

CLEVELAND COUNTY BOARD OF COMMISSIONERS

December 4, 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, Chairman
Eddie Holbrook, Vice-Chairman
Jo Boggs, Commissioner
Eddie Bailes, Assistant County Manager
Robert Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Chris Green, Tax Administrator
Alexis Pearson, HR Director
Bill McCarter, Planning Director
Marti Glaser, Cleveland Headline News
Other individual names on file in the Clerk's Office

ABSENT: Ronald Hawkins, Commissioner
Johnny Hutchins, Commissioner

CALL TO ORDER

Chairwoman Mary Accor called the meeting to order and provided the invocation for the meeting.

NOMINATIONS AND SELECTION OF COMMISSION CHAIR

Eddie Bailes opened the floor to accept nominations for Commission Chair.

NOMINATIONS: Eddie Holbrook nominated Jo Boggs for Chairwoman. Hearing no further nominations, the nominations closed. *Jo Boggs was elected Chairwoman by a unanimous vote.*

NOMINATIONS AND SELECTION OF COMMISSION VICE-CHAIR

Chairwoman Boggs opened the floor to accept nominations for Commission Vice-Chair.

NOMINATIONS: Mary Accor nominated Eddie Holbrook for Vice-Chair. Hearing no further nominations, the nominations closed. *Eddie Holbrook was elected Vice-Chair by a unanimous vote.*

AGENDA ADOPTION

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

CONSENT AGENDA

#7 VOLUNTEER FIRE DEPARTMENT: BUDGET AMENDMENTS

Number Seven Volunteer Fire Department requested a budget amendment in the amount of \$20,000 to make building repairs. This budget amendment includes the repainting of the entire interior of the station, exterior doors, frames around bay door and all cabinets. It also includes the replacement of ceiling tiles, repair and repainting of grid work, and replacement of current lighting in the bay area.

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the Number Seven Volunteer Fire Department budget amendment:*

CRIMINAL JUSTICE PARTNERSHIP: BUDGET AMENDMENTS (BNA #027)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.439.4.350.00/0CJPP-P439	Criminal Justice Ptnr/State Grants	\$ 3,665.	
010.439.5.420.00/0CJPP-P439	Criminal Justice Ptnr/Contracted Services	\$ 3,665.	

Explanation of Revisions: To budget an increase in the amount awarded to Cleveland County for the Criminal Justice Partnership Program. These additional funds will be used for the substance abuse services and transportation for the offenders of these services.

SHERIFF: BUDGET AMENDMENTS (BNA #028)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.440.4.810.41	Schools Resource Officer/Donations CC DARE	\$ 100.	
010.440.5.790.41	Schools Resource Officer/Donations CC DARE	\$ 100.	

Explanation of Revisions: Request approval to budget DARE donation which will be used to purchase additional drug educational incentives to students completing the DARE curriculum.

HEALTH DEPARTMENT: WRITE-OFF OF ACCOUNTS RECEIVABLE

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to allow the Health Department to write-off a total of \$23,466.90 in uncollectible fees through June 30, 2004.*

The total write-off amount for FY 06/07 is \$3,328.98 less than the previous fiscal year. In the event that a patient pays for services that have been written-off, policy is to reinstate the charges and apply the payment for services render.

REGULAR AGENDA

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – BROAD RIVER WATERSHED CLASSIFICATION (CASE #07-13)

Bill McCarter, Planning Director, reviewed that, effective March 1, 2007; the NC Environmental Management Commission reclassified a segment of the Broad River from Class C to WS-IV, as a result of the new emergency water intake. The Water Supply Watershed Protection Act (NCGS 143-214.5) requires that all local governments having jurisdiction within the watershed area, adopt and implement at least the minimum requirements of the state water supply watershed protection rules.

Mr. McCarter recommended that the current Watershed Overlay District simply be expanded to apply the existing regulations to this new watershed area. This will be done in the form of a zoning map amendment. Each property owner in the watershed received notice of the public hearing/

Chairwoman Boggs opened the public hearing at 6:15 p.m. (*Public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisements published in The Star on November 23 and 30, 2007.*)

Guy Hutchins, has one mile of river frontage. “Would these regulations impose restrictions on agriculture draining? Is there anything in place to monitor Duke Power?”

