

CLEVELAND COUNTY BOARD OF COMMISSIONERS

September 15, 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
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
Chris Crepps, Finance Director
Bill McCarter, Planning Director
David Allen, The Star
Marti Glaser, Cleveland Headline News
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. Commissioner Hawkins provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, ***to adopt the agenda as presented by the Clerk with the following addition:***

G. Food and Lodging Inspection Fees

12. JURY COMMISSION BOARD APPOINTMENT

CITIZEN RECOGNITION

Charles Edwards, Baker- Buffalo Creek Winery, thanked Commissioners for their help in establishing the Baker-Buffalo Creek Winery. Last November, Mr. Edwards appeared before the Commissioners regarding a rezoning request. Since approval, they have built a wine tasting facility and have hosted several events. Mr. Edwards also thanked Cooperative Extension Agents, Building Inspections and Environmental Health for all of their work on the project.

Mr. Edwards invited Commissioner to the Baker-Buffalo Creek Winery Ribbon Cutting to be held on October 1, 2009.

CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during **August 2009** (copy found on Page _____ of Minute Book 31).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **August 2009**. The monthly grand total of tax abatements was listed as (\$47,907.47); and, the monthly grand total for tax supplements was listed as \$15,306.82.

BOARD OF ELECTIONS: BUDGET AMENDMENTS (BNA #012)

ACTION: Mary Accor 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>
010.418.4.310.00	BOE/Federal Grants	\$ 20,390.	
010.418.5.210.00	BOE/Departmental Supply	16,910.	
010.418.5.211.00	BOE/Controlled Equipment	3,480.	

Explanation of Revisions: to budget Health & Human Services HAVA grant funds passed through the North Carolina State Board of Elections in order to make polling places accessible to voters with the full range of disabilities.

SHERIFF'S OFFICE: BUDGET AMENDMENTS (BNA #013)

ACTION: Mary Accor 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>
010.440.4.460.00	School Res. Officer/Other Unit Share Bud.	\$43,696.	
010.440.5.121.00	School Res. Officer/Salaries-Wages/Reg.	33,696.	
010.440.5.131.00	School Res. Officer/Social Security Taxes	2,052.	
010.440.5.132.00	School Res. Officer/Retirement	1,609.	
010.440.5.133.00	School Res. Officer/Hospital Insurance	4,160.	
010.440.5.134.00	School Res. Officer/Dental Insurance	140.	
010.440.5.135.00	School Res. Officer/Employer 401(k)	1,655.	
010.440.5.133.00	School Res. Officer/Medicare Taxes	480.	

Explanation of Revisions: Cleveland County Schools is providing funding to support hiring a Deputy Sheriff as an SRO for their Turning Point Academy (old C-Stop Program). Request approval to accept funding and hire Sgt. Rodney Fitch to this position.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #016)

ACTION: Mary Accor 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>
012.534.4.310.00/01120-0600	School Health/Fed Govt Grants	\$43,272.	
012.534.5.210.00	School Health/Dept. Supplies	4,288.	
012.534.5.211.00	School Health/Controlled Prop Exp	4,288.	
012.534.5.213.00	School Health/Office Supplies	4,288.	
012.534.5.230.00	School Health/Medical Supplies	4,288.	
012.534.5.240.00	School Health/Motor Fuels	4,288.	
012.534.5.311.00	School Health/Education Expense	4,288.	
012.534.5.370.00	School Health/Advertising/Promo	4,288.	
012.534.5.410.00	School Health/Rent-Other	4,288.	

012.534.5.422.00	School Health/Contracted Labor	4,288.
012.534.5.581.00	School Health/Awards/Appreciation	4,288.
012.534.5.700.00	School Health/Grants	4,288.
012.534.5.910.00	School Health/C.O. Equip	4,288.

