

CLEVELAND COUNTY BOARD OF COMMISSIONERS

June 20, 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, Deputy County Attorney
Wanda Crotts, County Clerk
Kerri Melton, Assistant County Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Alex Caban, *Cleveland Headline News*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Hawkins called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioner Hutchins provided the invocation for the meeting.

AGENDA ADOPTION

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

(1) Recognition of Mary Pass (Commissioner Accor)

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *May 16, 2006 and, May 18, 2006*, motion was made by Johnny Hutchins, seconded by Jerry Self, 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 *May 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 *May 2006*. The monthly grand total of tax abatements was listed as (\$12,835.95); and, the monthly grand total for tax supplements was listed as \$101,556.35.

LIBRARY: BUDGET AMENDMENTS (BNA #062)

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, 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> |
|-----------------------|--------------------------------|-----------------|-----------------|
| 010.611.4.810.06 | Library/Snoddy Young Don | \$2,221. | |
| 010.611.5.790.06 | Library/Snoddy Young Don | 2,221. | |

Explanation of Revisions: *To move donated funds to cover FY expenses for Snoddy Young.*

ELECTIONS: BUDGET AMENDMENTS (BNA #063)

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, 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> |
|-----------------------|-------------------------------------|-----------------|-----------------|
| 010.418.5.122.00 | Elections/Part-time wages | \$20,529. | |
| 010.418.5.131.00 | Elections/Social Security | 1,273. | |
| 010.418.5.136.00 | Elections/Medicare | 298. | |
| 010.418.5.210.00 | Elections/Election Ballots | 12,000. | |
| 010.418.5.370.00 | Elections/Advertising | 1,500. | |
| 010.418.5.411.00 | Elections/Rent of Buildings | 450. | |
| 010.418.5.590.00 | Elections/Programming | 1,200. | |
| 010.410.4.991.00 | General/Fund Balance Appropriations | 37,350. | |

Explanation of Revisions: *To budget for expenditures related to second (or run-off) primary election.*

PLANNING DEPARTMENT: PROPOSED ZONING MAP AMENDMENT – JIMMY WAYNE BROWN (Case 06-12) Request to Schedule Public Hearing for July 18, 2006

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the board, *to schedule the public hearing as requested.*

PLANNING DEPARTMENT: PROPOSED ZONING MAP AMENDMENT – TRACY MINTZ (Case 06-11) Request to Schedule Public Hearing for July 18, 2006

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the board, *to schedule the public hearing as requested.*

RESOLUTION: CHANGE IN REGULAR MEETING – JULY 18, 2006

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the board, *to adopt the following resolution.*

NUMBER 13-2006

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

WHEREAS, the Cleveland County Board of Commissioners have decided that it is appropriate to change the meeting place for the regular meeting of Tuesday, July 18, 2006 from the Commission Chamber in the Charles F. Harry – Cleveland County Administrative Building to meet at the Lawndale Community Center, Piedmont Drive, Lawndale, NC. The meeting will begin at 6:00 p.m.

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

ADOPTED THIS 20th DAY OF JUNE 2006.

/S/ Ronald J. Hawkins, Chairman
CLEVELAND COUNTY BOARD OF COMMISSIONERS

**GARDNER-WEBB UNIVERSITY: SCHOOL OF BUSINESS – BRINGING EXECUTIVES
AND STUDENTS TOGETHER (B.E.S.T.)**

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the expenditure of \$5,000.00 from reserve funds to help fund this week long event at Gardner-Webb University.*

The mission statement of this program is as follows:

Small-business owners have an important story to tell and a valuable message to share with America's youth. The Bringing Executives and Students Together (B.E.S.T.) program is designed to bring real life stories of entrepreneurs into the week long educational experience. This week long school will enable students to learn basic entrepreneurial skills – such as budgeting, banking, computer skills, marketing, and study skills. Also, the risks and rewards of operating a small business will be addressed. Students will work with the staff at Gardner-Webb University, student organizations and local entrepreneurs in enhancing their ability in the above areas. B.E.S.T. members bring learning to life by sharing their experience of taking an idea and turning it into a reality.

