

CLEVELAND COUNTY BOARD OF COMMISSIONERS

October 7, 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
Alexis Pearson, Human Resources Director
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. Chris Green, Tax Administrator provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Johnny Hutchins made the motion, seconded by Vice-Chair Holbrook, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following change:*

(1) Replace BNA #25 with revised BNA #25 provided by County Manager David Dear

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the *September 16, 2008 Work Session and September 16th Regular Meeting*, motion was made by Ronnie Hawkins, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *approve the minutes as written.*

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #013)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.546.4.460.00/02200-5120	Carolina Access/Other Units Shared Bud.	\$ 7,000.	
012.546.5.211.00/02200-5120	Carolina Access/Controlled Prop. Exp.		7,000.

Explanation of Revisions: Budget funds from Cleveland Regional Medical Center and Cleveland County Schools to assist with purchase of digital menu boards (Crest High School & Crest Middle School).

Previously moved \$13,712. into 12.546.5.211.00 on BTD 54603, 8/7/08- per Rodella Gold. The additional \$7000. will cover the total cost.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #014)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.546.4.350.00/01120-2826	Carolina Access/State Govt. Grants	\$75,000.	
012.546.5.490.00/01120-2826	Carolina Access/Professional Services	75,000.	

Explanation of Revisions: Budget Mental Health Co-location Pilot Initiative funds for CLECO Primary Care Network.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #015)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.540.4.310.00/10557-5403	WIC/Federal Grants	\$11,479.	
012.540.4.310.00/10557-5404	WIC/Federal Grants	2,870.	
012.540.5.210.00	WIC/Departmental Supply	3,200.	
012.540.5.213.00	WIC/Office Supplies	2,000.	
012.540.5.310.00	WIC/Travel	2,000.	
012.540.5.370.00	WIC/Advertising/Promotions	3,149.	
012.540.5.581.00	WIC/Incentives/Awards	4,000.	

Explanation of Revisions: Budget additional WIC funds for operating expenses.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #016)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.539.4.350.00/93217-6015	Family Planning/State Govt. Grants	\$ 2,500.	
012.539.5.513.00	Family Planning/Hosp. & Drs. Fees	2,500.	

Explanation of Revisions: Budget Family Funds Waiver Clinical Innovations funding for clinician fees.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #017)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.533.4.410.00	Adult Health/Local & Other Grants	\$ 1,500.	
012.533.5.210.00	Adult Health/Departmental Supply	200.	
012.533.5.310.00	Adult Health/Travel	1,180.	
012.533.5.490.00	Adult Health/Professional Services	120.	

Explanation of Revision: Budget funds for NC Diabetes Education Recognition Program for web-based software license, travel and fee for each patient entered in database.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #018)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.545.4.410.00/KATEB-P545Nurse Family Part/Local & Oth Grants		\$167,922	
012.545.4.410.00/ODUKE-P545Nurse Family Part/Local & Oth Grants		335,843	

012.545.5.121.00	Nurse Family Part/Salary-Reg	261,043.
012.545.5.131.00	Nurse Family Part/Social Security	16,185.
012.545.5.132.00	Nurse Family Part/Retirement	12,765.
012.545.5.133.00	Nurse Family Part/Hosp. Ins.	21,280.
012.545.5.134.00	Nurse Family Part/Dental Ins.	728.
012.545.5.135.00	Nurse Family Part/401K	13,052.
012.545.5.136.00	Nurse Family Part/Medicare Ins.	3,785.
012.545.5.210.00	Nurse Family Part/Departmental Supply	989.
012.545.5.211.00	Nurse Family Part/Controlled Prop. Exp.	9,411.
012.545.5.213.00	Nurse Family Part/Office Supplies	6,000.
012.545.5.230.00	Nurse Family Part/Medicine & Supply	2,600.
012.545.5.310.00	Nurse Family Part/Travel/Training	45,150.
012.545.5.311.00	Nurse Family Part/Educational Materials	1,110.
012.545.5.321.00	Nurse Family Part/Telecommunications	4,875.
012.545.5.322.00	Nurse Family Part/Postage	1,000.
012.545.5.370.00	Nurse Family Part/Advertising/Promotions	2,000.
012.545.5.490.00	Nurse Family Part/Professional Services	41,765.
012.545.5.581.00	Nurse Family Part/Awards/Incentives	6,500.
012.545.5.894.00	Nurse Family Part/Bud Acct only-Other	53,527.