Explanation of Revisions: Budget ARRA funds for in-school influenza clinics for purchase of supplies, equipment, contracted labor, etc. that will enhance flu vaccination endeavors.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #017)

ACTION: Mary Accor 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>
012.533.4.350.00/01120-0848	Adult Health/State Gov't Grants	\$74,200.	
012.533.4.350.00/01120-0849	Adult Health/ State Gov't Grants	5,800.	
012.533.5.122.00	Adult Health/Salary-PT	16,677.	
012.533.5.131.00	Adult Health/Social Security	1,034.	
012.533.5.136.00	Adult Health/Medicare Ins.	242.	
012.533.5.210.00	Adult Health/Departmental Supplies	2,000.	
012.533.5.211.00	Adult Health/Controlled Property	2,800.	
012.533.5.213.00	Adult Health/Office Supplies	1,000.	
012.533.5.230.00	Adult Health/Medical Supplies	1,000.	
012.533.5.240.00	Adult Health/Automotive Supplies	1,650.	
012.533.5.310.00	Adult Health/Travel	500.	
012.533.5.311.00	Adult Health/Education Expense	1,000.	
012.533.5.370.00	Adult Health/Advertising/Promotions	2,000.	
012.533.5.410.00	Adult Health/Rent-Other	2,430.	
012.533.5.422.00	Adult Health/Contracted Labor	25,000.	
012.533.5.581.00	Adult Health/Awards/Incentives	2,000.	
012.533.5.894.00	Adult Health/Emergency/Cont	10,845.	
012.533.5.910.00	Adult Health/C.O. Equipment	9,822.	

Explanation of Revisions: Budget funds from DHHS for H1N1 Influenza Activities- Contracted labor, a full-time Processing Asst. III for 9 months, supplies, tent rental, advertising, three 800 mhz radios, carport for BT Trailers, travel and food/drinks for flu clinics.

FOOD AND LODGING INSPECTION FEES

The Appropriations Act of 2009 includes an increase in Food and Lodging Fees and became effective August 15, 2009. Denese Stallings, Health Director recommended the annual establishment fee and maximum plan review fee increase to \$75 and \$250 respectively. New fees would be effective immediately.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve proposed fee increase.*

SPECIAL RECOGNITIONS

AUSTIN PHELPS~ OPERATION RAGLIE

Chairwoman Jo Boggs presented Austin Phelps with a Certificate of Recognition which read as follows:

CERTIFICATE OF RECOGNITION

FROM THE
CLEVELAND COUNTY BOARD OF COMMISSIONERS

PRESENTED TO
AUSTIN PHELPS

FOR YOUR VISION TO CREATE AND SUSTAIN "OPERATION RAGLIE" ~ FOR TAKING THE TIME TO SEARCH FOR DONATIONS TO PURCHASE BLANKETS AND STUFFED ANIMALS FOR CHILDREN IN HOSPITALS~ FOR HELPING TO EASE THE FEARS OF THESE CHILDREN ~ FOR THE GREAT IMPACT YOU HAVE MADE IN THE LIVES OF THESE CHILDREN~ YOU TRULY MAKE A DIFFERENCE

FOR BEING A LEADER AT SUCH A YOUNG AGE ~ WE COMMEND YOU!

Presented this the 15th day of September 2009.

Mr. Phelps is a student at Shelby Middle School. Austin began donating blankets and stuffed animals to local hospitals several years ago. Since 2006, he has donated over 4,000 toys and blankets to children at these hospitals.

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 presented Certificates of Recognition to Lillie Hinton, Zita Roberts and Chairwoman Jo Boggs. Ms. Roberts was unable to attend. The certificate read as follows:

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

IN RECOGNITION OF BEING NAMED ONE OF THE 2009 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 15th day of September, 2009.

PUBLIC HEARINGS

ABANDONMENT OF PUBLIC RIGHT OF WAY- COLLEGE FARM ROAD

In August, The Broad River Greenway Council signed a petition requesting the abandonment of a portion of College Farm Road. The request is only for the portion east of Sandy Run Creek. Cleveland County is the property owner on both sides of the road.

At their August 18, 2009 regular meeting, Commissioners adopted a Resolution of Intent scheduling a public hearing for the abandonment of a public right of way. During this meeting, Bill McCarter presented the petition to Commissioners.

Chairwoman Boggs opened the public hearing at 6:30 p.m. (*public notice was accomplished in accordance with the mandates of NCGS 153A-241, with advertisements published in The Star on August 29, September 2 and September 9*)

Hearing no comments, Chairwoman Boggs closed the public hearing at 6:31 p.m.

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

Number 25 -2009

Resolution

**Order To Abandon Public Right-Of-Way
Portion of College Farm Road (SR 1195)**

WHEREAS, the Cleveland County Board of Commissioners have received a petition from the North Carolina Department of Transportation and Broad River Greenway, requesting the abandonment of a portion of the public right-of-way of **College Farm Road** (approximately 0.74 miles).

