

CLEVELAND COUNTY BOARD OF COMMISSIONERS

September 19, 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
Robert Yelton, County Attorney
Wanda Crotts, CMC, County Clerk
Kerri Melton, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Pete Delea, The Star
Lindsey Allen, Cleveland Headline News
Emily Weaver, Kings Mountain Herald
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. Reverend Robert Coleman of Hoppers Chapel provided the invocation for the meeting.

AGENDA ADOPTION

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

CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *August 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 *August 2006*. The monthly grand total of tax abatements was listed as (\$39,650.42); and, the monthly grand total for tax supplements was listed as \$33,435.10.

PUBLIC SAFETY GRANTS: BUDGET AMENDMENTS (BNA #008)

ACTION: Mary Accor made the motion, seconded by Jerry Self, 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>
010.437.4.460.00/ODUKE-P445	Public Safety Grants/Other Unit Share Bud Exp	\$10,000.	
010.437.5.210.00/ODUKE-P445	Public Safety Grants/ Departmental Supply	\$ 500.	

010.437.5.211.00/0DUKE-P445Public Safety Grants/ Controlled Property	\$ 4,200.
010.437.5.213.00/0DUKE-P445Public Safety Grants/ Office Supplies	\$ 500.
010.437.5.310.00/0DUKE-P445Public Safety Grants/ Travel/Training	\$ 2,500.
010.437.5.321.00/0DUKE-P445Public Safety Grants/ Telecommunications	\$ 1,000.
010.437.5.322.00/0DUKE-P445Public Safety Grants/ Postage	\$ 300.
010.437.5.421.00/0DUKE-P445Public Safety Grants/ Maintenance Contract	\$ 1,000.

Explanation of Revisions: To budget Duke Power funding for Fiscal Year 2006/2007

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #009)

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.539.4.350.00/93217-6014	Family Planning/State Govt. Grants	\$11,332.	
012.539.4.991.00	Family Planning/Fund Balance Approp.	\$20,000.	
012.539.5.230.01	Family Planning/Prescription Drugs	\$31,332.	

(Move \$20,000 from Fund Balance Account #012.000.3.991.14)

Explanation of Revisions: Budget State FP Title X funds and funds carried over from 04-05 for birth control supplies due to increase in price

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #010)

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.540.4.350.00/10557-5403	WIC/State Govt. Grants	\$ 3,846.	
012.540.5.210.00	WIC/Departmental Supplies	\$ 1,955.	
012.540.5.311.00	WIC/Education Expense	\$ 1,891.	

Explanation of Revisions: Budget additional State WIC funds for Departmental Supplies (flat screen monitors, printer, scales and calibration device), and educational materials/incentives.

COMMUNITIES-IN-CHRIST PASTORS

Commissioners presented a Certificate of Recognition to the following pastors: Owen Peeler, John Boggs, Dennis Wilson, Charles Webber, Lamont Littlejohn, Tony Tench, Jim Toole, Jeff Patterson, Moderator William Thompson, Carolyn Bridges, Michael Gullatte, Kitty Rankin, Wade Wallace, Robert Coleman. Also recognized for their outstanding work were Jeff Ross and Dr. Mike Barringer.

The certificate read as follows:

FOR PARTNERING WITH THE HOPPERS CHAPEL OUTREACH MINISTRY ~ A CITY-WIDE MINISTRY EFFORT COMMITTED TO SEEING POSITIVE SOCIAL, POLITICAL AND ECONOMICAL GROWTH, AS WELL AS DEVELOPMENTAL CHANGES IN OUR CITY AND COMMUNITY~ PROMOTING A BETTER QUALITY OF LIFE FOR ALL PEOPLE ~ COMMITTING TO RECLAIM OUR CITY FROM VIOLENCE, THROUGH HOPE AND UNITY ~ WE COMMEND YOU!

Commissioner McIntosh explained how these churches have done so much to stop the violence in our community. This group of religious ministers is out on the street doing something about the crime.

Reverend Robert Coleman, the founder of Communities-in-Christ, spoke of how humbled and grateful he was that God has given his group a vision to re-develop and re-claim our neighborhoods and our city. They have done this through GED programs, tutoring, food and clothing ministry, Bible study, prayer walks and festivals. Hoppers Chapel could not do all that they have done without the partnership of the individuals presented with these certificates. Reverend Coleman said, "We are honored that you saw the need to recognize these individuals for their work."

