

CLEVELAND COUNTY BOARD OF COMMISSIONERS

August 17, 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
R. L. Alexander, County Manager
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
Jimmy Hines, Health Education Coordinator
Joy Scott, The Star
Paul Foster, 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 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: Economic development clients (Alexander)***
- (2) Sports Council: Report (McIntosh)***

CITIZEN RECOGNITION

LANDFILL FEES

Glenn Johnson advised he owns a house which has been vacant for years and will remain vacant. He feels he should not be assessed the \$50 landfill fee since "no trash is generated" at this house. He said that once the tax office had removed the fee but now he understands it must be assessed. Commissioner Self noted that several years ago the policy was changed and now includes all houses of a "certain value" whether they are occupied or not. Chris Green, Tax Assessor, spoke with Mr. Johnson in his office regarding the policy.

CONSENT AGENDA

APPROVAL OF MINUTES

ACTION: Tom Bridges made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the minutes of August 3, 2004, with the following amendments:***

Delete the following motion regarding the board reappointments of the Cleveland County Economic Development Commission: Ronnie Hawkins made the motion to nominate John Harris and Carl DeBrue. The nominations died from lack of a second.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #009)

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>
012.534.4.540.00	SCHOOL HEALTH/Contracted Revenue	\$48,520.	
012.534.5.121.00	SCHOOL HEALTH/Salaries-Regular	33,732.	

012.534.5.131.00	SCHOOL HEALTH/FICA	2,091.
012.534.5.132.00	SCHOOL HEALTH/Retirement	1,649.
012.534.5.133.00	SCHOOL HEALTH/Hospitalization Ins.	3,516.
012.534.5.134.00	SCHOOL HEALTH/Dental Ins.	156.
012.534.5.135.00	SCHOOL HEALTH/Employer 401K	1,687.
012.534.5.136.00	SCHOOL HEALTH/Medicare Ins.	489.
012.534.5.210.00	SCHOOL HEALTH/Departmental Supplies	800.
012.534.5.211.00	SCHOOL HEALTH/Controlled Property Exp.	860.
012.534.5.230.00	SCHOOL HEALTH/Medicine & Supplies	504.
012.534.5.310.00	SCHOOL HEALTH/Travel	800.
012.534.5.910.00	SCHOOL HEALTH/C.O. Equipment	2,236.

Explanation of Revisions: Budget revenue from Cleveland County Schools to assume School Health responsibilities for the former Shelby City Elementary Schools. Will need to budget PHN II and purchase appropriate supplies, laptop, audiometer and travel to support the position.

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **July 2004**. The monthly grand total of tax abatements was listed as (\$109,619.87); and, the monthly grand total for tax supplements was listed as \$180,841.34.

TAX COLLECTOR'S MONTHLY REPORT

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

HOMELAND SECURITY: PROPOSED DISTRIBUTION OF 2004 FUNDS

Charlie Vanhoy, Homeland Security Coordinator, told Commissioners that the Homeland Security Committee had met twice monthly and the meetings had been well attended by committee members. He said the Committee addressed the emergency preparedness of "our collective emergency services providers in Cleveland County to evaluate and enhance as needed our equipment and personnel needs in all disciplines."

Mr. Vanhoy reported that on July 22, 2004, the Committee unanimously agreed to recommend that the 2004 Homeland Security Grant dollars be "divided equally between all fire departments throughout our county and that Emergency Management be given an equal share." He advised this money is a reimbursement grant and the following stipulations are placed on the actual reimbursement:

1. That only items approved by the National Department of Homeland Security be purchased. A list of appropriate approved items will be provided to each department by our Office of Emergency Management.
2. That at least fifty-percent (50%) of all personnel, in any given agency have completed at least Level 100 and Level 200 training in "Incident Command." When this training is completed, the appropriate person at each of those effected agencies prepare a written statement as such (this is a national requirement that we as a county complete and implement this training to be eligible for future Homeland Security grants) to Dewey Cook.

