

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**February 5, 2007**

The Cleveland County Board of Commissioners reconvened their recessed regular session of January 16, 2007 on this date, at the hour of 5:00 p.m., in the Commission Chamber of the Cleveland County Administrative Offices.

**PRESENT:** Mary S. Accor, Chairwoman  
Eddie Holbrook, Vice-Chairman  
Jo Boggs, Commissioner  
Ronald J. Hawkins, Chairman  
Johnny Hutchins, Commissioner  
David C. Dear, County Manager  
Wanda Crotts, CMC, County Clerk  
Eddie Bailes, Assistant County Manager  
Chris Crepps, Finance Director  
Bill McCarter, Planning Director  
Denese Stallings, Health Director  
Sam Lockridge, Health Department  
Marty Allen, Health Department  
Joe Cherry, Electronics Engineer  
Dwight Tessneer, Coroner  
Pete Delea, *The Star*  
Lindsey Allen, *Cleveland Headline News*  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairwoman Accor called the meeting to order.

**ACTION:** Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to move the meeting to the R. L. Alexander Conference Room.* Chairwoman Accor led the audience in the "Pledge of Allegiance" to the flag of the United States of America and Commissioner Boggs provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Jo Boggs made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the agenda as presented by the County Clerk.*

**CORONER REPORT**

Dwight Tessneer, County Coroner, accompanied by Doug Tysinger, Assistant County Coroner, reviewed the type of calls to which they respond, plus the advantages of the Coroner system over the Medical Examiner system (*ME*). Mr. Tessneer estimated they have responded to fourteen "doctor calls" since January 2007, which deals with the death of an elderly person or someone with ongoing medical issues and their doctor agrees to sign the death certificate without an autopsy being necessary. He said that last year they answered approximately 200 "plus" calls, excluding "doctor calls." Mr. Tessneer and Mr. Tysinger estimated they answer an average of "20 calls per month" which require approximately four-hours per call, but sometimes the cases may require longer, sometimes all day. Travel is also a factor, sometimes requiring they travel to Charlotte.

Mr. Tessneer advised with the Coroner system, the County saves money because they do not order an autopsy unless one is needed, not just as a standard practice as is often the case with an ME system (*each autopsy costs the county approximately \$1,000*). He also noted that under the ME system, it sometimes takes weeks before the family receives the death certificate.

Mr. Tessneer requested Commissioners consider an increase in their salary.

**ACTION:** It was the consensus of the Board to instruct Mr. Tessner and the County Manager to meet and work out a recommendation to be brought to the Board during their budget sessions.

### **HEALTH INSURANCE OVERVIEW**

Mark Broader, Mark III Employee Benefits, told Commissioners he has worked with over 100 public sector customers and has 25-years experience in the public sector. He said his firm “is currently working with over 35 county governments in North Carolina.”

Mr. Broader reviewed the following information regarding “plan performance and renewal.”

- In 2005-2006, the claims level in the plan increased by nearly 30%.
- Because of the transition from the NCACC to BCBSNC direct, data will be released in March 2007 to gain a better understanding of the underlying claim activity in 2006-2006.
- For the 2006-2007 plan year, the County increased funding for the Plan by 8%.
- In 2006-2007 the claims activity has leveled off.
- However, in looking at the most recent 12-months of claims activity, we anticipate there will still be a need for 14% (\$500,000) increase in funding the current plan in 2007-2008.
- As an option to the current plan design for 2007-2008, the County is considering adding Health Savings Accounts.
- Health savings accounts are tax-advantaged savings vehicles designed to augment high-deductible medical insurance policies.
- To be eligible to contribute to a health savings account, an individual must be covered by a high-deductible health plan and no other health plan (*other than long-term care insurance, accident insurance, disability insurance, disease-specific coverage, vision or dental care, or workers compensation*) as of the first day of the month; testing continues on a month-by-month basis.

