

CLEVELAND COUNTY BOARD OF COMMISSIONERS

October 28, 2009

The Cleveland County Board of Commissioners reconvened their regular meeting of October 20, 2009 on this date, at the hour of 2:30 p.m., in the County Manager's Conference Room 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
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Dewey Cook, Emergency Management
David Allen, *The Star*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Boggs called the meeting to order.

GOLDEN LEAF FARM TO TABLE GRANT APPLICATION

Chairwoman Boggs was asked by Wade Nichols of Uptown Shelby Association for a letter in support of the Foothills Farmers Market *Farm to Table Program*. A grant application for this program will be submitted to the Golden Leaf Foundation. Chairwoman Boggs asked if any Commissioner opposed sending a letter of support. All Commissioners spoke in favor.

CLEVELAND COUNTY FAIR LEASE

County Manager David Dear began by reviewing that the Fair Lease is set to expire in December, 2010. Recently, the Fair Board has changed leadership. Andy Elmore is serving as Chair and Lloyd Williams serves as Vice-Chair. Both men were present as was Fuschia Allen, Fair Manager. Mr. Elmore began by thanking Commissioners for giving the Fair Association the opportunity to be there. He stated, "As a representative of the Fair Association, I would like to move forward with more open communication." A copy of the most recent financial statement was given to the County Manager prior to the meeting. The Fair Association has taken steps to amend their bylaws to allow for a seated County Commissioner to be a voting member on the Fair Association Board. This amendment will go before the association at their December 1, 2009 meeting. He closed by saying, "As Fair Association board chair, I optimistically look forward to a "new" lease renewal.

Lloyd Williams noted that the Fair Board would like to see a ten-year lease renewal. Commissioners discussed the fairground lease renewal issues that were discussed at their January 6, 2009 worksession as follows; a County Commissioner appointed to the Fair Board, access to a copy of

the annual audit, a long range plan for the property to be presented to Commissioners within twelve months, a means to arbitrate major issues and the offer of a five-year lease that can be renewed in five-year increments. Commissioners advised County Attorney, Bob Yelton to draw up a draft copy of a lease including the renewal issues as discussed. This copy will be sent to the Fair Association Board for review.

CHARTER SCHOOL LAWSUIT

County Attorney Bob Yelton explained that, on September 21, 2009, a lawsuit was filed against several counties, including Cleveland County. The lawsuit alleges that charter schools and the students in these schools are discriminated against because they are not considered for capital outlay fund expenditures by their county and local school administrative unit. Mr. Yelton explained that Cleveland County and one other county are unique in the sense that Thomas Jefferson Classical Academy is not located in Cleveland County. By statute, the state does not allow counties to give the capital outlay funds to charter schools.

Mr. Yelton explained that, the NCACC is vigorously defending this lawsuit. To date, the attorney's representing the counties have filed an extension. He praised the fact that the counties are working united on this issue and explained that this lawsuit may be very lengthy.

Commissioners advised Mr. Yelton to keep them abreast of any major changes.

RULES OF PROCEDURES FOR PUBLIC HEARINGS

At the October 20, 2009 County Commissioners meeting, Commissioner Hutchins noted problems with the rules of procedures during Public Hearings. Commissioners discussed several recommendations for changes to the procedures then directed County Attorney Bob Yelton to develop rules of procedures for public hearings for board approval. Commissioners recommended that these rules be re-adopted every two years.

FIRE DEPARTMENT ISSUES

Recently, the Town of Boiling Springs Municipal Fire Department was abolished. The Town of Boiling Springs has approved a contract with the Boiling Springs Rural Fire Department to provide service in the town limits. After attending a Rural Fire Commission meeting, Commissioner Hutchins explained that there have been concerns regarding this contract including; level of service, who covers the workers compensation should an employee get hurt, where does the level of service cut off.

County Manager David Dear explained, as a result of this, the Boiling Springs Rural Fire Department would like to hire some full-time personnel. Mr. Dear, Emergency Management Staff and local Volunteer Fire Department Chiefs have been working on a plan to have full-time staff at all Rural Fire Departments by 2012. The time for this may be closer due to the recent situation in Boiling Springs.

CODE OF ETHICS

SL 2009-403 (H1452-Local Government Code of Ethics) requires that local officials receive a minimum of two hours of ethics education within 12 months following their election or reappointment, and also requires counties and cities to adopt a resolution or policy containing a code of ethics by January 1, 2011. A committee sponsored by the School of Government, the League of Municipalities and the Association of County Commissioners are working in conjunction with Fleming Bell at the School of Government to develop a model ethics code/template for use by North Carolina cities and counties. County Clerk Kerri Melton, recommended that Commissioners not take action on the Code of Ethics until this template has been received.

Ms. Melton also noted that all Commissioners have received their required ethics education.