Mr. Vanhoy advised that Cleveland Community College has been asked to coordinate training for the departments and that some have already met the training requirements. He stated the fire chiefs will be notified once adopted by Commissioners.

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to **adopt the recommendations of the Committee for dispersement of the \$194,767.00 in funding.**

As information, Mr. Alexander advised additional federal government funds have been dispersed as follows: \$222,789.02 for law enforcement; \$12,417.53 for EMS and rescue; \$187,194.02 for HazMat; and \$74,108.98 for urban search and rescue.

PROCLAMATION - HEALTH DEPARTMENT: HEALTHY NORTH CAROLINA MONTH - SEPTEMBER 2004

Jimmy Hines, Health Education Coordinator, reported on the walking campaign "Step into Health." He said that in the smaller municipalities the first 50 people to commit to walking 10,000 steps during September will receive a free pedometer and the first 100 in the larger municipalities. Mr. Hines said, "Our goal is to encourage families to walk together using community walking tracks. The funding for this program comes from a grant to the Health Department.

ACTION: Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***adopt the following resolution.***

NUMBER 02-2004

**PROCLAIMING THE MONTH OF SEPTEMBER 2004
AS "HEALTHY NORTH CAROLINA MONTH"
IN CLEVELAND COUNTY**

WHEREAS, good health for North Carolinians is necessary for the full enjoyment of life, for success in school, and for a more productive workforce;

WHEREAS, preventable and controllable diseases, including asthma, diabetes, cancer and heart disease cost the State, local government and private employers billions of dollars every year;

WHEREAS, diabetes increased among North Carolinians by 75% between 1995 and 2002, and diabetes related hospitalization costs totaled \$2.5 billion in 2002 alone;

WHEREAS, one in four North Carolinians has heart disease, and 40% of all deaths in the State are caused by heart disease. In 1997, heart disease cost \$1.78 billion in medical expenses;

WHEREAS, nearly one in four deaths in North Carolina is caused by cancer. In 2000, \$1 billion was spent on medical costs for cancer. Breast, prostate, colorectal, skin and oral cancers that are detected through screening can often be successfully treated;

WHEREAS, one in ten of North Carolina's children has asthma and those children miss twice as many days of school as their counterparts. Asthma is the number one cause of emergency room visits and hospital admissions for patients under the age of 21. Asthma related hospitalization costs totaled \$100 million in 1997 alone;

WHEREAS, North Carolinians can take advantage of many activities that will improve their health and help prevent and control disease, with small changes in diet and activity having a dramatic impact on health in the long term;

WHEREAS, studies have shown that health promotion and disease management programs in major private sector companies have saved, on average, \$3.00 for every \$1.00 invested.

NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, do hereby proclaim our support for September 2004 as "Healthy North Carolina Month," proclaimed by North Carolina Governor Michael F. Easley.

IN ADDITION, WE, THE BOARD OF COMMISSIONERS, support the Cleveland County Health Department's campaign activities to be held during the month of September in recognition of "Health North Carolina Month" in Cleveland County.

ADOPTED THIS THE 17TH DAY OF SEPTEMBER 2004.

PUBLIC HEARING: PLANNING DEPARTMENT: FINAL PAVING ASSESSMENT - DILLARD CIRCLE

Bill McCarter, Planning Director, stated that a call for bids went out to eight area contractors, with only two responding. He advised that NCGS 143-133 has been amended and contracts for \$300,000 or less can be awarded without the previously mandated three bids. He stated Commissioners could elect to open the two bids received or re-bid the contract; however, re-bidding would delay the project to the winter and that may be “past paving season.”

It was the unanimous consensus of the Board to open the two bids received:
Kennedy Concrete & Utilities: \$145,800.00
Cleveland Contractors, Inc.: \$150,456.25

ACTION: Tom Bridges made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***open the public hearing*** (*legal advertisement for public hearing published in the Star on August 6 & 13, 2004*).

