

CLEVELAND COUNTY BOARD OF COMMISSIONERS

March 3, 2009

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
Johnny Hutchins, Vice-Chairman
Mary Accor, Commissioner
Ronald J. Hawkins, Commissioner
Eddie Holbrook, Commissioner
David C. Dear, County Manager
Bob Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Bill McCarter, Planning Director
Alexis Pearson, Human Resources Director
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. Vice-Chairman Johnny Hutchins 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 addition:*

(8) ECONOMIC DEVELOPMENT PROPERTY ACQUISITION

CITIZEN RECOGNITION

Patrick Davis, of 128-5 Autumn Woods Drive, came before the Commissioners in early 2008 to discuss neighborhood kids riding four-wheelers on private property. Mr. Davis explained that those people are no longer riding on private property, but in their own yard. He explained that the same people have karaoke parties and play very loud music. He commended the Sheriff's Office for asking the neighbors to turn the music down but noted the fact that there is no way for the Sheriff's Office to enforce this problem. Mr. Davis asked Commissioners to come up with an equitable way to take care of the noise problem. "A good noise ordinance will make good neighbors."

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *February 3, 2009*, motion was made by Ronnie Hawkins, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *approve the minutes as written*.

BOARD OF ELECTIONS: BUDGET AMENDMENT (BNA #059)

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

unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.428.4.540.00	Municipal Elections/Contracted Revenue	\$64,900.	
010.428.5.122.00	Municipal Elections/Wages-Part Time	50,200.	
010.428.5.210.18	Municipal Elections/Ballots	4,000.	
010.428.5.213.00	Municipal Elections/Dept. Supply	1,000.	
010.428.5.310.00	Municipal Elections/Travel	200.	
010.428.5.322.00	Municipal Elections/Postage	3,000.	
010.428.5.370.00	Municipal Elections/Advertising	1,000.	
010.428.5.410.00	Municipal Elections/Rent-Other	500.	
010.428.5.490.00	Municipal Elections/Prof. Services	5,000.	

Explanation of Revisions: Budget funds for May 5, 2008 Kings Mountain-Liquor-by-the-drink election (Per State Board of Elections, have to have two precincts open)

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #060)

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

unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.539.4.350.00/93217-592X	Family Planning/State Govt. Grants	\$1,766.	
012.539.5.513.00	Family Planning/Hospital & Drs Fees	1,766.	

Explanation of Revisions: Budget family planning "bonus funds" for clinician fees.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #062)

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

unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.530.4.350.00/01120-1530	General/State Govt. Grants	\$150,000.	
012.530.5.991.09	General/const. In Progress- Elevator	150,000.	
012.530.4.810.00	General/Donations/Contributions	150.	
012.530.5.790.00	General/Donations-Eye	150.	

Explanation of Revisions: 1) Budget funds from Office of Rural Health for construction of Elevator 2) Budget from Shelby Lions Club for eye exams.

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #063)

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

unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.446.4.310.00/97036-9EOC	EMS/Federal Grants	\$ 2,635.	
010.446.5.121.00/97036-9EOC	EMS/Salary/Wages	2,341.	
010.446.5.310.00/97036-9EOC	EMS/Travel	294.	

Explanation of Revisions: To budget reimbursement from FEMA for deployment to help Emergency Personnel during Tropical Storm Hanna.

EMS/PUBLIC SAFETY: BUDGET AMENDMENT (BNA #064)

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

unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.446.4.310.00/97036-9HAY	EMS/Federal Grants	\$ 899.	
010.437.4.310.00/97036-9HAY	Public Safety Grants/Federal Grants	2,146.	
010.437.5.700.00/97036-9HAY	Public Safety Grants/Travel	2,146.	
010.446.5.121.00/97036-9HAY	EMS/Salary/Wages	738.	

010.446.5.241.00/97036-9HAY EMS/Motor Fuels 126.
010.446.5.310.00/97036-9HAY EMS/Travel 35.

Explanation of Revisions: To budget reimbursement from FEMA for deployment to help Emergency Personnel during Thunderstorm Fay in Haywood County.

