

CLEVELAND COUNTY BOARD OF COMMISSIONERS

April 7, 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 S. Accor, Commissioner
Ronald J. Hawkins, Commissioner (excused at 6:40 p.m.)
Eddie Holbrook, 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
Denese Stallings, Health Director
Nicholas Bissette, *Cleveland Headline News*
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. County Finance Director, Christopher Crepps provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk.*

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *February 17, 2009, March 3, 2009 and March 17, 2009*, motion was made by Mary Accor, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *approve the minutes as written.*

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #068)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
010.442.4.311.00/USICE-P442	Fed. Forfeited Prop/Fed- Oth Rev.	\$14,705.	
010.442.5.211.00/USICE-P442	Fed. Forfeited Prop/Controlled Prop. Exp.	1,800.	
010.442.5.211.00/USICE-P442	Fed. Forfeited Prop/Controlled Prop. Exp.	2,130.	
010.442.5.211.01/USICE-P442	Fed. Forfeited Prop/Control Equip-Mj Rep.	1,500.	
010.442.5.910.00/USICE-P442	Fed. Forfeited Prop/Automotive Supplies	9,275.	

Explanation of Revisions: Request approval to purchase 4 rifle scopes @ \$450 each (\$1,800); one E/Z Rider K-9 Prisoner Transport for eq. #1418 (\$2,130); one ARE YOU OKAY Update, version 6 for

Windows XP Telephone Reassurance Program Upgrade-includes software, modem, microphone & software warranted for one yr. (\$1,500); request to purchase 11 heavy duty grill guards (\$1,983); 11 wrap around grill guards (\$2,442); bumper shipping surcharge (\$440); \$30 shipping/handling/insurance; 24 blue lights for grill guard attachment (\$2,400) plus labor charge of \$1,980 to install 11 heavy duty grill guards (11 X \$180) for a grand total of \$9,275.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #069)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
012.541.4.350.00/01210-4752	ENV. HEALTH/State Govt. Grants.	\$10,009.	
012.541.5.210.00	ENV. HEALTH/Departmental Supplies	2,000.	
012.541.5.213.00	ENV. HEALTH/Office Supplies	2,000.	
012.541.5.241.00	ENV. HEALTH/Motor Fuels	2,009.	
012.541.5.310.00	ENV. HEALTH/Travel/Training	4,000.	

Explanation of Revisions: Budget food and lodging funds for operating expenses.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #070)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
012.542.4.460.00	Rabies Control/Other Units Shared Bud	\$25,978.	
012.542.5.910.00	Rabies Control/C.O. Equipment	25,978.	

Explanation of Revisions: Budget funds from deferred revenue account for purchase of Animal Control truck.

SOLID WASTE-LANDFILL: BUDGET AMENDMENT (BNA #071)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
054.473.4.999.00	Solid Waste Landfill/Reserve Funds	\$589,149.	
054.473.5.910.00	Solid Waste Landfill/Capital Equipment	344,550.	
054.473.5.910.01	Solid Waste Landfill/Cap Equip Major Rprs.	244,599.	

Explanation of Revisions: To budget funds for the purchase of a new 836 compactor and to rebuild the 826g compactor.

MANNED SITES-COLLECTIONS: BUDGET AMENDMENT (BNA #072)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
054.474.4.999.00	Manned Sites-Collect/Reserve Funds	\$30,670.	
054.474.5.340.00	Manned Sites-Collect/Maint Bldg/Grouds	30,670.	

Explanation of Revisions: To budget funds for resurfacing entrance road to Landfill Recycling Center and for pouring a concrete area and installing ABC stone and paving area connecting to existing drive at the Oak Grove Recycling Center.

PUBLIC SAFETY GRANTS: BUDGET AMENDMENT (BNA #073)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
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010.437.4.310.00/93889-COMM	Public Safety Grants/Govt. Grants Federal	\$19,590.
010.437.5.211.00/93889-COMM	Public Safety Grants/Controlled Equip	2,590.
010.437.5.211.00/93889-COMM	Public Safety Grants/Controlled Equip	7,600.
010.437.5.211.00/93889-COMM	Public Safety Grants/Controlled Equip	1,000.
010.437.5.211.00/93889-COMM	Public Safety Grants/Controlled Equip	400.
010.437.5.910.00/93889-COMM	Public Safety Grants/Capital Equip	8,000.

