

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**October 20, 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  
Bill McCarter, Planning Director  
Chris Crepps, Finance Director  
David Allen, *The Star*  
Danielle Anzelone, *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. Chairwoman Jo Boggs, 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 with the following addition:*

- (8) **PLANNING DEPARTMENT ZONING MAP AMENDMENT - DAVID HERNDON (Case #09-07)**  
*(Schedule Public Hearing for November 3, 2009)*

**CONSENT AGENDA**

**TAX COLLECTOR'S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *September 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 *September 2009*. The monthly grand total of tax abatements was listed as (\$135,542.70); and, the monthly grand total for tax supplements was listed as \$873,073.46.

**SHERIFF'S OFFICE: BUDGET AMENDMENTS (BNA #020)**

**ACTION:** Eddie Holbrook made the motion, seconded by Ronnie Hawkins, 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>
010.441.4.810.15	Sheriff/Donations-Sheriff K-9	\$ 500.	
010.441.5.790.15	Sheriff/Donations-Sheriff K-9		500.

*Explanation of Revisions: Request approval to budget public donation from Aaron's Sales & Lease Company. Funds will be used solely for purchasing additional supplies for K-9's care/training needs.*

**SPECIAL RECOGNITION**

**WILLIE MCINTOSH~ 800 Mhz COMMUNICATION SYSTEM**

Commissioners recognized former Commissioner Willie McIntosh for his work on the 800 Mhz Communications System project. The certificate read as follows:

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

**PRESENTED TO**

**WILLIE McINTOSH**

*For understanding that inadequate communication has a definite negative impact on the safety of emergency personnel ~ For being the driving force behind Cleveland County implementing the 800 Mhz Communications System ~ For partnering with the late Charlie Van Hoy, the City of Shelby and other Public Safety agencies to implement a unified communications system that the citizens of our community will benefit from for years to come ~ For being the champion of this project and never giving up ~ We commend you!*

**Presented this the 20<sup>th</sup> day of October, 2009**

**PUBLIC HEARING**

**PLANNING DEPARTMENT ~ PAVING ASSESSMENT GRAYSTONE DRIVE**

The Cleveland County Planning Department received a petition from the property owners along Graystone Drive to participate in the paving assessment program. The petition represented 100% of the lots and 100% of the road frontage, exceeding the minimum 75% required by NCGS 153A-205. On October 6, 2009 Commissioners passed a preliminary assessment resolution scheduling a public hearing for October 20, 2009. Bill McCarter, Planning Director solicited bids from 115 contractors on the NCDOT Contractor Director. Bids were received from the following contractors:

WP Contractors	\$219,000
John E. Jenkins	\$253,536
Cleveland Contractors	\$254,500
Funderburk Grading	\$258,582
CK Contracting	\$290,000

Each proposal included everything required to design and construct a road which would be in accordance with NCDOT Subdivision Roads- Minimum Construction Standards. The common method

for “basis of assessment” is an equal amount per lot making the cost \$15,643 per lot. The Tax Collector would send an annual statement to each property owner for a period of five-years which would include 8% interest.

Chairwoman Boggs opened the public hearing (*notice of this hearing was accomplished in accordance with the mandates of NCGS 153A-191 with a legal advertisement published in The Shelby Star on October 10, 2009*).

Rachel Biddix of 141 Graystone Drive spoke in opposition of the project. Ms. Biddix explained that she is on a fixed income and cannot afford this additional payment.

Charlie Burns of 123 Graystone Drive spoke in opposition of the project. Ms. Burns asked if this was the only process by which to get the road paved.

Lena Rohde of 128 Graystone Drive spoke in opposition of the project. Mr. Rohde explained that she lives off of Social Security and has two lots on Grayson Drive. “There is no way that I can afford it.”

Daniel Lattimore (son of Rosanne Heatherly Allen) of 133 Graystone Drive spoke in opposition of the project, stating that his Mom could not afford it.

James Wilson of 127 Graystone Drive spoke in opposition of the project. Mr. Wilson explained that when he signed the petition he never thought it would cost this much to have the road paved. He mentioned that he found a paving contractor that could pave the road for \$39,000, however it would not meet NCDOT standards.

Ronny Ledford of 129 Graystone Drive spoke in support of the project, however, he would not want the project to move forward if his neighbors were not in agreement.

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

Mr. McCarter explained that this assessment procedure is the only way that, legally, the county can be involved in getting a road paved. By statute, the county cannot spend any money on a private road. He noted that the property owners could get the road paved on their own, however, it would not be taken over by the NCDOT unless it met their standards.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to deny the adoption of the assessment resolution for the paving at Graystone Drive.*

#### **REGULAR AGENDA**

##### **TAX DEPARTMENT: LATE APPLICATIONS FOR EXEMPTION**

Chris Green, Tax Administrator gave Commissioners three separate lists of properties which represent those who have submitted late applications for the Religious/Charitable/Historic exemption,

Elderly/Disabled/ Veteran/ exemption and the Present Use Value exemption. Mr. Green explained that the Veteran exemption is a new exemption approved during the most recent Legislative Session. All applications have been reviewed for qualifications and would qualify had they been timely. He requested that Commissioners look at these three lists and vote to approve each one as a separate motion.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve and accept the late applications for religious, charitable and historic exemption (applications listed below.)*

