

CLEVELAND COUNTY BOARD OF COMMISSIONERS

March 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
Jo Boggs, Commissioner
Ronald J. Hawkins, Commissioner
Johnny Hutchins, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Wanda Crotts, CMC, County Clerk
Kerri Melton, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Denese Stallings, Health Director
Sam Lockridge, Health Department
Kathryn Larson, Cleveland Headline News
Pete Delea, The Star
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Mary S. Accor called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Eddie Bailes, Assistant County Manager, provided the invocation for the meeting.

AGENDA ADOPTION

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

(1) **Add Agenda Item:** *Health Department – Reduction in Force (David Dear)*

CITIZENS RECOGNITION

LEASH LAW

Carolyn Owens told Commissioners she "has a passion for animals" and is opposed to a "leash law" but feels "there are times it is appropriate." She stated she feels funds to upgrade the animal shelter should come from the county general fund and not be fee driven. She feels all animals should have identification listing the owners name and contact information and that "owners should be responsible."

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *February 5, 2007 and February 6, 2007*, motion was made by Eddie Holbrook, seconded by Ronnie Hawkins, 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 *February 2007*. The monthly grand total of tax abatements was listed as (\$14,974.29); and, the monthly grand total for tax supplements was listed as \$438,418.33.

TAX COLLECTOR'S MONTHLY REPORT

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

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #046)

ACTION: Eddie Holbrook made the motion, seconded by Ronnie Hawkins, 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>
012.530.4.410.00	General/Other Grants	\$13,000.	
012.530.5.310.00	General/Travel	500.	
012.530.5.490.00	General/Professional Services	12,500.	

Explanation of Revisions: Budget funds allocated by the Southern Partnership for Public Health Incubator for participation in various "incubator" activities. Will use funds for travel and professional services associated with health department accreditation.

WORKERS' COMPENSATION: BUDGET AMENDMENTS (BNA #048)

ACTION: Eddie Holbrook made the motion, seconded by Ronnie Hawkins, 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>
060.650.4.840.00	Workers' Comp/Insurance Settlement	\$427,334.	
060.650.5.586.00	Workers' Comp/Insurance Settlement	427,334.	

Explanation of Revisions: To budget anticipated reimbursement revenues from insurance company for unforeseen claim expenditures.

RESOURCE CENTER: GRANT BUDGET

ACTION: Eddie Holbrook made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the Continuation Grant for the Resource Center in the amount of \$99,623.00* (copy found on Page _____ of Minute Book 29).

PLANNING DEVELOPMENT: ZONING MAP AMENDMENT – DAVID SETTLE (2221 South Post Road) (Case 07-02) (Schedule a public hearing for April 3, 2007)

ACTION: Eddie Holbrook made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board to *approve scheduling the public hearing as requested.*

RESOLUTION: SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT

ACTION: Eddie Holbrook made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the following resolution.*

**A RESOLUTION ESTABLISHING A NEW TERMINAL BUILDING AS A PRIORITY PROJECT FOR
THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT**

WHEREAS, the Airport Advisory Board has requested City of Shelby staff to review the need for a new terminal at Shelby-Cleveland County Regional Airport; and,

WHEREAS, Shelby City Council has identified a new terminal as a project on their recent submission of the Transportation Improvement Program to the North Carolina Division of Aviation; and,

WHEREAS, upon review and consideration of this proposal from the Airport Advisory Board, City Staff and Shelby City Council offers a favorable recommendation to the Cleveland County Board of Commissioners to establish a new terminal as a priority project for the Shelby-Cleveland County Regional Airport; and,

WHEREAS, after a presentation to the Cleveland County Board of Commissioners by City of Shelby Staff on the economic development benefits that will be realized and the enhancement to the Shelby-Cleveland County Regional Airport and surrounding areas, it is the desire of the Cleveland County Board of Commissioners to also designate a new terminal as a priority project for the Shelby-Cleveland County Regional Airport;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY, NORTH CAROLINA:

Section 1. The Board of Commissioners hereby recommends and establishes a new terminal as a project of high importance for the Shelby-Cleveland County Regional Airport.