Ronald Hopman advised he has lived on Marshall Wolfe Road for eighteen years on a corner lot adjacent to Dillard Circle but his home fronts Marshall Wolfe Road. He is opposed to the paving stating he would receive no benefit from the road paving. He also stated “people ride up and down on four-wheelers and such” and drive “too fast” on Dillard Circle and feels paving the road would increase this type traffic. Mr. Hopman said he could not afford the assessment.

Robert B. Blackwell, II of Marshall Wolfe Road submitted his comments by letter, requesting it be made a part of the official minutes. The letter was read by Chairwoman Accor:

As I will be unavailable to attend the Planning and Zoning meeting scheduled for August 17, 2004 due to my second shift work schedule, it is requested that this letter be entered and/or read aloud in the meeting so that it will become part of the proceedings as to my views and beliefs on this matter.

Although I applaud the residents and occupants of Dillard Circle for trying to better their surroundings and community, I must object to any projects of this nature that would place any form of levies, liens, taxes or special assessments towards or upon my property for the following reasons:

- 1) The Dillard Circle side of my property maintains no ingress or egress of any kind, in fact, of the 222' of frontage area I own there currently is 120' of chain-link fencing, with a remaining 90' to be fenced by the end of 2005.
- 2) As Dillard Circle is a well planned, yet private road, there is no drainage considerations that would adversely effect my property or justify special consideration at my expense.

In closing, it is my belief, and based on my five-years as a property owner abutting Dillard Circle, as well noting the driving habits of certain residents, that the paving of Dillard Circle would probably promote nothing more than an unregulated private race track, causing eminent danger to people, animals and residents alike.

Fonda Walker, a Dillard Circle resident, advised the roads are slippery in winter and feels paving would stop the reckless driving. She stated last year the post office refused to deliver mail to the residents of Dillard Circle for three weeks due to the condition of the road.

Robert Sorrow, a Dillard Circle resident, said when the police are called regarding the reckless driving incidents they are told they have no jurisdiction due to fact that Dillard is a private road. If paved, then the Department of Transportation would put on State Maintenance therefore making it a “state road” then law enforcement could respond. He also noted that school buses will not come down the road when the conditions are bad.

ACTION: 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 adopted by a majority vote of the Board (*Commissioner McIntosh voted no*), to ***approve the following resolution of assessment for Dillard Circle.***

RESOLUTION 18-2004

ASSESSMENT RESOLUTION PAVING OF DILLARD CIRCLE

WHEREAS, the Cleveland County Board of Commissioners have the authority to make special assessments for the purpose of paving streets as set forth and described in NCGS 153A-185;

WHEREAS, property owners abutting Dillard Circle have presented a petition requesting the County of Cleveland, North Carolina, to assess said property owners for the purpose of paving;

WHEREAS, the County of Cleveland shall assess each lot abutting said street(s) as shown on Plat Book 16, Pages 10, 66, and 67, at an equal rate per lot, plus an administrative fee of one dollar (\$1.00) per linear foot, one hundred percent (100%) of the total project costs shall be assessed against each lot, and assessments may be financed at an annual interest rate of eight percent (8%) payable in annual installments and collected in the same manner as property taxes;

WHEREAS, the Cleveland County Board of Commissioners held a public hearing at 6:00 p.m. on Tuesday, August 17, 2004 in the Cleveland County Administrative Building, 311 East Marion Street, Shelby, North Carolina in accordance with the mandates of NCGS 153A-191.

NOW, THEREFORE BE IT RESOLVED, that the Cleveland County Board of Commissioners hereby agree to assess each property owner as set forth in this resolution.

ADOPTED THIS THE 17TH DAY OF AUGUST 2004.

