

CLEVELAND COUNTY BOARD OF COMMISSIONERS

February 20, 2007

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
Eddie Holbrook, Vice-Chairman
Johnny Hutchins, Commissioner
Ronald J. Hawkins, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Wanda Crotts, County Clerk
Kerri Melton, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Chris Green, Tax Administrator
Pete Delea, The Star
Lindsey Allen, Cleveland Headline News
Other individual names on file in the Clerk's Office

ABSENT: Jo Boggs, Commissioner

CALL TO ORDER

Chairwoman Mary Accor called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioner Ronald Hawkins provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Johnny Hutchins made the motion, seconded by Ronald Hawkins, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following additions/deletions:*

(1) Agenda Item M: Award of solid waste franchise agreement- schedule public hearing for March 20, 2007 (Bob Yelton)

CITIZENS RECOGNITION

LEASH LAW

Danny Blanton of Biggers Lake Road, spoke in opposition of the proposed leash law. Mr. Blanton told the Board that he is "100 % against the leash law." Mr. Blanton stated he believes the proposed ordinance will only punish the responsible person. Mr. Blanton felt something needs to be done about "vicious" dogs in the county and asked Commissioners how many dogs in the county have tested positive for rabies.

Carmen Coles, of Lavender Road, spoke in favor of the proposed leash law. Last year, a pack of domestic dogs killed three of her pregnant alpacas. This has been a financial and emotional strain for her family. Ms. Coles shared several statistics with Commissioners, including the number of dogs and

cats in the county and the number of rabies vaccination. The purpose was to show that there are more than 32,000 dogs and cats without rabies vaccinations. Ms. Coles explained, "I do not believe it is in the best interest of our county to allow the current lack of dog containment to continue. It promotes and allows irresponsible and unaccountable dog ownership and provides a dangerous environment. An ordinance is no more a punishment to dog owners as it is to cattle, goat, horse, or other livestock owners who are required to keep their animals contained."

TARP ORDINANCE

Danny Blanton, of Biggers Lake Road, also spoke in opposition of the tarp ordinance. Mr. Blanton told Commissioners he believes that tarps "flapping in the wind" cause accidents. He told Commissioners that he understood covering a big load of trash, but did not understand the purpose of covering two or three bags of trash. He offered to set up cameras in certain areas to prove that it is the trash trucks themselves that are making the mess.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of *January 16, 2007*, motion was made by Ronald Hawkins, seconded by Johnny Hutchins and unanimously adopted by the Board, to *approve the minutes as written*.

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *January 2007* (copy found on Page _____ of Minute Book 29).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *January 2007*. The monthly grand total of tax abatements was listed as (\$32,649.01); and, the monthly grand total for tax supplements was listed as \$37,354.79.

SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #037)

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *approve the following budget amendment:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.508.4.410.00	Income Maintenance/Local Funds/Grants	\$ 5,058.	
011.508.5.500.01	Income Maintenance/Misc Grant Expense	\$ 5,058.	

Explanation of Revisions: Budget Amendment necessary to accept new Cleveland County Community Foundation Grant funds to be used for recognition for Work First clients (graduation incentives for students who complete high school, adult high school, GED or 2-year and 4-year degrees and certification programs offered through Cleveland Community College).

SHERIFF DEPARTMENT: BUDGET AMENDMENTS (BNA #038)

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.442.4.311.00/USICE-P442	Fed. Forfeited Property/Fed-Other Revenues	\$43,759.	
010.442.5.910.00/USICE-P442	Fed. Forfeited Property/Capital Equipment	\$38,759.	
010.442.5.210.00/USICE-P442	Fed. Forfeited Property/Departmental Supply	\$ 5,000.	
010.442.4.311.00/USICE-P442	Fed. Forfeited Property/Fed-Other Revenues	\$71,968.	
010.442.5.910.00/USICE-P442	Fed. Forfeited Property/Capital Equipment	\$64,468.	
010.442.5.211.00/USICE-P442	Fed. Forfeited Property/Controlled Property	\$ 1,950.	
010.442.5.210.00/USICE-P442	Fed. Forfeited Property/Departmental Supply	\$ 5,550.	