Mr. Broader reviewed the following information regarding “alternative plan designs – health savings accounts” adding “Mark III has customers who have implemented Consumer Driven Healthcare Plans (CDHP) there are a variety of strategies in play to encourage employees to be better stewards of the health care dollar. CDHP’s offer some interesting opportunities”:

- They are a complete departure from the current medical plan structures that exist and represent a sea change, not only for the employees, but the providers as well.
- CDHP’s eliminate the copay system of reimbursement. The member now sees the total cost of the services being provided.
- The CDHP plan design motivates the member to be a better consumer of health care services.
- When one looks at the areas where there are opportunities to be a good consumer, pharmacy offers the greatest opportunity.

He also reviewed specific examples of health saving accounts. Further discussion will be held during budget work sessions.

### **800 MHz RADIO SYSTEM UPDATE**

Joe Cherry, County Electronic Engineer, reviewed the history of this project, which has been ongoing since 2001. The initial cost estimate was \$12-13 million, but with the success of grant awards, plus the generosity of the State, that amount has been reduced to approximately \$6 million.

Mr. Cherry stated we are now at a point where we must move forward in order to retain the FCC license obtained in 2002, which was issued for a 5-year slow growth plan. He estimates it will take 12-18 months to implement, once a purchase order has been issued to authorize purchase of the equipment, to up fit the towers to be operational. He does not feel an extension will be granted and the “drop dead date” on this is approximately 12-months.

He said Kings Mountain has been “invited” to be a partner in this project, but they have, to date, not opted to join us. There was discussion regarding financing options between the City of Shelby and the County, which has not yet been determined. Chris Crepps, Finance Director, reviewed payment scenario comparisons. Mr. Dear advised this information has been provided to “let you (*Commissioners*) know where we are . . . and that at some point soon some political decisions are going to have to be made as to whose in and whose out.” Commissioners expressed their gratitude to Mr. Cherry for his commitment to this project.

## **COUNCIL ON AGING**

Dick Strachan, First Vice-President of the Council on Aging (COA), accompanied by Libby Shipley, Director, and Jamie Davis, Treasurer, reviewed the programs provided by the COA to an estimated 6,000 Cleveland County frail and elderly citizens. He said the COA is in need of financial assistance, stating they have reduced their staff and “used up their reserves to balance the budget.” He said they have approximately “10-months in reserve.”

Jamie Davis said the request is specifically for \$146,000 to eliminate a mortgage with BB&T. He said that “50,000 a year over the next four years would eliminate the BB&T loan and possibly help the Rural Development loan.” He said they have requested each Board member write a letter to legislators regarding Medicaid relief, as they realize the county budget is tight due to Medicaid. Mr. Davis reported they have tried various fundraisers, some dedicated to their capital debts.

Commissioner Hawkins advised he serves on the COA board and suggested the Commission consider the possibility of providing the funding to “relieve them of the burden” in the form of a long-term interest free loan and they could pay the county back. Vice-Chairman Holbrook questioned how they could repay the loan, since they are already suffering from a reduction in staff and services. Mr. Davis also emphasized they are not at risk of foreclosure. Commissioner Hutchins cautioned against setting a precedent of offering interest free loans.

Mr. Davis said he feels “the thing that separates us is that in most counties the COA is a county department, so we’ve relieved the county of that expense.” Vice-Chairman Holbrook stated, while he is not against Commissioner Hawkins suggestions, he would like to explore other options as the budget sessions approach, hoping that Medicaid relief will come.

**ACTION:** It was the consensus of the Board, *to have the County Manager research options and bring a report to Commissioners during their budget work session.*

## **PLANNING BOARD REPORT**

John McCulloch, Planning Board Chair, and Bill McCarter, Planning Director, reviewed the Cleveland County Planning Board 2006 Annual Report and a list of Priority Action Items – Cleveland County Land Use Plan (*copies found on Pages \_\_\_\_\_ of Minute Book 29*). Mr. McCarter also distributed a new brochure which explains the County Minimum Housing Code. He also advised Commissioners that he plans to conduct a training session for them. There was discussion regarding the importance of citizens attending Planning Board meetings to provide their input regarding cases. Mr. McCulloch noted the Board always involves stakeholders on committees when possible Code changes are being discussed.