Explanation of Revision: Budget funds received from Kate B. Reynolds Charitable Trust and Duke Endowment for Family Nurse Partnership staff and activities related to this program. Staff will include a 50% Processing Assistant, III, a PHN Supv. II and 4 PHN positions. The objective of this program is to improve birth outcomes and child development for low-income children ages 0-2.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #019)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.530.4.350.00/01120-4110	General/State Govt. Grants	\$48,000.	
012.530.5.121.00	General/Salaries-Reg.	21,697.	
012.530.5.131.00	General/Social Security	193.	
012.530.5.132.00	General/Retirement	512.	
012.530.5.133.00	General/Hospital Ins.	2,280.	
012.530.5.134.00	General/Dental Ins.	78.	
012.530.5.135.00	General/401K	155.	
012.530.5.136.00	General/Medicare Ins.	315.	
012.530.5.210.00	General/Dept. Supplies	394.	
012.530.5.211.00	General/Controlled Prop. Exp.	19,772.	
012.530.5.460.00	General/Dues/Subscriptions	2,604.	

Explanation of Revision: Budget General Aid-to-Counties funds to fill frozen Nutritionist Position, purchase two digital menu boards and subscription for web-based staff education tracking software.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #020)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.530.4.350.00/01120-4110	General/State Gov't. Grants	\$60,352.	
012.530.5.210.00	General/Departmental Supply	17,780.	
012.530.5.211.00	General/Controlled Equip.	1,350.	
012.530.5.211.01	General/Contr. Equip.-M Rep.	3,177.	
012.530.5.340.00	General/Main Building & Grounds	27,395.	
012.530.5.910.00	General/C.O. Equip	10,650.	

Explanation of Revision: Budget General Aid-to-Counties for purchase of a dental chair/stools, inventory software/equipment, furniture and building maintenance (paint building & build divide in waiting room)

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #021)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.533.4.410.00	Adult Health/Local & Other Grants	\$ 1,000.	
012.533.5.311.00	Adult Health/Educational Materials	1,000.	

Explanation of Revision: Budget funds for NC Diabetes Education Recognition Program for purchase of educational materials. \$1,500 of grant on BNA #017.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #022)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
012.541.4.350.00/01210-4760	Env. Health/State Govt. Grants	\$ 500.	
012.541.5.311.00	Env. Health/Education Materials	500.	

Explanation of Revision: Budget state Childhood Lead funds for purchase of materials for follow-up of clients at risk for lead poisoning.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #023)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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 Govt. Grants	\$ 5,000.	
012.541.5.210.00	Env. Health/Dept. Supplies	1,000.	
012.541.5.241.00	Env. Health/Motor Fuels	2,000.	
012.541.5.310.00	Env. Health/Travel/Training	2,000.	

Explanation of Revision: Budget food and lodging funds for operating expenses. \$750. was budgeted in original budget.

FINANCE DEPARTMENT: JAIL EXPANSION PROJECT (Schedule a public hearing for October 21, 2008)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins and

unanimously adopted by the board, *to approve scheduling the public hearing as requested.*

BOARD OF ELECTIONS: BUDGET AMENDMENTS (BNA #025)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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	Board of Elections/State Govt. Grants	\$80,050.	
010.418.5.213.00/90401-8418	Board of Elections/Dept. Supply	9,000.	
010.418.5.211.00/90401-8418	Board of Elections/Controlled Property	46,050.	
010.418.5.122.00/90401-8418	Board of Elections/Wages-Part Time	25,000.	

Explanation of Revision: To budget funds from a 2008 General Election HAVA Additional One-Stop Site Grant for part-time one-stop staff, equipment, and misc. supplies for the three additional One-Stop sites.

