

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**September 7, 2004**

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:** Mary S. Accor, Chairwoman  
Ronald J. Hawkins, Vice-Chair  
Tom Bridges, Commissioner  
Willie B. McIntosh, Commissioner  
Jerry L. Self, Commissioner  
David Dear, Assistant County Manager/Finance Director  
Bob Yelton, County Attorney  
Wanda Crotts, CMC, County Clerk  
Patricia D. Spangler, Deputy Clerk  
Bill McCarter, Planning Director  
Joy Scott, The Star  
Donna Huie-Brooks, Cleveland Headline News  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairwoman Accor called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Vice-Chairman Hawkins provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jerry Self, and adopted by a unanimous vote of the Board, to ***adopt the agenda as presented by the County Clerk, with the following addition:***

***(1) Delete Consent Agenda Item C: Sheriff's Office - Remove Canine from County Inventory***

**CITIZEN RECOGNITION**

**County Economic Development Incentive Program: Project Mia**

***Jane Martin***, a Kings Mountain resident and a "native of Cleveland County," expressed her concerns regarding Project Mia. Specifically, she feels Cleveland County citizens should know more about the company, any environmental issues that may be of concern, that if incentives are used then the company should be bound to hire only Cleveland County residents.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the minutes of ***August 9, 2004 and August 17, 2004***, motion was made by Tom Bridges, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve*** the minutes as written.

**SOCIAL SERVICES: WORK FIRST**

**ACTION:** Tom Bridges made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve that the Cleveland County Work First Program continue to be designated as a Standard County.***

**WACO VOLUNTEER FIRE DEPARTMENT: REIMBURSEMENT AGREEMENT FOR PARKING LOT PAVING**

**ACTION:** Tom Bridges made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the agreement found on Pages \_\_\_\_\_ of Minute Book 28.***

**CATAWBA COUNTY MUTUAL AID AGREEMENT FOR EMERGENCY MEDICAL SERVICES**

**ACTION:** Tom Bridges made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the agreement found on Pages \_\_\_\_\_ of Minute Book 28.***

**EMERGENCY MEDICAL SERVICES: STATE MEDICAL ASSISTANCE TEAM (SMAT) GRANT**

**ACTION:** Tom Bridges made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to **approve the acceptance of the SMAT Level III grant trailer** (estimated \$100,000 value).

**LAW ENFORCEMENT GRANT: BUDGET AMENDMENT (BNA #012)**

**ACTION:** Tom Bridges 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>
010.438.4.310.00	LAW ENFORCEMENT GRANTS/Federal Grants	\$10,077.	
010.438.5.500.01	LAW ENFORCEMENT GRANTS/Misc. Grant Exp. (P/C 16592-4438)	10,077.	

**Explanation:** To accept funds from Shelby Police Department for the 2004 Local Law Enforcement Block Grant. Shelby Police Department was awarded the grant and agreed to split the sum and provide necessary match.

**INFORMATION TECHNOLOGY: BUDGET AMENDMENT (BNA #013)**

**ACTION:** Tom Bridges 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>
010.421.4.410.00	IT/Local & Other Grants	\$18,955.	
010.421.5.210.00	IT/Departmental Supply	16,300.	
010.421.5.420.00	IT/Contracted Services	2,655.	

**Explanation of Revisions:** To accept funds from the Rural Economic Development Center, Inc. for a LEGUP project. Project will allow entire tax paying community of Cleveland County the convenience of on line tax searches and the option and capability to pay taxes on line and to make our website ADA compliant.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #014)**

**ACTION:** Tom Bridges 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>
012.548.4.540.00	CODAP/Contracted Revenue	\$20,250.	
012.548.5.310.00	CODAP/Travel	750.	
012.548.5.311.00	CODAP/Education Expense	3,300.	
012.548.5.490.00	CODAP/Professional Services	16,200.	

**Explanation of Revisions:** Budget revenue received from the Cleveland County Schools for Abstinence Education. Will contract with service provider to assist in classes and budget for travel/educational expenses associated with the program.

**SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #015)**

**ACTION:** Tom Bridges 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>
010.441.4.410.00	SHERIFF/Local-Other Grants	\$ 4,000.	
010.441.5.310.00	SHERIFF/Travel-Training	4,000.	

**Explanation of Revisions:** Request approval to budget \$4,000 received from NCDHH (Division of Social Services) as reimbursement for travel expenses incurred during Crimes Against Children Conference in Dallas, Texas, August 23-26, 2004 (Two CCSO employees; two DSS employees; One Adv. Ctr.).