Explanation of Revisions: To budget grant funds received for disaster preparedness to purchase radios, computer and antenna mast to allow access to the ACU 1000 Communication System that the hospital has purchased to aid in electronic communications between emergency response personnel in the event of a disaster or mass casualty event.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #074)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
010.445.4.310.00/83552-4400	Emergency Mgmt./Govt. Grants Federal	\$13,777.	
010.445.5.210.00	Emergency Mgmt./Departmental Supplies	13,777.	

Explanation of Revisions: To budget Emergency Management Performance Grant (\$14,400 in original budget) and to budget the supplemental grant amount for use to purchase supplies needed for dept.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #075)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
010.416.5.971.00	Legal/C/O Foreclosure Prop	\$561,000.	
010.410.4.991.00	General/Fd. Bal. Appropriated	561,000.	

Explanation of Revisions: To budget for purchase of foreclosed property (Parcel # 51068- Doran Textiles) No upset bids were received.

CLEVELAND COUNTY SCHOOLS: SALE OF PROPERTY AT CASAR ELEMENTARY SCHOOL

A letter was received from Mr. John Yarbrow, Cleveland County Schools Assistant Superintendent of Operations regarding a house located on the campus of Casar Elementary School. The house, on parcel #38864 is approximately 46 years old and is approximately 900 square feet. An individual has expressed interest in purchasing the house only, no sale of land. Cleveland County Schools has set a price of \$2,000 as a fair market value. Commissioners noted they would have no use of the property.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to waive the Commissioner's right of first refusal and allow Cleveland County Schools to proceed with the sale of this property.*

SPECIAL RECOGNITION

ROBERT AREY JR.

Robert Arey Jr. was scheduled to attend the meeting. Due to a scheduling conflict, Mr. Arey was unable to attend. Commissioner Ronnie Hawkins commended Mr. Arey for his receipt of the Silver Beaver award. Commissioners will mail a certificate of recognition to Mr. Arey. The certificate read as follows:

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

PRESENTED TO

ROBERT AREY JR.

**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 7th day of April 2009.

SHELBY HIGH SCHOOL BASKETBALL TEAM- 2A NCHSSA STATE CHAMPIONS

In honor of the Shelby High Basketball Team winning the 2A NCHSSA State Championship, Commissioners presented a resolution to the team congratulating them on their victory. Commissioner Holbrook recognized Coach Aubrey Hollifield and many of the team members. The resolution read as follows:

NUMBER 08-2009

HONORING SHELBY HIGH SCHOOL BASKETBALL TEAM- 2A NCHSSA STATE CHAMPIONS

WHEREAS, on March 14, 2009, the Shelby Golden Lions Men's Basketball team, under the direction of Coach Aubrey Hollifield became the 2A NCHSSA State Champions in a 62-50 victory over Northwood High School; and

WHEREAS, the team is to be recognized and commended for their team spirit, winning determination and outstanding season; and

WHEREAS, winning the state championship game is an extraordinary accomplishment; and

WHEREAS, Coach Hollifield has been named the Associated Press High School Coach of the Year in North Carolina; and

WHEREAS, the community recognizes the training, hard work, perseverance and commitment to excellence required for such a remarkable achievement, both for individual players, coaches and for the "Lions" Team;

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners hereby extend enthusiastic congratulations to the Shelby High School Men's Basketball team, Coach Aubrey Hollifield, coaching assistants, trainers, athletic staff, school administrators and the entire student body of Shelby High School.

ADOPTED THIS THE 7th DAY OF APRIL 2009.

PUBLIC HEARINGS

**PLANNING DEPARTMENT: CODE TEXT AMENDMENT – SECTION 12-132. CORRIDOR
PROTECTION OVERLAY DISTRICT (Case #09-03)**

Cleveland County Planning staff recommended that the Cleveland County Code be amended to limit commercial uses in the Corridor Protection (CP) district. It would be limited to only those lots with direct access to the highway. The Corridor Protection Overlay Zoning district is measured 500 feet from the right-of-way, along every state and federal highway in the county. As a result, there are numerous examples of where this corridor drapes across neighborhoods, encouraging commercial use of these

residential lots and creating conflicts with existing residential uses. The amended text is as follows

(recommended amendment underlined):

Sec. 12-132 Corridor Protection Overlay District

This corridor overlay district is designed to promote well-planned, economically viable development that is compatible with, and will enhance the visual appeal of the area by avoiding uncoordinated, strip development along arterial streets. It will also support safe and efficient traffic flow through these areas.