**RECOGNITION: DR. GENE MOORE – RETIRING CLEVELAND COUNTY SCHOOL
SUPERINTENDENT**

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to approve the following resolution.* A framed copy of the resolution was presented to Dr. Moore.

NUMBER 11-2006

**RESOLUTION
IN APPRECIATION OF DR. GENE MOORE- RETIRING CLEVELAND COUNTY SCHOOLS
SUPERINTENDENT**

WHEREAS, Dr. Gene Moore has served as a teacher and administrator for 30 years; and,

WHEREAS, Dr. Moore came to Cleveland County as superintendent of Cleveland County Schools in May, 1999; and,

WHEREAS, Dr. Moore led Cleveland County Schools through a difficult merger, showed strong leadership and guidance; and,

WHEREAS, Student achievement has grown under the direction of Dr. Moore. Half of the district's schools have more than 90 percent of their students performing at or above grade level, and 17 schools earned the State's highest ratings in the ABCs accountability program. Some 78 percent of the schools met their Annual Yearly Progress (AYP) benchmarks – the second highest rate among school districts in the region. Average SAT scores improved 30 points last year; and,

WHEREAS, a major accomplishment of Dr. Moore's has been narrowing of the achievement gap between white and minority students; and,

WHEREAS, Dr. Moore has demonstrated in countless ways his dedication to the welfare of the children of Cleveland County and has earned respect and affection of people from all walks of life and all ages; and,

NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, extend personal congratulations and best wishes to Dr. Gene Moore for continued success in life's pursuits.

ADOPTED THIS THE 20th DAY OF JUNE 2006.

(Signed by all Commissioners)

RECOGNITION OF MARY PASS

Commissioners presented Mrs. Pass with a plaque recognizing her 15-years of dedicated service to Cleveland County children, through her service as Executive Director of the Cleveland County Girls Club. Mrs. Pass retired July 15, 2005.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE ENFORCEMENT – 332 GORRELL STREET – CENTAUR CONCRETE PLACEMENT AND FINISHING (Tabled from June 6, 2006 meeting)

Mr. McCarter reviewed that Commissioners had tabled a decision on this case until this meeting in order to allow the property owners an opportunity to determine if they wanted to repair the dwelling and, if so, a timeline for completing the work. Commissioners also requested the property owners be present at this meeting.

Mr. McCarter advised he had visited the property today and the dwelling has been “secured with plywood and the lot has been cleared” – he was unable inspect the interior.

He reviewed the history of this case and the steps leading to this point; discussed “nuisance” code which addresses such things as overgrown yards; and, Health Department citations regarding “immediate health hazards.”

Charles and Denise Allen, who are the property owners, advised they live in Charlotte and “didn’t get the first letter” due to having moved; stated they purchased the property with the intent of “renovating and make available to someone who would appreciate the home.” They stated that have replaced many things, which were then vandalized, such as electrical outlets, doors, plumbing, light fixtures and the electrical panel. Mr. and Mrs. Allen told Commissioner they became “discouraged” after the home was vandalized, but are now ready to attempt renovations again and are in the process of “putting a renter there during the repairs” to prohibit further vandalism. They anticipate completion by the “end of August.”

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to table a decision on this case until the regular Commission meeting of September 5, 2006.*

PLANNING DEPARTMENT: MINIMUM HOUSING CODE ENFORCEMENT – 390 PREYER STREET – MACKEY FAMILY IRREVOCABLE TRUST (Tabled from June 6, 2006 meeting)

Mr. McCarter reported Mr. Mackey has “done work inside and out” and several Commissioners advised they had visited the site.

Winfred Mackey stated he intends to, within the next 90-days, get outside renovations completed and requested another 90-day extension.

