

CLEVELAND COUNTY BOARD OF COMMISSIONERS

April 15, 2008

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: Jo Boggs, Chairwoman
Eddie Holbrook, Vice-Chairman
Mary S. Accor, Commissioner
Ronald J. Hawkins, Commissioner
Johnny Hutchins, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Danny Gordon, Chief Deputy
Dewey Cook, Emergency Management Director
Chris Crepps, Finance Director
Alexis Pearson, Human Resources Director
Marti Glaser, Cleveland Headline News
David Allen, The Star
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Jo Boggs called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Reverend Charles Reed, Ministry Leader of the Greater Cleveland County Baptist Association, provided the invocation for the meeting.

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.*

CITIZENS RECOGNITION

Brendan LeGrand, 1205 Bob Falls Dr., provided Commissioners with an Honorary Naming Opportunities sheet from Destination Cleveland County (*copy found on Page _____ of Minute Book 30*). Ms. LeGrand referenced Item 16 of the recently approved lease agreement between Cleveland County and Destination Cleveland County which states:

16. Naming Rights. The Lessee shall have the right to install plaques honoring donors in certain specific exhibit areas, but shall not have the right to name rooms or parts of the leased property. The Lessee shall dedicate no more than twenty (20) percent of exhibit space to any one person or entity.

Ms. LeGrand suggested that, after looking at the Honorary Naming Opportunities sheet, Destination Cleveland County was already out of in compliance with the lease agreement. She stated, "I suggest that you require them to be in compliance."

Ms. LeGrand also referenced information regarding the Heritage Gallery which read:

Heritage Gallery- A family photo and narrative will be hung in a prominent location at the Scruggs Center. All donors of \$50,000 or more to either venue will be included. This is a wonderful opportunity to honor your family and share your story.

Ms. LeGrand said, "This Honorary Naming Opportunities paper was not offered to all citizens. This is dis-enfranchising. I think that this heritage gallery will be a wall of affluent citizens only. Wouldn't it be wonderful if the county would take the \$1.5 million and divide it by \$50,000? This would allow an additional thirty Cleveland County citizens to be recognized in the Heritage Gallery."

Chairwoman Boggs assured Ms. LeGrand that Destination Cleveland County is in compliance with the lease agreement.

CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during **March 2008** (copy found on Page _____ of Minute Book 30).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **March 2008**. The monthly grand total of tax abatements was listed as (\$14,221.79); and, the monthly grand total for tax supplements was listed as \$10,645.92.

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of **April 1, 2008**, motion was made by Ronnie Hawkins, seconded by Mary Accor, and unanimously adopted by the Board, to **approve the minutes as written**.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #052)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, 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>
012.539.4.350.00/93217-6014	Family Planning/State Govt. Grants	\$ 4,735.	
012.539.5.230.01	Family Planning/Prescription Drugs	1,000.	
012.539.5.490.00	Family Planning/Professional Services	3,735.	

Explanation of Revisions: Budget Family Planning Bonus Funds for prescription drugs and reference lab expenses.

LIBRARY: BUDGET AMENDMENTS (BNA #055)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, **to approve the following budget amendments:**

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.611.4.991.00	Library/Fund Balance Appr	\$ 2,250.	
010.611.5.790.06	Library/Donations-Bks-Snoddy	2,250.	

Explanation of Revisions: To budget funds received from donations in prior years for Snoddy/Young to purchase books.

LIBRARY: BUDGET AMENDMENTS (BNA #056)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the following budget amendments:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.611.4.991.00	Library/Fund Balance Appr	\$29,101.	
010.611.5.790.00	Library/Donations/Contributions	29,101.	

Explanation of Revisions: Budget for self service V-Series Kiosk for Library. Self Check unit will allow patron to swipe membership card, pay fines and check out materials.

DETENTION CENTER: BUDGET AMENDMENTS (BNA #057)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the following budget amendments:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.444.4.310.00	Detention Center/Federal Grants	\$ 2,375.	
010.444.5.210.00	Detention Center/Dept. Supply	2,018.	
010.444.5.490.00	Detention Center/Prof. Services	357.	

Explanation of Revisions: To budget the 2007 State Criminal Alien Assistance Program awarded to Cleveland County. The detention center will use these funds to supply new mattresses to inmates.

EMERGENCY MANAGEMENT: BUDGET AMENDMENTS (BNA #058)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, 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>
010.445.4.310.00/83552-4400	Emergency Mgt./Federal Grants	\$ 7,382.	
010.445.4.991.00	Emergency Mgt./Fund Balance (Grant)	4,589.	
010.445.5.910.00/83552-4400	Emergency Mgt./Capital Equipment	11,971.	

Explanation of Revisions: To budget supplement grant funds from NC Department of Crime Control and Public Safety. These funds will be used to help purchase a new truck and one locator system for Project Lifesaver.