John McBrayer, feels that this is a plus for the county because of the problems that we could have from chicken houses. “We need to keep up with progress to keep up with the standards of the state and protect the water for our children and grandchildren.”

Jerry Marlow, feels that the state is putting the cart before the horse since they have already passed the law. He is concerned with the value of the properties.

Robert Anthony, believes that property owners should have been involved in the decision by lawmakers to re-classify this area of Broad River. “I thought this was a free country and we could have a choice to vote on it.” He is not against clean water, however, he believes that landowners should have been made aware of this when the water intake was put in.

Wayne Houser, concerned that the lots he currently has developed would not be usable. Mr. McCarter assured him that these lots would be grandfathered in.

Chairwoman Boggs declared the public hearing closed at 6:30 p.m.

In response to the question regarding property values, Bill McCarter, Planning Director stated that the market will determine the property values. The impact will not be known until properties in this area begin to sell. He also responded to the question regarding the regulation of Duke Power by stating that, “The NC Division of Water Quality will regulate the quality of water by Duke Power and other industries that may develop in this area.”

Commissioner Holbrook voiced his concern for the importance of water quality stating that, “Water, by 2030, will be as precious to us as gold.”

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the following zoning map amendment (map found on page _____ of Minute Book 30.)*

SPECIAL RECOGNITION

SENATOR WALTER DALTON

Commissioners presented Senator Walter Dalton with a framed resolution in appreciation of the recent Medicaid Relief. The resolution read as follows:

RESOLUTION OF APPRECIATION TO THE GENERAL ASSEMBLY FOR RELIEVING COUNTIES OF MEDICAID

WHEREAS, relieving counties of the Medicaid burden was the Number One legislative goal for all counties;

WHEREAS, every member of the 2007 North Carolina General Assembly recognized and supported the need for Medicaid relief;

WHEREAS, every member of the House of Representatives supported House Bill 1424, which would have provided a permanent cap and additional targeted relief;

WHEREAS, every member of the Senate supported provisions of the budget to eliminate the county Medicaid share completely;

WHEREAS, Governor Mike Easley publicly expressed his support on numerous occasions;

WHEREAS, a negotiating team with representatives from the House, the Senate and the Governor’s Office reached consensus on a solution to relieve counties of their Medicaid burden; and

WHEREAS, this solution is fair and equitable to all parties; and

WHEREAS, this solution protects municipal revenues, allows the state to phase in the assumption of the county Medicaid share over three years while gradually assuming sufficient county revenues to cover the increased costs, does not force counties to raise property or sales taxes to receive Medicaid relief and provides additional revenue authority to counties faced with rapidly increasing infrastructure needs;


NOW, THEREFORE, BE IT RESOLVED that the North Carolina Association of County Commissioners commends and expresses our appreciation to the 2007 North Carolina General Assembly for proving themselves to be true "Friends of the Counties";

FURTHER BE IT RESOLVED that the Speaker of the House and the Senate President Pro Tem are asked to read this resolution into the Journals of their respective bodies on May 13, 2008;

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to all counties, and that each board of county commissioners is asked to present a copy of this resolution to each member of their delegation as an expression of gratitude for this historic and significant action.

Adopted this the 18th day of August, 2007.

Signed:


Terry E. Garrison
NCACC President and
Vance County Commissioner


David F. Thompson
Executive Director

REGULAR AGENDA (cont.)

**ISOTHERMAL PLANNING & DEVELOPMENT COMMISSION: RURAL CENTER
PLANNING GRANT RESOLUTION: SOUTHERN POWER**

Eddie Bailes asked Commissioners for support in the submittal of a Rural Center Planning Grant. This grant would include the engineering studies, mapping and right-of-way surveys for a water re-use line to serve Southern Power. The grant request is for \$40,000 with a \$20,000 match to be provided by Cleveland County

ACTION: Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to adopt the following resolution:*

NUMBER 29-2007

WHEREAS, In the summer of 2007, the North Carolina General Assembly included a \$100 million appropriation to the North Carolina Rural Economic Development Center in the FY2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater infrastructure improvements; and

WHEREAS, The County of Cleveland has need for and intends to construct or rehabilitate a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as surveying, mapping and rights-of-way descriptions for the proposed grey and raw water line to serve the Southern Power Co-Generational Plant locating near Kings Mountain; and

WHEREAS, The County of Cleveland intends to request grant assistance from the Planning Grants Program for the project;

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

That Cleveland County will arrange financing for all remaining costs of the project, if approved for a grant.

