

CLEVELAND COUNTY BOARD OF COMMISSIONERS

August 21, 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
Johnny Hutchins, Commissioner
Ronald Hawkins, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Chris Green, Tax Administrator
Denese Stallings, Health Director
Greg Traywick, Cooperative Extension Director
Pete Delea, The Star
Kathryn Larson, Cleveland Headline News
Other individual names on file in the Clerk's Office

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 Ronnie Hawkins provided the invocation for the meeting.

AGENDA ADOPTION

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

11. Resolution in Support of Kings Mountain High School Pedestrian Overpass

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of **July 24, 2007**, motion was made by Eddie Holbrook, 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 **July 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 **July 2007**. The monthly grand total of tax abatements was listed as (\$23,392.49); and, the monthly grand total for tax supplements was listed as \$34,521.49.

SHERIFF'S DEPARTMENT : REQUEST TO ESTABLISH MAINTENANCE FEE FOR PROJECT LIFESAVER

It has been estimated that over 4.8 million individuals in the United States now suffer from Alzheimer's Disease. Project Lifesaver is a program established to assist those who care for victims of Alzheimer's and other mental disorders. Last year, the Cleveland County Sheriff's Department purchased locator systems and transmitter kits and attended Project Lifesaver Training. They are now ready to begin accepting applications.

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, and unanimously adopted by the board to *approve the establishment of a \$20 per month maintenance fee for Project Lifesaver wristband users and to allow the fees to be carried over in the budget from year to year, to allow for future expansion of the project.*

SPECIAL RECOGNITION

LIBBIE SHIPLEY- CLEVELAND COUNTY COUNCIL ON AGING DIRECTOR

Commissioners presented Libbie Shipley of the Cleveland County Council on Aging with a certificate of recognition of her years of service to the Cleveland County Council on Aging. The certificate read as follows:

**CERTIFICATE OF RECOGNITION
FROM THE
CLEVELAND COUNTY BOARD OF COMMISSIONERS**

PRESENTED TO

ELIZABETH SHIPLEY

IN RECOGNITION OF HER 25 YEARS OF DEDICATED SERVICE AS DIRECTOR OF THE CLEVELAND COUNTY COUNCIL ON AGING. MS. SHIPLEY IS KNOWN FOR HER POSITIVE RELATIONSHIPS WITH CLEVELAND COUNTY AGENCY LEADERS. THESE RELATIONSHIPS HAVE LED TO THE SUCCESSFUL PARTNERSHIP BETWEEN COUNTY AGENCIES AND THE COUNCIL ON AGING SENIOR CENTER. MS. SHIPLEY WAS RECOGNIZED AS ONE OF CLEVELAND COUNTIES MOST DISTINGUISHED WOMEN IN 1996 AND MOST RECENTLY PRESENTED A PLAQUE FOR HER SERVICE FROM NC HOUSE REPRESENTATIVE DEBBIE CLARY. FOR ALL OF YOUR HARD WORK, WE THANK YOU!

Presented this the 21st day of August 2007.

PUBLIC HEARINGS

CDBG & NC RURAL CENTER FOR ECONOMIC DEVELOPMENT PROJECTS (HALLELUJAH ACRES)

Teresa Spires, Isothermal Planning and Development Commission began by stating that two public hearings are required by the Department of Community Assistance prior to a formal request for

public funding. This public hearing is informal. Another public hearing will be held should Commissioners decide to move forward with the application for CDBG funding.

Chairwoman Accor opened the public hearing at 6:15 pm (*public notice was accomplished, with an advertisement published in The Star on August 7, 2007.*)

Teresa Spires of Isothermal Planning and Development Commission presented Commissioners with Community Development Block Grant (CDBG) Economic Development Project Facts including the following:

- Funds are provided to the state of North Carolina from the Federal Department of Housing and Urban Development. The state receives a yearly allocation as a block of funds, which is then used to fund projects in non-urban areas of the state. The state expects to receive approximately \$40 million for FY 2008.
- NC divides its CDBG funds into 2 pots. Housing and community development projects are administered by the Division of Community Assistance of the NC Department of Commerce. Economic Development projects are administered by the Commerce Finance Center. Twenty percent of CDBG funds are allocated to the Commerce Finance Center, which is also a division of the NC Department of Commerce.
- Economic Development funds can be granted to local governments to assist them with constructing public infrastructure to serve a new or expanding business that will create new, full-time jobs. Funds can also be granted to assist companies who are in danger of closing operations and need public infrastructure in order to retain their existing job base.
- Public infrastructure is defined as water, sewer, access roads, gas or electric lines, if the electricity is owned and operated by a public utility.
- Jobs must be full-time (1,600 hours per year at a minimum) and provide health insurance. At least 50 % of the health insurance should be paid by the employer. To qualify a company must commit to hiring at least 60% of its new employees from applicants whose family income was 80% or less of the median family income in the County for the 12 months prior to their employment. (Please see attach beneficiary form for more information).
- Companies requesting assistance for retention projects must document that at least 60% of their current workforce is at or below 80% of the median family income for the County. They must also document that they provide health insurance benefits.
- Projects in Tier 1 counties have no match requirement – although they may contribute funds to the project if needed to make it feasible. For Tier 1 counties, the maximum amount available per job created for manufacturing and distribution center (William S. Lee Act) qualifying jobs is \$15,000. For service and retail jobs, the maximum per job is \$10,000.
- All CDBG projects require that 2 public hearings be held prior to the submittal of the application. In addition, the local government and the project company must meet with a representative of the Commerce Finance Center prior to the submittal of the application.
- Economic Development funds are awarded on a first come, first served basis throughout the year. There is no set cycle and no submittal deadline. However, funds are scarce, so submitting a project in a timely manner is critical.