## **LITTER INITIATIVE – COVER (TARP) ORDINANCE**

Denese Stallings, Health Director, accompanied by Sam Lockridge, Landfill Director, and Marty Allen, Environmental Health Director, advised this is the third year of the “litter initiative.” She described advertising avenues used to target educating the public – brochures, presentations to civic groups, billboards, newspaper and cable ads. She said that while the Sheriff has agreed to help with enforcement of the “tarp ordinance” and litter laws, education is still the key to curbing this problem. The Board of Health voted unanimously on January 23, 2007 to continue with the cover ordinance.

Mrs. Stallings reported that “field surveys” conducted in July showed 70% of the vehicles entering the recycling centers were uncovered. In November, the field surveys showed 50% entered the recycling centers uncovered. She said, “Beginning September 1, 2006 to September 23, 2006, three off-duty Sheriff deputies issued 50 civil citations for tarp violations. Environmental enforcement officers have issued 61 civil citations for tarp violations; 93 civil citations have been paid, with \$2,325 collected; 18 civil citations have not been paid and are pending in Cleveland County court. Significant solid waste reduction by collection and observation has occurred on all roads leading to the recycling centers in Cleveland County.

Chairwoman Accor stated that while she has received some calls from citizens, she has seen an improvement in litter along the roadsides. Commissioner Hutchins stated he feels this ordinance is “punishing those with only a few bags” and does not feel “police departments are enforcing.” He said he has had “lots of complaints” and would like to suggest the ordinance be amended to allow people to carry 3-4 bags of secured trash on the back of a truck. Chairwoman Accor said that would put the recycling/container site attendants in a position of having to “count bags” which would bring up enforcement issues on their part. Vice-Chairman Holbrook stated he feels it has been successful and agrees education is the key to solving this problem. He noted some States have much stiffer laws,

levying fines for littering of \$500-\$1,000, plus community service hours. Mr. Lockridge explained the different charges and fees that can be made by law enforcement officers. Commissioner Hawkins suggested signs regarding litter be placed in fast food restaurants. Commissioner Hutchins said the Firefighters Association says they have seen an increase in the number of “barrel fires” caused by people burning trash in their backyards, rather than hauling it to the recycling/container sites. Mrs. Stallings emphasized the importance of those fire departments reporting such behavior to law enforcement.

**ACTION:** Johnny Hutchins made the motion, *which died from lack of a second*, to amend the ordinance to allow three (3) bags of household garbage to be carried on the back of a truck without a tarp.

### **ANIMAL CONTROL**

Mrs. Stallings reviewed the following:

- During their work session of August 10, 2006, Commissioners reached a consensus to direct Mrs. Stallings to develop a proposal for a leash law for dogs and cats, methods of funding and animal shelter; take to the Board of Health first, then bring to the Board of Commissioners, then take to town meetings.
- Basic questions: (1) how to reduce the risk of rabies, animal bites to humans and injury/death to livestock; (2) how do we fund a program to accomplish these tasks and improve mandated animal shelter standards; (3) a mission to assure, enhance and protect the health of all citizens through education, prevention and protection led us in the following draft proposal.

### **Proposed Amendments to Chapter 3 “Animals” of the Cleveland County Code of Ordinances**

#### **Proposed Amendment One to be added to the Code**

##### **Licensing**

(a) *Individual license requirement.*

- (1) Upon the effective date of this Amendment and thereafter, all owners who obtain a rabies vaccination for a dog or cat are also required to purchase from the Cleveland County Animal Shelter or Health Department, within seven (7) days of said vaccination, a license for each dog or cat.

The license shall represent the animal having a current rabies vaccination and county license. The license may only be purchased with a valid rabies vaccination certificate from a licensed veterinarian. The license shall be valid for one (1) or three (3) years, depending on the vaccination period as determined by the veterinarian.