That Cleveland County will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the County Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of Cleveland County with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That David Dear, County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Cleveland County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 4TH day of December, 2007 at Cleveland County, North Carolina.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE ENFORCEMENT- HIGALAW ENTERPRISES (1050 E. COLLEGE AVENUE)

On March 20, 2007, an ordinance was adopted by Commissioners to demolish a dwelling at 1050 E. College Avenue. The structure was tested and found to contain asbestos. Bids were solicited to remove the asbestos and Applied Abatement Concepts was selected as the low bidder at \$3,200. Before Applied Abatement Concepts began their work, the owner demolished the structure. At that point, the pile of debris was contaminated causing the NC Department of Health and Human Services to issue an emergency permit to remove and dispose of the contaminated debris. Costs increased from \$3,200 to \$11,500. Mr. McCarter also detailed other costs incurred during demolition of this property as follows:

County Staff Time	\$ 178.28
Postage	\$ 5.94
Legal Ad	\$ 104.50
Recording Fee	\$ 12.00
Applied Abatement Concepts	\$11,500.00
Total	\$11,800.72

Mr. McCarter requested that Commissioners file a lien against this property to be compensated for demolition and clean-up of the property. He informed Commissioners that Mr. Higalaw is aware of these costs but has chosen to ignore them.

ACTION: Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to authorize a lien for \$11,800.72 on the property at 1050 E. College Avenue currently owned by Higalaw Enterprises.*

BID FOR PURCHASE OF FORECLOSURE REAL ESTATE (PARCEL #26524, Tax ID #6-54-2-18)

Mr. Yelton explained that a \$900.00 bid to purchase this parcel has been received from Ron Mashburn. Mr. Mashburn has given the Clerk a deposit in the amount equal to 5% of the bid. In accordance with NCGS 160A-268, sale of property by advertisement for sealed bids, bids were opened on November 15, 2007 (*Public notice of this hearing was accomplished in accordance with the mandates of NCGS 160A-268, with legal advertisements published in The Star on October 15, 2007.*)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to accept the bid of \$900 from Mr. Ron Mashburn, with the condition that purchaser be responsible for recording fees, revenue stamps and deed preparation*

COMMISSIONER REPORTS

Mary Accor- Commissioner Accor has attended many parades. She reminded Commissioners of CAGO on December 6, 2007. She will be the presenter of the program at that meeting following a trip to Raleigh for the NCACC Board of Directors meeting. Commissioner Accor also shared that this year has been a joy. She believes that Commissioners and citizens are on the same page and that there is a remarkable amount of progress going on in Cleveland County. She is proud to call Cleveland County home.

Eddie Holbrook- Commissioner Holbrook also attended many Christmas parades and said he has been so impressed with the turnout especially in some of the smaller towns. He also shared his appreciation for having the opportunity to serve Cleveland County this past year. “We are working hard and will continue to work hard.”

Jo Boggs- Thanked Commissioners for giving her the opportunity to serve as chair for the upcoming year. “We are a team, not only us sitting on this side, but add to it those sitting on that side, the department heads that faithfully come to our meetings and those who come just to be a part of our meetings but also, this county as a whole. We are all a team and we all want what is best for Cleveland County. Today is a bright day and tomorrow will be even brighter. I think that we want, each day, to grow as a county and to become better. We can accomplish much by working together.” Chairwoman Boggs thanked Commissioner Accor for her leadership over the past year and her fellow Commissioners for their guidance. “I am honored and humbled to be able to serve at this time in our county’s history. Great things are on the horizon and I am excited to be a part of what is ahead.”

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to recess to reconvene until December 12, 2007 at 12:00pm at Cleveland Community College for joint meeting of the Cleveland County Board of Commissioners, Cleveland County School Board and Cleveland Community College Board of Trustees to discuss Early College High School.*

*Jo Boggs, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*