Section 2. The Cleveland County Manager, or his designee, shall investigate all funding opportunities in conjunction with the City of Shelby, whether public or private.

Section 3. The County Manager will keep the Board of Commissioners advised of any possible funding opportunities, along with recommendations to proceed with the project if funding is made available.

Adopted and approved this the 20th day of March 2007.

RECOGNITION: SPELLING BEE PARTICIPANTS

Commissioners presented a Certificate of Recognition to each of the following winners:

Yeeva Cheng – **Winner** – Shelby Middle
Lyndsey Barnes – Bethware
Sara Odembo – Boiling Springs
Parker Scruggs – Burns Middle
Juliana Hernandez – Casar
Madison Braddy – Crest Middle
Hunter Toney – East
Caitlin Smith – Elizabeth
Jordan Drake – Fallston
Shannon Henderson – Grover
Breanna Huskins – Kings Mountain Intermediate
Cabreia Crumpton – Kings Mountain Middle
Blanton Gillespie – Marion Intermediate
Trent Ploeger – North
Jack Wasserman – Springmore
Aaron Alexander – Township Three
Ann Marie Baxter – Union
Amber Putnam – Washington
Jon Michael Moore – West
Brian Mills – Cleveland County Homeschool Association

**ISOTHERMAL PLANNING & DEVELOPMENT COMMISSION: COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) SCATTERED HOUSING – 2007 APPLICATIONS**

Paula Kempton, Community Development Coordinator, Isothermal Planning & Development Commission, stated the purpose of the hearing will be to receive comments from the public regarding

Cleveland County applying for a \$400,000 Community Development Block Grant, Scattered Site Housing Category from the NC Division of Community Assistance. Specifically, if the grant is approved, the County plans to use \$400,000 of CDBG funds for specified activities including Administration, Service Delivery, rehabilitation of approximately 9 housing units, and approximately 7 emergency repair units belonging to low to moderate (LMI) qualified homeowners living in the County.

She said, “\$320,000 will be used to complete 9 rehab units, with an average cost of \$36,000. This cost includes lead related cost, service delivery, title searches etc., \$1,500 is planned for relocation assistance to provide assistance to homeowners who may need to be temporarily relocated. \$40,000 is planned for the administration of this CDBG project, and \$3,500 is planned for planning and grant preparation. If awarded, the county will have 30 months to complete all activities, including final close-out procedures.”

Chairwoman Accor opened the public hearing (*public notice of this hearing was conducted in accordance with the mandates of North Carolina General Statutes, with a “non-legal, non-classified block ad” published in The Star on March 8, 2007*). Hearing no comments, Chairwoman Accor declared the public hearing closed.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the CDBG 2007 plan/applications as presented.*

SOLID WASTE FRANCHISE AWARD

Denese Stallings, Health Director, stated, “Every five-years, according to our Ordinance, we need to award the franchise to haul the garbage in the county. The process we use is that every five-years, by February 15, anyone wishing to make application is to submit an application to the Health Director to meet the requirements of our ordinance . . . in March, the ordinance says, that I am to take that to the Board of Health and then bring a recommendation to the County Commissioners.”

She said, “This year we had three applications: Berry Container, Waste Management, and GDS. In the last five-years, we’ve had two haulers in this County: GDS and Waste Management. The Board of County Commissioners set the rate for residential and commercial. We have approximately 2,500 customers out in the county that use the garbage haulers to pick up their garbage.” She said she did make a recommendation to the Board of Health and read their unanimous recommendation to the Board of Commissioners: “At the March 13, 2007 meeting, the Cleveland County Board of Health unanimously recommended that the Cleveland County Board of Commissioners consider the recommendation of the Health Director to award the Cleveland County Solid Waste franchise to GDS. Their application met all the requirements of the Cleveland County Solid Waste Ordinance, which included hauling residential, commercial, and industrial waste to Cleveland County citizens and businesses.” Mrs. Stallings said that

Berry Container said in their application that they wanted to “only provide 60-yard boxes to construction sites and Waste Management said in their application that they wanted to do everything but residential.” She said, “It was my feeling, and the Board of Health’s feeling, that based on those application and the information received from them, we felt like we could not, in this county, abandon these 2,500 residential customers and we feel that, right now, the best recommendation we could make to you is to go with GDS because we felt it would not be fair to GDS to require them to do residential because we do know that is somewhat of a lost leader, the company doesn’t make as much money on residential, and they may even lose money” due to the distance traveled.