BEN O'BRIEN- GOOD SAMARITAN

Chairman Hawkins reminded everyone of the auto wreck several weeks ago on Highway 29 in Grover that caused the loss of life of one member of the Smith family. Ben O'Brien was one of the

citizens who stopped to help that day. Mr. O'Brien was one of the people who rendered services to the family. He also helped the family contact other family members and was even recruited by EMS to drive the ambulance. His kindness didn't stop there. He spent time with the family at the hospital helping any way that he could and has since developed a relationship with the Smith Family. Mr. Hawkins presented Ben O'Brien with a certificate that read as follows:

FOR HIS ACT OF KINDNESS FOLLOWING A FATAL MOTOR VEHICLE WRECK IN GROVER, NORTH CAROLINA. MR. O'BRIEN GRACIOUSLY STOPPED TO HELP THE FAMILY OF THE LATE MELISSA SMITH. ALTHOUGH ONE LIFE WAS LOST, OTHERS WERE SPARED BY THE UNSELFISHNESS OF MR. O'BRIEN. THE CLEVELAND COUNTY BOARD OF COMMISSIONERS IS PROUD TO RECOGNIZE MR. O'BRIEN AS A CLEVELAND COUNTY GOOD SAMARITAN. WE COMMEND YOU!

OTHER RECOGNITIONS

Chairman Hawkins recognized Don Crawford. Governor Mike Easley has presented Mr. Crawford with the Long Leaf Pine Award.

Chairman Hawkins then recognized Commissioner Mary Accor. At the Annual Conference in Winston Salem, Commissioner Accor was elected as Second Vice President of the North Carolina Association of County Commissioners (NCACC). Commissioner Accor thanked the entire board for being there to support her.

NCDOT PROPOSED SECONDARY ROAD IMPROVEMENT PLAN

Gary Spangler, NCDOT District I Engineer, accompanied by Caroline Dedmon, County Maintenance Engineer, presented the secondary road program. Mr. Spangler opened by stating that each year, legislators allocate money to counties for this program. There are two types of funding- rural paving and subdivision paving. Every four years, the NCDOT rates the unpaved roads in Cleveland County and sets priority for funding.

ACTION: Jerry Self made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***approve the North Carolina Department of Transportation Secondary Roads Construction Program*** (copy found on Page _____ of Minute Book 29).

KINGS MOUNTAIN GATEWAY TRAIL

David Ozmore, President of Kings Mountain Gateway Trails, Inc. started by stating that on behalf of Gateway Trails, he was happy to be here. The Gateway Trails feasibility study, which he spoke to commissioners about at the January 23, 2006 work session has been completed. He noted the following points from the study.

- There is sufficient interest in the Gateway Trails project and support available for trail planning.
- The planning phase can be done in the next six to nine months.
- Kings Mountain is a very positive setting. It is geographically and regionally located in a wonderful setting.

- In the feasibility and planning stages, a model trail can be constructed.
- The fundraising goal from private donations of \$200,000 - \$250,000 is reasonable and attainable.
- Feasibility planners noted that the Gateway Trails committee needed to begin working on this project immediately.

David Ozmore then introduced Shirley Brutko, Vice President of Kings Mountain Gateway Trails, Incorporated. Ms. Brutko talked about the history of Kings Mountain Gateway Trails.

David Ozmore then addressed the Commissioners, on behalf of Kings Mountain Gateway Trails, Inc., “We would formally like to ask the Cleveland County Commissioners to accept ownership of this project and provide liability insurance coverage for this project and, basically, we would like to ask Cleveland County to follow the blueprint that already exists for a successful project at the Broad River Greenway. Cleveland County would serve as a conduit for the 501(c)(3) group Kings Mountain Trails, Inc. to write grants and to seek private funding for this project.” He explained to the Commissioners that the benefits of this project would be tourism, economic development and health and recreation for citizens free of charge.

Mr. Ozmore stated, “A letter was received by the City of Kings Mountain to provide police and fire jurisdiction if a percentage of this project were given back from the county to the City of Kings Mountain.”