BOARD OF ELECTIONS: BUDGET AMENDMENTS (BNA #059)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, 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>
010.418.4.350.00	Board of Elections/State Grants	\$ 8,947.	
010.418.5.210.00	Board of Elections/Dept. Supply	3,352.	
010.418.5.122.00	Board of Elections/Salaries-P/T	5,540.	
010.418.5.310.00	Board of Elections/Travel/Training	55.	

Explanation of Revisions: To budget grant awarded from NC Board of Elections for the One-Stop voting site in Boiling Springs.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #060)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, 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>
012.541.4.350.00/01210-4752	Env. Health/State Grants	\$14,467.	
012.541.5.210.00	Env. Health/Dept. Supplies	3,000.	

012.541.5.213.00	Env. Health/Office Supplies	3,000.
012.541.4.240.00	Env. Health/Automotive Supplies	2,000.
012.541.5.241.00	Env. Health/Motor Fuels	2,000.
012-541.5.310.00	Env. Health/Travel	4,467.

Explanation of Revisions: Budget performance based distribution food and lodging funds for operating expenses.

LANDFILL: BUDGET AMENDMENTS (BNA #061)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, 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>
054.472.4.999.00	Landfill/Reserve Funds	\$60,000.	
054.472.5.990.00	Landfill/C/O Other Improve	44,270.	
054.472.5.910.00	Landfill/Capital Equipment	7,170.	
054.472.5.340.00	Landfill/Maint. Bldg/Grounds	6,595.	
054.472.5.420.00	Landfill/Contracted Services	815.	
054.472.5.980.00	Landfill/C/O Building	1,150.	

Explanation of Revisions: Additional needs for improvements with the expanded Landfill facility.

SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #062)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, 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>
011.507.4.350.01/93996-2200	Outside Poor/State Govt. Grants	\$35,615.	
011.507.5.420.00	Outside Poor/Contracted Services	35,615.	

Explanation of Revisions: Budget Amendment necessary to accept additional State Smart Start (day care) funds for FY 2007/2008. The current approved allocation is more than the original allocation for FY 2007/2008.

SPECIAL RECOGNITION

CLEVELAND COUNTY SPELLING BEE- BRYSON MCKEE (WINNER) AND ANNA MARIE VAGNOZZI (RUNNER-UP)

Commissioners presented a certificate of recognition to Bryson McKee and Anna Marie Vagnozzi for their accomplishments in the Star Spelling Bee.

REGULAR AGENDA

PRESENTATION OF CLEVELAND COUNTY STORM READY COMMUNITY DESIGNATION

Brian McAvoy, Meteorologist with the National Weather Service, recognized Cleveland County as a *Storm Ready Community*. In order to become a *StormReady Community*, a community must establish a 24-hour warning point and operations center, have more than one way to receive severe weather forecasts and warnings to alert the public, create a system that monitors local weather conditions, promote the importance of public readiness through community seminars and develop a formal hazardous weather plan, which includes training severe weather spotters and holding emergency exercises. Mr. McAvoy praised Dewey Cook and Perry Davis for their hard work and presented Commissioners with two road signs designating Cleveland County as a *StormReady Community*.

TOWN OF LAWDALE SEWER PROJECT

Rick Garver, Town of Lawndale Mayor, explained that when eFlex left the Town of Lawndale in 2004, the town was required by the Cleveland County Health Department to continue the operation of the eFlex wastewater treatment plant in order to continue service to the homes and businesses which had been connected to the plant over many years. Currently, there are eleven customers connected to the eFlex wastewater treatment facility. The power bill alone costs approximately \$1,300 per month. Since the town assumed the operational responsibilities of the plant, it has cost the town \$132,982. The Town of Lawndale has also spent an additional \$72,000 in Engineering design for a system that will connect to the Town of Fallston Sewer System. The Town of Lawndale will not be able to connect all of its residents to this newly designed system which will connect to the Town of Fallston. In the future, the Town of Lawndale would like to expand the system to connect all of their residents. Bids for construction were opened on February 21, 2008. The project was bid in two parts. The two low bidders were local construction companies. Funds required to complete the project are \$724,263. The Town has received a \$400,000 emergency grant from the North Carolina Rural Center, a \$200,000 grant from the Golden Leaf Foundation, and an \$80,000 CDBG grant for a total of \$680,000. To complete the project, Mayor Garver requested \$44,263 in additional funds from the Cleveland County Commissioners.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve a grant to the Town of Lawndale in the amount of \$44,263 for the construction of the Town of Lawndale Sewer System.*

PLANNING DEPARTMENT: PETITION FOR ABANDONMENT- McCRAW ROAD

Planning Director Bill McCarter, explained that the Planning Department received a petition from Duke Energy and the North Carolina Department of Transportation to abandon a portion of McCraw Road. Duke Energy owns all adjoining property on this section to be abandoned. Mr. McCarter requested that Commissioners set a public hearing for May 6, 2008 to hear comments from citizens.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following Resolution of Intent which sets the public hearing for May 6, 2008 at 6:00 p.m.*

Number 10-2008

**Intent To Abandon Public Right-Of-Way
McCraw Road (SR 1002)**

WHEREAS, the Cleveland County Board of Commissioners have received a petition from the North Carolina Department of Transportation requesting the abandonment of a portion of the public right-of-way of McCraw Road (approximately 0.25 miles).