Chairwoman Accor declared the public hearing open (*public notice of this hearing was accomplished by legal advertisement published in The Star on March 7, 2007*).

Paul Hamberis, representing Waste Management, thanked Commissioners for “the opportunity we’ve had for the past four and one-half years,” stating it was a business decision not to provide residential services. He commended Mrs. Stallings and Mr. Lockridge, stating they are “excellent environmental stewards.” He stated that he feels “competition is always the best way to go with commercial” contracts.

Danny Berry, representing Berry’s Container Incorporated, advised he and his father want to provide service to their customers when they do construction work in Cleveland County. He stated he feels the “franchise is not fair the way it is set-up” and there is a “monopoly in Cleveland County.”

Tim Allen, representing GDS, stated they are “here to serve the citizens” and that sometimes that means a “long drive” but feels they “provide fair and honest service at a fair price” and “appreciate the opportunity.”

Rick Lynn, Facilities Manager for Ambassador Baptist College in Lattimore, spoke on behalf of Berry Container stating he feels open competition is the best option, stating GDS has been “frustrating” to work with in the past. He has not reported these problems to the Health Department.

Jim Stires, Harvest Building Group, spoke on behalf of Berry Container, also stating he feels one contractor “would limit” citizens and that there needs to be competition to keep rates low.

Hearing no further comments, Chairwoman Accor declared the public hearing closed. There was discussion regarding the rates charged for residential, industrial and commercial, with Mr. Lockridge clarifying that Commissioners set the rates charged for residential and commercial, but the haulers set their rates for industrial customers. Commissioners instructed Mrs. Stallings and Mr. Dear to obtain comparative rates from other counties and to monitor the rates for complaints.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to award the franchise to GDS as recommended (reference Minutes of April 3, 2007 for second reading)*.

INDUSTRIAL REVENUE BONDS: CLEVELAND COUNTY YMCA

Bob Yelton, County Attorney, reviewed the following information, which was provided to the public in a legal advertisement published in *The Star* on March 3, 2007.

NOTICE IS HEREBY GIVEN to all interested parties that the Cleveland County Industrial Facilities and Pollution Control Financing Authority (the "Authority"), a political subdivision and body corporate and politic duly organized and existing under the Constitution and laws of the State of North Carolina, has determined to issue its Variable Rate Recreational Facilities Revenue Bonds (Cleveland County Family YMCA Project), Series 2007 (the "Bonds"), in an aggregate principal amount not to exceed \$11,000,000, the interest on which will be excludible from gross income for federal income tax purposes, to (1) refinance the outstanding principal amount of the Cleveland County Family YMCA, Inc. (the "YMCA") Variable Rate Recreational Facilities Revenue Bonds, Series 1998, the proceeds of which were used to finance the costs of the construction, furnishing and equipping of the YMCA's recreational facility known as the Dover Foundation YMCA (the "1998 Project"), (2) finance the costs of the acquisition, construction, equipping and furnishing of the YMCA's new recreational facility located in Boiling Springs, North Carolina (the "Boiling Springs Project" and collectively with the 1998 Project, the "Project") and (3) pay certain expenses incurred in connection with the issuance of the Bonds by the Authority.

The 1998 Project is located at 411 Cherryville Highway, Shelby, North Carolina. The Boiling Springs Project will be located at 12 East College Avenue, Boiling Springs, North Carolina. The approximate cost of the Project is \$11,000,000 and the maximum aggregate principal amount of Bonds proposed to be issued by the Authority in connection with the Project is \$11,000,000. The Project will be owned and operated by Cleveland County Family YMCA, Inc.

NOTICE IS HEREBY GIVEN that the Board of Commissioners of the County of Cleveland, North Carolina, will hold a public hearing in the Commissioners Chambers in the County Administrative Office, Second Floor, at 311 East Marion Street, Shelby, North Carolina, on March 20, 2007 at 6:00 p.m., or as soon as practicable thereafter, at which time any person may be heard regarding the proposed issuance of the Bonds and the nature and location of the Project. All interested parties are invited to present comments at the public hearing regarding the proposed issuance of the Bonds and the location and nature of the Project.