- (2) All owners, except as noted below, are required to display said license on a collar or harness on each such dog or cat at all times (G.S. 130A-192). An owner complying with all the requirements for subsection (a)(1) of this section need not display said license on a dog during the actual duration of organized hunting activities, only if:

- a. The dog is on private property with the written consent of the owner of that property; and
- b. The owner is in actual possession of said license during the organized hunting activities.

##### **Fees**

- (1) The license fee per dog or per cat shall be set by the Cleveland County Board of Commissioners under the terms of Sec. 3-32 of this Chapter. The individual license fee may be waived for the first year for animals adopted from the animal shelter.
- a. Owners of ten (10) or more animals will be granted a special licensing permit for all animals over ten (10) that, upon payment of a yearly permit fee, would allow the owner to purchase one year tags for each vaccinated animal over ten (10) according to the fee schedule adopted under the terms of Sec. 3-32 of this Chapter. The

special permit would be valid for the current fiscal year.

- b. If a dog or cat is spayed or neutered, the license fee shall be fifty per cent (50%) of the regularly adopted fee.
- 2. If an individual license tag is lost, stolen or destroyed, a duplicate tag may be purchased from the animal shelter.
- (c) *Information required on license tag.* The following information shall be clearly shown on each individual tag: tag number and tag's expiration date.
- (d) *Late purchase fee.* If a dog or cat over four (4) months of age is determined not to have an individual license tag seven (7) days after it receives a rabies vaccination, or if a dog or cat subject to the license requirement is determined not to have an individual license tag, the owner shall be required to purchase a license tag and may be required to pay a late fee.

### **Proposed Amendment Two to be added to the Code**

#### **Responsibilities of owner to control dog.**

- (a) It shall be unlawful for any person owning or having possession, charge, care, custody or control of any dog to fail to keep such dog exclusively upon his own premises, or on the private premises of another with prior written consent, provided, however, that a dog may leave such premises only if.
  - (1) A dog is under restraint by virtue of being in the custody of a competent person and held by leash, chain or other device of sufficient strength to maintain control of the dog by that person; or,
  - (2) A dog is under direct control by virtue of being held within a secure enclosure; or,
  - (3) A dog is engaged in organized hunting activities on private property with the written consent of the owner of that property.
- (b) A dog belonging to an identifiable owner or other person not complying with the provisions of this section shall be deemed to be at large and a stray animal. A dog that roams at large with no apparent ownership shall also be deemed to be at large and a stray animal.
- (c) The Cleveland County Animal Control Officers are hereby authorized to capture, impound and, in certain cases, tranquilize or humanely destroy, stray animals under this section and in accordance with the provisions of this Chapter.
- (d) Penalties. The violation of any provision of this section shall subject the violator to the penalties outlined in section 3-34 of this Chapter. Each day's violation of this section is considered a separate offense.

#### **Cleveland County Fee Schedule**

- (1) County license (dog/cats)
  - a. 1 year \$15.00 – non-spayed/neutered
  - b. 1 year \$7.50 – spayed/neutered
  - c. 3 year \$35.00 – non-spayed/neutered
  - d. 3 year \$17.50 – spayed/neutered

Special licensing permit \$1.00

Duplicate license \$5.00

Late purchase fee \$50.00

Chairwoman Accor said she had received a call from a citizen who said the local veterinarian were unanimously opposed to the implementation of fees. Mrs. Stallings said she had also heard that expressed. She said the veterinarians are also concerned that people will not have their animals vaccinated for rabies and have suggested a tax on pet food. Mr. Lockridge reiterated that the county shelter is now required to meet USDA standards, which is going to be “costly.”

Vice-Chairman Holbrook stated, while he understands the rabies shot requirements, he is concerned for the elderly citizens being required to deal with the extra step of obtaining a certificate, feeling it may discourage the rabies shots.

Mrs. Stallings advised Gaston County has had success with this plan for twenty-years. Vice-Chairman Holbrook also stated “we need to look at a penalty for packs and aggressive animals.” Mrs. Stallings noted, based on their research, there are two ways to pay for the proposed amendment – fees or general county funds. She said Commissioners can set fines “as high as you want to for aggressive animals” but Mr. Lockridge pointed out that most people fined cannot pay. She also noted that \$100,000 is received from the contract with the municipalities for whom we currently provide animal control enforcement. If the ordinance is changed to county-wide, that difference would need to be made up. Commissioner Hutchins suggested a “county tax tag” paid through the county tax office, if the animal does not have a “tax tag” then animal control picks it up.

