

CLEVELAND COUNTY BOARD OF COMMISSIONERS

July 20, 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
Sam Craig, Deputy County Attorney
Wanda Crotts, CMC, County Clerk
Patricia D. Spangler, Deputy Clerk
Eddie Bailes, Human Resources Director
Bill McCarter, Planning Director
Denese Stallings, Health Director
Chris Green, Tax Assessor
Joy Scott, The Star
Jennipher Hammerstein, 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. Reverend Doug Allen provided the invocation for the meeting.

AGENDA ADOPTION

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

- (1) ***Closed Session - Personnel matter (Ronnie Hawkins)***
- (2) ***Closed Session - Economic Development matter (David Dear)***

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the minutes of **July 6, 2004**, motion was made by Tom Bridges, seconded by Jerry Self, and unanimously adopted by the Board, to **approve** the minutes as written.

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **June 2004**. The monthly grand total of tax abatements was listed as (\$20,099.77); and, the monthly grand total for tax supplements was listed as \$47,255.94

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during **June 2004** (copy found on Page _____ of Minute Book 28).

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #004)

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>
012.536.4.410.00	Nutrition Grant/Local & Other Grants	\$150,000.	
012.536.5.121.00	Nutrition Grant/Salary-Regular	29,453.	
012.536.5.131.00	Nutrition Grant/FICA	1,827.	
012.536.5.132.00	Nutrition Grant/Retirement	1,440.	
012.536.5.133.00	Nutrition Grant/Hospital Insurance	3,223.	
012.536.5.134.00	Nutrition Grant/Dental Insurance	143.	
012.536.5.135.00	Nutrition Grant/Employer 401K	1,473.	
012.536.5.136.00	Nutrition Grant/Medicare Insurance	428.	
012.536.5.210.00	Nutrition Grant/Departmental Supplies	300.	

012.536.5.211.00	Nutrition Grant/Controlled Property Exp.	3,700.
012.536.5.213.00	Nutrition Grant/Office Supplies	2,500.
012.536.5.220.00	Nutrition Grant/Food	4,750.
012.536.5.310.00	Nutrition Grant/Travel	5,000.
012.536.5.311.00	Nutrition Grant/Educational Expenses	32,500.
012.536.5.322.00	Nutrition Grant/Postage	500.
012.536.5.370.00	Nutrition Grant/Advertising	11,500.
012.536.5.411.00	Nutrition Grant/Rent-Space	750.
012.536.5.490.00	Nutrition Grant/Professional Services	50,513.

Explanation: Budget Health & Wellness Trust Fund Commission Obesity Grant as specified in grant application. Will establish PH Education Specialist (11 months) to manage grant. Also, budget for other operational/educational/professional services for grant support.

BOARD OF ELECTIONS: BUDGET AMENDMENT (BNA #005)

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>
10.418.4.310.00	BOE/Federal Gov't Grants	\$16,199.10	
10.418.5.700.00	BOE/Grants	16,199.10	

(Project Code 93617-1130)

Explanation: To budget HAVA (Help America Vote Act) Grant. This grant is designed to make polling places accessible to all voters with any disabilities.

SHELBY RESCUE SQUAD FRANCHISE AGREEMENT: FRANCHISE UPDATE

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.**

KINGS MOUNTAIN RESCUE FRANCHISE AGREEMENT: FRANCHISE UPDATE

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.**

CLEVELAND COUNTY COURTSQUARE RENOVATION PROJECT

Les Roark reported he has received many favorable public comments regarding the “beautification” improvements being made that the “old” courtsquare. He requested Commissioners consider “converting the courtsquare well-house to a Shelby/Cleveland Visitors Center.” Mr. Roark outlined the following concept plans:

Steps:

1. Formal commitment by county to dedicate this structure to that purpose.
2. Agree to provide all utilities - water, sewer, gas and electricity.
3. Maintain county insurance coverage as it extends to property and public liability.
4. Maintain building and grounds to a level consistent with current policy on county property.
5. Include the Visitors Center in the county’s agenda relative to the promotion of economic development and tourism.

Guidance:

Task force or steering committee with a representative from county, City of Shelby, Chamber of Commerce, Uptown Shelby Association, Historic Shelby Foundation, another Task Force promoting Economic Development and Tourism, and the Raper-Roark Trust Fund.

Memoranda of Understanding:

1. Control - architectural detail plans subject to county approval before work begins. All signage, landscaping, exterior amenities also subject to prior approval.
2. City of Shelby to rearrange delivery of utilities to include underground electrical service with all meters located at the rear (west) side of building.

Funding:

Fundraising drive in private sector to cover cost of reconstruction and furnishing.