Any person wishing to comment in writing on the proposed issuance of the Bonds and the nature and location of the Project should do so within 14 days after the date of publication of this notice to the County of Cleveland, North Carolina, Post Office Box 1210, Shelby, North Carolina 28151, Attention: Wanda Crofts, Clerk to the Board of Commissioners.

Chairwoman Accor declared the public hearing open.

Cam Corder, CEO, Cleveland County Family YMCA, thanked Commissioners for their support, stating this project will bring Cleveland County's total to "three top flight Y's serving children and families in Shelby, Kings Mountain, and Boiling Springs."

Hearing no further comments, Chairwoman Accor declared the public hearing closed.

ACTION: Eddie Holbrook made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, *to approve the bonds as presented* (copy found on Page _____ of Minute Book 29).

CLEVELAND COUNTY HEALTHCARE SYSTEM: PROPERTY TRANSFER REQUEST – BELWOOD CLINIC

Dan Sweat, Vice-President and General Counsel, Cleveland County HealthCare System, reviewed that in 2003, the hospital deeded this parcel to the County and added it to the lease. He advised, "We have found a buyer and need to have it transferred back to us so that we may accomplish the sale."

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the transfer* (copy of deed found on Page _____ of Minute Book 29).

CLEVELAND COUNTY SPORTS COMMISSION

John Henry Moss, speaking on behalf of the Sports Commission, stated, “Since we last addressed you in November, when you were so kind to endorse our effort, we have been trying to match that responsibility . . . we have become a member of the National Association of Sports Commissions and a member of the North Carolina Association of Sports Commissions, and established a North Carolina non-profit corporation, and we have submitted our application for 501C-3 status. Also, we have been out knocking on a few doors and received some contributions to help us along in this effort.”

He said, “Our inaugural luncheon was held on March 2 at the TR Harris Conference Center at Cleveland Regional Medical Center, which was well attended and generated some additional ideas for events.” Mr. Moss reviewed the “corporate structure” and “committees” as follows:

- 21 member Board of Directors
- 15 member Advisory Committee
- 5 officers
- 9 member Executive Committee
- 1 Executive Director
- 9 standing committees
 - Finance committee
 - Event bidding and bid pool committee
 - Marketing committee
 - Membership committee
 - Volunteer committee
 - Community sports committee
 - Sponsorship committee
 - Planning future committee
 - Legal and contract review committee

Mr. Moss reviewed some of the events proposed, such as “Fishing Jamboree” planned for July 6-8 at Moss Lake. Kings Mountain Mayor Rick Murphrey spoke in support of the Sports Commission, stating Kings Mountain is “looking forward to the event” and the City Council is “proud to support the Commission” emphasized this is a “team effort” and the “quality of life drives the economic engine.” Mr. Moss listed numerous other events they are pursuing. He noted there will be slots for 104 volunteers to serve on the various committees and encouraged those interested to contact them.

Mr. Moss stated, “We are here to seek money to move to the next level.” Denese Stallings, Health Director and Sports Commission member, distributed a copy of the proposed budget (*copy found on Page _____ of Minute Book 29*). There was discussion regarding the job description for the executive director and the organizational structure. Mrs. Stallings advised she would prepare both and forward to Commissioners for their consideration during budget work sessions.

There was lengthy discussion regarding the importance of this being a county-wide “team” effort; maintaining open communications throughout the entire county; Willie McIntosh stated sports are now

being viewed as an “industry”; the need for all agencies to “sit down and have discussion”; and, the importance of including Jackie Sibley with the Chamber Travel and Tourism.

ACTION: It was the consensus of the Board to discuss this further during Commission budget work sessions.

PATHWAYS: LOCAL BUSINESS PLAN 2007-2010

Rhett Melton, Area Director, reviewed the following information:

History

- 2001 Mental Health Reform Act required system transformation.
- Developed first local business plan that was approved in 2003 and served the period July 1, 2003 to June 30, 2006.
- Highlights of first plan were divestiture of services and development of infrastructure to serve in role as system manager.
- HB2077 required new plan to be developed for the next three years.