Commissioner McIntosh expressed his concern that Mr. Hopman stated he was unable to pay the assessed amount. Mr. McCarter advised that under North Carolina General Statutes the county does not have the ability to release any lot that adjoins the right-of-way.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and ***adopted by a majority vote of the Board*** (Commissioner McIntosh voted no) ***to award the bid to the low bidder - Kennedy Concrete & Utilities.***

CLEVELAND COUNTY VOLUNTARY FARMLAND PRESERVATION PROGRAM - AGRICULTURAL ADVISORY BOARD APPOINTMENTS

ACTION: Ronnie Hawkins made the motion, seconded by Tom Bridges, but was ***rescinded after discussion***, to reappoint Max Hamrick, Wayne Yarbro and Randy Cook.

During discussion of the motion, Commissioner Self noted that the Soil and Water Conservation District has recommended Randy McDaniel be appointed to replace Wayne Yarbro. He also noted that Mr. Yarbro had missed over half of the regular meetings, therefore he recommended the appointment of Mr. McDaniel, which would also be in keeping with the Commission's policy to appoint new people to boards and committees when possible. ***Vice-Chairman Hawkins and Commissioner Bridges rescinded their motion.***

ACTION: Jerry Self made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***(1) reappoint Max Hamrick and Randy Cook***; and, ***(2) appoint Randy McDaniel to serve on the Advisory Board. Each term is for a period of three-years, scheduled to conclude on August 31, 2007.***

CLEVELAND COUNTY CHILD FATALITY PREVENTION TEAM

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***appoint Robert L. Rinehardt and Willie A. Green to serve as members of the Team. Each appointment is for a period of three-years, scheduled to conclude on August 31, 2007.***

SPORTS COUNCIL

Commissioner Willie McIntosh read the following summary (*a copy of the full summary is found on Pages _____ of Minute Book 28*).

Cleveland County Recreational Facilities

This report contains statistical information on recreational facilities from the various municipalities in Cleveland County. The research team was provided with a sample list of various sporting activities on which to gather facilities data. Many sports associations and individuals were contacted for assistance in obtaining some of these data. Church organizations were contacted and also the phone book was used to identify some of the privately owned facilities. In addition, the scope of the sporting activities formed the basis for the facilities data.

Personal and telephone interviews, coupled with personal visits were part of the instruments used to collect data on all identified facilities in this research. Some institutions provided loaded information on their facilities. Others reported a summary or unloaded data. Few privately owned business facilities that were either out of business or operated from home with no defined facilities were excluded from this survey. In general, sufficient information was obtained for our analysis.

Based on our research, we observed that the majority of the recreational facilities are located in the eastern division of the county. This may be due to the number of institutions located in that part of the county. Some municipalities that share common borders with other counties had very few to no facilities. Our assumption is that they may use the other counties' facilities for their recreational activities.

Some of the facilities identified in our survey needed improvements and lacked basic good restroom facilities. Some are in compliance with the American with Disabilities Act and some were not in compliance. Many had concession stands of different sizes. Some had electronic scoreboards and lights on their fields. The seating capacity in some facilities was adequate and in others they were inadequate. The surfaces of the facilities ranged from grass to concrete. Few had excellent hardwood surfaces. Also, few had Olympic standard equipment and others could be easily upgraded to host regional and national competitions.

A summary of the total facilities in each sport is located on page III. There are about 33 baseball fields, 23 soccer fields, 60 tennis courts, 54 gymnasiums and approximately 63 basketball courts in the county. Schools and churches with family centers housed some of these facilities.

Recommendations:

The formation of a county wide sports commission can help some of the problems we observed in many of the facilities. There are many fragmented sport associations in the county with similar missions and goals. An "umbrella" association such as the sports commission can bring together all the fragmented groups in hopes of achieving a well-defined sports community that can attract regional and national competitions to the county. It will be responsible in marketing and promotion of all facilities to regional and national competitions' board of directors. Also, the commission can be responsible in raising the necessary resources for upgrading or assist in building new modern facilities. More privately owned facilities should be encouraged as well. It was discovered that new facilities were under construction and also that some have been proposed for future construction. The aggregation of the above will translate into an increase in sports tourism - which through multiplier effect will net an increase in our local economy.

