

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**October 21, 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  
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. Alexis Pearson, Human Resources Director, provided the invocation for the meeting.

**AGENDA ADOPTION**

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

*Consent Agenda Item A- Minutes from the October 7<sup>th</sup> meeting will be presented at the November 4, 2008 County Commission Meeting.*

**CONSENT AGENDA**

**TAX COLLECTOR'S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *September 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 *September 2008*. The monthly grand total of tax abatements was listed as (\$167,708.82); and, the monthly grand total for tax supplements was listed as \$2,395,970.34.

**SHERIFF'S OFFICE: BUDGET AMENDMENTS (BNA #024)**

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

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.441.4.810.15	Sheriff/Donations-Sheriff K-9	\$ 6,000.	
010.441.5.790.15	Sheriff/Donations-Sheriff K-9	\$ 6,000.	

*Explanation of Revisions: Request approval to budget \$6,000 donation received from Annette S. Fain. On 9/16/08, Commissioners approved the removal of Canine Capone from county inventory. Ms. Fain was given Canine Capone with the understanding that she would purchase a replacement. The donation is for that purpose.*

**PLANNING DEVELOPMENT: CODE TEXT AMENDMENT – GEOFFREY HARDAWAY**  
**(Case 08-13) (Schedule a public hearing for November 4, 2008)**

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board to ***approve scheduling the public hearing as requested.***

**SPECIAL RECOGNITION**

**JOHN WASSON- SOCIAL SERVICES DIRECTOR**

Mary Accor began by showing a presentation of Mr. Wasson throughout his tenure at Social Services. Commissioners presented Mr. Wasson with a shadow box in recognition of his retirement as Cleveland County Social Services Director. The plate read as follows:

*In Appreciation  
of*

*John Wasson*

*for 9 years of service as Director of  
Cleveland County Department of Social Services ~  
For his commitment and dedication  
to helping unfortunate families and children in need ~  
We commend you!*

*Presented by: The Cleveland County  
Board of Commissioners*

*October 21, 2008*

**REGULAR AGENDA**

**CLEVELAND COUNTY TRAVEL & TOURISM**

Jackie Sibley, Travel & Tourism Director began by commending Commissioners for their support over the past year. Ms. Sibley presented each Commissioner with Cleveland County Tourism Update detailing information regarding the American Legion World Series, Marketing and Public Relations, Cleveland County Fair, Agritourism and Current Projects (*copy found on Page \_\_\_\_\_ of Minute Book 30*).

Ms. Sibley also explained several action items planned for the upcoming year including:

- Maintain and expand funding opportunities
- Attract a full service hotel and unique lodging
- Improve communications between travel and tourism organizations
- Celebrate Achievements

Cleveland County Travel and Tourism is also working on a revised Cleveland County Map to distribute to visitors.

Commissioner Hawkins asked Ms. Sibley if there has been any indication from existing hotels that they are looking at expansion and Cleveland County and suggested that a committee possibly be established to recruit a full-service hotel. Ms. Sibley informed Commissioner Hawkins that she will be working with Cleveland 20/20 Economic Development Partnership on recruitment of a full-service hotel. Commissioner Holbrook stressed the importance of a full-service hotel. In the evaluation from the American Legion, a concern was the need for more rooms and more full-service hotels.

#### **CLEVELAND COUNTY WORK FIRST PLAN 2009-2011**

Karen Ellis, Cleveland County Social Services Deputy Director shared with Commissioners, a DVD used to recruit businesses to join the Work First Program. In August, Social Services held a Work First Planning Session. Community Partners were invited and asked to give suggestions of how the program can improve. Ms. Ellis and her staff used these suggestions to develop the proposed Work First Plan (*copy found on Page \_\_\_\_\_ of Minute Book 30*).

Ms. Ellis explained that the federal participation rate is 50% for all families. The Cleveland County participation rate is currently 17%. Ms. Ellis further explained that Social Services is dealing with very difficult or hard to place clients. Clients with medical problems are included in the participation rate.

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the 2009-2011 Cleveland County Work First Plan.*

#### **BID FOR PURCHASE OF FORECLOSURE REAL ESTATE (PARCEL #36966, Tax ID #9-12-7-24)**

Mr. Yelton explained that a \$250.00 bid to purchase this parcel has been received from Jonathan D. Dixon. Mr. Dixon 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 October 5, 2008 (*Public notice of this hearing was accomplished in accordance with the mandates of NCGS 160A-268, with legal advertisements published in The Star on September 3, 2008.*)

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to accept the bid of \$250 from Mr. Jonathan Dixon, with the condition that purchaser be responsible for recording fees, revenue stamps and deed preparation.*

#### **TAX ON HEAVY EQUIPMENT**

Chris Green, Tax Administrator explained that Senate Bill 1852 was recently passed by North Carolina Legislators. This legislation removes certain heavy equipment from the property tax

base, but provides a means for replacing the lost revenue through a gross receipt tax. NCGS 153A-156.1 provides that a county may, by resolution, impose a tax at the rate of one and two-tenths percent (1.2%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail. This legislation becomes effective January 1, 2009. Mr. Green recommended Commissioners pass a resolution to impose a gross receipts tax in lieu of property tax.