WHEREAS, the mandates of North Carolina General Statute 153A-241 have been met regarding the proposed abandonment of the public right-of-way; and,

WHEREAS, the Cleveland County Board of Commissioners held a public hearing on September 15, 2009.

NOW THEREFORE, BE IT RESOLVED THAT, in accordance with North Carolina General Statute 153A-241, the Cleveland County Board of Commissioners do hereby order the abandonment of a portion of **College Farm Road**, and that a copy of this order be filed in the Office of the Register of Deeds.

ADOPTED THIS 15th DAY OF SEPTEMBER 2009.

ABANDONMENT OF PUBLIC RIGHT OF WAY- ROSE DRIVE

In August, the NCDOT on behalf of Antony E. Eason signed a petition requesting the abandonment of a portion of Rose Drive. The request is only for the portion of Rose Drive located on Mr. Eason's property. Mr. Eason owns land on both sides of the road.

Chairwoman Boggs opened the public hearing at 6:35 p.m. (*public notice was accomplished in accordance with the mandates of NCGS 153A-241, with advertisements published in The Star on August 29, September 2 and September 9*)

Antony Eason- Mr. Eason asked for confirmation that the right-of-way would be stopped at his property line. John Wortman, NCDOT Representative responded that it would stop at the property line.

Hearing no further comments, Chairwoman Boggs closed the public hearing at 6:36 p.m.

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

Number 24 -2009

Resolution

**Order To Abandon Public Right-Of-Way
Portion of Rose Drive (SR 1640)**

WHEREAS, the Cleveland County Board of Commissioners have received a petition from the North Carolina Department of Transportation and Anthony D. Eason, requesting the abandonment of a portion of the public right-of-way of **Rose Drive** (approximately 0.0462 miles).

WHEREAS, the mandates of North Carolina General Statute 153A-241 have been met regarding the proposed abandonment of the public right-of-way; and,

WHEREAS, the Cleveland County Board of Commissioners held a public hearing on September 15, 2009.

NOW THEREFORE, BE IT RESOLVED THAT, in accordance with North Carolina General Statute 153A-241, the Cleveland County Board of Commissioners do hereby order the abandonment of a portion of **Rose Drive**, and that a copy of this order be filed in the Office of the Register of Deeds.

ADOPTED THIS 15th DAY OF SEPTEMBER 2009.

REGULAR AGENDA

NCDOT PUBLIC TRANSPORTATION UPDATE

Judge Robert Collier of the North Carolina Board of Transportation began by introducing Mike Holder, NCDOT Division 12 Engineer and Pat Perry of the NCDOT Public Transportation Division. The three NCDOT representatives took turns presenting a PowerPoint to Commissioners (*copy found on Page _____ of Minute Book 31*). Judge Collier explained, “The purpose of the presentation is to update and educate local community leaders on NCDOT multimodal and transit purposes, ARRA and annual transit funding, and multimodal resources”. The NCDOT is looking to reshape the image of NCDOT to be more than just highways. He then took a moment to recognize the efforts of the Local Public Transportation Director- Tom Crider.

Commissioner Holbrook questioned the NCDOT about the connection of Highway 74 from Asheville to Wilmington. Mr. Holder explained that the NCDOT is doing the best that they can do. He explained that the Department is getting ready to publish a work program. Two portions of Hwy 74 are included in the five year program. The overall plan calls for 5 year, 10 year and 20 year deliverables. Mr. Holder explained that following this plan, the 5 year deliverables should be able to be completed with 95% certainty.

INTER-LOCAL AGREEMENT- TOWN OF LATTIMORE CODE ENFORCEMENT

One of the priorities in the 2015 Land Use Plan is to “facilitate coordination of enforcement with permitting and inspections” with the cities and towns. The Town of Lattimore has requested that Cleveland County administer and enforce Chapter 12 of the County Code within the town limits. Chapter 12 is the Unified Development Ordinance.