Stuart Gilbert, Cleveland Chamber President spoke in favor of the proposed project.

Hearing no other comments, Chairwoman Mary Accor closed the public hearing at 6:20pm. No action was taken at that time.

PURCHASE AND INSTALLATION OF PUBLIC SAFETY COMMUNICATIONS EQUIPMENT

Chris Crepps, Finance Director, asked Commissioners to pass a resolution authorizing the filing of an application for approval of a financing agreement authorized by North Carolina General Statute 160A-20. This financing would include up to \$6 million toward the purchase of public safety

communications equipment. This communications equipment would tie into the State Highway Patrol's 800mhz system. The financing of this project would not increase the property tax rate at this time due to Cleveland County's low debt.

Chairwoman Accor opened the public hearing at 6:25 pm (*public notice was accomplished in accordance with the mandates of NCGS 160A-20, with an advertisement published in The Star on August 10, 2007*). Hearing no comments, Chairwoman Accor closed the public hearing.

David Dear explained that he recently became aware of additional grant funding available. Cleveland County will complete a grant application for up to \$3 Million dollars in Homeland Security Funding. Grant applications are due by September 24th and will be awarded at the end of November. The application for funding to the Local Government Commission will not occur until we receive notification of the grant.

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

23-2007

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Cleveland, North Carolina desires to purchase and install public safety communication equipment to better serve the citizens of Cleveland County; and

WHEREAS, the County of Cleveland, North Carolina desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cleveland County, North Carolina, meeting in regular session on the 21st day of August 2007, make the following findings of fact:

1. The proposed contract is necessary or expedient because pursuant to Section 160A-20, the County is authorized to finance the purchase and installation of the Project, by entering into an installment contract or other security instrument that creates a security interest in the property financed to secure repayment of the financing;
2. The proposed contract is preferable to a bond issue for the same purpose because notwithstanding any provision of the Contract, the Escrow Agreement, no deficiency judgment may be rendered against the County in any action for breach of a contractual obligation under the Contract, or the Escrow Agreement and the taxing power of the County is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for the financing entity in such instance.
3. The cost of financing under the proposed contract is greater than the cost of issuing general obligation bonds. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the County's obligations under the Contract will not be included in the gross income of the financing entity.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because after consideration, the governing body of the County has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
5. The County of Cleveland's debt management procedures and policies are good because the County's current amount of debt is less than 0.2% of the assessed valuation for property tax purposes and will remain relatively low, less than 0.3%, when including this financing agreement.
6. The County does not anticipate the need to increase the current property tax rate to meet the sums to fall due under the proposed contract.
7. The County of Cleveland is not in default in any of its debt service obligations.
8. The attorney for the County of Cleveland has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to act on behalf of the County of Cleveland in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 21st day of August, 2007.

REGULAR AGENDA

HEALTH DEPARTMENT: BID AWARD FOR HEALTH DEPARTMENT RENOVATIONS-PHASE 3

Bids were received on July 19, 2007 for renovations at the Health Department- Phase 3. These renovations are being completed to meet ADA requirements and accreditation. The Health Department was built in 1978. The twelve bathrooms do not meet ADA requirements and the entrance doors to the Health Department are not automatic. This project was bid including three alternates. Denese Stallings, Health Director, suggested that Commissioners approve the base bid and alternate 1 and 2. Alternate three will be completed by the county maintenance staff. Bids were received from three contractors in the amounts listed below:

	Base	Alt. 1	Alt 2	Alt. 3	Total
HMBC Inc., dba American Restoration	\$502,677	\$15,414	\$45,383	\$37,607	\$601,081
Ponder & Company	\$517,000	\$13,000	\$43,000	\$39,000	\$612,000
TC Strickland	\$585,000	\$16,016	\$40,000	\$35,000	\$676,016

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to award the contract for construction of the Health Department Renovations Phase 3 including the base bid and Alternate 1 and 2 to the low bidder- HMBC Inc., dba American Restoration in the amount of \$563,474.*

MEMORANDUM OF UNDERSTANDING- CLEVELAND COUNTY AND NC COOPERATIVE EXTENSION

Greg Traywick, Cooperative Extension Director presented a Memorandum of Understanding (MOU) between County Governments and NC Cooperative Extension (NCCE). This document serves as the structure of the cooperative relationship created between local, state, and federal governments committed to bringing researched-based knowledge from NC A&T State University and NC State University to the citizens of each county.