Mr. Ozmore shared that many property owners along the trail spoke of donating land to this project. He also explained to Commissioners, “The wonderful thing about the donation of land, is that it would be owned by the county and we can use the value of that land as a match, a dollar-for-dollar match for grant sources.”

County Manager David Dear informed the Commissioners and Kings Mountain Gateway Trails that, “An environmental study would need to be done before the county would accept any of the land.” David Ozmore then explained that, “The environmental study would be paid for by Kings Mountain Gateway Trails and that is part of the budget for funding that we would secure.”

Brownie Plaster was introduced by Kings Mountain Gateway Trails. She stated that, “We stood before you all eleven years ago when we asked the county to do the very same thing in the Boiling Springs area.” She said “Look at what it has got. Properties once valued at \$200 or \$400 are now valued at \$4,000 or \$5,000. Anything that is up against a designated area immediately goes up in value. That raises your tax base. The Broad River Greenway crowd is so excited for the Gateway Trails crowd. We just want to share all the information we have and we are cheering you a thousand percent. I would encourage you to agree to this.”

Commissioner Hutchins voiced a concern about money. He addressed the Kings Mountain Gateway Trails by asking them, "What is this actually going to cost Cleveland County?" He wanted to know what money they were asking for.

In response to Commissioner Hutchins concern, David Ozmore indicated that there would be no money required by the County, "The environmental study will be conducted and paid for privately, we do not have a dollar figure that we are bringing before you tonight. Our goal is that the master site plan will be paid for through private funding. David would have to research the liability insurance premium increase as a result of this, but at this point, we are not asking for any money."

County Manager David Dear explained that the additional premium on the liability insurance would be minimal.

ACTION: Mary Accor made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, *to approve the concept to support the Gateway Trails. The motion was further clarified to include, "We will accept the property and liability" (Commissioner Hutchins) and to include the provision that the environmental study comes back clean (recommended by the County Attorney), and that we have a "90/10 partnership" (County Manager) with the City of Kings Mountain. Commissioner Accor included all of the clarifications as a part of her motion.*

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION – 390 PREYER STREET - WINFRED MACKEY

Bill McCarter, Planning Director, reviewed that on June 6, 2006, the Cleveland County Board of Commissioners postponed the demolition of Winfred Mackey's dwelling at 390 Preyer Street. He explained that Mr. Mackey has an active building permit that is set to expire on September 30th. Mr. McCarter presented the Board with before and after pictures of the dwelling. Mr. Mackey has already been given a 30-day extension by Mr. McCarter and a 90-day extension by the Board of Commissioners. Mr. McCarter reviewed the list of items that were remaining to meet the minimum housing code.

Commissioner Hutchins asked Mr. Mackey for an explanation of what he has done to this point. Mr. Mackey explained those items that were completed. Mr. Mackey explained that he was under the impression that if he got all of the outside and all of the windows and the house painted then he would work on the inside in a more leisurely way. He said he must have misinterpreted what was said at the meeting in June.

Mr. Mackey said, "I need 30 days to complete all of the work on the outside, since I am going to be away and he (Mr. Mackey's hired carpenter) will be working and then I will go on the inside. If I had 30 days to finish the exterior and if it wasn't finished in 30 days, then I wouldn't have a problem or sit here and plead with you all to not tear it down."

Commissioner Mary Accor asked Mr. Mackey how much time he would need to bring the house up to code. Mr. Mackey said, “I would gamble that I could have the whole project completed. I would like to have until January, but I will take what the Commission will give me.” Commissioner Self responded by stating, “That is with the understanding of up to code.”

“Yes, up to code.” stated Mr. Mackey.