Requirements of current plan

- “Pre-plan” required to be submitted to Secretary of Health and Human Services by December 31, 2006.
- Local Business Plan required to be submitted by March 31, 2007.
- Local input on needs expected to be considered in development of plan.
- Plan will cover the period July 1, 2007 – June 30, 2010.
- Plan limited to 50 pages maximum.
- Plan required to cover and be organized around six main areas of responsibility.
- Each section required to cover Current Operations, Strategic Objectives, Resource Allocation and Business Rules.

Functional Areas Required in the Plan

- Governance and administration.
- Business management and information management.
- Provider relations and development.
- Customer service/consumer affairs.
- Service management.
- Quality management.

Governance and Administration – Strategic Objectives

- Develop governance and administrative system based upon key indicator analysis.
- Improve system of strategic planning and subsequent monitoring against the plan.
- Improve system of collaboration with consumers, providers and community partners.

Governance and Administration – Business Practices

Items that work well:

- Strong CFAC, provider association and community partner advisory committee.
- Strong board with effective working relationship with agency staff.
- HB 2077 clarification of roles and expectations.

Current barriers:

- Constant change.
- Dual role of provider and manager.
- Lack of authority in managing local network.

Business Management – Strategic Objectives

- Prioritize budgeting around system shortcomings and service gaps.
- IPRS fund management to ensure effective use of all available funds.
- Explore alternative information service systems.
- Enhance resources to provide community around business practices.

Business Management – Business Practices

Items that work well:

- Closed IPRS network

- Requirement for automation in terms of forms and business cycle transactions.
- State's development of a standard MOA.

Current barriers:

- Lack of data coordination at the state level.
- Lack of Medicaid utilization data.
- Pathways contract management process.

Provider Relations and Development – Strategic Objectives

- Provider performance report.
- Clinical competency.
- Service capacity.

Provider Relations and Development - Business Practices

Items that work well:

- Pathways provider association
- Local centralized oversight management
- State's focus on system of care principles.

Current barriers:

- Outdated language in provider and monitoring rules.
- Lack of ability to manage the numbers of providers in the network.
- Limited number of options for provider sanctioning of poorly performing providers.

Customer Service/Consumer Affairs – Strategic Objectives

- Build upon culture of customer service.
- Comprehensive training and education for consumers and community.

Customer Service/Consumer Affairs – Business Practices

Items that work well:

- Pathways CFAC.
- The division's customer service department communication and support.

ACTION: Jo Boggs made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the plan as presented.*

CLEVELAND COUNTY HISTORIC PRESERVATION COMMISSION: APPLICATION TO DESIGNATE CLEVELAND COUNTY COURTHOUSE, FOUNTAIN HOUSE AND CONFEDERATE MONUMENT AS LOCAL HISTORIC LANDMARKS

Bill McCarter advised that on April 28th, we will be celebrating the 100th birthday of the former Cleveland County Courthouse. The Cleveland County Historic Preservation Commission (CCHPC) is requesting permission to recommend that the former Courthouse, Fountain-House and the Confederate Monument be designated as a Local Historic Landmark. Brownie Plaster, CCHPC Chair, has said “the Courthouse and its setting creates an urban park that deserves our protection for future generations.”

The State Historical Preservation Office noted that our “Courthouse was one of the best preserved early 20th century courthouses in North Carolina and possesses the requisite significance and integrity for landmark designation.”

Mr. McCarter noted that since this property is located within the planning jurisdiction of the City of Shelby, CCHPC and the Shelby City Council will conduct a joint public hearing on April 16, 2007 to consider this application.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to support the application for designation.*

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION – HIGALAW ENTERPRISES – 1050 COLLEGE AVENUE

Mr. McCarter reviewed that, in accordance with Section 3.5-45(b), a hearing was held on November 13, 2006 regarding this case and the owner was allowed 90-days to demolish the dwelling. The Order expired on February 14, 2007, after which the property was re-inspected, but to date no further action has been taken to demolish the dwelling. The house has been severely damaged by fire and is beyond repair. Mr. McCarter advised he has been unsuccessful in contacting the owner; however, he has talked with the lien holder.