3RD PARTY PASS THRU/JCPC ADMIN: BUDGET AMENDMENT (BNA #065)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the following budget amendment:***

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.432.4.350.00/03700-P432	3 rd Party Pass Thru/State Govt. Grants	\$3,790.	
010.432.5.700.00/03700-9CCS	3 rd Party Pass Thru/ Grants	2,518.	
010.432.5.700.00/03700-9CIS	3 rd Party Pass Thru/ Grants	1,272.	
010.433.4.350.00/03700-P432	JCPC Admin/State Govt. Grants	4,308.	
010.433.5.491.00/03700-P432	JCPC Admin/Board Meeting Exp.	2,000.	
010.433.5.700.00/03700-P432	JCPC Admin/Grants.	2,308.	

Explanation of Revisions: To budget additional funding by NC DJJDP for FY 2008/2009. Funds to be used by CC Schools for "Why Try" training and curriculum , Communities in Schools for Computer, camera and travel, Administration for board meetings and future use by programs as council deems appropriate.

GATEWAY TRAILS: CAROLINA THREAD TRAILS FUNDS

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to accept \$56,000 in grant funding from the Carolina Thread Trail Organization.*** (Note: Match was approved at the September 2, 2008 County Commissioners meeting- 10% up to \$7,000)

SHERIFF'S OFFICE: FINGERPRINTING FEE INCREASE

Due to the fact that the Sheriff's Office is the only agency in Cleveland County with a Live Scan electronic fingerprinting machine, the NC Department of Health and Human Services (DHHS) now requires the Sheriff's office to fingerprint anyone who resides in Cleveland County. This will include child care providers, foster/adoptive parents and EMS workers requesting this service.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve an increase in fingerprinting fees from \$10.00 to \$15.00 per applicant, effective May 1, 2009.***

RESOLUTION HONORING DR. RON COMFORT

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board ***to adopt the following resolution honoring Dr. Ron Comfort;***

NUMBER 07-2009

IN APPRECIATION OF DR. RON COMFORT- FOUNDER OF AMBASSADOR BAPTIST COLLEGE

WHEREAS, at the young age of 15, Dr. Ron Comfort felt God's call to preach; and

WHEREAS, Dr. Ron Comfort has received degrees from Bob Jones Academy and University and his Doctor of Divinity from Maranatha Baptist Bible College; and

WHEREAS, God spoke to Dr. Comfort's heart about the need for a school that would train young people for full-time Christian service; and

WHEREAS, after telling fellow pastor's about his direction, Ambassador Baptist College was founded by Dr. Comfort in 1989 in Shelby for the express purpose of training men and women for full-time Christian service; and

WHEREAS, in 1997, Ambassador Baptist College moved to Lattimore, North Carolina; and

WHEREAS, over the years, Ambassador Baptist College has been blessed with steady student population growth with an current enrollment of 220 students; and

WHEREAS, Ambassador Baptist College, under the guidance of Dr. Comfort, has graduated over 700 students who are now serving in a number of ministries in churches around the world; and

WHEREAS, Dr. Comfort will retire as President of Ambassador Baptist College and take on the role of Chancellor;

NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, extend personal congratulations and best wishes to Dr. Ron Comfort for continued success in life's pursuits.

ADOPTED THIS THE 3rd DAY OF MARCH 2009.

SPECIAL RECOGNITION

CHERYL COGDELL

Commissioners recognized Ms. Cheryl Cogdell. Ms. Cogdell received the Scouting Silver Beaver Award. Commissioners presented her with a certificate which read as follows:

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

**PRESENTED TO
CHERYL COGDELL**

**IN RECOGNITION OF RECEIPT OF THE SILVER BEAVER AWARD~ A DISTINGUISHED
SERVICE AWARD OF THE BOY SCOUTS OF AMERICA ~ THE SILVER BEAVER
AWARD IS GIVEN TO THOSE WHO IMPLEMENT THE SCOUTING PROGRAM AND
PERFORM COMMUNITY SERVICE THROUGH HARD WORK, SELF SACRIFICE,
DEDICATION AND MANY YEARS OF SERVICE ~ FOR SERVING THE BOY SCOUTS OF
AMERICA IN SO MANY DIFFERENT CAPACITIES ~ WE COMMEND YOU**

Presented this the 3rd day of March, 2009.

PUBLIC HEARINGS

PLANNING DEPARTMENT: CODE TEXT AMENDMENT – DEANNA MOSELEY, DVM (Case #09-01)

Deanna Moseley, DVM has presented a petition to amend Section 12-124 of the Cleveland County Code, to add a new classification "Veterinary Office & Clinic" as a permitted use in the Rural Agricultural (RA), General Business (GB), Light Industrial (LI), and Heavy Industrial (HI) zoning districts. This use is currently included in the "Other Professional/Technical Service" classification.

