

CLEVELAND COUNTY BOARD OF COMMISSIONERS

November 1, 2005

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
David C. Dear, County Manager
Robert Yelton, County Attorney
Kerri Melton, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Bill McCarter, Planning Director
Lindsey Allen, Cleveland Headline News
Other individual names on file in the Clerk's Office

ABSENT: Willie B. McIntosh, Commissioner

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. Members of the Cleveland County Extension and Community Association (ECA) provided the invocation for the meeting, by reciting their Club Collect, written by Mary Stewart:

- *Keep us, oh God, from pettiness; let us be large in thought, in word, in deed.*
- *Let us be done with fault-finding and leave off self-seeking.*
- *May we put away all pretense and meet each other face to face without self-pity and without prejudice.*
- *May we never be hasty in judgment and always generous.*
- *Let us take time for all things; make us grow calm, serene, gentle.*
- *Teach us to put into action our better impulses, straightforward and unafraid.*
- *Grant that we may realize it is the little things that create differences, that in the big things of life we are at one.*
- *And may we strive to touch and to know the great, common human heart of us all, and, oh Lord God, let us forget not to be kind!*

AGENDA ADOPTION

ACTION: Jerry Self 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 additions:***

- (1) Recognition of the Cleveland County Extension and Community Association (ECA)***
(Mary Accor and Johnny Hutchins)

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of ***October 4, 2005 and October 18, 2005***, motion was made by Mary Accor, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the minutes as written.***

EMERGENCY MANAGEMENT: BUDGET AMENDMENTS (BNA #014)

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>
010.445.4.460.00/Duke-P445	EM/Other Units Share Budget Exp	\$10,000.	
010.445.5.210.00/Duke-P445	EM/Departmental Supply	500.	
010.445.5.211.00/Duke-P445	EM/Controlled Property	4,200.	
010.445.5.213.00/Duke-P445	EM/Office Supplies	500.	
010.445.5.310.00/Duke-P445	EM/Travel-Training	2,500.	
010.445.5.321.00/Duke-P445	EM/Telecommunications	1,000.	
010.445.5.322.00/Duke-P445	EM/Postage	300.	
010.445.5.421.00/Duke-P445	EM/Maintenance Contract	1,000.	

Explanation of Revisions: *To budget Duke Power funding for fiscal year 2005/2006.*

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #015)

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</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.537.4.800.00	Child Health/Miscellaneous Revenue	\$ 270.	
012.537.5.230.00	Child Health/Medicine & Supplies	270.	
012.541.4.360.00	Environmental Health/State Government Grants	381.	
012.541.5.241.00	Environmental Health/Motor Fuels	161.	
012.541.5.310.00	Environmental Health/Travel	220.	

Explanation of Revisions:

537) Budget funds received from Charlotte AHEC for precepting of nurse practitioner student.

541) Budget funds received from NC Department of Environment and Natural Resources for motor fuels and travel. Funds were reimbursement for Environmental Health Specialist training.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #016)

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>
012.530.4.810.00	Health Administration/Donations-Contributions	\$ 150.	
012.530.5.790.00	Health Administration/Donations-Contributions	150.	
012.530.4.409.00	Health Administration/Local Revenue	4,483.	
012.530.5.340.00	Health Administration/Maintenance Bldg/Grounds	4,483.	
012.537.4.310.00/01120-2874	Child Health/Federal Grants	16,814.	
012.537.5.894.00	Child Health/Salaries-Fringe	7,626.	
012.537.5.213.00	Child Health/Office Supplies	432.	
012.537.5.220.00	Child Health/Food	2,000.	
012.537.5.310.00	Child Health/Travel	2,950.	
012.537.5.311.00	Child Health/Educational Supplies	675.	
012.537.5.370.00	Child Health/Advertising	1,799.	
012.537.5.420.00	Child Health/Contracted Services	1,332.	
012.541.4.350.00/01210-4760	Environmental Health/State Government Grants	5,400.	
012.541.5.210.00	Environmental Health/Departmental Supplies	1,500.	
012.541.5.310.00	Environmental Health/Travel	2,000.	
012.541.5.311.00	Environmental Health/Educational Materials	1,900.	
012.541.4.310.00/01210-2760	Environmental Health/Federal Grants	1,350.	
012.541.5.241.00	Environmental Health/Motor Fuels	1,000.	
012.541.5.310.00	Environmental Health/Travel	350.	
012.542.4.991.00	Rabies Control/Fund Balance Appropriations	21.	
012.542.5.790.00	Rabies Control/Donations-Contributions	21.	

Explanation of Revisions:

530) Budget donation from Shelby Lion's Club for eye exams.

530) Budget funds from Pathways for maintenance of "Restoration Garden."

Mr. McCarter advised that Cleveland Contractors was the only bidder who listed the use of minority contractors (*an estimated \$30,000*).

He explained there are 19 lots, and calculating by the low bid, each lot would be assessed at an estimated \$7,803.00, payable over five-years at 8% interest. The petition was submitted in 2003, but ownership of the property has remained the same as when submitted. He said the two corner lots and lots 17 and 20 did not sign the petition.