Bob Yelton, County Attorney, stated Mr. Mackey paid \$1,000 toward the outstanding taxes on the property after the last meeting. Mr. Mackey gave him a check during this meeting which he said was for the balance of the taxes owed on this property. Mr. Yelton said he would have to check his records to determine if this was the correct amount.

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to table a decision on this case until the regular meeting of the Commission to*

be held on September 19, 2006. Mr. Mackey was instructed to provide an “ongoing report” to Mr. McCarter during that 90-day period and that Commissioners expected him to appear at that Commission meeting to “show it has been brought up-to-code.”

PLANNING DEPARTMENT: MINIMUM HOUSING CODE ENFORCEMENT – 2410 PLEASANT HILL CHURCH ROAD – ALICE KAY SAULTS

Mr. McCarter reported that a public hearing was held on January 30, 2004 regarding this case and the owner was allowed 90-days to demolish these dwellings. The order was issued on February 4, 2004 and expired on May 4, 2004. He said a recent inspection revealed “it is apparent that no action has been taken to remove or demolish these dwellings.”

He said he mailed the owner a copy of tonight’s agenda. The owner has not contacted him, but he has received numerous complaints from the neighbors.

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

CLEVELAND COUNTY
NORTH CAROLINA

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH MOBILE HOMES AT 2410 PLEASANT HILL CHURCH ROAD

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, four (4) mobile homes located at 2410 Pleasant Hill Church Road, Cleveland County, North Carolina have been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling(s); and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dilapidated dwelling(s) remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated mobile homes located at 2410 Pleasant Hill Church Road and now or formerly owned by Alice Kay Saults, shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-446(6).

Adopted and approved this the 20th day of June 2006 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: PRELIMINARY PAVING ASSESSMENT – TWIN LAKE (Schedule public hearing for July 18, 2006)

Mr. McCarter reviewed the petition requesting Twin Lake be paved and the property owners be assessed at an equal rate per lot to pave the street in accordance with NCDOT standards. He advised the bid process for this project has revealed an estimated cost of \$15,000 per lot.

There was discussion regarding delaying this public hearing, since the next regular meeting will be held in Lawndale and the possible problems with property owners having to drive that far.

Commissioners also expressed concern that property owners be clearly advised about the amount of the assessment. There was also discussion regarding the pros and cons of “tailoring” the agenda of “community meeting” as that may defeat the purpose of holding regular meetings in this fashion.

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and *adopted by a majority vote of the Board* (Commissioner Accor voted no; all others voted yes), *to schedule the public hearing for July 18, 2006, at 6:00 p.m. at the Lawndale Community Center.*

BOARD APPOINTMENTS

CLEVELAND COMMUNITY COLLEGE BOARD OF TRUSTEES

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to reappoint David Banks to serve as a member of the Cleveland Community College Board of Trustees.* The term of this reappointment is for a period of four-years, scheduled to conclude on June 30, 2010.

CLEVELAND COUNTY ADULT CARE ADVISORY BOARD

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint Irene Camp to serve as a member of this board,* for a term of one year, scheduled to conclude on June 30, 2007.

CLEVELAND COUNTY AGRICULTURAL ADVISORY BOARD

ACTION: Jerry Self made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to appoint Jim Boggs and Floyd Warlick as members of this board,* for a term of three-years, scheduled to conclude on June 30, 2009.

CHILD FATALITY PREVENTION AND PROTECTION TEAM

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to reappoint Joe Lord and Selena Grier to serve as members of this team.* Both reappointments are for a term of three-years, scheduled to conclude on June 30, 2009.

CLEVELAND COUNTY CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD (DAY DETENTION)

ACTION: Mary Accor made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to reappoint Jerry Self (Commissioner), Chris Crepps (County Manager designee), David Schweppe (defense attorney), Raymond Hamrick (Sheriff), Tracy Royster (Probation officer), Mark Brooks (Chief of Police), Rosaline Hunt (business/community member); and, to appoint David Crow (at-large), Ben McCoy (at-large).* Each appointment and reappointment is for a period of three-years,

scheduled to conclude June 30, 2009. These appointments were made in compliance with NCGS 143B-272.10(c) and HB-281, with legal notice published in the *Shelby Star* on June 6, 2006.