Planning Director Bill McCarter provided background information as follows:

This use is currently permitted in the RA, GB and HI but not in the LI. Rather than opening up all of the uses in "Other Professional/Technical Service" classification, Mr. McCarter added a new row to the table of permitted uses specifically for "Veterinary Office & Clinic."

The Cleveland County Planning Board unanimously recommended this amendment at their February meeting. A recommendation was not received from Isothermal Planning and Development Commission.

Chairwoman Boggs opened the public hearing. (*Public notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-343, with legal advertisements published in the Star on February 18 and February 25, 2009.*)

Dr. Deanna Moseley: explained that she is looking at property in the LI zoning district to construct a veterinary office. She requested approval of her request.

Hearing no additional comments, Chairwoman Boggs declared the public hearing closed.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the code text amendment as requested.*

	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
PROFESSIONAL, SCIENTIFIC & TECHNICAL SERVICES										
Legal Services	54110					Z	Z	Z		
Accounting / Tax / Payroll Services	54120					Z	Z	Z		
Architectural, Engineering	54130					Z	Z	Z		
Specialized Design Services	54140					Z	Z	Z		
Computer Systems Design	54150					Z	Z	Z		
Consulting Services	54160					Z	Z	Z		
Scientific Research & Development	54170						Z	Z	Z	
Advertising & Related	54180						Z		Z	
Veterinary Office / Clinic / Practice	54194	Z					Z		Z	Z
Other Professional / Technical Service	54199	Z					Z			Z

REGULAR AGENDA

MULTI-PURPOSE FACILITY AGENCY AGREEMENT

Bob Yelton, County Attorney presented the Agency Agreement to Commissioners for approval. The purpose of the agency agreement is to authorize Cleveland Community College Foundation to be Cleveland County’s agent in the construction of the Multi-Purpose facility on land owned by Cleveland County.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the agency agreement as presented by the County Attorney (copy found on page _____ of Minute Book 31).*

MULTI-PURPOSE FACILITY MEMORANDUM OF UNDERSTANDING

Bob Yelton, County Attorney presented the Memorandum of Understanding to Commissioners for approval. The purpose of this document is to determine a long-term plan for the Multi-Purpose facility once the building is under construction and upon completion of construction. The Memorandum of Understanding is between Cleveland County, Cleveland Community College Foundation and Cleveland County Board of Education.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the Memorandum of Understanding between*

Cleveland County, Cleveland Community College Foundation and Cleveland County Board of Education as presented by the County Attorney (copy found on page _____ of Minute Book 31).

ECONOMIC DEVELOPMENT PROPERTY ACQUISITION

County Attorney Bob Yelton explained that several industries have shown an interest in locating to Cleveland County. It may be necessary for Cleveland County to maintain options to purchase property. Mr. Yelton recommended that Commissioners give authorization to the County Manager and the County Attorney to negotiate options to purchase land to be used for economic development purposes. Mr. Yelton noted that any property purchase would require Board approval prior to final purchase.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board to *authorize, under the provisions of N.C. General Statutes Section 158-7.1(b)(3), the County Manager and the County Attorney to negotiate one or more Options to Purchase land to be used for economic development purposes, and to report any successful negotiations back to the Board of Commissioners.*

COMMISSIONER REPORTS

Ronnie Hawkins- Cleveland Regional Medical Center now has digital mammography capability. Commissioner Hawkins praised Cleveland County EMS and Public Safety for a job well done during the recent snowstorm. He heard on Public Radio that Cleveland County personnel went car-to-car during a back-up on I-85 checking on people. Special thanks was also given to Bethlehem Baptist Church for setting up a shelter during the storm.

Eddie Holbrook- Commissioner Holbrook also praised Cleveland County Public Safety Personnel for the positive work they did.

Mary Accor- “Partnership continues to be a big word in Raleigh. In Cleveland County, we do it well.”

Johnny Hutchins- Commissioner Hutchins attended a Planning and Zoning class and encouraged Commissioners to attend if possible.

Jo Boggs- Commissioner Boggs thanked Dr. Moseley for building in these economic times and praised Cleveland County Deputies and Communications staff for their response during the storm. “It was a wild night.”

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adjourn the meeting.* The next regular meeting of the Commission is scheduled for *Tuesday, March 17, 2009 at 6:00 p.m.* in this Commission Chamber.

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

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*