As times change, this MOU must be reviewed to ensure they are working from an accurate reflection of the relationship. The MOU was revised in a joint effort between the NC Association of County Commissioners, NC A & T University and NC State University. The most significant change is that it begins to move all Cooperative Extension employees to one uniform payroll system. This change is critical to reduce benefit and policy disparities between NCCE employees across the state. The decision was made collaboratively and retains the option for counties to continue to control their portion of salary increases.

ACTION: Jo Boggs made the motion, seconded by Eddie Holbrook , and unanimously adopted by the Board, *to approve the signing of the revised Memorandum of Understanding between the Board of County Commissioners, the North Carolina Cooperative Extension Service North Carolina State University and the North Carolina Cooperative Extension Program North Carolina A & T State University.*(copy found on Page _____ of Minute Book 29).

CHEMETALL FOOTE CORPORATION- REQUEST FOR TAX REFUND

Chris Green, Tax Administrator presented Commissioners with a written request for partial refund of tax paid for the years 2005 and 2006 from Chemetall Foote Corporation. The basis of their request is that Construction-In-Progress (CIP) was reported incorrectly on the business personal property taxes for those years. The result of this error by the taxpayer is a total difference in taxable value of \$1,187,647.47. This request for refund is made under NC General Statute 105-381 as a tax imposed through clerical error. Mr. Green stated, "From the appearance of the documents, it looks as though Chemetall Foote posted a cumulative number instead of a year-end number so I believe that they are being truthful." Commissioner Hutchins asked if there is any way that the Tax Department can verify these numbers. Mr. Green stated, "Business property listings are self-reported. If the board requests it, the Tax Department could have an auditor take a look at it."

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to ask the auditor to review this case. Upon review, Chris Green is to bring it back before the Commissioners for a decision.*

PATHWAYS BOARD APPOINTMENT

In January, 2007, Willie McIntosh was appointed to serve on the Pathways Board for a four-year term. It was brought to the attention of the board, that, effective 7/1/2006, Pathways terms were changed from four years to three years.

ACTION: Jo Boggs made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to change the term of Willie McIntosh appointment to the Pathway's board, for a term of three-years, scheduled to conclude on June 30, 2010.*

RESOLUTION IN SUPPORT OF KINGS MOUNTAIN HIGH SCHOOL PEDESTRIAN OVERPASS

At their August 7th regular meeting, the Board of Commissioners adopted a resolution in support of the Kings Mountain High School Pedestrian Overpass. This resolution was forwarded to Representative Tim Moore and Senator Walter Dalton. At the suggestion of Senator Dalton, several minor changes were made to the resolution.

ACTION: Jo Boggs made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the following resolution:*

NUMBER 25-2007

In Support of
Kings Mountain High School Pedestrian Overpass

WHEREAS, Cleveland County Schools has renovated a building near the intersection of Maner Road and Phifer Road to provide additional classrooms for Kings Mountain High School;

WHEREAS, it is expected that the building will house 600 to 700 students causing 4,000 pedestrian crossings per day;

WHEREAS, realizing safety concerns of crossing this high number of students and the high number of vehicles traveling along Phifer Road, Cleveland County Schools requested North Carolina Department of Transportation to assist in providing a safe pedestrian crossing;

WHEREAS, In July, 2007, the North Carolina Department of Transportation completed a traffic operations review;

WHEREAS, The Kings Mountain High School Traffic Operations Review states that a pedestrian overpass would provide the safest crossing method by totally separating vehicles and pedestrians;

WHEREAS, The Cleveland County Board of Commissioners realizes that the safety of children is a top priority;

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners hereby request \$125,000 from the North Carolina Office of the Speaker of the House, Joe Hackney, and \$125,000 from the Office of the President Pro Tem of the Senate, Marc Basnight, for funding for the recommended pedestrian overpass at Kings Mountain High School.

ADOPTED THIS THE 21st DAY OF AUGUST 2007.

COMMISSIONER REPORTS

At the NC Association of County Commissioners (NCACC) Annual Conference, Chairwoman Mary Accor was sworn in as 1st Vice President of the NCACC. She is pleased to be in that position and is glad to have the opportunity to continue the good work of the Association. Also, at the conference, Commissioner Jo Boggs was sworn in as the District 15 Regional Director.

ADJOURN

There being no further business to come before the Board at this time, Johnny Hutchins 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, September 4, 2007** in this Commission Chamber.

Mary S. Accor, Chairwoman
Cleveland County Board of Commissioners

Kerri Melton, County Clerk
Cleveland County Board of Commissioners