Explanation of Revisions: *US Customs & Immigration is providing funding for one Contraband and ID System for ICE Team & Narcotics Div. We must purchase initially and they will reimburse (\$43,758.21). Budgeting funds for the purchase and radio equipment of three 2007 vehicles to replace high mileage vehicles for patrol duty.*

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENTS (BNA #040)

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.437.4.460.00/CCTRN-7446	EMS/Other Units Shared	\$ 3,800.	
010.437.5.210.00/CCTRN-7446	EMS/Departmental Supply	\$ 3,800.	

Explanation of Revisions: *To budget funds received for the use of training equipment at Cleveland Community College. These funds are going to be used to purchase additional training items and tools.*

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #041)

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.537.4.350.00/02200-631D	Child Health/State Govt. Grants	\$12,625.	
012.537.5.213.00/02200-631D	Child Health/Office Supplies	\$ 1,000.	
012.537.5.310.00/02200-631D	Child Health/Travel	\$ 500.	
012.537.5.490.00/02200-631D	Child Health/Professional Services	\$11,125.	

Explanation of Revisions: *Budget funds from NC Dept. of Health and Human Services for one-time Menactra Initiative. These funds have been designated to reimburse local health departments for administration of meningitis vaccine to high school students that are planning to attend a residential college. We will budget funds for supplies, travel and contracted services.*

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #042)

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.546.4.350.00/01120-7546	Carolina Access/State Govt. Grants	\$ 3,380.	
012.546.5.310.00/01120-7546	Carolina Access/Travel/Training	\$ 380.	
012.546.5.311.00/01120-7546	Carolina Access/Education Expense	\$ 1,000.	
012.546.5.581.00/01120-7456	Carolina Access/Awards/Appreciation	\$ 2,000.	

Explanation of Revisions: *Budget funds from NC Dept. of Health and Human Services for Congestive Heart Failure Initiative. The main objective of this initiative is to decrease hospital admissions and improve physician and patient management of the disease. Funds will be used for travel, education expenses and incentives for physician offices that meet requirements.*

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #043)

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.546.4.991.00/02200-5120	Carolina Access/Fund Balance Approp.	\$10,408.	
012.546.5.700.00/02200-5120	Carolina Access/Grants-Other Public	\$10,408.	

Explanation of Revisions: *The Carolina Access II case management program has formed a statewide organization to initiate a Medicare case management program. Local networks have been asked to contribute a capital contribution based upon current enrollment. We request permission to budget carry over Carolina Access funds for proposed Medicare project.*

LEGAL DEPARTMENT: BUDGET AMENDMENTS (BNA #045)

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.416.5.971.00	Legal/C/O Foreclosure Property	\$10,134.	
010.410.4.991.00	General/FD Bal Appropriated	\$10,134.	

Explanation of Revisions: *To budget for foreclosed property (JW Hill Heirs \$3,930 & J Kemp Heirs \$6,204) not previously budgeted.*

RESOLUTION: CHANGE IN REGULAR MEETING SCHEDULE OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board ***to adopt the following resolution:***

NUMBER 02-2007

CHANGE IN REGULAR MEETING SCHEDULE OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Cleveland County Board of Commissioners have determined that it is necessary to cancel their regular meeting of *Tuesday, March 6, 2007* in order for that Commissioners may attend the National Association of Counties Annual Conference.

NOW, THEREFORE, BE IT RESOLVED, THAT, public notification of this change will be conducted in accordance with the mandates of North Carolina General Statute 153A-40 and 143-318.12. The regular meeting schedule, as adopted by the Board, will remain in place for all other regular meetings of the Commission.