The district boundaries shall extend along arterial streets, for a width of 1,000 feet, or 500 feet from and perpendicular to each side of the right-of-way.

- (a) Due to the generalized boundary of this overlay district, lots that are developed for a permitted use in the CP district must have direct road frontage on the arterial street.

Mr. McCarter also reviewed the following recommendations from the Planning Board and the Planning Consultant:

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: APPROVE

I concur with staff on recommending the text amendment. This is typical of broad-brush corridor overlays, and it seems like a good way to clean it up.

David Morrow, Chairman, Cleveland County Planning Board: SPLIT VOTE 4/4

The Planning Board members were split in their recommendation on this amendment.

Background

Corridor Protection District = 18.9 square miles

Total number of parcels = 4366

Parcels with no highway frontage = 1634 (37%)

2008-09 Permits issued for 14 businesses in CP, all had highway frontage.

This following issues were presented by both sides:

Deny

- Additional restrictions will hinder future economic development.
- Removes the right to develop a business on 1634 parcels (37% of the 4366 total parcels).
- Only one complaint has been filed concerning a new business in the corridor, with no highway frontage.

Approve

- The amendment will not remove property from the corridor, but require future commercial development to acquire frontage/access on the highway.
- Adds to the quality of commercial development in the corridor.
- Better defines the purpose of the CP district.....to promote and direct commercial development to our major highways.

Chairwoman Boggs opened the public hearing (at 6:25 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 March 20 and March 27, 2009.)

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

Commissioner Accor questioned whether or not this amendment would hurt existing businesses.

Planning Director Bill McCarter explained that existing businesses will be grandfathered and stated that this amendment would not apply to those properties already zoned commercial.

Vice-Chair Hutchins stated, "With economic conditions the way that they are today, I don't want to do anything to hurt local businesses."

Commissioner Hawkins felt that there is not anything that warrants a change at this time.

ACTION: Ronnie Hawkins made a motion which was seconded by Johnny Hutchins, *to table this decision until the time that it warrants further discussion or until the Planning Department receives more complaints.*

Chairwoman Boggs spoke regarding the code text amendment, “I appreciate the fact that Cleveland County has a Planning Board. I believe that they are there to put out fires before they become problems.”

Following comments from Planning Board Chairman David Morrow, Vice-Chair Hutchins again reiterated the fact that with an unemployment rate of 15%, we do not need to do anything to stifle Economic Development.

ACTION: Commissioner Hutchins called for the vote on the motion made earlier by Commissioner Hawkins and seconded by Commissioner Hutchins. (Note: County Attorney Bob Yelton stated that once a motion to table has been made, it should be voted on immediately). Motion was adopted by a majority, *to table this decision until the time that it warrants further discussion or until the Planning Department receives more complaints.*

Votes were recorded as:	Ayes:	Hutchins Holbrook Hawkins
	Noes:	Boggs Accor

Commissioner Hawkins was excused at 6:40 p.m.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – JACK & HILDA BORDERS (POPLAR SPRINGS CHURCH ROAD) (Case #09-04)

Bill McCarter, Planning Director, reviewed that Jack and Hilda Borders have presented a petition for Conditional Use District rezoning for parcel #58314 on Poplar Springs Church Rd. from Residential (R) to General Business Conditional Use (GB-CU). The proposed use is an Automotive Oil Change and Minor Repair Garage. Because this is a conditional district re-zoning, Commissioners have the ability to add conditions to the rezoning. Mr. McCarter summarized Cleveland County Code- Section 12-234 (3),(4),(5).

- (3) During the Public Hearing, Commissioners may suggest additional features to be included prior to taking action.
- (4) Commissioners may require the petitioner to hold one or more formal workshops with neighbors and other stakeholders.
- (5) The property owner shall commence construction within three years after the zoning amendment is approved.

He provided background information as follows:

Existing Land Use: The property is currently vacant. There is a child day care adjacent to the property to the north, a public airport to the east, and residential homes to the south and west.