Estimates:

Contemplating in-kind contributions of labor and material, along with estimates already obtained, the initial fundraising goal would be \$50,000. For reconstruction and furnishing, it is not anticipated that county funds will be sought.

Operating Costs:

Task Force/Committee to negotiate. Research indicates that a titled director and a part-time assistant director would be the total payroll. The nature of work required in such facilities indicates that Shelby-Cleveland County could attract young, energetic retirees as volunteers. We envision an arrangement wherein the county, city, chamber and the USA could reach a cooperative agreement on this issue.

Tonight, we request formal approval of Steps 1 through 5 above. We would then recommend a 30-day go ahead schedule for organizing the task force for this specific project. At that time, the task force will be in position to help formulate a formal agreement and work schedule for completing the project. A follow-up meeting of the task force should be held within 30-days.

Commissioners told Mr. Roark that while they supported the concept he outlined, they were not in a position to commit to a plan without the plan being more definite. They suggested he meet with Chairwoman Accor to "confer on the task force" and bring a recommendation back to the Board at a later date.

**RECOGNITION OF THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS 2003-04
KETNER AWARD WINNERS FROM CLEVELAND COUNTY: LINDA WIGGINS AND MARK DEESE**

Eddie Bailes, Human Resources Director, reviewed that each year the NCACC awards the Ketner Employee Productivity Award, sponsored by Ralph Ketner co-founder of Food Lion, Inc. This year, two Cleveland County employees, Linda Wiggins from Tax Collections, and Mark Deese with the IT Department were among the winners. Mr. Deese and Mrs. Wiggins were honored by Commissioners during their May 18, 2004 meeting when their "enhancement of Debt Set-off Program" won the Cleveland County Employee Productivity Award.

Mr. Bailes noted that this team will receive \$1,000 and a certificate of recognition at the General Session of the Association's Annual Conference to be held in Buncombe County in August.

CLEVELAND COUNTY EMPLOYEE SERVICE AWARDS

The following employees were recognized for their years of service:

5-Years of Service:

Richard W. Beaver (*Sheriff's Office*)
Dwight D. Fitch (*Sheriff's Office*)
Kathy W. Goforth (*Health Department*)
Gary H. Head (*Health Department*)
Walter S. Laughlin (*Health Department*)
Susan W. Allen (*Social Services*)
Rebecca C. Johnson (*Social Services*)
Aubrey L. Moore (*Social Services*)
Ivory T. Miller (*Information Technology*)

10-Years of Service:

Lashell D. Hall (*Health Department*)
Jean M. Riley (*Health Department*)
Rita G. Spangler (*Health Department*)
Anderson B. Haskins, Sr. (*EMS*)
Louis P. Ledford (*EMS*)
Robert C. Robbs (*EMS*)
Mary E. Scruggs (*EMS*)
Timothy H. Ware (*EMS*)
Kathy L. Greene (*Register of Deeds*)
Brenda G. Mellon (*Tax Assessor*)

15-Years of Service:

Martha A. Stanton (*Sheriff*)
Janice P. McCraw (*Veterans Services*)
Linda D. Brooks (*Social Services*)
Rita E. Price (*Social Services*)

20-Years of Service:

Kay V. Howell (*Social Services*)
Betty J. Lott (*Sheriff*)

25-Years of Service:

Cheryl D. Davis (*Social Services*)

PLANNING DEPARTMENT: ZONING MAP AMENDMENT - MADDOX AND COBB PROPERTIES
(Approximately 40 acres along US-29/Battleground Avenue be rezoned from Light Industrial-LI to Heavy Industrial-HI)

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, ***to open the public hearing on this petition.*** (Notice of this hearing was accomplished in accordance with NCGS 153A-343 with legal notices published in the Star on July 9 and July 16, 2004.)

Bill McCarter, Planning Director, reviewed that Mark Steele, Kay Maddox and Richard Cobb have presented a petition to rezone approximately 35 acres along US-29/Battleground Avenue. He explained they are requesting that these tracts be rezoned from Light Industrial (LI) to Heavy Industrial (HI). The Maddox property (10 acres) was recently rezoned to Light Industrial (LI), but the potential buyer is interested in expanding the facility to a use not permitted in the Light Industrial district.

Mr. McCarter reviewed the following background on this case:

Existing Land Use: Rental homes are located on two of the tracts and the large tract is undeveloped. This rezoning would allow the tracts to be combined and marketed for an industrial prospect. Surrounding land use is predominately industrial.

Future Land Use: Expanding commercial/industrial.

Utilities: City of Kings Mountain serves the area with public water.

Transportation: US-29 is classified as a major thoroughfare with a capacity of 24,000 vehicles per day, this segment is projected to be adequate through 2020.