INDUSTRIAL REVENUE BONDS- CLEVELAND COUNTY YMCA (Schedule a public hearing for March 20, 2007)

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the board to ***approve scheduling the public hearing as requested.***

HEALTH DEPARTMENT : SOLID WASTE FRANCHISE AGREEMENT (Schedule a public hearing for March 20, 2007)

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the board to ***approve scheduling the public hearing as requested.***

SHELBY MUNICIPAL AIRPORT PRIORITY PROJECTS

Brad Cornwell, City of Shelby Utilities Director, gave Commissioners an update on changes at the Shelby Municipal Airport. During their February 19, 2007 meeting, Shelby City Council voted to change the name of the Shelby Municipal Airport to the Shelby-Cleveland County Regional Airport. Changing the name will show the partnership between the City of Shelby and Cleveland County.

Mr. Cornwell discussed two projects- the construction of a new parallel taxiway and the construction of a new airport terminal. Mr. Cornwell explained the importance of the construction of a new parallel taxiway and improvements as follows:

- Pavement is in very poor condition and the pavement strength is substandard, resulting in a back-taxi movement on the runway which is a concern with regards to safety and capacity.
- The current taxiway/runway separation of 250 feet does not meet current FAA safety standards of 300 feet.
- The current taxiway is non-lighted and limited to daytime use only.

The total project cost is \$2,200,000. This project can be funded in a number of ways. Recently, the Rural Airport Development Fund authorized the City of Shelby to apply for a grant up to \$200,000 because Cleveland County is a Tier II county. An application has been submitted. Results should be to the city by the end of the week. Should this grant be awarded, these funds will be used for the design phase of this project. This will show the FAA that we are serious about completing this project. There are two ways of funding the additional \$2,000,000. The first being nameplace money. US Representatives and US Senators would be approached about these funds. In recent years, Congressman Patrick McHenry helped Statesville secure \$2,000,000 in funding. The second funding source is through the Federal Aviation Authority. This money is to be used for important safety related projects. The construction of the parallel taxiway certainly falls within those guidelines.

Also at their February 19, 2007 meeting, the City of Shelby adopted a resolution designating the terminal building project as a priority project. Mr. Cornwell explained that funding for this project could come from the NC Division of Aviation or from donations from private industries. The NC Division of Aviation will grant \$200 per square foot up to 3,200 square feet toward the construction of a new terminal building with a 50% local match. The City of Shelby plans to build a 3,200 square foot building. Assuming that this building could be built for \$200 per square foot, total project cost would be \$640,000. The local match required would be \$320,000. The terminal building project is slated to be completed in 2012; however, if the City of Shelby was to acquire funding sooner, the project would move forward.

The construction of the parallel taxiway and the terminal building will be an economic development tool for Cleveland County. Mr. Cornwell told Commissioners that they are beginning to

see more and more corporate traffic at the airport. It is much easier for business travelers to get in and out of smaller airports than it is to fly into airports like Charlotte-Douglass International Airport.

Mr. Cornwell requested a letter of support for these projects from the Cleveland County Board of Commissioners. (Clerk Note: Reference minutes of March 20, 2007 meeting)

LANDFILL: BID AWARD FOR NEW SCALEHOUSE

Bids were received on January 30, 2007 for the construction of a scalehouse at the Cleveland County Landfill. These funds are budgeted in the current fiscal year and funded by tipping fees through the landfill enterprise fund. Bids were received by four contractors in the amounts listed below:

Morrison Construction	\$372,220.00
TC Strickland	\$382,113.00
Eagle Wood, Inc.	\$387,400.00
Ponder & Co.	\$441,000.00

ACTION: Eddie Holbrook made the motion, seconded by Ronald Hawkins, and unanimously adopted by the Board, *to award the contract for construction of the scalehouse to the low bidder- Morrison Construction in the amount of \$372,220.00.*

EMERGENCY MEDICAL SERVICES: AMBULANCE & RESCUE FRANCHISE CONTRACTS

Joe Lord, Emergency Medical Services Director presented Ambulance and Rescue Squad Franchise Contracts for review. Contracts included **Boiling Springs Rescue Squad Franchise Agreement, Grover Rescue Squad Franchise Agreement, Kings Mountain Rescue Squad Franchise Agreement, Shelby Rescue Squad Franchise Agreement and Upper Cleveland Rescue Squad Franchise Agreement.** Joe Lord explained that Ambulance and Rescue Squad Franchise agreements help to establish and maintain the basic care that the Cleveland County citizens receive, allows Cleveland County Emergency Medical Services complete control to look into complaints and avoids ambulance wars. Commissioner Hutchins commended Mr. Lord and his staff and thanked them for their efforts.

