

CLEVELAND COUNTY BOARD OF COMMISSIONERS

September 16, 2008

The Cleveland County Board of Commissioners reconvened their work session of September 16, 2008 on this date, at the hour of 3:00 p.m., in the County Manager's Conference Room 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
Eddie Bailes, Assistant County Manager
April Crotts, Deputy Clerk
Chris Crepps, Finance Director
Dewey Cook, Emergency Management
Sam Lockridge, Health Department
Chris Green, Tax Administrator
Marti Glaser, *Cleveland Headline News*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Boggs called the meeting to order.

OCCUPANCY TAX LATE FEES

Chairwoman Boggs introduced Chris Green, Tax Administrator. Mr. Green asked Commissioners to grant or deny the request of Dan Jones, owner of Buffalo Creek Bed & Breakfast, for a release of penalties associated with room occupancy tax levied by the county. Mr. Jones' request stated he failed to send in his monthly report in a timely fashion and did not realize the penalty was increasing daily.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the board, ***to grant the request of Mr. Jones for forgiveness of penalties.***

RECYCLING CENTER- OAK GROVE ROAD

Chairwoman Boggs introduced Sam Lockridge, Coordinator of Health Services. Mr. Lockridge discussed traffic safety issues occurring at the Recycling Center located on Oak Grove Road. The back-up of traffic along Oak Grove Road has lead to an interest in constructing a new entrance and parking lot at the Recycling Center. Mr. Lockridge recommended constructing the entrance and the parking lot on a portion of connecting property owned by Thomas Brooks. Mr. Brooks stated he would be willing to work with Mr. Lockridge on an agreement for the property. Commissioners directed County Manager, David Dear, to work with Mr. Lockridge and Mr. Brooks on an agreement to construct a new entrance.

PRESENTATION OF JAIL PLANS

Roger Holland, of Holland & Hamrick Architects, gave an update of the construction plans for the expansion of the Cleveland County Detention Center. Mr. Holland stated that the expansion will

include an additional 152 new beds located in minimum, medium and maximum security pods, for a total of 240. The expansion will also include an intake center, administrative offices (including a magistrate's office), storage, training offices and a reception area. The addition will be approximately 32,000 square feet, making the total of the Detention Center around 50,000 square feet. Commissioner Hutchins asked Mr. Holland to look into constructing the ceiling of the administrative office to support an additional second story for future additions.

VOLUNTEER INCENTIVES

Dewey Cook, Emergency Management Director, presented Commissioners with the County Fire Fighter and Rescue Retirement Fund guidelines (*copy found on Page _____ of Minute Book 30*). Commissioners discussed the appropriate age to allow volunteers to receive retirement funds and agreed to the age of 16 on the requirements.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to allow David Dear and Dewey Cook to start the volunteer incentives beginning January 1, 2009 through December 31, 2009 and have Dewey Cook give a report on the findings after one year.*

IN REM FORECLOSURE METHOD

Chris Green, Tax Administrator, asked Commissioners to adopt a resolution authorizing In Rem Foreclosure for collecting delinquent property tax. Mr. Green stated the In Rem method was adopted as a simple and inexpensive alternative to the mortgage style foreclosure, and operates on a different legal theory than mortgage style. With In Rem, the foreclosure is against the land rather than against the land owner.

There are several advantages to using the In Rem method, which include:

- The procedure is more simple than the mortgage style method;
- There is no need for a hearing either before the Clerk of Court or a Judge;
- There is much less attorney involvement; the procedure can be handled by properly trained staff, a distinct advantage for counties with a paralegal;
- Multiple properties can be foreclosed simultaneously;
- Costs associated with this method are significantly less for the county and for the taxpayer;

Mr. Green stated with the availability of both mortgage style and In Rem, the collector will be able to employ the most appropriate method for a particular case.

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

NUMBER 27-2008

Resolution Authorizing the use of the In Rem Foreclosure in the Collection of Delinquent Property Tax

WHEREAS, in the interest of equity and fairness, it is the intent of the Cleveland County Board of Commissioners to ensure the collection of delinquent taxes; and

WHEREAS, Cleveland County, in an effort to collect delinquent taxes has historically pursued collection through its attorney in mortgage-style proceedings under N.C.G.S. 105-374; and

WHEREAS, under N.C.G.S. 105-375, In Rem foreclosure is intended to provide, as an alternative to mortgage-style foreclosure, a simple and cost effective method of enforcing payment of delinquent taxes;

NOW, THEREFORE BE IT RESOLVED that the Cleveland County Board of Commissioners hereby authorize and instruct the Cleveland County Tax Collector to pursue collection of delinquent taxes by In Rem foreclosure as set forth in N.C.G.S. 105-375 and mortgage-style foreclosure as set forth in N.C.G.S. 105-374.

ADOPTED THIS THE 16TH DAY OF SEPTEMBER 2008.

BOILING SPRING LIBRARY

Commissioner Accor stated that she would like to encourage the Commissioners to support a Boiling Springs Community Library located at the Ruby C Hunt YMCA. She believes that this facility would be great for the Boiling Springs community. Commissioner Holbrook was concerned about the hours of operation and asked if the facility would be open to the community or would a YMCA membership be required to use the library. David Dear, County Manager, stated that the library would need to be open to the community if Cleveland County was to participate. Commissioners discussed other libraries in Cleveland County and the monies and support they have given to them. Commissioners asked County Manager, David Dear, to meet with the Town of Boiling Springs and bring back an agreement for Commissioners consideration.