**SOCIAL SERVICES: BUDGET AMENDMENT (BNA #016)**

**ACTION:** Tom Bridges 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>
011.504.4.350.01	TITLE XX/SGG-Smart Start	\$25,000.	
011.504.5.422.00	TITLE XX/Contracted Labor	25,000.	

**Explanation of Revisions:** To accept additional Smart Start funds to be used for a temporary support person to help process child day care applications.

**CO-OP EXTENSION: BUDGET AMENDMENT (BNA #017)**

**ACTION:** Tom Bridges 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>
010.495.4.810.95	CO-OPExtension/Contributions-4H Member	\$ 485.	
010.495.5.790.95	CO-OPExtension/Contributions-4H Member	485.	

Explanation of Revisions: To budget donations and contributions to Co-Operative Extensions for 4H member activities.

**RESOLUTION: AUTHORIZING THE APPLICATION FOR NC ECONOMIC INFRASTRUCTURE GRANT FROM THE RURAL CENTER**

**ACTION:** Tom Bridges made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the following resolutions.***

Number 20-2004  
**RESOLUTION AUTHORIZING THE APPLICATION FOR A NC ECONOMIC INFRASTRUCTURE GRANT FROM THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER (THE RURAL CENTER)**

WHEREAS, in July 2004, NC General Assembly appropriated \$2- million to the Rural Center;

WHEREAS, 14M of this money is allocated for granting to local governments for job creating infrastructure projects in the private sector;

WHEREAS, the City of Shelby has agreed to provide sewer to the proposed Clorox Development site;

WHEREAS, Cleveland County intends to request grant assistance from the North Carolina Economic Infrastructure Grant for the project;

NOW, THEREFORE BE IT RESOLVED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS:

1. That, Cleveland County will arrange financing for the remaining costs of the project, if approved for the grant.
2. That, Cleveland County will provide for efficient operation and maintenance of the project on completion of construction thereof.
3. That, R. L. Alexander, County Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of Cleveland County with the Rural Center for a grant to assist in the construction of the project as described above.
4. That, R. L. Alexander, County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with the application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
5. That, Cleveland County has substantially complied with all federal, state, and local laws, rules, regulations and ordinances applicable to the project and to the grants pertaining thereto.

Adopted and approved this the 7th day of September 2004.

/S/ R. L. Alexander, Cleveland County Manager

**COMMISSION FOR WOMEN - DISTINGUISHED WOMEN - JANE BLAKE, LOUVERNE McCRAY, BESS HOEY**

Commissioners recognized the accomplishments of these women noting they had recently been named as 2004 Distinguished Women of Cleveland County by the Cleveland County Commission for Women. Mrs. Blake was present to accept her certificate of recognition.

**ECONOMIC DEVELOPMENT: PROJECT MIA**

Scott Darnell, Cleveland County Chamber Senior Vice-President, Economic Development, reviewed a public hearing was held on August 9, 2004 regarding incentives to this company (*reference Minute Book 28,*

Pages 123,124-128), however, "some of the numbers has changed" since that hearing who prompted this public hearing. He explained that initially 120 new jobs were anticipated but new technology has developed which has reduced the personnel to a "conservative estimate" now of 79 new jobs and \$20 million investments. He explained, "Our incentive agreement is performance based and if they don't meet their thresholds, they don't get what we put down, they only get a portion of it. That guards both parties." He said the company representatives have initialed the new agreement.

He reported the company is Southeast Container, which is a co-op "in corporate nature" and is owned by bottlers of Coca-Cola in the southeast. He said, "A co-op does business a little different than a publicly traded corporation or a privately held corporation. . . . they are looking at occupying one of the buildings that helped bring Johnson Development to Cleveland County . . . . signing a long term lease on the 300,000 square foot facility upon negotiations with Johnson Development." He said, "As far as our incentives, we get more than we give." He said this is a "clean industry" and is currently working in an environmentally protected area near Asheville.

**ACTION:** Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to open the public hearing regarding these incentives. (*Notice of this hearing was accomplished in accordance with the mandates of NCGS 158-7.1 with legal advertisement published in the Star on August 21, 2004 - copy found on Page \_\_\_\_\_ of Minute Book 28.*)

**Jane Martin** who spoke during the citizen recognition portion of this meeting, reiterated her concerns regarding the incentives and this company.

**Michael Smith**, representing "Keepers of the Gate" group (*Kings Mountain Gateway*), spoke on behalf of Kings Mountain schools saying the funds spent toward assisting this company could be better used to assist the children. He said the group is "strongly opposed to tax dollars being used for incentives until the needs of our children are first addressed." He questioned "who will stand to profit?"