Planning Board recommendations were as follows:

The Board supports this request. The demand for new industry is critical in this county and the I-85/US-29 corridor has been designated as an industrial growth area since the early 1990's.

Conforms with the Land Use Plan: This area is indicated as "Expanding Commercial/Industrial" on the 2005+ Projected Land Use Plan and the rezoning will conform with the plan.

Surrounding Properties: Adjoining properties are predominately industrial. Some residential and commercial properties remain at the intersection of NC-216 and US-29. Our code provides for screening of residential properties with a vegetative buffer. Excessive lighting would also be prohibited to reduce the impact on these properties.

Non-Conforming Uses: Two existing dwellings would become non-conforming uses in the Heavy Industrial (HI) zoning district. We anticipate these dwellings will be removed when the property is developed as an industrial site.

John McCullouch, Planning Board Chairman, explained the "two non-conforming dwellings are the same dwellings that were already there, no additional conflicts were found."

The Planning Consultant Chuck Nance, with Isothermal Planning, recommended to approve the petition stating, "I have reviewed the rezoning case and I do not see any reason the request should not be granted. The request would basically be the extension of an existing industrial district onto adjoining property and would not be deemed arbitrary or capricious.

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

ACTION: Tom Bridges made the motion, seconded by Jerry Self, and unanimously adopted by the Board, ***to approve the rezoning petition (copy of Ordinance found on Page _____ of Minute Book 28).***

TOWN OF BOILING SPRINGS: PLANNING AND ZONING BOARD ETJ MEMBER REAPPOINTMENT

The Boiling Springs Board of Commissioners submitted a request on June 14, 2004 that the Cleveland County Board of Commissioners reappoint Glenn Williams to serve as an ETJ member of the Boiling Springs Planning and Zoning Board.

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***open the public hearing on this request.*** (*Notice of this hearing was conducted in accordance with NCGS 160A-362, with legal notice published in the Star on July 7 and July 14, 2004.*)

ACTION: Hearing no further nominations, Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, ***to close the public hearing.***

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***confirm the reappointment of Glenn Williams to serve another three-year term as ETJ member to the Boiling Springs Planning and Zoning Board.***

HEALTH DEPARTMENT: CLEVELAND COUNTY CHILDHOOD OVERWEIGHT/OBESITY TASK FORCE RECOMMENDATIONS; NORTH CAROLINA HEALTH AND WELLNESS TRUST FUND GRANT

Dr. Joel Spragins, Chairman, Board of Health, presented Commissioners with a copy of the Task Force report, stating the final report has been adopted by the Board of Health. Dr. Spragins reviewed this process was started in May 2003 and has studied obesity problems both nationally and locally. He said, "The Health Department was awarded a grant from the North Carolina Health and Wellness Trust Fund in the amount of \$450,000 to carry out some of the recommendations from the Childhood Overweight/Obesity Task Force (*reference BNA 004 adopted in Consent Agenda of this meeting*)."

Dr. Spragins stated, "The Task Force selected ten key recommendations that will provide the beginning direction for promoting healthy eating and physical activity through awareness, advocacy and action." He said one of the most staggering facts of these studies is that this may be the first generation of children where their parents may out live them. He encouraged Commissioners to adopt the following key recommendations:

1. Raise public awareness about the obesity and childhood overweight issue and its negative impact on quality of life.
2. Use awareness, advocacy and actions to create an environment that makes healthy eating and physical activity the norm versus the exception.
3. Support families as the key foundation for reducing the number of overweight and obese children.
4. Provide more community-based opportunities for leisure time/recreational physical activity for children and families.
5. Ensure safe and accessible physical activity resources are available for children and families.
6. Include faith organizations, business and industry and other community organizations in planning and promoting healthy eating and physical activity for children and families.
7. Establish standards for all food and beverages available in schools, after-school programs and child care.
8. Establish policies to assure adequate time in the school day for physical activity including physical education, recess and after-school programs and develop age appropriate physical activity standards for child care centers.
9. Establish media advocacy partnerships to promote healthy eating and physical activity.
10. Ensure equitable access to prevention and treatment services for overweight and obese children is available in order to reduce health disparities.

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***accept the recommendations of the Task Force and adopt the above-stated recommendations.***

Vice-Chairman Hawkins stated he would like for the Health Department to make similar recommendations on smoking, especially in schools and restaurants.

VIDEO POKER MACHINES: MORATORIUM SET BY COMMISSIONERS ON APRIL 20, 2004 WILL EXPIRE ON AUGUST 1, 2004

Bill McCarter, Planning Director, reviewed the memorandum provided to Commissioners by Sam Craig, Deputy County Attorney for this case, a copy of which is found on Page _____ of Minute Book 28. Mr. Craig advised the Taskforce had their first meeting on July 16 and voted to meet again on July 21, 2004. Mr. Craig advised the Board can either allow the moratorium to expire on August 1, 2004 or extend the moratorium for a short term and suggested August 17, 2004.