CITIZEN RECOGNITION

MINORITY ENTERPRISE DEVELOPMENT WEEK

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adopt the following proclamation, as presented by Richard Hooker.*

NUMBER 05-2008

**MINORITY ENTERPRISE DEVELOPMENT WEEK
October 13-18, 2008**

WHEREAS, Minority Enterprise Development Week, is an annual celebration that has been historically proclaimed by the President of the United States since 1983 to highlight the important role and contributions minority business enterprises have made to our national and global economy; and

WHEREAS, this year's theme, "*The Power of Strategic Alliances in the Global Economy*" represents this nation's challenge to promote economic viability for minority businesses through collaborative leadership, partnerships, and access to opportunities as a vital gateway to our free enterprise system and expanding world economy; and

WHEREAS, the annual observance in Cleveland County will bring together small business owners, corporate leaders, elected and government officials, education and community stakeholders, to honor the accomplishments of small business owners and community partners who help make an invaluable difference in our local community; and

WHEREAS, the Cleveland County Business Development Center in collaboration with Cleveland Community College, Edward Jones Investment, The Star, the Alliance for Health and Minority Health Council, and other local sponsors have teamed up to raise awareness, and promote education and network opportunities to encourage self-sufficiency and help improve the quality of life for all citizens in Cleveland County; and

WHEREAS, the 12th Annual Awards Luncheon will be highlighted by local business and community recognitions and a special presentation on the "*Economic Impact of the African American Population on the State of North Carolina*" conducted by the Frank Hawkins Kenan Institute of Private Enterprise at the University of North Carolina;

NOW, THEREFORE, the Cleveland County Board of Commissioners, do hereby proclaim October 13-18, 2008 as "Minority Enterprise Development Week" in Cleveland County in recognition of the cooperative efforts of the above sponsoring organizations and individuals to enhance, promote and support the success of minority owned business and community partners.

ADOPTED THIS THE 7 DAY OF OCTOBER 2008.

COMMISSION FOR WOMEN- DISTINGUISHED WOMEN

Each year, the Cleveland County Commission for Women presents three women in Cleveland County with the *Distinguished Women of Cleveland County Award*. Commissioner Mary Accor introduced Daeira Roberts, Evelyn West and Shirley Brutko and Commissioners presented each with a Certificate of Appreciation. The certificate read as follows:

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

**IN RECOGNITION OF BEING NAMED ONE OF THE 2008 DISTINGUISHED
WOMEN OF CLEVELAND COUNTY BY THE CLEVELAND COUNTY
COMMISSION FOR WOMEN~ A DISTINGUISHED WOMEN AWARD IS GIVEN
TO HONOR WOMEN WHO HAVE MADE SIGNIFICANT CONTRIBUTIONS TO
THE LIVES OF OTHERS AND THE COMMUNITY~ WE, THE CLEVELAND
COUNTY BOARD OF COMMISSIONERS, THANK YOU FOR YOUR
DEDICATION AND COMMUNITY SERVICE TO THE PEOPLE OF CLEVELAND
COUNTY.**

Presented this the 7th day of October, 2008.

REGULAR AGENDA

NATURAL GAS PUBLIC AWARENESS

Each year, the City of Shelby Natural Gas Department is inspected for safety, operability of the system, documentation and reporting and public education. Mr. Ronnie Davis , Natural Gas Compliance Officer recently updated the Operations and Maintenance Manual to include topics related to Public Awareness. Per the North Carolina Utilities Commission, Mr. Davis is required to present and discuss Public Awareness and Public Education with local Governing Bodies. Mr. Davis presented Commissioners with a PowerPoint Presentation detailing the City of Shelby Gas Department Public Awareness Plan (*copy found on Page _____ of Minute Book 30*).

LAND SALE CLEVELAND COUNTY INDUSTRIAL PARK

David Dear, County Manager recommended the sale of approximately fifteen acres in the Cleveland County Industrial Park to TKC Land Development II, LLC. TKC Land Development II, LLC is an industrial contractor interested in purchasing the property for a proposed industrial project. Mr. Dear recommended a cost of \$10,000 per acre based on a survey completed by Cleveland County. The proposed sale must be closed by April 30, 2009. Mr. Dear presented the contract (*copy found on Pages _____ of Minute Book 30*) for approval.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the contract for purchase and sale of said property.*

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – BILLY GREENE (Case #08-11) (BATTLEGROUND AVE)

Mr. McCarter advised that Mr. Greene had presented a petition to rezone two parcels at 1838 S. Battleground Avenue from General Business (GB) to Residential (R). Mr. McCarter noted that the Planning Board did not have the recommendation from Isothermal Planning & Development prior to their meeting. Mr. McCarter also shared two letters from adjoining property owners requesting that the re-zoning be denied.