FINDINGS AND ORDER: Certified Mail – Signature Confirmation

OWNER: Higalaw Enterprises c/o Ramesh Gihwala
121 W Council Street, Salisbury, NC 28144

LOCATION: 1050 E College Avenue PARCEL: 2660

ATTENTION: Owners and parties in interest in a dwelling located at 1050 E College Avenue, in the jurisdiction of Cleveland County, North Carolina.

TAKE NOTICE: That a hearing was held on November 13, 2006. At this hearing, the Code Enforcement Officer made the following findings of fact and determined that the subject dwelling violated the Cleveland County Minimum Housing Code specifically:

- Section 3.5-34 Minimum Standards for Structural Condition
 - Dwelling burned beyond repair
- Section 3.5-35 Standards for Equipment and Facilities
 - No functioning facilities
- Section 3.5-36 Ventilation Standards
- Section 3.5-38 Safe and Sanitary Maintenance Standards
- Section 3.5-39 Control of Insects, Rodents and Infestation

The Code Enforcement Officer has determined the dwelling(s) to be **dilapidated** and unfit for human habitation. NOW THEREFORE YOU ARE HEREBY ORDERED, pursuant to the North Carolina General Statutes 160A-443 and Section 3.5-44 of the Cleveland County Code of Ordinances; to **demolish** this dwelling within 90 days (February 14, 2007) from the postmarked date of this order. Any costs incurred will be attached as a lien against the real property upon which the cost was incurred, pursuant to NCGS 160A-443 and Section 3.5-49 of the Cleveland County Code. The Cleveland County Board of Adjustment is empowered to rule on decisions of the Code Enforcement Officer and reverse or modify such decisions if found to cause unnecessary hardship. Appeals must be filed within ten (10) days from the service of this order with the Cleveland County Planning Department, 311 E. Marion Street, Shelby, North Carolina.

This the 14th day of November, 2006

The adoption of this ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, ***to adopt the following ordinance ordering the demolition.***

PLANNING DEPARTMENT: ZONING VIOLATION – DAVID & KIM PEACE – 3606 WEATHERLY LANE

Mr. McCarter reviewed that David and Kim Peace have been informed of zoning violations on their property at 3606 Weatherly Lane. The violation is: raising and maintaining livestock on land that is less than ten (10) acres. Raising and maintaining livestock is not a permitted use in the Residential zoning district, except those exempted by definition in Section 12-21 and NCGS 105-277.1.

Section 12-21 states: *Farm, bona fide – Any tract of land two (2) acres or more, in horticulture production, or ten (10) acres in general agriculture production, or twenty (20) acres in forestry production and otherwise eligible for tax deferral . . . “*

David and Kim Peace are raising and maintaining livestock on two (2) parcels totaling 0.9 acres. They also maintain their personal residence on this property. Also, they have previously been in violation of the same Code in 2002. This action was appealed to the Board of Adjustment, and the Administrators’ decision was upheld.

Mr. McCarter reviewed the following order of events taken by the Planning Department:

- November 9, 2006: Site inspection by Chris Martin. Goats visible from road in fenced in rear yard.
- November 9, 2006: Notice sent certified mail. Ten days given to conform.
- November 21, 2006: No response from land owner. Sent notice to Sheriff’s Office to be delivered.
- December 7, 2006: Sheriff’s Office delivered.
- December 19, 2006: Site inspection by Chris Martin, counted seventeen (17) goats being raised in rear yard of house.

Mr. McCarter requested this case be referred to the County Attorney for enforcement action.

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, ***to approve passing this case to the County Attorney for enforcement (see further directions given following Mr. Peace’s comments).***

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH DWELLING AT 1050 COLLEGE AVENUE

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 1050 College Avenue, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property

into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dilapidated dwelling remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 1050 College Avenue now or formerly owned by Hikalaw Enterprises, shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-446(6).

Adopted and approved this the 20th day of March, 2007 by the Cleveland County Board of Commissioners in open session.

David Peace requested to speak to the Commission and permission was granted by Chairwoman

Accor.

