed and will increase Cleveland County’s funds by 2%. Also, a possible name change for the Day Reporting Center is being considered, with more information on that to come in the future.

BUDGET HEARINGS

Consensus to schedule a budget hearing for Tuesday, April 11, 2006 at 4:00 p.m.

RECESS TO RECONVENE AT TIME AND PLACE CERTAIN

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to recess this meeting (at 7:25 p.m.) to reconvene on March 23, 2006 at 6:00 p.m. in this Commission Chamber for the purpose of conducting a work session regarding the Chamber economic development 20/20 contract.*

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

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