Future Land Use: Residential.

Utilities: Public water provided by Cleveland County Sanitary District, no sewer.

Mr. McCarter also reviewed the following recommendations from the Planning Board and the Planning Consultant:

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: DENY

I have reviewed all pertinent information regarding the above referenced rezoning case, and visited the site. Based upon the current zoning, Residential, and the future land use projected as Residential, it is my opinion that the Commission should recommend against rezoning even though the rezoning is for a Conditional Use District.

If the Commission feels strongly about recommending approval of this case, they should reconsider the projected future land use and look at amending the 2015 Land Use Plan. Approval of this case, without the basis of the Land Use Plan, could be considered “spot zoning”.

David Morrow, Chairman, Cleveland County Planning Board: Approve 6/2

The Planning Board voted by a majority to recommend that the rezoning be approved. In 2005, NCGS 153A-341 was amended to require that planning board review include written comments on the consistency of the amendment with the Land Use Plan and any other relevant plans. The Board must also explain why the action is “reasonable and in the public interest”.

Inconsistent with the 2015 Land Use Plan

This area was designated as residential, but lies adjacent to the Corridor Protection District and near a Commercial node at Old Boiling Springs Road / NC150.

Is the amendment reasonable and in the best interest of the public?

Due to the current economic situation of the county, new business should be encouraged.

Surrounding Properties

Existing residential to the south and across the street (west), Day Care to the north, and Shelby Airport in the rear (east).

Non-Conforming Uses

None, property is vacant.

Adequate Utilities & Roads

Poplar Springs Church Road is collector street with no planned improvements. Public water provided by CCW, but no public sewer.

Commissioner Hutchins noted that this property falls right outside of the Corridor Protection District.

Chairwoman Boggs opened the public hearing (*at 6:47 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 March 20 and March 27, 2009.*)

Jack Borders, 617 Crow Road- Mr. Borders put this property up for sale two years ago. Due to the proximity to the airport, this property never sold. Mr. Borders decided to put a business on this land. This garage will bring additional tax base and a few jobs to Cleveland County. Mr. Borders has discussed this with the neighbors and they have signed the petition in support of this project.

Hearing no additional comments, Chairwoman Boggs declared the public hearing closed (*at 6:50 p.m.*).

Commissioners discussed the possibility of limiting Mr. Borders business hours. Mr. Borders agreed to 8-6 Monday-Friday, 8-12 on Saturday and closed on Sunday. Conditions are included in the ordinance.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the rezoning as follows.*

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
1143 Poplar Springs Church Road
Residential (R) to General Business-Conditional Use (GB-CU)**

WHEREAS, Article 18 of Chapter 153A of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, Jack E. & Hilda K. Borders presented a petition to amend to the Cleveland County Zoning Map for the property at 1143 Poplar Springs Church Road from Residential to General Business-Conditional Use District, to develop an Automotive Oil Change and Auto Repair Business (NAICS 81110); and

WHEREAS, the Cleveland County Planning Board found the map amendment to be inconsistent with the 2015 Land Use Plan, but recommended that the amendment be approved due to the close proximity of the Corridor Protection Overlay District along NC150; and

WHEREAS, in accordance with NCGS 153A-343, a public hearing was held by the Cleveland County Board of Commissioners on April 7, 2008, after publication of due notice as required by law; and

WHEREAS, after consideration of comments made at the public hearing, along with the recommendation of the Cleveland County Planning Board,

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Code, be amended to change the zoning classification of parcel 58314, from Residential (R) to General Business-Conditional Use (GB-CU) as illustrated on the attached map designated "Case 09-04", and being incorporated herein by reference and made part of this ordinance.

NOW THEREFORE BE IT ALSO ORDAINED that this amendment, to make use of this property for Automotive Oil Change and Auto Repair, is hereby approved and granted, subject to all applicable provisions of the Cleveland County Code, and the following conditions found to be in the public interest by the Board of Commissioners:

1. Development and use of the site shall conform to all aspects of the site plan on file with the Planning Department, being incorporated herein by reference and made part of this ordinance.
2. Hours of operation limited to Monday-Friday 8am-6pm, Saturday 8am-12pm, Sunday-Closed.