Chairman Hawkins opened the public hearing at 6:20 p.m. (*Public notice of this hearing was conducted in accordance with NCGS 153A-191. Legal advertisements were published in The Star on October 21, 2005.*)

Leonard Smith spoke against the assessment, stating “at this price I would just as soon live on a dirt road.”

Bob Ramsey spoke in favor of the assessment.

Wendy Stinnette questioned if the NCDOT “ever accepts dirt roads under maintenance” and it was explained they do not accept dirt road, only roads that are paved to DOT standards. She also had questions as to how the paving would affect her property value. Chris Green, Tax Administrator, explained only the land value would be affected, as “values along that road are now assessed as dirt road.”

Joe Hunt wondered if school buses would come down that road if paved, and was answered yes; and, he also asked if “speed bumps” were allowed and was told no.

Britt Barts had questions about utilities and was told the City of Shelby and the Cleveland County Sanitary District serve that area.

David Mathis said he owns three lots and asked questions about the “administrative cost” which is already factored into the stated cost.

Commissioner Self asked how the assessment would affect the property being sold and Mr. McCarter said “this would be the same as any other lien on the property.”

Hearing no further comments, Chairman Hawkins declared the public hearing closed at 6:40 p.m.

ACTION: Johnny Hutchins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to adopt the following Final Assessment Resolution for the Paving of Sheree Lane.*

Resolution 14-2005

**ASSESSMENT RESOLUTION
PAVING OF SHEREE LANE**

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; and

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

WHEREAS, the County of Cleveland shall assess each lot abutting said street (formerly Rustic Lane) as shown on PB 15 Page 83, 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; and

WHEREAS, the Cleveland County Board of Commissioners held a public hearing at 6:00pm on Tuesday, November 1, 2005, 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 THE 1ST DAY OF NOVEMBER, 2005

There was discussion of the question as to whether or not those who initially signed the petition were still in favor of the paving project and several property owners stated the assessment amount was higher than they had anticipated. The question was asked if a property owner could withdraw their name at this point in the process and Mr. Yelton stated he would have to research that question. Commissioner Hutchins stated he visited the road today and talked about how "rough" the condition of the road is and that he feels it has now become a "safety issue" as he had difficulty maneuvering the road in his truck. He expressed concern that fire and rescue vehicles would not be able to respond to calls. Vice-Chairman Self also noted the owners would recoup their investment if they sold the property, due to the increase in property value.

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to award the paving bid to the low bidder of Custom Paving at \$143,615.00.*

Mr. McCarter noted he has checked references for Custom Paving, who have completed many area contracts, and all references were "well pleased" with their work.

MINIMUM HOUSING CODE VIOLATIONS

Mr. McCarter stated, "We currently have 31 homes in the Light Oak community under violation of minimum housing code standards. To date, 10 of these homes have been demolished, and two are awaiting demolition." He said that one of the owners has agreed to demolish five of his units and repair one other, so the remaining 15 homes will need to be demolished by the county. He noted the Fire Marshal as stated the "fire college" will be held in Cleveland County in mid-November and will burn the houses as practice, reducing cost to the county.

Mr. McCarter expressed reservations over the demolition of the structures located at 1805 and 1809 Issac, stating that some renovations have been made, but he was advised by Building Inspection and the contractor who had been working on the homes, that construction had stopped. Mr. McCarter requested Commissioners table action on these two properties, allowing the owner the opportunity to complete the work.

He stated the community is "trying to clean up their community and make it crime free."

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, *to adopt the ordinances (copy found on Pages _____ of Minute Book _____) authorizing the demolition of the dwellings as described by Mr. McCarter.*

COMMISSIONER REPORTS

MOUNT ZION MISSIONARY BAPTIST CHURCH 125TH CELEBRATION

Commissioner Accor reminded Commissioners of the celebration to be held at Mount Zion Missionary Baptist Church on November 6, 2005.

HOSPICE

Commissioner Hutchins shared with Commissioners the thank you note from Hospice staff for the shelves Commissioners sponsored during the recent Day of Caring.

VOLUNTEER APPRECIATION DAY

Vice-Chairman Self requested Mr. Dear express Commissioners thanks to the staff of Emergency Management for their hard work in making the recent Volunteer Appreciation Day a great success.

RECOGNITION OF STAFF

Commissioners welcomed Kerri Melton to the County Manager's Office. Mrs. Melton was recently named Administrative Assistant to the County Manager and Deputy Clerk to the Board, with today being her first official day on the job.

Commissioners also welcomed Eddie Bailes to County Administration, having been named Assistant County Manager on October 25, 2005.

ADJOURN

There being no further business to come before the Board at this time, Jerry Self made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to adjourn the meeting (*at 7:00 p.m.*). The next regular meeting of the Commission is scheduled for ***Tuesday, November 15, 2005 at 6:00 p.m.*** in this Commission Chamber.

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

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