Antioch Missionary Baptist Church	29638	REL	Y
Antioch Missionary Baptist Church	29639	REL	Y
First Wesleyan Church	8497	REL	Y
First Wesleyan Church	8498	REL	Y
United Veterans	60325	CH	Y
Number 3 Volunteer Fire	60054	CH	Y
Number 3 Volunteer Fire	72861	CH	Y
Patterson Grove Baptist Church	61036	REL	Y
First Wesleyan Church of Shelby	29623	REL	Y
Casar VFD	38886	CH	Y
Casar VFD	38887	CH	Y
Jerusalem C.F. Church of God	22107	REL	Y
Jerusalem C.F. Church of God	22108	REL	Y
Youngs Shelby Supply	17545	HIS	Y

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve and accept the late applications for elderly, disabled and disabled veteran exemption (applications listed below.)*

**ELDERLY / DISABLED / VETERAN**

NAME	PARCEL	TYPE	ELGIBILE	NAME	PARCEL	TYPE	ELGIBILE
Donnie Albea	13856	DV	Y	Helen Hawkins	43462	E/D	Y
Sam Schiavo	41915	DV	Y	Ruby F. Kale	18211	E/D	Y
Thomas F Bolin	51435	DV	Y	Christine Reid	41421	E/D	Y
David H. Merck	51730	DV	Y	Dorothy E Russo	20459	E/D	Y
Ronnie McCurry	35820	DV	Y	Hazel Tesseneer	M48312	E/D	Y
John Grayson	33745	DV	Y	Dorinda McGinnie	7102	E/D	Y
Lawrence Brown	12994	DV	Y	Leroy Smith	27692	E/D	Y
Donna Hartman	34665	DV	Y	Nell Webb	5573	E/D	Y
Horace Dubre	5113	DV	Y	Jackie Hawk	3685	E/D	Y
Hugh Hunt	38240	DV	Y	Grace Poteat	M27310B	E/D	Y
Robert Warlick	38879	DV	Y	Hester Winfield	56122	E/D	Y
W. Boyd Howell	11175	DV	Y	Martha Mullinax	8052	E/D	Y
James Guyton	9065	DV	Y	James W. Lovelace	10383	E/D	Y
Evelyn Whitesides	16065	DV	Y	Carroll Strange	49066	E/D	Y
Angela G Cook	5096	E/D	Y	Patricia Greason	12079	E/D	Y
Patricia G Laney	41088	E/D	Y	Doris F. Gorman	27520	E/D	Y
Mabelle C Simpson	38573	E/D	Y	Grace H. Wellmon	4538	E/D	Y
Lois M. Holland	2196	E/D	Y	William Joshua Roberts	15242	E/D	Y
Eddie Thomas	M55451	E/D	Y	Hugh Hoyle	43605	E/D	Y
Earl A. Wright	57581	E/D	Y	M. Virginia Reid	16781	E/D	Y
Jimmie Foster	15129	E/D	Y	J.D. Ponder	40766	E/D	Y
Evelyn Ross	12096	E/D	Y	Robert H. Deery	31710	E/D	Y
Pearline Strong	72215	E/D	Y	Carol McPhail	49534	E/D	Y
Mary E. Curry	3865	E/D	Y	Linda Stokes	71606	E/D	Y
Helen Gordon	16775	E/D	Y	Mildred C. Caldwell	11095	DV	Y
Kenneth Phillips	5883	E/D	Y	Adam Oak	55269	E/D	Y
Annie Bell Hunt	26531	E/D	Y				

**ACTION:** Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve and accept the late applications for present use value exemption (applications listed below.)*

**PRESENT USE VALUE**

<b>NAME</b>	<b>PARCEL</b>	<b>ACRES</b>	<b>CLASS</b>
Martha Sumner	32315	23	F
Patsy Botts	27122	40	A
Doris L. Turner	24610	29	F

**OLD YELLOW LOCAL FIREMAN'S RELIEF FUND BOARD APPOINTMENT**

Commissioners recognized the service of Mr. Wendell White who recently passed away. Mr. White served the Grover Volunteer Fire Department very well. The Grover Rural Volunteer Fire Department recommended that Tim Rowland be appointed to fill the vacancy left by Mr. Whites passing (*copy of recommendation letter found on Page \_\_\_\_\_ of Minute Book 31*). Appointment to the Fireman's Relief Board does not carry a term length.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***appoint Tim Rowland to the Old Yellow Local Firemen's Relief Fund Board.*** This appointment does not carry an expiration date.

**PLANNING DEPARTMENT ZONING MAP AMENDMENT - DAVID HERNDON (Case #09-07) (Schedule Public Hearing for November 3, 2009)**

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

**COMMISSIONER REPORTS**

**Commissioner Hawkins:** The Woodson Field Building at the airport has been destroyed in preparation for the construction of the new terminal building. On November 14, 2009, there will be a JARS fly-in from 9am until 4pm at the Shelby Airport. Commissioner Hawkins invited everyone to attend.

The unveiling of the conference center plans will be held on Wednesday, October 28<sup>th</sup> at the Cleveland Country Club. Here, Roger Holland will present the plans and show how it will tie in to Education, Travel and Tourism and Economic Development.

**Vice-Chair Hutchins:** Vice-Chair Hutchins discussed problems with procedures during public hearings and advised staff to look at statutes regarding these procedures.

**Chairwoman Boggs:** Chair Boggs has spent time with The Cleveland County Health Department working to secure between \$1 to \$3 million dollars in grant money to address obesity in Cleveland County. She described it as very interesting and noted how proud she was of the Health Department Staff and the Alliance for Health.

She also reminded Commissioners of the unveiling of the plans for the new Shelby Middle School on Monday, October 26, 2009.

**RECESS TO RECONVENE**

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to recess to reconvene until Wednesday, August 28, 2009 at 2:30 p.m. for the purpose of a worksession.*

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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*