ACTION: Johnny Hutchins made the motion, seconded by Ronald Hawkins, and unanimously adopted by the Board, *to adopt the franchise agreements for Boiling Springs Rescue Squad, Grover Rescue Squad, Kings Mountain Rescue Squad, Shelby Rescue Squad and Upper Cleveland Rescue Squad.* (copies found on Pages _____ of Minute Book 29).

COMMUNITY CARE BLOCK GRANT ADVISORY COMMITTEE BOARD APPOINTMENTS

ACTION: Ronald Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the board, *to appoint Bob Davis and Kris Thompson,* to serve as members of the Community Care Block Grant Advisory Committee. Each appointment is for a period of three years, scheduled to conclude on December 31, 2009.

COMMISSIONER REPORTS

Commissioner Hutchins said that he appreciated the attendance at the meeting stating, "As a leader, I feel like the input from the citizens is very important." He felt like one of the ways we could get this input is by groups coming before the board. It gives Commissioners the opportunity to see where the community is coming from.

Commissioner Hutchins had meetings with three organizations about Adopt-A-Highway noting, it is a complicated process. He stated, "Even though I spoke out against part of the ordinance, I am for cleaning it up. I think that we can adopt some highways and maybe start doing some clean-up ourselves."

Chairwoman Accor spoke about the Spring Litter Sweep April 14-28, 2007, an event sponsored by the North Carolina Department of Transportation. Commissioners agreed to participate and actively get on the road and clean up.

Vice-Chairman Holbrook reported he with representatives from our district in Raleigh and had a very profitable visit. He conveyed to them the importance of medicaid relief and it being a goal of the Cleveland County Board of Commissioners. He also mentioned looking for funding for sewer in the western part of the county, as well as funding and additional support for the Upper Cleveland Lake.

Chairwoman Accor made the following closing comments, "I understand that we have a situation with the leash law and the tarp law. We are trying some things. Any time that you make a change, there will be some pros and there will be some cons. In regards to the tarp law, this is something we are trying to do to improve the quality of life in Cleveland County. I would ask that you would try to help us by utilizing the tarps. We need to work together to try and make this better. Any change in this situation will be a better situation for the quality of life in Cleveland County, as it relates to economic development and the pride that we have in our county. The bottom line is that it is the responsibility of every citizen to do their part. I understand that there are citizens out there who are really doing it right. I also understand that there are some who are not. What we heard tonight is evidence that there are some for and some against. We are going to continue to monitor this situation. We are not turning a deaf ear on anything that a citizen has to say. We keep notes of comments from citizens and use those notes in decision making to make things better. If things are not getting better, we realize at some point, we may have to make some changes. At this point, let's just wait a little bit longer to see what changes will take place."

"In regards to the Leash Law, we did give the direction to Ms. Stallings, and it was very unfortunate that Ms. Stallings got a hit for it, because the direction came from the Cleveland County Board of Commissioners. We asked her to do something. She came back with what we asked her to do.

There is nothing in the proposed ordinance that talks about putting a leash on a cat. If you do not have a copy of this proposed ordinance, we would be more than happy to give you a copy of it so you will be educated as to what was presented to us. There is no way that we (Board of Commissioners) are going to adopt a countywide leash law without taking it to community meetings and getting community support of it. The adoption of this ordinance is far down the road. Another draft of the ordinance will come to us as a proposal and we will take it to the communities for your consent before we act on it, we assure you of this.”

ADJOURN

There being no further business to come before the Board at this time, Ronald Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to adjourn the meeting. The next regular meeting of the Commissioners is scheduled for *Tuesday, March 20, 2007* in this Commission Chamber.

*Mary S. Accor, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Deputy Clerk
Cleveland County Board of Commissioners*