**CONSENSUS: To discuss further at a later date.**

### **RULES GOVERNING PRIVATE DRINKING WATER WELLS**

Mrs. Stallings advised that House Bill 2873, “An act to require permitting and inspection of new private drinking water wells and to require water quality testing of private drinking water wells” will require counties to enforce minimum statewide standards through local well programs with the use of permits and inspections. Before receiving final approval for drinking, well water will be tested for 17 different possible contaminants, as well as for bacteria and acidity. She said there is an incentive for counties to be proactive and adopt their own well rules and regulations before 2008 by a one-time \$60,000 incentive grant to assist local Health Departments in implementing their program. In order to qualify for incentive funding, a local health department must have local rules adopted and in effect by April 30, 2007. Mrs. Stallings reviewed the proposed fee schedule, stating these fees will offset the expense of hiring the additional staff which will be required. Further information will be discussed during Commission budget sessions.

Mrs. Stallings also noted every four years, Commissioners assess environmental health fees. She advised she will present a proposed increase in fees during the upcoming budget sessions.

### **DESTINATION CLEVELAND COUNTY**

Brownie Plaster, Chairwoman, Destination Cleveland County Board of Directors, accompanied by several Board members, reviewed that the group was formed in May 2006 and “came together to basically talk about what would happen to the museum.” She provided Commissioners with a written summary of current activities (*copy found on Page \_\_\_\_\_ of Minute Book 29*).

J. T. Scruggs reviewed plans for “The Front Porch at the Old County Courthouse”, noting they are working with a consultant in California who recommends both incorporating both “history and music” and using the direction of telling Cleveland County’s history through music, “a concept unique and to their knowledge not being done anywhere else.” He said there will be a two-day “visioning session” with the consultants and specialists, after which they will bring back a strategic plan the end of May.

Mike Poage reviewed the “indoor uptown arena” plans, stating “this is a big horse area” and noting the “biggest horse show in North Carolina is held at Bobcat Arena.” He said this would be a multi-purpose venue and the committee has located a 10-acre site that has several buildings which could be refurbished.

Marta Holden reported on the “Gibson Theatre at the Rogers” project, stating \$100,000 has been raised from private funds without a fund raising event. She said the business plan is almost complete. She also reviewed the schedule of visits the group will take to view other areas that have similar projects. She also invited Commissioners to participate in the upcoming “Courthouse Bash” to be held on April 28<sup>th</sup>.

Mrs. Plaster stated, “Tourism is economic development . . . we are seeing trends with successful venue partnerships . . . county, municipal and private partnerships . . . there are always different levels of government and citizen participation.” She said, “We don’t want just any ordinary museum, we want

something special . . . we don't think anyone else is telling their history through music." She said, "We're not ready to ask for money . . . since we don't have the package yet for financial needs."

Mr. Scruggs emphasized the group wants to promote projects throughout the county, hoping to attract "people to come and stay a week" rather than just a pass through visit.

### **CLEVELAND COUNTY CHAMBER – TRAVEL & TOURISM**

Stuart Gilbert, Chamber President; Jackie Sibley, Travel & Tourism Director; Roger Holland, Chamber Board Chair; Sandy Smith, Division Chair; and Terri Brown, retired Travel & Tourism Director, provided information regarding the Travel and Tourism efforts as directed by the Chamber.