**ACTION:** Ronnie Hawkins made the motion, seconded by Tom Bridges, and unanimously adopted by the Board, to **close the public hearing.**

Commissioner McIntosh advised he had met several times with representatives of this company and citizens can be assured that the welfare of citizens is always foremost in planning. It was also noted that Commissioners do not run the schools. Commissioner Self noted that a \$20 million investment will help keep the tax rate down - the broader the tax base the lower the taxes. He also noted that a requirement that a company hire only Cleveland County residents is illegal and pointed out the number of Cleveland County residents who are employed outside Cleveland County.

**ACTION:** Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to **approve the incentives** (*reference contract on Pages \_\_\_\_\_ of Minute Book 28*).

#### **PLANNING DEPARTMENT: DILLARD CIRCLE PAVING ASSESSMENT**

Bill McCarter, Planning Director, advised that Robert Blackwell, one of the corner lot owners along Dillard Circle, submitted a copy of a deed showing that one of the petitioners, Betty Strange, has conveyed her property to her daughter, Debra Strange. Although Betty Strange continues to live on Dillard Circle, she no longer owns the property and her signature cannot be counted toward the 75% requirement.

He said, "Based on this information, the petition requesting the county to assess all property owners abutting Dillard Circle for the purpose of paving the street in accordance with NCDOT minimum standards has been determined to be invalid. This petition no longer meets the required 75% representation of property owners required by NCGS 153A-205. Mr. McCarter advised the petitioners have been notified.

**ACTION:** Tom Bridges made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to **(1) rescind Resolution #18-2004 authorizing the paving assessment of Dillard Circle property owners** (*reference Minutes of August 17, 2004*); and, **(2) rescind the paving contract awarded to Kennedy Concrete & Utilities.**

Different methods of notifying property owners of anticipated cost estimates prior to the public hearing were discussed and Mr. McCarter advised he would communicate estimate to citizens in future cases.

#### **MOORESBORO: ENFORCEMENT OF DEVELOPMENT REGULATIONS**

Mr. McCarter advised the enforcement would be the same as currently enforced by the county in the municipalities of Belwood and Grover. He stated that Isothermal Planning and Development Commission helped them develop a map and he had met with them several times in workshop settings and was on hand for their public hearing. He advised the "did a good job in this process." He noted the "fee schedule reimburses our staff for county cost."

**ACTION:** Tom Bridges made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***adopt the Resolution of Enforcement of Development Regulations for the Town of Mooresboro*** (copy of signed resolution found on Page \_\_\_\_\_ of Minute Book 28).

**MOUNTAIN VALLEY RESOURCE CONSERVATION BOARD APPOINTMENT**

Bill McCarter advised he has served as one of the three Cleveland County representatives to the Mountain Valley RC&D for eight years. However, due to a recent change in the Cleveland County Planning Board meeting schedule, these meetings will conflict with the RC&D meetings.

**ACTION:** Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, ***to appoint Brad Kennedy to replace Bill McCarter as representative to the Mountain Valley RC&D board.*** This appointment carries no specific term length.

**MISCELLANEOUS BUSINESS**

**CRIME CONTROL AND PUBLIC SAFETY FUNDS**

David Dear, Assistant County Manager, stated, "Senator Walter Dalton has indicated that he has, through the legislative process, obtained for Cleveland County \$500,000 in Crime Control and Public Safety Funds to be used to construct a tower and equip it here in Cleveland County. I just wanted to acknowledge Senator Dalton and the efforts he's put forward and let you and the public know that money should be forthcoming."

**NORTH CAROLINA COUNTY COMMISSIONERS ASSOCIATION (NCACC): MEDICAID FUNDS**

Mr. Dear advised the NCACC has requested Commissioners contact the legislative delegation encouraging them to increase the amount of federal money available for Medicaid in the session now convened. He advised the letters are prepared and ready for Commissioners signatures, should they elect to sign them. Chairwoman Accor told Commissioners she felt it would benefit the County to submit the letters seeking relief from unfunded mandates.

**CHAIRWOMAN ACCOR - ABSENT FROM NEXT MEETING**

Chairwoman Accor advised she will be absent from the next regular meeting, as she will be participating in an Outward Bound experience as a member of the American Leadership Forum.

**ADJOURN**

There being no further business to come before the Board at this time (6:58 p.m.), Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to adjourn the meeting. The next regular meeting of the Board is scheduled for ***Tuesday, September 21, 2004, at 6:00 p.m.***

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Mary S. Accor, Chairwoman  
CLEVELAND COUNTY BOARD OF COMMISSIONERS

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Wanda Crotts, CMC, Clerk  
CLEVELAND COUNTY BOARD OF COMMISSIONERS