The emergency water intake on the Broad River resulted in the designation of a new “Public Water Supply Watershed” in the southwestern corner of the county. Lattimore has no staff to administer the regulations required by the state. Cleveland County development regulations will provide the framework necessary to regulate development density using Cleveland County subdivision regulation

standards. The town has chosen not to adopt a zoning map, so no zoning permits will be issued and no fees will be collected.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins and unanimously adopted by the Board, *to adopt the inter-local agreement as presented by Mr. McCarter (copy found on Page _____ of Minute Book 31).*

CODE AMENDMENT REGARDING COMMUNICATION TOWERS

The State Historic Preservation Commission has asked the local Historic Preservation Commission to review the standards for placement of communication towers in county planning jurisdiction. Each time the FCC receives an application for a new wireless communication tower, the local Historic Preservation Commission is asked to evaluate the impact on surrounding historic properties. This is called a Section 106 review. However, to date, there are no standards for locating towers in the county. Bill McCarter, Planning Director, serving as a representative of the Historic Preservation Commission, requested Commissioners ask the Planning Board to review and recommend a code amendment to address the placement of communication towers in the county planning jurisdiction.

Mr. McCarter explained that the primary requirement that Historic Preservation would like the Planning Board to address is the density of tower sites by requiring co-location.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the Board, *to send a request to the Planning Board for review and recommendation of a code amendment for Standards for Communication Towers.*

DISCUSSION ON POTENTIAL ANNEXATION OF ECONOMIC DEVELOPMENT AREAS

County Manager David Dear took a moment to make the board aware that he received a document from the City of Kings Mountain detailing two areas that will be considered for possible annexation. These areas are within close proximity to the Cleveland County Industrial Park. The annexation may have a negative impact on economic development efforts.

Commissioner Hutchins claimed that he is not an advocate for forced annexation and recommended those who are against this to take a stand. "If you have a stand on this, for or against, it should be voiced. No opinion looks positive in the eyes of those voting." He also questioned whether or not the City of Kings Mountain could handle the utilities should these areas be annexed.

Commissioner Hawkins also voiced his opposition to involuntary annexation by claiming, "If there is a need, people will come forward." Commissioner Hawkins resides in the area currently under consideration. He felt like he could not make a public opinion for concern that people may think he is only doing it because he does not want to be annexed.

Commissioner Holbrook would like to express to municipalities in the county that we are in a time of economic trouble. He recommended that each municipality communicate with the County Manager and the Economic Development Team to ensure that annexation would not have a negative effect on economic development efforts.

As President of NCACC, Commissioner Accor noted that opposition to involuntary annexation is a statewide goal among County Commissioners. She would like to see the purpose for annexing to come along with the request for annexation.

Commissioner Hutchins asked that Commissioners, in the future, re-evaluate this situation and, as a board, possibly take a stand on it.

CLEVELAND COUNTY JURY COMMISSION

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *appoint Peggy Strickland to serve as member of the Jury Commission*. The term of this appointment is for a period of two-years, scheduled to conclude on June 30, 2011.

COMMISSIONER REPORTS

Commissioner Hawkins, as a member of the Cleveland County Board of Health, reported that there are no confirmed cases of Swine Flu in Cleveland County. He invited Commissioners to a fundraiser at the Kings Mountain Historical Museum.

Commissioner Hawkins had the opportunity to speak in front of the Cleveland County School Board as a representative of the Cleveland Community College Board of Trustees. The School Board asked Commissioner Hawkins to thank his fellow Commissioners for the great relationship between the School Board and the County Commissioners.

Commissioner Holbrook talked about the Economic Development Meeting that took place at Owl's Eye Winery on September 9th. There were strong Economic Development leaders from throughout the State of North Carolina here to see first hand the buildings that Cleveland County has to offer prospective clients.

Chairwoman Boggs serves on the Educational Foundation. Cleveland County is the only school system that rewards all students with a 4.0 or greater with a scholarship. She thanked the Economic Development staff for their hard work at the Economic Development meeting.

County Manager David Dear updated Commissioners on several projects currently under construction.

1. The Jail is out of the ground and block has been laid approximately ½ way up. It is scheduled to be complete in August, 2010.

2. The renovations at Social Services will be completed at the end of October.
3. Due to the new law regarding euthanasia by lethal injection, a room will be added to the Animal Shelter. Work will begin at the end of October.
4. The installation of a new elevator at the Health Department is well underway. Project will be completed at the end of the calendar year.
5. David Dear and Chris Crepps have met with the Local Government Commission regarding funding for the new Shelby Middle School and the Conference Center at Cleveland Community College.

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to adjourn. The next regular meeting will be held *on Tuesday, October 6, 2009 at 6:00 p.m.* in this Commission Chamber.

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

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