Mr. Gilbert reviewed the history of Cleveland County Travel and Tourism division, describing it as "the stepchild of economic development":

- 2002 – One part-time person also helping out as Economic Development Assistant/Secretary to the then 1 full-time economic development person.
- 2003 – Moved to come under the Cleveland County Chamber – 1 full-time travel and tourism staff; 1 full-time vice-president of economic development; president working full-time with economic development; half-time economic development retention person; and 20-hours economic development office support.
- 2004 – New position of economic development associate (*retention/small business/recruitment*).
- Part-time economic development receptionist.
- Management support.
- Travel and Tourism – 10 hours per week.
- 2006 – Travel and Tourism, part-time, 25 hours per week, actually 15-20 hours per week volunteer for 40 hours per week, contractual 40 hours per week October-December.
- 2007 – Travel and Tourism Director was offered a full-time (*40-hours per week*) regular position as of January 2007; proposed budget \$100,000; occupancy tax income has already increased by \$7,357.27 over last year at this time. At this rate we can expect to collect \$182,000.
- Primary funding – Cleveland County government at \$50,000 per year; some funds from private sector for "October bundling – Muskets, Music and Merriment."
- Starting 2007, additional projected revenue streams from City of Kings Mountain (\$5,000) and City of Shelby (\$15,000).
- Cleveland County ranked 8<sup>th</sup> in the State for growth in tourism with an 11% increase.
- 2006 figures (*July-December*) show an average of \$1,227 a month increase in occupancy tax collected.

Mr. Gilbert stated the request of the Chamber is to "cap the available income from occupancy tax in the county budget at \$154,430 and continue minimum Travel and Tourism budget of \$50,000. Anything over \$154,430 be permanently devoted to Cleveland County Travel and Tourism budget. Request \$10,122 be issued now (*reflects the amount collected since January 1, 2007 over the amount budgeted*).

Roger Holland told Commissioners he has a "vested interest" in that he was born and reared in Cleveland County and lived here 50-years and is determined to make this county a place where his children want to live. He said that "travel and tourism cannot be separated" and that he has been watching travel and tourism closely for 30-years and has "never seen the stars aligned like they are now" to be successful. He encouraged Commissioners to support the funding proposal.

Jackie Sibley emphasized the need for marketing, noting the different venues in the county that can be marketed to bring people to our county. She reviewed some of the upcoming projects that will bring visitors to our county:

- Hallelujah Acres to construct a "state-of-the-art hotel and conference center", a 250-seat full-service restaurant, and a 3,000 square foot health food store, administrative offices, shops and other supportive businesses.
- June 2007: A new extended stay hotel with 105 additional rooms.
- 2008 American Legion Baseball World Series.
- Destination Cleveland County projects will create tourism attractions in conjunction with the Shelby Center City Master Plan.
- With increased promotion, our heritage events are continuing to grow in success and draw bigger numbers.
- The Charlotte Regional Partnership just launched the Regional Tourism Initiative by hiring a consultant to develop a Heritage Tourism program, in which Cleveland County is represented.

- Gardner-Webb athletics are moving toward a higher level of competition and will be attracting more spectators.
- Industry participation in tourism – Chris Craft and Indian Motorcycle factory tours.
- Tourism promotion efforts of Travel Lynx with trolley and relationship with Charlotte conference planners.
- Kings Mountain development of Greenway walking/hiking/biking trails.
- Boiling Springs Broad River Greenway development outdoor activities, festivals and events.
- Rutherford County has a tourism budget of \$467,685 and Cleveland County has a tourism budget of \$64,000.
- \$10.02 million in tax revenues were generated by travel and tourism in Rutherford County; \$5.57 million in tax revenues were generated by travel and tourism in Cleveland County.
- What will we do with the money? Produce a quality brochure to serve as a guide to potential visitors; produce niche brochures to showcase events; increase our web-based marketing; get a toll-free phone number; mail printed brochures to potential visitors as they request them – for free; advertise in publications such as the NC Travel Guide, Our State magazine, and Charlotte’s Trip magazine; develop an on-line newsletter that visitors can sign-up for on our website; obtain a travel and tourism domain name so that finding visitor information on the web is easier.