CLEVELAND COUNTY MEMORIAL LIBRARY BOARD OF TRUSTEES

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to reappoint Wendy Clark and Patsy Meade Pennington; and, appoint Jean Harry Francis to serve as member of this board.* Each reappointment and appointment is for a period of three-years, scheduled to conclude on June 30, 2009.

CLEVELAND COUNTY NURSING HOME ADVISORY COMMITTEE

ACTION: Jerry Self made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to appoint Diane Davis to serve as a member of this committee.* This appointment is for a period of one-year, scheduled to conclude on June 30, 2007.

COMMUNITIES IN SCHOOLS BOARD OF DIRECTORS

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to reappoint Janet Berry, Bill Chambless and Bob Cabaniss; and, appoint Bradley Peterson to serve as members of this board.* Each appointment and reappointment is for a period of three-years, scheduled to conclude June 30, 2009.

JUVENILE CRIME PREVENTION COUNCIL

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the board, *to reappoint/appoint the following to serve or this council:*

Bill McCullough – school superintendent designee
Raymond Hamrick – Sheriff
Sara Burnner – Court Counselor
Sherrie Geer – County Manager designee
Mark Brooks – at-large
Greg Martin – parks & recreation
Greg Traywick – at-large
Phil Weathers – at-large
David Schweppe – juvenile defense attorney
Jimmy Hines – Health Director designee
B.S. Peeler – business community
Margie Christopher – non-profit
Mary Accor – Commissioner
Irene Camp – at-large
Hugh Logan – at-large
Sherrie Leslie – at-large
Bradley Peterson – at-large

Each reappointment/appointment is for a period of two-years, scheduled to conclude on June 30, 2008.

#3 VOLUNTEER FIRE DEPARTMENT: FIRE PROTECTION DISTRICT COMMISSION

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to reappoint Thomas Austell, Bobby Biggers, and Neal Stroup.* Each reappointment is for a period of two-years, scheduled to conclude on June 30, 2008.

REGION C WORKFORCE DEVELOPMENT BOARD

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to reappoint John Wasson and Steve Thornburg; and, appoint Raymond Walker to serve as members of this board.* Each term is for a period of three-years, scheduled to conclude on June 30, 2009.

RURAL FIRE COMMISSION

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to reappoint Bill Ross and Johnny Hutchins; and, appoint William Davis, Thomas Hartis, Marvin Hutchison, and Floyd Queen to serve on this Commission.* Each term is for a period of one-year, scheduled to conclude on June 30, 2007.

It was noted that the Chair of this Commission is selected by a vote of the Fire Commission.

PATHWAYS BOARD OF DIRECTORS

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to appoint Suzi Kennedy and Carol Ledbetter to serve as members of this board.* Each term is for a period of four-years, scheduled to conclude June 30, 2010.

COMMISSIONER REPORTS

Commissioner Accor invited Commissioners to attend the seventh annual *Distinguished Image Awards* banquet, to be held Friday at Malcolm Brown Auditorium. This year, 49 students achieving 3.2 or better GPA will be honored.

Commissioner McIntosh commended Commissioner Accor for “single-handedly” starting this recognition ceremony.

There was general discussion of the *state statute addressing solid waste enforcement.*

Commissioner McIntosh reported there will be a press conference at Gardner-Webb University Hamrick Auditorium on June 27th at 4:30 p.m. regarding the *B.E.S.T. program.*

Commissioner McIntosh reported on his recent meeting with *Pathways* director and stakeholders. He said billing issues were discussed and are “still undecided by the State” – a delay which will pose serious concerns as to expediting training for billing procedures.

ADJOURN

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to adjourn the meeting (at 7:50 p.m.). The next regular meeting of the Commission is scheduled for ***Tuesday, July 18, 2006 at 6:00 p.m.*** at the Lawndale Community Center.

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

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