Based on conversation with many of the facilities owners, sports such as football, basketball, baseball, softball, soccer, karate, tennis and a few others could attract a regional competition to the county. History shows that karate, soccer and baseball have been effective in this endeavor.

The research also indicated that larger hotels are needed in the county to support any regional or national competition. More research is needed in this area. It is also suggested that the county or other entity continue to gather data on a regular basis in order to keep up with the addition of new facilities. This ongoing process should help the county anticipate changes occurring in the recreational facilities market. In conclusion, further research is needed to compare current county data with that of other counties that are successful in the sports market.

Commissioner McIntosh said this report will "save a lot of leg work" for people considering Cleveland County as a possible location for a sporting event. He said the next step in this process is to interview each facility coordinator to determine exactly what sports they are prepared to accommodate. He anticipates the next committee meeting within the next 30-days and will report back to Commissioners after that meeting. Commissioner McIntosh thanked Dr. Anthony Negbenebor, of Gardner-Webb University School of Business, and his students for developing this report. Commissioner Self said regarding the report, "I think we should look at it in terms of what do in the future, if we do have a sports council I don't think we should have

additional county employees involved in it. I do think we should maybe look at, since we send most of our travel and tourism dollars to the Chamber, that we should let them decide if there is any promotional money for the up-front money to get venues into the area rather than us making it county. I think we should look at our area a mainly helping with infrastructure. Are we losing stuff because we don't have lights for the baseball fields. . . . we should look at sharing infrastructure costs."

Commissioner McIntosh said, "There are three ways you can have a sports council, it can be publicly run or it can be through local government, or it can be private, or it can be private-public partnership." He said he has already been contacted by a business in the county volunteering their financial support toward a sports council. Mr. Alexander also stated there are Park and Recreation Funds available and "I think the limit increases as of January 2005 to a maximum of \$500,000.00 per project so conceivably a group could help prioritize what the needs are based on the existing inventory so that you know what you have the most opportunity for and then focus your attention on a PARTF grant or something like that so you don't have to spend all local tax dollars for that infrastructure."

ACTION: It was the unanimous consensus of the Board to authorize "taking this to the next step."

CLOSED SESSION

ACTION: Willie McIntosh made the motion, which was seconded by Tom Bridges, and unanimously adopted by the Board, to **conduct a closed session regarding economic development clients**, as allowed under North Carolina General Statute 143-318.11(a)(4). 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 and advised that guidance was given to the County Manager, the Assistant County Manager, and the County Attorney regarding an industrial client.

ECONOMIC DEVELOPMENT INCENTIVE POLICY

Mr. Alexander stated, "You have three incentive policies, you have an incentive policy for your industrial park, you have an infrastructure incentive policy, and you have a policy as it pertains to a grant for taxes paid. I would suggest that you leave the infrastructure and the industrial park policy in place and, because communities all across North Carolina and South Carolina, all the adjoining states are competing in a very competitive way for any investment that they can get in their community, so in order to have the maximum flexibility to be competitive. . . . to give yourself the maximum discretion possible, that you base your incentives on a case-by-case basis and that you change it from how it presently exists to that of a case-by-case basis."

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to **amend the Cleveland County Incentive Policy as outline by Mr. Alexander (copy found on Pages _____ of Minute Book 28).**

ECONOMIC DEVELOPMENT: PROJECT MIA

ACTION: Tom Bridges made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, **to schedule a public hearing regarding this project for September 7, 2004 at 6:00 p.m. due to changes in the "numbers since the original public hearing" (reference Minutes of August 9, 2004).**

ADJOURN

There being no further business to come before the Board at this time (7:55 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, September 7, 2004, at 6:00 p.m.***

Mary S. Accor, Chairwoman
CLEVELAND COUNTY BOARD OF COMMISSIONERS

Wanda Crotts, CMC, Clerk
CLEVELAND COUNTY BOARD OF COMMISSIONERS