NOW THEREFORE BE IT RESOLVED THAT, in accordance with the mandates of NCGS 153A-241, the Cleveland County Board of Commissioners do hereby call for a public hearing regarding the proposed abandonment of a portion of **McCraw Road**, to hear all interested persons on **Tuesday, May 6, 2008 at 6:00 pm** in the Commissioners Chamber, Cleveland County Administrative Building, 311 E. Marion Street, Shelby, North Carolina.

ADOPTED THIS 15TH DAY OF APRIL 2008.

RESOLUTION IN SUPPORT OF CONTINUATION OF CRIMINAL JUSTICE PARTNERSHIP PROGRAM (CJPP) FUNDING

Finance Director, Chris Crepps, explained that the Criminal Justice Partnership funding has been removed from the State of North Carolina continuation budget and is now subject to continuation review. Mr. Crepps, on behalf of Kelly Sain, CJPP Program Director, requested that Commissioners adopt a resolution to be sent to the local legislators endorsing full reinstatement of funding for the CJPP to the continuation budget. Commissioner Holbrook, as a member of the CJPP Board, praised the program for a great job and stated, "This program has a positive effect on prison sentences."

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

NUMBER 09-2008

RESOLUTION IN SUPPORT OF CONTINUATION OF CRIMINAL JUSTICE PARTNERSHIP PROGRAM FUNDING

WHEREAS, since 1995, the State of North Carolina and county governments have been partners in providing effective and necessary community supervision of adult criminal offenders ; and

WHEREAS, the CJPP funding program of Cleveland County is meeting the goals for the program as stated in the General Statutes; and

WHEREAS, in accordance with legislative mandates, the Cleveland County CJPP local advisory board is comprised of local representatives; and

WHEREAS, the Cleveland County CJPP diligently carries out its charge of establishing and delivering competent, effective and necessary program assistance to augment community supervision of adult criminal offenders; and

WHEREAS, the loss of CJPP services in Cleveland County will result in the loss in rehabilitative services for offenders and additional costs of incarceration due to higher failure rates for offenders; and

WHEREAS, Criminal Justice Partnership Program (CJPP) funding has been removed from the State's continuation budget and is now subject to continuation review; and

WHEREAS, the non-recurring status of CJPP funding and subsequent continuation review will delay the annual appropriation and may result in the loss of qualified professional personnel or cause county governments to discontinue participation due to uncertain funding;

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners strongly endorses full reinstatement of funding for Criminal Justice Partnership Program to the State's continuation budget.

Adopted this 15th day of April, 2008

LANDFILL PROPERTY ACQUISITION

County Manager David Dear explained that Cleveland County has received an offer from Carolinas Recycling Group (CRG) to purchase property adjacent to the newly constructed landfill site. The offer includes the purchase of sixty-eight acres for \$5,700 per acre. An updated survey, provided by the seller, will be completed prior to the purchase by Cleveland County.

The purpose of this purchase is to allow Cleveland County to expand the landfill in the future. Mr. Dear stated that funds for this purchase will come from the landfill reserve fund.

Commissioner Hawkins praised the Health Director and the Landfill Director by stating, “This purchase is another good example of forward thinking.”

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to purchase sixty-eight acres adjacent to the newly constructed landfill at a rate of \$5,700 per acre upon completion of a survey provided by the current property owner.*

COMMISSIONER REPORTS

Commissioner Hawkins:

Commissioner Hawkins reported that a project would be underway in Kings Mountain to re-build the YMCA. This project is expected to cost approximately \$2 million.

Commissioner Hutchins:

Commissioner Hutchins attended the K-9 trials with Sergeant Self, and several other K-9 officers. He recognized Sergeant Self who shared that three out of his six officers attended the trials. All three dogs placed and were invited to attend the National trials, which will be held in Raleigh. He also shared that in April 2009, the Cleveland County Sheriff’s office will host the trials. Between eighty and ninety teams will compete. Commissioners offered their support of this endeavor.

Commissioner Accor:

Commissioner Accor worked with fourth graders at Marion Intermediate School. She has developed a county workbook and County Jeopardy that she used as a tool to teach the students about government. She said that it was a great experience.

Vice-Chairman Holbrook:

Commissioner Holbrook mentioned a meeting that will be conducted by the Army Corps of Engineers regarding the proposed reservoir and encouraged all Commissioners and citizens to attend.

Chairwoman Boggs:

Chairwoman Boggs thanked Eddie Bailes for his help with the State of the Community presentation and recognized Mr. Lutz (Upper Cleveland Chamber) and Mr. Padgett (Cleveland County Chamber) for their attendance.

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 7:00 p.m.). The next regular meeting of the Commission is scheduled for ***Tuesday, May 6, 2008 at 6:00 p.m.*** in the Commission Chamber.

*Rebecca Jo Powell Boggs, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*