Affected are items such as earth moving, construction, industrial lift, material handling, and power generating equipment held for short term lease at retail.

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

***Number 29-2008***

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

RESOLUTION IMPOSING A GROSS RECEIPTS TAX ON HEAVY EQUIPMENT IN LIEU OF PROPERTY  
TAX

Pursuant to North Carolina General Statutes 105-275(42a) and 153A-156.1, and Session Law 2008-144, the Cleveland County Board of Commissioners does hereby adopt the following resolution:

WHEREAS, North Carolina General Statute 105-275(42a) designates Heavy Equipment on which a gross receipts tax may be imposed under 153A-156.1 and 160A-215.2 as a special class of property which is exempted from property taxation and shall not be listed, appraised, assessed or taxed after January 1, 2009; and

WHEREAS, in lieu thereof, North Carolina General Statute 153A-156.1 authorizes a County by resolution to impose a tax at the rate of one and two-tenths percent (1.2%) on the gross receipts from the short term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail; and

WHEREAS, this tax provides an alternative to ad valorem property tax on such equipment;

NOW, THEREFORE BE IT RESOLVED that a tax is hereby imposed and levied in an amount equal to one and two-tenths percent (1.2%) of the gross receipts derived from the short-term lease or rental of heavy equipment at retail, as provided by North Carolina General Statute 153A-156.1.

This resolution shall be effective January 1, 2009.

**Adopted this the 21<sup>st</sup> day of October, 2008.**

**PUBLIC HEARINGS**

**JAIL ANNEX ADDITION FINANCING**

At their January 22, 2008 Worksession, Commissioners approved a 15-year, \$6,000,000 commitment for the construction of a Jail Annex Expansion. Chris Crepps, Finance Director presented a request to submit an application to the Local Government Commission for financing of this important project. Mr. Crepps explained that any funds required over the approved \$6,000,000 would be taken from the General Fund.

Chairwoman Boggs opened the public hearing (at 6:55 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 October 10, 2008.) Chairwoman Boggs closed the public hearing (at 6:56 p.m.)

Commissioner Hutchins explained that, currently, Cleveland County is paying approximately \$1,500 a day to house inmates in other counties due to lack of space at our current facility.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, ***to approve the submittal, by resolution, of an application to the North Carolina Local Government Commission for financing of the proposed Jail Annex*** (copy of resolution found on Page \_\_\_\_\_ of Minute Book 30).

### **ECONOMIC DEVELOPMENT; INCENTIVES FOR PROJECT COOK**

Kristin Fletcher, Assistant Vice-President of Economic Development, presented an incentive grant contract to the Commissioners. The Project Cook being discussed will be located at 212 Commerce Boulevard, Kings Mountain. Ms. Fletcher shared the details of the agreement some of which included:

- **\$10 Million Investment**
- **100 new full time jobs**
- **Meet or exceed counties average manufacturing wage**

Chairwoman Boggs opened the public hearing at 7:01 p.m. (public notice was accomplished in accordance with the mandates of NCGS 158-7.1, with an advertisement published in The Star on October 10, 2008.)

***Steve Padgett, Cleveland Chamber President,*** encouraged Commissioners to consider approving the incentive agreement explaining that this would be good news for Cleveland County stating that Greenheck Corporation is one of the better industrial opportunities in Cleveland County.

Chairwoman Boggs closed the public hearing at 7:02 p.m. and asked Commissioners for comments.

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the board, ***to approve the incentive contract for Project Cook*** (copy found on Page \_\_\_\_\_ of Minute Book 30).

### **COMMISSIONER REPORTS**

Commissioner Hawkins thanked his fellow Commissioners for a successful meeting with the Cleveland County Schools and Cleveland Community College and explained that the Conference Center has been something that he has been working on since 2000.

Commissioner Hawkins shared that five Cleveland County Fire Departments have received grants from the Department of Insurance. These grants will be used for the purchase of new equipment. Commissioner Hutchins also suggested that Commissioners hold a worksession to discuss current economic conditions.

Commissioner Accor was guest speaker at the Breast Cancer Walk for Hope. She explained that over 1,000 people attended and called it “inspiring.” Commissioner Accor suggested that the Clerk contact other entities within Cleveland County to ask for their goals for the upcoming session of North Carolina Legislature. These goals will be brought to the NCACC Legislative Conference to be held in January.

Commissioner Holbrook also thanked Commissioners for the positive meeting between the Schools and the College and thanked David Dear and Cleveland 20/20 Economic Development Partnership for maintaining a positive outlook on the construction the Multi-Purpose Facility in Cleveland County (ref: Minutes of October 15, 2008.)

**ADJOURN**

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to adjourn the meeting*. The next regular meeting of the Commissioners is scheduled for *Tuesday, November 18, 2008* in this Commission Chamber.

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

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*Kerri Melton, Clerk to the Board  
Cleveland County Board of Commissioners*