

CLEVELAND COUNTY BOARD OF COMMISSIONERS

July 1, 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
Chris Crepps, Finance Director
Marni Glaser, *Cleveland Headline News*
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. Assistant County Manager Eddie Bailes provided the invocation for the meeting.

AGENDA ADOPTION

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

(11) Appointment of Boiling Springs Planning and Zoning Board/Board of Adjustment ETJ Members.

(12) Planning Department: Zoning Map Amendment – Southern Company, Caveny Road (Case #08-10) (Schedule public hearing for August 5, 2008)

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of ***June 3, 2008 Board of Equalization and Review***, motion was made by Ronnie Hawkins, seconded by Eddie Holbrook, and unanimously adopted by the Board, to ***approve the minutes as written.***

TAX ADMINISTRATION: ORDER TO COLLECT TAXES

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

*State of North Carolina
County of Cleveland*

To Linda Wiggins, Tax Collector:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records for the year 2008, and all taxes outstanding for tax years 1998 through 2007, as filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in Cleveland County and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, and to use or cause to be used, all remedies provided by law.

Adopted this the 1st day of July 2008.

BOARD OF ELECTIONS: BUDGET AMENDMENTS (BNA #001)

ACTION: Ronnie Hawkins 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>
010.418.4.350.00/90401-8418	BOE/State Grants	\$ 8,640.	
010.418.5.210.00/90401-8418	BOE/Dept. Supply	140.	
010.418.5.211.00/90401-8418	BOE/Controlled Property	8,500.	

Explanation of Revisions: To budget funds from a 2008 Special HAVA Grant for electronic technology for the purchase of 5 laptops with 5 keybd/mouse combos, 1 stand alone laptop, and 4 portable wireless combos.

GRANTS: BUDGET AMENDMENTS (BNA #002)

ACTION: Ronnie Hawkins 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>
029.493.4.350.00/14228-1740	CDBG/State Grants	\$200,000.	
029.493.5.700.00/14228-1740	CDBG/Grants	200,000.	
010.713.4.340.00/14228-1740	Sewer/State-Other Revenues	200,000.	
010.713.4.991.00/14228-1740	Sewer/Fund Bal Appropriated	20,000.	
010.713.5.700.00/14228-1740	Sewer/Grants	220,000.	

Explanation of Revisions: To budget grant award from the NC Dept. of Commerce and the NC Rural Center to assist in the construction of sewer improvements around Hallelujah Acres. The county is required to provide a match to these funds.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – DUKE ENERGY (McCombs Road) (Case 08-09) (Schedule a public hearing for August 5, 2008)

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

LEGAL DEPARTMENT: SANITARY SEWER EASEMENT FOR THE WESTSIDE SEWER PROJECT- CITY OF SHELBY

County Manager David Dear presented a request from the City of Shelby for easements on Cleveland County owned property for the purpose of constructing a 15” gravity sanitary sewer outfall crossing. Property is located off of Plato Lee Road in the Cleveland County Industrial Park.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve easements requested by the City of Shelby to construct the Westside Sewer Project (Copies found on Pages _____ of Minute Book 30.)*

PUBLIC HEARINGS

PUBLIC HEARING: TRANSPORTATION ADMINISTRATION OF CLEVELAND COUNTY (TACC): RURAL OPERATING ASSISTANCE PROGRAM (ROAP) APPLICATION

Tom Crider, TACC Director, reviewed the criteria for this years application. Mr. Crider explained the application by informing the Commissioners of the various programs included in the application and the requested funding. He explained that this years funding was a little different because it included supplemental funds to help with fuel costs and the need for to work transportation. TACC will be looking at ways to provide transportation to citizens traveling east to work. He explained that there are approximately 6,000 citizens who work east of Cleveland County. The amounts presented are suggested funding amounts, they may not be approved in total. Should this additional funding be approved, the county would not be required to provide any additional funding.