COMMUNITY COLLEGE UPDATE

Commissioner Hawkins gave an update on Cleveland Community College. He announced that Dr. Thornburg's contract was renewed and he will continue to be the President of Cleveland Community College. He announced that student enrollment is up and the new Allied Health building is on schedule to open soon. Shannon Kennedy and Becky Sain have received promotions this year. Commissioner Hawkins, David Dear and Vice-Chair Holbrook met about a partnership to build a new building at Cleveland Community College.

911 CONSOLIDATION

County Manager, David Dear, discussed an ongoing study the City of Shelby is undertaking regarding consolidating the 911 answering points. The City of Shelby is interested in possibly consolidating the three points; Cleveland County, the City of Shelby and the City of Kings Mountain. Mr. Dear explained that the City of Shelby 911 answering service has some time delay transferring calls to Cleveland County answering service for fire and rescue services. The City of Shelby should have a report and recommendations in the next two to three months.

REMOVAL OF CANINE FROM COUNTY INVENTORY

David Dear, County Manager, presented Commissioners with a letter from the Cleveland County Sheriff's office requesting to remove Canine Capone from County Inventory. Mr. Dear explained that

Canine Capone is having medical and handler problems. The original purchaser of Canine Capone, Mr. Robert Fain, has recently died and his widow would like to purchase Capone back for the purchase of a new Canine for the County. As stated in the request, Mrs. Fain would like to keep Capone inside her home as a means of security.

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to allow the transfer of Canine Capone to the custody of Mrs. Fain in exchange for the purchase of a replacement canine.*

RABIES CLINICS

Commissioner Hawkins stated that the Health Department has done a great job with the rabies clinics. Approximately 800 dogs were vaccinated at Burns High School on September 6th, and approximately 500 were vaccinated at Crest High School on September 13th. Commissioner Hawkins announced there will be another clinic September 20th at Kings Mountain High School, and at the Cleveland County Health Department on September 27th.

RESURFACING VESTIBULE CHURCH ROAD

County Manager, David Dear, distributed a resolution in support of resurfacing a portion of Vestibule Church Road. He stated that the County is involved in recruiting another industry in the industrial park, and there is a need to resurface a portion of this road to accommodate truck traffic. A resolution of support is required to be sent to State Department of Transportation in Raleigh in order to request grant funds.

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

NUMBER 26-2008

In Support of Resurfacing a Portion of Vestibule Church Road

WHEREAS, Cleveland County has received notice that the resurfacing of a portion of Vestibule Church Road is necessary to accommodate a new company relocating to Cleveland County; and

WHEREAS, the current condition of the road will not accommodate heavy truck traffic which will be necessary for the operation of this new company; and

WHEREAS, this new company is expected to provide 105 new jobs and add approximately \$10 million to the tax base; and

WHEREAS, the proposed project would include resurfacing of Vestibule Church Road from the intersection of Enterprise Drive to the end of the road; and

WHEREAS, the proposed project is expected to cost \$200,000; and

WHEREAS, The Cleveland County Board of Commissioners realizes that providing new jobs and increasing the tax base is a priority for our citizens;

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners hereby request \$200,000 from the North Carolina Department of Transportation for funding of the recommended resurfacing of a portion of Vestibule Church Road.

ADOPTED THIS THE 16TH DAY OF SEPTEMBER 2008.

COMMISSIONERS PROJECTS

Commissioner Accor would like to have a youth commission. She believes that Cleveland County needs to have more youth involved in our county government, and to serve on the numerous county boards and committees. She believes more focus needs to be placed on the youth. She will bring back more information about this at a later date.

Commissioner Hawkins recommended that Commissioners have a reception for John Wasson, Social Services Director, who will be retiring at the end of October. Commissioners will recognize Mr. Wasson at the October 21, 2008 Commission Meeting. Commissioner Hawkins is still working on bringing a convention center to Cleveland County.

Vice-Chair Holbrook asked Commissioners if they believed that the American Legion Tournament was worthwhile for Cleveland County and to give some thought about possibly having something again in 2011. The World Series Games had 58,000 in attendance, and the Southeast Regional Games had 40,000 in attendance. Approximately \$4 million was invested into Cleveland County during the weeks of the games. There was a discussion and consensus to apply approximately \$25,000 annually, from the occupancy tax, over the next three years for a future American Legion Tournament. This consensus was made based on the support from the community.

Commissioner Hutchins reported that David Dear, the Cleveland County Chamber and he are still working to bring in retail stores to Cleveland County. Commissioner Hutchins would like to get more involved in using the collection of methane gas as an Economic Development tool. He announced that the Cleveland County Chamber retreat is October 16th at the Kings Mountain State Park. He stated the main focus will be on the Chamber and their events. Commissioner Hutchins discussed the safety of surrounding nursing homes and facilities, as well as the possibility of making generators a requirement at the facilities.

County Manager, David Dear, stated that during a meeting with Dr. Bruce Boyles, members of the Cleveland County School Board, Vice-Chair Holbrook and Commissioner Hawkins, a discussion was held about a permanent Early College High School building on the Cleveland Community College campus. Cleveland County Schools would like the support of the Commissioners to build a new middle school, move the administrative offices to the existing Shelby Middle School building and upgrade the North Shelby School before they will to commit funding to the project of building a permanent facility for the Early College High School.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to support the Cleveland County School System's Phase I Plan and to work with them in a partnership to construct a Convention Center/Early College High School.*

ADJOURN

At the time of 5:20 p.m., Chairwoman Jo Boggs declared the meeting adjourned.

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

*April Crotts, Deputy Clerk
Cleveland County Board of Commissioners*