This Ordinance shall become effective upon adoption and approval.

Adopted this 7th day of April, 2009 at 6:00 p.m.

REGULAR AGENDA

CLEVELAND COUNTY SPORTS COMMISSION

Willie McIntosh defined the main mission of the Cleveland County Sports Commission as seeking out different sporting events to use the facilities in Cleveland County. Over the past year the Cleveland County Sports Commission has helped lobby for no change to the State Hunting Law. They have also assisted interested parties in Upper Cleveland in their efforts to develop an Upper Cleveland Sports Commission. A Board of Directors has been established. With the help of the Cleveland County Sports Commission, all municipalities in Upper Cleveland have adopted a resolution in support of a Sports Complex. Mr. McIntosh explained that the members of the Sports Commission are doing the best they can without an Executive Director and thanked members for their hard work. "We don't have anyone to steer the ship."

The Sports Commission completed the second annual Holiday Basketball Tournament. Last year they were able to give approximately \$2,000 to each local High School. This year it was a little less. The AAU Summer Sports Festival will be held in Cleveland County. Denese Stalling, Treasurer of Cleveland County Sports Commission passed out a flyer to Commissioners detailing the dates and locations of the events. The Sports Commission has worked very closely with the AAU Governor on this event. Ms. Stallings gave a special word of thanks to Gardner-Webb University, YMCA, Cleveland County Schools and the Cleveland Country Club for allowing the use of their facilities. This event will be held over two weekends and is expected to bring approximately 2,000 athletes and their families.

Commissioner Holbrook noted that this will be a real opportunity to demonstrate the impact sports can have on the economy.

Commissioners agreed that personnel for the Sports Commission would be of benefit to Cleveland County.

CLEVELAND COUNTY STEPONE CHALLENGE

Anne Short shared information regarding the Cleveland County StepOne Challenge. Commissioners were given a pedometer and asked to participate in this six week walking program. Ms. Short recognized the StepOne Challenge as the largest county-wide walking program in North Carolina and recommended Commissioners adopt a resolution in support of the 4th Annual Cleveland County StepOne Challenge.

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

NUMBER 10-2009

Resolution in Support of 4th Annual StepOne Challenge

WHEREAS, we recognize that obesity is one of the greatest public health challenges of our time; and

WHEREAS, we acknowledge that obesity rates for adults and children have doubled in the last twenty years and tripled for teens; and

WHEREAS, the Cleveland County Board of Health identified overweight and obesity as a public health issue in 2003 and has worked since that time to educate the public about the risks associated with obesity; and

WHEREAS, the Alliance for Health has identified overweight and obesity as an issue for action through community education and prevention; and

WHEREAS, healthy food choices and increased physical activity are essential to reducing the incidence of obesity and to reducing health problems associated with obesity; and

WHEREAS, residents of Cleveland County have participated successfully in walking contests in 2006, 2007 and 2008, resulting in walking 345,519,571 steps in 2008; and

WHEREAS, walking is a physical activity available to residents of the county in all areas and in all walks of life;

NOW, THEREFORE, be it resolved that the **CLEVELAND COUNTY BOARD OF COMMISSIONERS** endorse the 2009 StepOne Challenge as a primary way to increase physical activity and reduce obesity and encourage all residents of Cleveland County to participate in the Challenge, walking as teams for six weeks beginning April 25, 2009 and ending June 5, 2009, in response to this public health issue.

Adopted this 7th day of April, 2009

WINN DIXIE BANKRUPTCY SETTLEMENT

In February, 2005, Winn Dixie Stores, Inc. filed for protection under Chapter 11 of the U.S. Bankruptcy Code. Cleveland County has filed a timely Proof of Claim for 2005 property taxes owed. Winn Dixie has filed an objection to the county's claim. The cost of further litigation in U.S. Bankruptcy Court in Jacksonville, Florida would likely exceed the amount of the county's claim. To avoid further delay in receiving payment, Chris Green, Tax Collector recommended that Commissioners approve a settlement agreement. The amount of Cleveland County's Proof of Claim remaining unpaid is \$6,172.83. The proposed settlement agreement is \$2,980.19. Mr. Green stated that he considers this agreement to be in the county's best interest.