The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the transportation of elderly and disabled citizens. This transportation assistance allows for the individual to reside for longer periods in their homes, thereby enhancing their quality of life. For the purpose of EDTAP, an elderly person is defined as one who reaches the age of 60 or more years. A disabled person is defined as one who has a physical or mental impairment that substantially limits one or more major life activity, an individual who has a record of such impairment, or an individual who is regarded as having such impairment.
2. Employment Transportation Assistance Program is intended to provide operating assistance for transitional Work First, Workforce Development Programs and general public employment transportation needs. These funds are used to support the employment transportation needs of individuals that are not eligible to receive benefits from the Temporary Assistance for Needy Families (TANF) Program.
3. Rural General Public (RGP) Program funds are intended to provide transportation service to individuals who are not human service agency clients.

The period of performance for Rural Operating Assistance Program funds is July 1, 2008 through June 30, 2009. The FY09 ROAP individual program totals are:

PROGRAM	TOTAL
EDTAP	\$105,866.00
EMP	\$37,213.00
RGP	\$115,983.00
TOTAL	\$259,062.00

Chairwoman Boggs declared the public hearing open at 6:10 p.m. Hearing no comments, Chairwoman Boggs closed the public hearing (*Notice of this hearing was accomplished in accordance with General Statutes, with a legal advertisement published in The Star on June 20, 2008.*)

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the Rural Operating Assistance Program (ROAP) application.*

REGULAR AGENDA

FOREST RANGER REPORT

Travis Shidal, Cleveland County Forest Ranger, presented Commissioners with a short video showing the different programs in which Mr. Shidal and his assistant Brian Rogers participate. He then presented Commissioners with a report of activities covering July 1, 2007 to June 30, 2008 (*copy found on Page _____ of Minute Book 30*).

NORTH CAROLINA EDUCATION LOTTERY PUBLIC SCHOOL BUILDING CAPITAL FUND AND A.D.M. (CORPORATE TAX) FUND APPLICATIONS

Chris Crepps, Finance Director, presented an application to use North Carolina Education Lottery funds toward construction at the Kings Mountain High School CTE Building. Mr. Crepps explained that this \$1,360,683 request does not require any county funds.

Mr. Crepps also presented an application to the A.D.M. (Corporate Tax) Fund to reimburse itself for \$1,461,887 of expenditures toward debt principal repayments from bonds issued in 1990. These bonds included construction projects at Kings Mountain Middle School, Union Elementary, Township Three Elementary and Boiling Springs Elementary.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the Board, *to approve the Public School Building Capital Fund North Carolina Education Lottery Application and the A.D.M. (Corporate Tax) Fund Application.*

RESOLUTION: CDBG: HALLELUJAH ACRES SEWER- PROJECT ORDINANCE RESOLUTION

County Manager David Dear explained that this item follows up the budget amendment approved earlier in the meeting. This resolution confirms that the grant will be in compliance with Department of Commerce regulations and authorizes Mr. Dear to sign documents related to the grant on behalf of the county.

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

NUMBER 23-2008

BE IT RESOLVED, That Cleveland County has authorized the submission of a Community Development Block Grant, Economic Development category application to the Department of Commerce to construct a sewer line to serve Hallelujah Acres who has agreed to create 20 new jobs as a result of these new services.

BE IT FURTHER RESOLVED, that Cleveland County will administer this grant in accordance with the rules and regulations of the Department of Commerce.

BE IT FURTHER RESOLVED, that Cleveland County reaffirms their existing policies for Fair Housing, Section 3, Equal Employment Opportunity, Citizen Participation, Section 504 Grievance, and Anti-Displacement.

BE IT FURTHER RESOLVED, that the County will contract with the Isothermal Planning and Development Commission for grant preparation and administration.

BE IT FURTHER RESOLVED, that the grant will be monitored quarterly to assure compliance with this proposal and the Department of Commerce regulations.