Mr. Peace stated the property was farmland when he purchased it in 1979 and “farm animals” were housed on the property. He said he was told his animals would be “grandfathered” when county-wide zoning was put into place. He said that he and his wife lost their jobs in 2002 and have worked with 4-H clubs and Cooperative Extension promoting education regarding “meat” goats and the production of goat milk and cheese. He said they have property located on Bridges Dairy Road where most of the goats are kept, but the eight dairy goats he keeps at his home are pets. On “market day” more goats are there but are moved out quickly. Mr. Peace said these goats are a way to “keep farmland viable.” He also added that his neighbor has “two pit bulldogs” and questioned why he could not keep his “pet goats.” He requested Commissioners reconsider their action, allowing him to keep the eight goats he has, since he is not asking to add more.

There was discussion regarding Mr. Peace’s comments, and it was the consensus of the Board to direct Mr. McCarter, Mr. Yelton, and Mr. and Mrs. Peace to meet and “work together to reach a solution,” but if a solution is not accomplished, Mr. Yelton was directed to enforce the ordinance.

**PLANNING DEPARTMENT: HOUSING REHABILITATION GRANT – CITY OF SHELBY
(GRANT SERVING CLEVELAND COUNTY)**

Mr. McCarter stated, “The City of Shelby has been awarded a \$400,000 grant by the North Carolina Housing Finance Agency to conduct a Housing Rehabilitation Project, which must be equally accessible to all of the residents of Cleveland County. The City of Shelby was awarded this grant on the strength of its administrative plan to successfully manage a project of this nature. The City of Shelby is willing to administer this project for the benefit of all of the residents of Cleveland County.” He said that Benchmark will serve as administrator.

He said, “The City is requesting that Cleveland County grant Shelby the authority to engage in housing rehabilitation activities throughout the planning jurisdiction of the county to facilitate the successful implementation of this project. City staff has prepared an inter-local agreement, pursuant to NCGS 160A-460 thru 464.”

ACTION: Jo Boggs made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *(1) approve the following inter-local agreement; and, (2) authorize the County Manager to execute the agreement on behalf of Cleveland County.*

NORTH CAROLINA

INTERLOCAL AGREEMENT

CLEVELAND COUNTY

This **INTERLOCAL AGREEMENT** is dated March 20 ,2007, between the **CITY OF SHELBY** (“Shelby”), a municipal corporation and body politic of the State of North Carolina and **CLEVELAND COUNTY** (the “County”), a body politic and a political subdivision of the State of North Carolina, collectively referred to as the “Parties”.

WHEREAS, Shelby has been awarded a \$400,000 grant by the NC Housing Finance Agency to conduct a Housing Rehabilitation Project which must be equally accessible to all of the residents of Cleveland County; and,

WHEREAS, Shelby was awarded this grant on the strength of its administrative plan to successfully manage a project of this nature; and,

WHEREAS, Shelby is willing to administer this project for the benefit of all of the residents of Cleveland County; and,

WHEREAS, the County is willing to grant Shelby the authority to engage in housing rehabilitation activities throughout its jurisdiction to facilitate the successful implementation of the project;

WHEREAS, the parties desire to enter into this Agreement pursuant to the statutory authority authorizing interlocal agreements, N.C.G.S. 160A-460 to 464.

NOW THEREFORE, for and in consideration of the mutual promises and covenants contained in this Agreement, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Upon approval of this agreement by the parties Shelby will execute a grant agreement with the NC Housing Finance Agency assuming all obligations and duties under that Agreement for the implementation of the 2007 Cleveland County SFR Project.
2. The County grants Shelby the authority to engage in housing rehabilitation activities through out the County’s jurisdiction.
3. The Parties agree that the project will be implemented in accordance with the attached Assistance Policy (Attachment A) which is made part of this agreement. It is understood that this Assistance Policy is in draft format and is subject to final approval by the NC Housing Finance Agency and the City Council of Shelby. However, the draft is representative of how this project will be administered.
4. It is understood that the County under this agreement assumes no performance obligations or liability, financially or otherwise, under the grant agreement between Shelby and the NC Housing Finance Agency.
5. Shelby shall be responsible under the grant agreement for providing all administrative support for implementation of the 2007 Cleveland County SFR Project, such support to be financed directly from grant funds.
6. The parties agree that all funds needed for this project shall come directly from the NC Housing finance Agency or as specified in the Assistance Policy, the Duke Power Help Loan Pool.
7. The duration of this agreement will be until this grant is successfully closed out by the NC Housing Finance Agency.
8. The Parties have the power to amend this agreement by mutual agreement should the need arise.
9. This agreement can be terminated by mutual agreement of the Parties.