ACTION: Jerry Self made the motion, seconded by Tom Bridges, and unanimously adopted by the Board ***to extend the moratorium on video gaming machines to August 17, 2004.***

TAX LISTING: UNTAGGED VEHICLES REPORT

Chris Green, Tax Assessor, reviewed the following report regarding untagged vehicles:

Classified motor vehicles in North Carolina are considered as either registered (tagged) or unregistered (untagged).

Registered Vehicles are listed automatically by virtue of the initial registration or renewal. The owner of a registered vehicle is not required to list it as provided in G.S. 105-306. NCDMV sends a list of registered vehicles to the county on a monthly basis.

Unregistered Vehicles must be listed with the assessor during the regular listing period each year as provided in GS 105-330.3. Public notice of this requirement is published in the newspaper and physically posted throughout the county prior to the January listing period. Discovery of unlisted vehicles is made with penalty as provided in GS 105-312.

NCDMV does not provide the counties with a list of unregistered vehicles. This information has been specifically requested by our office on two occasions. Officials at DMV in Raleigh have told us that it is not available. We do have the ability to verify the ownership and listing of vehicles by an individual, however no practical mechanism currently exists to seek out and identify unlisted, unregistered vehicles on a countywide basis. A statewide effort involving the NC Association of County Commissioners and NC Department of Revenue may be required to compel DMV to provide counties with a complete roster of unregistered vehicles.

Enforcement of the listing requirement is mainly through penalty upon discovery, refusal by DMV to issue a tag without proof of property tax being paid, or possibly action through Section 11-28 of the Cleveland County Solid Waste Ordinance. Junk or "parts" vehicles held as inventory by a business operating a bonafided dealer or parts house may be exempt from listing and taxation as provided in GS 105-275(33). Many of the unregistered are older vehicles in poor condition or not in running order. A recent count of personal vehicles being listed in Cleveland County as untagged show a total of 1,562 vehicles with a combined value of \$1,809,350. This is an average value of \$1,158 per vehicle. At the county general rate of \$0.58 this will generate an average of \$6.72 per vehicle for a total of \$10,491.

CLOSED SESSION

ACTION: Willie McIntosh made the motion, which was seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***conduct a closed session regarding economic development industrial client and real estate***, as allowed under North Carolina General Statute 143-318.11(a)(4)(5). It was requested that Economic Development staff participate in the closed session.

RECONVENE IN REGULAR SESSION

Chairwoman Accor reconvened the meeting and announced the Board did conduct a closed session for the stated purposes. Mr. Craig summarized the discussion in closed session stating, "Commissioners directed the Economic Development staff and the county attorney (*with the involvement of the County Manager*) to negotiate for the purchase of industrial development property for a prospective economic development client and authorized the Chairwoman to sign a contingent letter of intent if those negotiations are successful."

ACTION: Ronnie Hawkins made the motion, seconded by Tom Bridges, and unanimously adopted by the board, ***to adopt the directions summarized above by Mr. Craig.***

CLOSED SESSION

ACTION: Willie McIntosh made the motion, which was seconded by Ronnie Hawkins, 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)(6). It was requested that Eddie Bailes, Human Resources Director, participate in the closed session.

RECONVENE IN REGULAR SESSION

ACTION: Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to end the closed sessions and reconvene in regular session at this time.

COUNTY MANAGER: APPOINTMENT OF DAVID C. DEAR (effective December 1, 2004)

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***(1) appoint David C. Dear to the position of Cleveland County Manager, effective December 1, 2004 (at the retirement of Richard Lane Alexander); and approve (2) a salary of \$118,008; (4) a discretionary allowance of \$4,800; and, (5) Mr. Dear's contract (copy found on Pages _____ of Minute Book 28).***

Mr. Dear was initially employed by Cleveland County on October 1, 1977 in the Finance Department. He was promoted to an Accountant I on July 1, 1978; promoted to Data Processing Manager/Supervisor on January 1, 1979; promoted to Deputy Finance Director on July 1, 1987; promoted to Finance Director on July 5, 1988; and became Assistant County Manager/Finance Director on November 19, 1990. Mr. Dear is a Cleveland County native.

ADJOURN

There being no further business to come before the Board at this time (8:55 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, August 3, 2004, at 6:00 p.m.***

Mary S. Accor, Chairwoman
CLEVELAND COUNTY BOARD OF COMMISSIONERS

Wanda Crotts, CMC, Clerk
CLEVELAND COUNTY BOARD OF COMMISSIONERS