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the settlement agreement as presented (copy found on Page _____ of Minute Book 31).*

CLEVELAND COUNTY NURSING HOME ADVISORY COMMITTEE

The Nursing Home Advisory Committee has been a difficult committee to fill. Currently, there are five members serving on this board which requires a minimum of seven members. John Oriente has shown an interest in serving on this committee, has taken the required training and has attended one of the committee meetings.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to appoint John Oriente* to serve as member of this board, for an initial term of one-year, scheduled to conclude on December 31, 2009.

RESOLUTION IN SUPPORT OF HIGHWAY 74 BYPASS

A public hearing will be held on April 14th to receive comments regarding the location of the Proposed Highway 74 Bypass. All Commissioners were encouraged to attend. Commissioner Holbrook has asked adjoining counties to lend their support.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, *to adopt the following resolution in support of the Highway 74 Bypass project.*

NUMBER 11-2009

IN SUPPORT OF THE US-74 SHELBY BYPASS

WHEREAS, the US-74 Bypass has been on the Transportation Improvement Program since 1968; and

WHEREAS, the proposed US-74 Bypass, R-2707, is an 18.9 mile four-lane divided freeway on new location, projected to cost over \$322 million dollars; and

WHEREAS, construction of this new highway has been separated into ten phases, and funding projected well beyond the seven year NCDOT Transportation Improvement Plan (2009-2015); and

WHEREAS, it is estimated that over 750 individual properties will be impacted by the construction of this new freeway, development along the route has been stifled, virtually land-locking the many property owners along the route; and

WHEREAS, businesses and residential property owners along the route are wary about making improvements to their property, expanding their businesses, or simply even selling due to the uncertainty of the exact bypass location; and

WHEREAS, over the past several years, Cleveland County has lost thousands of manufacturing jobs causing the unemployment rate to reach 14.5%; and

WHEREAS, the Cleveland County Board of Commissioners view economic development as a top priority and have met with many prospective industries who look at transportation as an issue in their selection to locate to Cleveland County; and

WHEREAS, in this time of economic crisis for our county, it is imperative that our State and Federal Legislators do everything in their power to help these citizens to be able to regain control of their homes and businesses by eliminating any further delays in construction, which stifles economic development in our county;

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners support the continued funding of R-2707 US-74 Shelby Bypass and recommend that right-of-way settlements with property owners who are adversely affected or constrained by NCDOT Highway-74 Corridor Plan be expedited and construction begin on access roads at key intersections to protect existing right-of-way to enhance the development of commercial and industrial properties:

ADOPTED THIS THE 7th DAY OF APRIL 2009.

RESOLUTION: CHANGE IN REGULAR MEETING PLACE OF APRIL 21, 2009

Chairwoman Boggs reminded Commissioners that several times a year, Commissioners hold their regular meetings out in the community in order to encourage attendance by local residents.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, ***to adopt the following resolution.***

NUMBER 09-2009

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

WHEREAS, the Cleveland County Board of Commissioners have decided that it is appropriate to change their regular meeting place for their regular meeting of **Tuesday, April 21, 2009** from the Commission Chamber in the County Administrative Building to meet at the Lattimore Town Hall located at 120 Cherry Street Lattimore. The meeting will begin at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, THAT, the Cleveland County Board of Commissioners will change the meeting place of said meeting and notify the public of their decision in accordance with the mandates of North Carolina General Statute 153A-40. The regular meeting schedule as adopted by the Board will resume after this meeting.

ADOPTED THIS 7th DAY OF APRIL, 2009.

COMMISSIONER REPORTS

Commissioner Holbrook- Economic Development recruitment is very competitive. The county needs to be aggressive, creative and visionary when it comes to incentive packages. 20/20 is currently pursuing a number of projects with the help of the Department of Commerce.

Commissioner Accor- The first meeting of the Cleveland County Youth Commission will be held on April 23rd. Commissioner Accor thanked the Town of Mooresboro for hosting CAGO and county staff for hosting the regional NCACC meeting.

Commissioner Hutchins- attended the Boys & Girls Club Banquet. He will be requesting that several students be recognized by Commissioners at a later date.

ADJOURN

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to adjourn the meeting*. The next regular meeting of the Commission is scheduled for *Tuesday, April 21, 2009 at 6:00 p.m at the Town Hall in Lattimore.*

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

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*