ACTION: Johnny Hutchins made the motion, seconded by Willie McIntosh, and adopted by a majority vote of the Board (4-1), with Chairman Hawkins voting in opposition, *to instruct Mr. Mackey that in 30 days, the exterior of his property at 390 Preyer Street will be up to minimum housing code. In order to meet minimum housing code the following items listed below will need to be completed (the original motion included the completion of the heating system in the exterior work but was later deleted by Commissioner Hutchins) and upon completion of the exterior work, an additional 60 days will be given to Mr. Mackey for completion of the interior work as listed below. Mr. Hutchins stressed to Mr. Mackey that, again, if the exterior work is not up to minimum code within 30 days, the dwelling will be demolished.*

Deadline: October 19 th	Deadline: December 19 th
<p>Exterior</p> <ul style="list-style-type: none"> <input type="checkbox"/> Install missing windows <input type="checkbox"/> Repair window sills <input type="checkbox"/> Replace window hardware <input type="checkbox"/> Install screens on windows <input type="checkbox"/> Install screen door <input type="checkbox"/> Install railing with pickets <input type="checkbox"/> Install foundation vents <input type="checkbox"/> Install gutters and downspouts <input type="checkbox"/> Connect to water supply <input type="checkbox"/> Remove debris and maintain yard 	<p>Interior</p> <ul style="list-style-type: none"> <input type="checkbox"/> Kitchen Sink - install plumbing <input type="checkbox"/> Paint cabinets <input type="checkbox"/> Replace bathroom floor covering <input type="checkbox"/> Install bathroom sink <input type="checkbox"/> Tub and toilet - function properly <input type="checkbox"/> Install missing drywall <input type="checkbox"/> Install missing light fixtures <input type="checkbox"/> Install smoke detectors <input type="checkbox"/> Clean and sanitary condition

COUNTY HEALTH & WELLNESS CLINIC POLICY

Chairman Hawkins stated that two changes are being proposed to the County Health & Wellness Policy. The first change would allow Commissioners who have served a full-term to be able to use the Wellness Clinic, and a change that reads that the dental clinic will no longer see patients over twenty-one years of age. The change to allow Commissioners access to the wellness clinic is proposed to recognize the work of Commissioners who have served on this board. This policy states that commissioners who have served a full term will be able to use the Wellness Center at the same rate that employees and their immediate family members not covered under the County health insurance policy are required to pay (\$5 plus the cost of the service.)

Commissioner Hutchins stated “This is a way that we can give the Commissioners that have served a term something without costing the county anything.”

Commissioner Self stated his opposition to this policy, "I am not sure that once you finish being a Commissioner that the County owes you anything is my personal opinion and public service is about service and what you can do for the County and the citizens not what the citizens can do for you so that is my feeling." He believes this is not good public policy to set up future obligations for the next set of County Commissioners.

ACTION: Chairman Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and with a majority vote of 4-1, with Commissioner Self voting in opposition, *to adopt the changes to the Health & Wellness Policy (copy found on Page _____ of Minute Book 29- note highlighted changes).*

CLOSED SESSION

ACTION: Johnny Hutchins made the motion at 8:54pm, which was seconded by Willie McIntosh, and unanimously adopted by the Board, to conduct a closed session regarding a personnel matter, as allowed under North Carolina General Statute 143-318.11(a)(1)(3)(6).

RECONVENE IN REGULAR SESSION

Chairman Hawkins reconvened in regular session at 9:35pm. Each Commissioner commended Mr. Dear for his outstanding performance.

ACTION: Johnny Hutchins made the motion, which was seconded by Mary Accor and unanimously adopted by the *Board to give David Dear, County Manager one half merit step increase (2.4% of salary, \$3,090 annually).*

COMMISSIONER REPORTS

CAGO

Commissioner Accor shared a copy of the CAGO newsletter with Commissioners. Commissioner Accor is the newly appointed secretary of CAGO and thought the newsletter would be a great way for elected officials to communicate. Chairman Hawkins reminded Commissioners of the CAGO meeting scheduled for September 21, 2006.

MISCELLANEOUS

Commissioner Hutchins shared that he took a tour of the new school facility across from Kings Mountain High School. This facility will house up to eight hundred students. The Cleveland County Schools are planning to have the renovations completed by year-end. Commissioner McIntosh told Commissioners of a joint meeting of Commissioners from Cleveland, Rutherford and Lincoln regarding Pathways is being set up to discuss appointments to the Pathways Board.

ADJOURN

There being no further business to come before the Board at this time, Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to adjourn the meeting (at 9:45 pm). The next regular meeting of the Commissioners is scheduled for ***Tuesday, October 3, 2006*** in this Commission Chamber.

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

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