

CLEVELAND COUNTY BOARD OF COMMISSIONERS

February 15, 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
Willie B. McIntosh, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Wanda Crotts, CMC, County Clerk
Sherry Evans, County Manager's Office
Bill McCarter, Planning Director
Eddie Bailes, Human Resources Director
Chris Crepps, Finance Director
Chris Green, Tax Assessor
Alex Caban, Cleveland Headline News
Joy Scott, The Star
Robert Williams, Citizens for Good Government
Other individual names on file in the Clerk's Office

CALL TO ORDER

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

AGENDA ADOPTION

ACTION: Mary Accor 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.***

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the minutes of **January 18, 2005**, motion was made by Willie McIntosh, seconded by Mary Accor, 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 **January 2005**. The monthly grand total of tax abatements was listed as (\$26,282.80); and, the monthly grand total for tax supplements was listed as \$42,966.70.

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during **January 2005** (copy found on Page _____ of Minute Book 28).

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #037)

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to **approve the following budget amendments.**

<u>Account Number</u> <u>Decrease</u>	<u>Department/Account Name</u>	<u>Increase</u>
012.530.4.540.00	GENERAL/Contracted Revenue	\$10,000.
012.530.5.310.00	GENERAL/Travel	5,000.
012.530.5.490.00	GENERAL/Professional Services	5,000.
012.539.4.350.00	FAMILY PLANNING/State Gov't Grants	3,723.
012.539.5.230.01	FAMILY PLANNING/Prescription Drugs	3,723.
012.542.4.810.00	RABIES CONTROL/Donations/Contributions	100.
012.542.5.790.00	RABIES CONTROL/Donations	100.
012.548.4.340.00	CODAP/Other State Revenue	150.
012.548.5.311.00	CODAP/Education Expense	150.

Explanation of Revisions:

- 530) Budget funds from Cabarrus Health Alliance for expenses related to the finance incubator project. The purpose of this project is to establish best practices and benchmarks in three target areas: grant writing, accreditation and financial operations.
- 539) Budget funds from NCDHHS, Women's Health Services for the purchase of a long-acting contraceptives for low-income women.
- 542) Budget funds received in appreciation of a good deed done by an Animal Control Officer. Will use funds to support expenses of the animal shelter.
- 548) Budget funds from State honorariums to support CODAP endeavors.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #038)

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to **approve the following budget amendments.**

<u>Account Number</u> <u>Decrease</u>	<u>Department/Account Name</u>	<u>Increase</u>
010.441.4.810.00	SHERIFF/Contributions/Donations	\$ 700.
010.441.5.790.00	SHERIFF/Donations/Contributions	700.

Explanation of Revisions: Budgeting \$700 received from calendar sales - Caywood Publications.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT PETITION - JERRY L. MARLOW - PINEDALE ROAD (Case 05-06) (Request to schedule public hearing for March 1, 2005)

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***schedule the public hearing as requested.***

PLANNING DEPARTMENT: ZONING MAP AMENDMENT PETITION - HEALTH DEPARTMENT - FIELDING ROAD (Case 05-07) (Request to schedule public hearing for March 1, 2005)

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***schedule the public hearing as requested.***

PLANNING DEPARTMENT: CODE TEXT AMENDMENT - SECTION 12-124 - TABLE OF PERMITTED USES: AMUSEMENT, GAMBLING & RECREATION INDUSTRIES (Request to schedule public hearing for March 1, 2005)

ACTION: Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***schedule the public hearing as requested.***

SOPHISTICATED YOUNG LADIES PROGRAM

Commissioners presented a plaque to Dr. Linda Hopper, Program Director, honoring the members of this group, as well as the advisory members who were also at the meeting.

DISTINGUISHED YOUNG GENTLEMEN PROGRAM

Commissioners presented a plaque to Michael Lane, Program Director, honoring the members of this Shelby Middle School group.

MAN II MAN PROGRAM

Commissioners presented a plaque to Juan Cherry, Program Director, honoring the members of this Boys and Girls Club group.

CLEVELAND COUNTY SHERIFF'S OFFICE: REGION C AWARD

WINNERS

Commissioners recognized each of the following employees of the Sheriff's Office who were honored during the recent regional (*Cleveland, Rutherford, Polk and McDowell counties*) law enforcement banquet. Certificates of Recognition were distributed by Sheriff Raymond Hamrick, who was also recognized as Sheriff of the Year, to the following winners:

Millie Snyder, Secretary of the Year
James Brooks, DARE Officer of the Year
Brent Harp, Civil Officer of the Year
John McIntyre, Dwight Fitch, Mark Blanton, Rodney Fitch and Paul Leigh were honored as Traffic Officers of the Year as a five-member Traffic-Interdiction Team
Lt. Mike Brown, received a retirement award for 30-years of service in law enforcement

PUBLIC HEARING: ECONOMIC DEVELOPMENT - INDUSTRIAL INCENTIVE GRANT - CASE FARMS (PROJECT MISHKA)

Scott Darnell, Cleveland County Chamber Senior Vice-President, stated "This project was code named Project Mishka . . . this facility will be relocated from Morganton, North Carolina . . . the site of the location will be across from the landfill on Airport Road, in the City of Shelby's ETJ but not in the city limits. The corporate name is Case Farms . . . a poultry processing company . . . with sales of over \$300

million a year and employs about 18,000 people. They have facilities in Morganton, soon to be Cleveland County, Goldsboro and one in Ohio. The proposed project is a feed mill where they will serve in a 45-mile radius, about 200 plus farms for their feed and other related projects. Case Farms had purchased this site about four years ago, and as business began to grow and the poultry industry increased, they were looking for a site rail served, corporate community and a place they could grow their business from the farming community.” He said this is a “state of the art” feed mill.