There was also discussion as to how the newly formed “sports authority” can fit into the plan. Mr. Holland noted with the various groups working toward a common goal of promoting Cleveland County, there needs to be the “umbrella” agency of Cleveland County Travel and Tourism. They are also hoping for increased funding from Kings Mountain and Boiling Springs and Chairwoman Accor emphasized that all municipalities should be included in their marketing efforts. Mr. Holland reiterated that Travel and Tourism works closely with Destination Cleveland County and that it is “truly a joint effort.”

Commissioner Hutchins expressed concerns regarding the monies being distributed more equally among all organizations saying “there is just so much money in the pot” and the “budget rubber-band is tight.” Commissioner Hawkins stated he felt “travel and tourism has been under funded” for years. Mr. Gilbert clarified that currently the budget is so deficient there are no printed materials in the airport or NC Welcome Center to market Cleveland County. He said, “If you don’t have marketing, such as calendar of events, you can have all these gems and nobody knows.” Mr. Holland said, “We’re not asking you to change any budgeted item, we’re just asking you to cap the budget where you have income for the hotel/motel tax and let us have what comes in above and beyond.”

**ACTION:** Eddie Holbrook made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, to approve funding 100% for the remainder of the current budget year starting with January 1, 2007, with a \$13,000 per month cap, and reevaluate in June during budget sessions. (*Clerk’s note: Commissioner Hutchins said he “did not want to vote,” however, under NCGS 153A-44 [Duty to Vote] and Commission policy his failure to vote was recorded as an affirmative vote.*)

### **MINIMUM HOUSING STANDARDS**

Bill McCarter, Planning Director, distributed and reviewed a brochure which is made available to citizens explaining the minimum housing process (*copy found on Pages \_\_\_\_\_ of Minute Book 29*). He noted the brochure alerts that “these standards only apply within the jurisdiction of the county, not within any city or their ETJ.” He said Shelby and Boiling Springs have written their ordinance to apply only to within their corporate limits, not the ETJ, but Kings Mountain wrote their ordinance to apply within their corporate limits and ETJ. He said citizens residing in that ETJ area of Shelby and Boiling Springs often express their dissatisfaction over the dilemma this puts them in as far as feeling they are not being served by either the city or the county.

Mr. McCarter reported that in 2006, he handled 31 minimum housing cases, 23 units have been demolished, and 8 are pending. He said the volunteer fire departments have “worked well with us” in demolition, using these structures as “practice burns” for their members, which is accomplished at no cost to the county.

Mr. McCarter also provided Commissioners with a copy of the Planning Board 2006 Annual Report and Priority Action Items – Cleveland County Land Use Plan (*copies found on Pages \_\_\_\_\_ of Minute Book 29*).

### **MEDICAID**

David Dear, County Manager, reviewed a handout prepared by the North Carolina Association of County Commissioners last year to be used as “talking points” regarding the impact of Medicaid burden on Cleveland County. He also reviewed proposed legislation, HB-57 – “An act to phase out the county



*share of the nonfederal share of Medicaid costs over a five-year period and to provide that the total county share during the phase-out period shall not exceed the county share paid by each county for the 2005-2006 fiscal year.” He said, “This would affect us by approximately \$1.6 million per year.”*

There was discussion regarding the proposed bill, a possible regional commissioners meeting with counties bordering Cleveland County, creating a “regional coalition”, possible state-wide commissioners march on Raleigh.

#### **FIREFIGHTERS RECRUITMENT AND RETENTION**

Mr. Dear advised that each fire department is being asked to complete a survey regarding suggestions. Once the surveys are returned, they will be compiled and the report brought to Commissioners.

#### **ALTERNATIVE REVENUE SOURCES**

Vice-Chairman Holbrook said it was requested that he research this subject. He said this is going to be a “tight budget” and if there is no relief from Medicaid we must “raise taxes in some form or fashion or cut services in some form or fashion.” He explained that “if we are faced with looking at possible taxes” the options are:

- Real estate transfer taxes – seven counties in NC presently do this, but is a very volatile subject as realtors will be opposed.
- Prepared food tax – exists in a few counties, could generate an estimated \$700,000.
- County sales tax (*must be a local bill*).
- Increased property tax.