PRISON UPDATE

The local prison unit, located behind the Cleveland County Fairgrounds, will be closing at the end of December. County Manager David Dear asked Commissioners for thoughts or suggestions about the County's possible use for the prison.

Commissioner Hutchins mentioned that if the state would "give" Cleveland County the prison, the county may be able to develop a work-release program. If the county would have to purchase the property, Commissioner Hawkins was concerned that the county would be putting money into something that can or will not be used. Commissioner Holbrook informed the board that, currently, Lincoln County is transporting two busloads of inmates to the prison to attend vocational education taught by Cleveland Community College. The inmates are being transported back and forth every day. Commissioners discussed further the pros and cons of Cleveland County possessing the prison property. It was the consensus of the board that County Manager David Dear explore the possibility of Cleveland County taking ownership of the prison property.

OFFICE SPACE FOR PROBATION

Also passed in the most recent Legislative session was a requirement for counties to house probation officers. Cleveland County currently has twelve probation officers. Several of these officers are housed in the old Senior Center Building on East Marion Street. The others are housed in leased space on Warren Street. The state has given the county the opportunity to find space for these officers or take over the current lease of \$3,000 per month. County Manager David Dear noted that the state has placed this mandate on the counties with no funding allocation. Currently, the EMS Training Center is also located in the old Senior Center building. The county Maintenance Department has been working diligently to refurbish the old Scout Hut (located behind the County Administrative Building). Mr. Dear

plans on moving the EMS Training Center to the scout hut and locating all of the probation officers in the old Senior Center.

COURTHOUSE PARKING RENOVATION

Mr. Dear explained that there have been several issues at the Jury Parking area outside of the courthouse. This area has not been paved since 1972. Work is underway to have the parking lot paved and re-stripped. This will be completed before Thanksgiving.

Currently, work is also underway to renovate Courtroom 1 and 2. These courtrooms have been refurbished twice. However, no major renovations have been done since 1972. The judges have noted that the noise from the old furniture is very disruptive. The County Maintenance staff has removed the seats and have re-carpeted and painted. Church pews have been ordered and will be installed as soon as possible.

FUNDING FOR CONFERENCE CENTER AND SHELBY MIDDLE SCHOOL

County Manager David Dear and County Finance Director Chris Crepps have been working diligently to determine the best funding option for the Conference Center and the new Shelby Middle School projects. They have met with the North Carolina Local Government Commission to discuss the county's options. Most recently, when the county has borrowed money, they borrowed it through a direct bank loan at an approximate 3.5% interest rate. Interest rates at this time, are approximately 5.5%. Mr. Dear recommended that the money for these projects be obtained through selling Build America Bonds. Build America Bonds are hybrid, non-taxable bonds. They are taxable to the purchaser of the bonds and sell at a higher interest rate. Mr. Dear also suggested that the two projects will be combined together in regards to funding to save money. He noted that he will continue to watch interest rates, "My recommended funding option may change if interest rates change."

COMMISSIONERS HEALTH INSURANCE

GS 153A-93 was amended to allow counties to provide health insurance for all or any class of former officers and employees of the county who have obtained at least ten years of service with the county. Such health insurance may be paid entirely by the county, partly by the county or entirely by the former officer or employee, at the option of the county. Mr. Dear noted that this statute now allows Commissioners to be covered under the county health insurance plan after ten years of service. Commissioners discussed the issue noting that there will not be many cases where this policy will be applicable.

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to allow a County Commissioner, after 10 years of service to be covered under*

the county health insurance plan until he/she reaches 65 or becomes Medicare eligible. Health insurance will be paid entirely by the county.

COUNTY MANAGER'S ANNUAL EVALUATION

CLOSED SESSION

ACTION: Ronnie Hawkins made the motion, which was seconded by Johnny Hutchins, and unanimously adopted by the Board, to conduct a closed session regarding a personnel matter, as allowed under North Carolina General Statute 143-318.11(a)(1)(3)(6).

(copy of closed session minutes found in Closed Session Minute Book)

RECONVENE IN REGULAR SESSION

Chairwoman Boggs reconvened in regular session. Commissioners commended Mr. Dear for his outstanding performance.

ACTION: Johnny Hutchins made the motion, which was seconded by Ronnie Hawkins and unanimously adopted by the board to, *begin paying County Manager David Dear for the compensatory time that he has accumulated (per contract approved on January 6, 2009) on a monthly basis over his remaining 26 months of employment in order to spread the payments over three budget years.*

MISCELLANEOUS

County Manager David Dear informed Commissioners that he received a \$125,000 request from the Baptist Men Association to help fund the Baptist Men Training Center. Commissioners voiced concern over funding for a faith-based project and also the size of the request. Commissioners noted that they would approve offering some in-kind help to the Baptist Men Association and advised Mr. Dear to follow-up.

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 next regular scheduled meeting will be held *Tuesday, November 3, 2009 in the Commissioners Chamber.*

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

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