Mr. Darnell said this industrial incentive grant is in keeping with the Cleveland County Industrial Incentive Grant Program and is being offered for the creation of approximately 18 new full-time permanent employment positions over the next 36-months with an anticipated net investment of at least \$11,329,680. The value of the industrial incentive grant is to be approximately \$35,122 per year for five fiscal years, with a total value of approximately \$175,610.04 over five fiscal years. Funding for this grant is to be annually appropriated from the County’s General Fund - Fund Reserve. Based on the net investment, it is estimated that property tax revenues received from this project would amount to \$328,560.72 over five tax years.

Chairman Hawkins opened the public hearing at 6:55 p.m.

(Public notice of this hearing was accomplished in accordance with NCGS 258-7.1 with a legal advertisement published in The Star on February 4, 2005 - copy found on Page _____ of Minute Book 28.) Hearing no comments, Chairman Hawkins closed the public hearing at 6:56 p.m.

ACTION: Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the incentive grants for Case Farms as described by Mr. Darnell.***

**TAX LISTING: UNTIMELY APPLICATION FOR EXEMPTION
UPTOWN SHELBY ASSOCIATION, INC. (Rogers Theater Property)**

Chris Green, Assessor, reviewed that Chandler Poole, on behalf of Uptown Shelby Association, Inc. is requesting approval of untimely application for exemption on the Rogers Theater Property. He said, "GS 105-282.1 requires that application be made during the listing period, in this case by January 31, 2004. Application was not filed until December 28, 2004. However, untimely application may be approved by the Commissioners, if they find good cause for failure to file during the listing period has been shown." He said determination is at the discretion of the Board. Mr. Poole's explanation for failure to submit the application in a timely manner was his lack of understanding of the filing

procedure and that the paperwork was discovered on his desk in December 2004 “amidst a pile of other information left there by our outgoing administrative assistant.”

ACTION: Jerry Self made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***approve the request.***

INDUSTRIAL PROPERTY ACQUISITION: ROBERT Z. FALLS

PROPERTY

David C. Dear, County Manager, stated, “I request that you approve the purchase of approximately 47 acres of land from the Robert Z. Falls estate for a price of \$5,500 per acre. The property has been appraised by Booth Realty of Forest City at \$7,000 per acre. The property adjoins a 100-acre tract currently owned by Cleveland County just off Washburn Switch Road. Both of these properties are zoned Heavy Industrial and have rail access. The subject property has been surveyed, title searched, had an environmental site assessment completed, and the streams and wetlands have been assessed by the Army Corp of Engineers. The property has been given a clean bill of health in all areas.” He provided Commissioners with an area map of the property, showing the combined acreage of approximately 147.431

acres would provide up to six “prime industrial sites.” He said this would give the County a significant recruitment tool for economic development.

Scott Darnell advised this is regarded as “land banking” and would be a positive step for economic development in that the property would be ready to market “without having to negotiate with an owner when we have a client.”

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the purchase as presented.***

CLEVELAND COUNTY HEALTH DEPARTMENT RENOVATIONS: BID

AWARD

Mark Patterson, with Holland and Hamrick, reviewed this project is to renovate the building on Crawford Street, formerly occupied by Mental Health offices. The approximately 11,000 square feet space will now house Health Department offices. Mr. Patterson reviewed the complete list of bids received (*copy found on Page _____ of Minute Book 28*).

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to ***accept the low bid of \$721,071.00 submitted by Ladd Construction.***

ACTION: Jerry Self made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***approve the following budget amendment.***

Health Department: Budget Amendment (BNA# 039)

<u>Account Number</u>	<u>Department/Account Name</u>		
<u>Increase</u>	<u>Decrease</u>		
040.210.4.980.10		Capital Projects/Contributions From GF	
\$807,125.			
040.210.5.990.00		Capital Projects/C/O Other Improve	721,071
040.210.5.899.00N		Capital Projects/Reserve Funds	36,054
040.210.5.210.00		Capital Projects/Departmental Supply	50,000
010.998.4.991.00		Contingency/Fund Balance Appropriated	807,125
010.981.5.890.00		Fund Transfers/Interfund Transfers	807,125
JE#:	Debit	Credit	
010.3.996.00	807,124.55		
010.3.991.48		807,124.55	

Explanation of Revisions: *To budget construction/improvement contract, contingency for construction overrun, and furniture/equipment for the Health Department Annex Building (HDAX) (Old Mental Health Building)*

BOARDS AND COMMITTEES: MEMBER TRAINING

There was discussion regarding training for potential appointees to board and committees and the possibility of Commissioners considering appointments/reappointments once a year, preferably December 1. Chairman Hawkins requested Mr. Yelton investigate the legalities of extending terms to December 1.

FIELDING DRIVE IMPROVEMENTS

Mr. Dear noted that Representative Tim Moore has achieved “on the House side”, approval of the \$60,000 allocation of funds through the NCDOT to complete road improvements on Fielding Drive. He said “we are awaiting approval from the Senate.”

RECESS TO RECONVENE AT TIME AND PLACE CERTAIN

ACTION: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to recess this meeting (at 7:15 p.m.) to ***reconvene at 2:00 p.m. on Monday, February 21, 2005, in the Commission Chamber, to meet with Congressman Patrick McHenry at his request.***

Ronald J. Hawkins, Chairman
CLEVELAND COUNTY BOARD OF COMMISSIONERS

Wanda Crotts, CMC, Clerk
CLEVELAND COUNTY BOARD OF COMMISSIONERS