Commissioner Hutchins noted that with the railroad right-of-way being on one side of the property and the road right-of-way being on the other side, there is not much that can be done with this property. Commissioner Hawkins asked David Morrow, Vice-Chair of the Planning Board, if he believes that the Planning Board would have made a different decision had they seen the recommendation from Isothermal Planning and Development Commission prior to their meeting. Mr. Morrow stated, “No, I don’t think that they would because of the size of the lot.”

The background on the property is follows:

Existing Land Use: 1607 is vacant, 10594 has a single family dwelling.

Future Land Use: Heavy Industrial

Utilities: Public water provided by Cleveland County Sanitary District.

Transportation: US29- S. Battleground Avenue is considered a major thoroughfare.

He also reviewed the following recommendations from the Planning Board and the Isothermal Planning & Development consultant:

Isothermal Planning- DENY– Existing land use patterns have some older residential development interspersed with commercial development along South Battleground. However, Cleveland County has proposed the future land use as Heavy Industrial. If the reason for this is to eventually guide future growth of this area to industrial development, then changing the general business designation to residential could impact future plans for industrial development. It will be easier to transition to heavy industrial from general business than from residential. With the current zoning being general business, and the future zoning being industrial, this case would be considered spot zoning (arbitrary) and the County should not approve it.

Planning Board – APPROVE- The Planning Board voted unanimously to recommend this rezoning. This decision was based on the following facts:

The Planning Board voted unanimously to recommend this rezoning, based on the following:

2015 Land Use Plan

This property is located within the I-85/US-29 Industrial Corridor extending from Kings Mountain to Grover. The future land use is projected for Heavy Industry. Changing the zoning to Residential would not comply with the Land Use Plan.

Spot Zoning

The Board considered this small-scale zoning to be reasonable, because of the history of residential use prior to the adoption of zoning in 1992. Also considered, was the small size of the lot, which would not be conducive to heavy industrial use unless it could be incorporated into a larger industrial tract.

Adequate Utilities & Roads

US-29 (Battleground Avenue) is classified by NCDOT as a major thoroughfare. The current traffic volume is 5800 AADT, which is comparable to NC216 in downtown Kings Mountain. Public water and sewer is available along US-29 and Long Branch Road. The restaurant at 1842 recently connected to public sewer.

Adjoining Properties

North: Railroad / JM Huber (surface mining)
South: US-29 / Mini Storage Warehouses & Quality Culvert
East: Vacant
West: Restaurant and Duplex

Statement of Consistency

Recent changes in NCGS 153A-341 now require that the governing board adopt a statement of consistency with the Land Use Plan. These facts may be used to develop a statement, explaining why the board believes the action taken was reasonable and in the public interest.

Chairwoman Boggs opened the public hearing at 7:05. (*Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on September 15 and September 22, 2008.*) Hearing no comments, Chairwoman Boggs declared the public hearing closed.

ACTION: Johnny Hutchins made a motion to send the request back to the Planning Board to re-visit upon receipt of the comments from Isothermal Planning and Development Commission. The motion died of lack of a second.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook and adopted by a majority, *to deny the zoning map amendment as presented.*

Votes were recorded as: Ayes: Boggs

Holbrook
Accor
Hawkins
Noes: Hutchins

COMMISSIONER REPORTS

Commissioner Hutchins:

At the fair, Commissioner Hutchins received several questions regarding the broadcasting of County Commission meetings. Commissioner Hutchins asked staff to present Commissioners with a cost to provide this service.

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to recess to reconvene the meeting to *Wednesday, October 14, 2008 at 12:00 p.m. for a joint meeting with the Cleveland County School Board and Cleveland Community College Board of Trustees to be held at Cleveland Community College.*

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

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*