BE IT FURTHER RESOLVED, that the County Manager has the authority to sign documents related to this grant on behalf of the County.

ADOPTED this 1st day of July 2008 by the Cleveland County Board of Commissioners.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE ENFORCEMENT – DAWKINS (379 PREYER STREET)

Mr. McCarter advised a public hearing was held on May 14, 2007 regarding this case and the owner was allowed 90-days to demolish the dwelling. The order expired August 18, 2007. In 2007, the property owner informed the Planning Department that he would contact the fire department to have the dwelling demolished, however, due to the burning ban, this was unable to occur. Commissioner Hutchins asked if the county had accumulated any expenses in reference to this project. Mr. McCarter explained that the expenses total less than \$100. These expenses will be billed back to the property owner.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the following ordinance authorizing the demolition of the dwelling.*

CLEVELAND COUNTY
NORTH CAROLINA

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A DWELLING AT 379 PREYER STREET

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 379 Preyer Street, 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 379 Preyer Street now or formerly owned by Beverly Clark Dawkins, 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 1st day of July, 2008 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: CHANGE IN 2015 LAND USE PLAN

In 2005, Cleveland County Commissioners adopted a countywide Land Use Plan. This plan mapped out expected land uses throughout Cleveland County. The adopted Land Use Plan failed to recognize the area around the Duke Energy Cliffside Plant as Light/Heavy Industrial. The Planning

Department recommends modifying the plan to provide a Heavy/Light Industrial node in this area, to accommodate future industrial growth. Mr. McCarter explained to Commissioners that the Land Use Plan is not intended to be parcel specific. It is a reference document only and changes made to this plan do not require a public hearing. If property in this area is to be re-zoned, the proposed re-zoning will require a public hearing.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the map amendment as requested by the Cleveland County Planning Department (copy found on Page _____ of Minute Book 30).*

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

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

NUMBER 22-2008

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

WHEREAS, the Cleveland County Board of Commissioners have determined that it is necessary to cancel their regular meeting of **Tuesday, July 15, 2008** in order that Commissioners may attend the NACo Annual Conference.

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

ADOPTED THIS 1st DAY OF JULY 2008.

BOILING SPRINGS PLANNING/ZONING BOARD AND BOARD OF ADJUSTMENT APPOINTMENT

Commissioners received a request from Boiling Springs Town Manager, Zach Trogdon, to appoint two ETJ members to the Boiling Springs Planning/Zoning Board and Board of Adjustment.

Commissioner Hawkins asked Chairwoman Jo Boggs if it would be possible to open the floor to nominations for anyone wishing to serve on this board because we had done so in the past. County Manager David Dear explained that, although it is not required, Commissioners have opened the floor in the past. Chairwoman Boggs asked if there was anyone in attendance who would like to serve on the board. Chairwoman Boggs heard no response.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint Charles Brown to serve a term of three-years to expire June 30, 2011 and John McCulloch to fill an unexpired term to expire June 30, 2010.*

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – SOUTHERN COMPANY (Caveny Road) (Case 08-10) (Schedule a public hearing for August 5, 2008)

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

COMMISSIONER REPORTS

Commissioner Hutchins shared information regarding the projects on which the Cleveland 20/20 Economic Development Partnership is working. Leads included six in-county business expansions. He also explained that he is part of a Transportation Planning Committee. This committee will develop a county-wide Transportation Plan. This plan will not only include roads, but will include rail, bus, bike paths, etc.

Vice-Chair Holbrook and Commissioner Hutchins are working to involve different organizations in the American Legion World Series events. Festivities will include an MIA/POW banquet and will include American Legion motorcycle escorts.

Chairwoman Jo Boggs thanked Steve Padgett, Cleveland County Chamber President, for all his hard work.

ADJOURN

There being no further business to come before the Board at this time, Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, ***to adjourn the meeting.*** The next regular meeting of the Commission is scheduled for ***Tuesday, August 5, 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*