#### **COUNTY CLERK POSITION**

After discussion, it was evident the Commission unanimously favored appointing Kerri Melton to the position of County Clerk, effective upon the retirement of the current Clerk, Wanda Crotts. It was determined this should be an official agenda item for the regular meeting of February 6, 2007.

#### **DEPARTMENT HEAD COMMUNICATION**

There was discussion regarding the need for a system to inform Commissioners of issues that may prompt reporters to call for their comments. It was the consensus of the Board that, as issues such as the recent dog bite situation arise, department heads are to contact the County Manager, who is to email or call them to alert and brief them of the situation.

#### **CLEVELAND COUNTY SURPLUS SCHOOL PROPERTY**

Mr. Dear reviewed that the Cleveland County Board of Education has voted unanimously to declare the property in Polkville (*4.6 acres*), located on West Stagecoach Trail, as surplus property. The amount of \$58,000.00 was established by certified appraisal and was determined to be the asking price for the property. By law, the Board of Education must offer the surplus property to the Commissioners at the fair market value. He noted it is his understanding the Board of Education does have a buyer interested in the property. There was discussion as to possible uses this property could hold for the county, such as a future emergency medical services base station. After discussion, it was determined that future lake plans would need to be considered when developing plans for an EMS station in order to best serve the greatest number of people with a lowest possible response time.

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to decline the offer and let the Board of Education dispose of the property.*

#### **RECORDS RETENTION AND DISPOSITION SCHEDULE**

**ACTION:** Jo Boggs made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the County Management Schedule Records Retention and Disposition Schedule, as amended in 2006 (reference Pages \_\_\_\_\_ of Minute Book 29).*

#### **MERIT PAY- UPDATE**

Eddie Bailes, Assistant County Manager, reviewed, “During one of your previous work sessions prior to the merit process period of 2006, you gave management direction to perform a few things during the merit process. One of those was that we were to do a 50/50 split for merit distribution among the

lower verses the higher grades within a department. The other was that there would be nothing more than half merits . . . and in addition to that there would be a merit justification form given to each employee that was eligible to determine, whether they received it or not, to give them notification as to why they did not get a merit.”

He said, “Just to give you a follow-up . . . we did go through a review from the Human Resources department of that . . . and that was accomplished within all departments according to your direction except for one exception that was made for the Health Department. The other department that had a slight variation, there was only three employees in the department eligible for merit and if you do a 50/50 split it would mean that the one who was on the lower half would always get it and so in that particular circumstance the recommendation was that the two merits be given to the two upper people, rather than just automatically given to the lower person . . . the other was if the number of people eligible for merit was an odd number.”

Commissioner Hutchins asked if all evaluation forms were available for inspection by the employee in their personnel folder in the Human Resources department and Mr. Bailes said yes, with the exception of the Sheriff’s department employees. He said he had received some complaints from employees who said they had requested to review the original evaluation form from their personnel file and it was not there. Mr. Dear advised he and Mr. Bailes would have Alexis Pearson, HR Director, check each file to be sure the files were complete.

#### **BOAT LIFT AT MOSS LAKE - UPDATE**

Mr. Dear advised the County has been successful in receiving a \$200,000 grant from the Golden Leaf foundation to be used to construct the boat lift at Moss Lake to be used by Chris Craft. However, engineering studies have revealed “poor soil conditions for the pilings” so rather than the originally indicated \$35,000 anticipated as the county’s portion of the remainder of the construction costs, it is now estimated at \$60,000-\$62,000, with the same amount being paid by Kings Mountain. He stated the original amount was budgeted, and the “last tower we bid actually came in under what we expected” so the overage will be put toward this project.

He noted application is being made to the Department of Recreation for a \$100,000 grant to help with construction of the boat dock facilities, the cost of which will also be shared with Kings Mountain.

***CONSENSUS: It was the consensus of the board to instruct Mr. Dear to proceed and work out the details with the City of Kings Mountain.***

#### **ADJOURN**

There being no further business to come before the Board at this time, Jo Boggs made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, ***to adjourn the meeting (at 10:50 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*