IN WITNESS WHEFROF, Pursuant to resolution adopted by the governing board of each party as required by N.C.G.S. 160A-461, the parties have caused this agreement to be executed in their corporate names by their duly authorized Managers, all as of the date first written above.

/S/ Original signed by all parties

EQUALIZATION & REVIEW SCHEDULE

Chris Green, Tax Administrator, stated, “We are currently completing the informal review of real property appeals for 2007. On request, unresolved cases are to be heard by the Board of Equalization and Review (*E&R*). In the absence of a separate appointed board, the County Commissioners must sit as the Board of E&R. By Statute, the first meeting can be no earlier than the first Monday in April and no later than the first Monday in May.”

ACTION: It was the unanimous consensus of the Board, *to set April 12, 2007 at 1:30 p.m. as the date to convene, and May 3, 2007 at 2:00 p.m. as an additional meeting date.*

BUDGET HEARINGS

ACTION: It was the unanimous consensus of the Board, *to set April 12, 2007 at 9:00 a.m. as a budget session to hear presentations from department heads.*

HEALTH DEPARTMENT: REDUCTION-IN-FORCE

Eddie Bailes, Assistant County Manager, advised Denese Stallings and the Board of Health are recommending the abolishment a Social Worker II position (*position #012.533.1268*) in the Adult Health/Pharmacy Program, effective March 31, 2007. In the past, this position has been self-sustaining. Due to changes in Medicare benefits for prescription drugs, the program can no longer generate funds to sustain this position. The employee who fills this position is a permanent status employee. There is a probationary status employee who is classified as a Social Worker II employed within the Health Department, so in accordance with the reduction-in-force policy of Cleveland County, it will be necessary to lay-off, or RIF, the probationary status employee who occupies a Social Worker II position in the Maternal Care Coordination Program. Therefore, the permanent status employee will move to the Maternal Care Coordination Program position effective April 1, 2007.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the reduction-in-force by abolishing position #012.533.1268.*

COMMISSIONER REPORTS

Commissioner Hawkins:

- Requested to be excused from a portion of the April 3, 2007 regular meeting.
- Stated he appreciated recent work session.
- Attended Star Teacher Awards banquet – noted that Hope Alexander, wife of retired County Manager Lane Alexander, was one of the teachers honored.

Commissioner Hutchins:

- Suggested future agenda item for further discussion – “modification of merit system.”
- Stated he has made school visits.

Commissioner Boggs:

- Attended Pathways Board meetings, Isothermal Board meeting, CAGO meeting, and the Kitchen Ventilation ribbon cutting.

Vice-Chairman Holbrook:

- Stated he enjoyed the recent NACo meeting; attended hospital open house, sports commission meeting, agri-tourism meeting, Destination Cleveland County meeting, CAGO, 20/20 meeting at Halleluiah Acres, Kitchen Ventilation ribbon cutting, met with the School Superintendent and Board of Education Chair.

Chairwoman Accor:

- Attended “Women’s Agenda” meeting at the Red Cross, met with Dr. Thornburg and staff at Cleveland Community College; met with School Superintendent and Board of Education Chair, hosted three NC Teaching Fellows students and took them on a tour of county facilities.
- March 29th – State of Community breakfast at 7:30 a.m. at Ticona.
- Advised she will be absent from the April 3, 2007 regular meeting.
- March 26th – Raleigh – Department of Commerce meeting.

ADJOURN

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adjourn the meeting (at 8:40 p.m.)*. The next regular meeting of the Commission is scheduled for *Tuesday, April 3, 2007 at 6:00 p.m.* in this Commission Chamber.

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

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

