

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**December 1, 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  
Alexis Pearson, Human Resources Director  
David Allen, *Shelby 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. Commissioner Johnny Hutchins provided the invocation.

**NOMINATIONS AND SELECTION OF COMMISSION CHAIR**

County Manager, David Dear opened the floor to accept nominations for Commission Chair.

**NOMINATIONS:** Ronnie Hawkins nominated Jo Boggs for Chair (*Eddie Holbrook seconded the motion*). Hearing no further nominations, Ronnie Hawkins requested the nominations be closed (*Eddie Holbrook seconded the motion*) and Mr. Dear declared the nominations closed. ***Jo Boggs was elected Chairwoman by a unanimous vote.***

**NOMINATIONS AND SELECTION OF COMMISSION VICE-CHAIR**

Chairwoman Boggs opened the floor to accept nominations for Commission Vice-Chair.

**NOMINATIONS:** Eddie Holbrook nominated Johnny Hutchins (*Ronnie Hawkins seconded the motion*) for Vice-Chair. Hearing no further nominations, Ronnie Hawkins requested the nominations be closed (*Mary Accor seconded the motion*) and Chairwoman Boggs declared the nominations closed. ***Johnny Hutchins was elected Vice-Chair by a unanimous vote.***

**AGENDA ADOPTION**

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

**12) CLOSED SESSION TO DISCUSS A LEGAL MATTER- COUNTY ATTORNEY BOB YELTON**

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

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

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #032)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, 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>
012.530.4.350.00	General/St. Gov't Grants	\$ 7,000.	
012.530.5.210.00	General/Departmental Supplies	\$ 7,000.	
012.530.4.350.00/01120-4110	General/St. Gov't Grants	\$ 95,303.	
012.530.5.121.00	General/Salaries-Regular	\$25,221.	
012.530.5.131.00	General/Social Security	\$ 1,563.	
012.530.5.132.00	General/Retirement	\$ 1,233.	
012.530.5.133.00	General/Hospital Insurance	\$ 2,496.	
012.530.5.134.00	General/Dental Insurance	\$ 84.	
012.530.5.135.00	General/401K	\$ 1,261.	
012.530.5.310.00	General/Travel	\$ 194.	
012.530.5.370.00	General/Adverstising/Promotions	\$ 2,300.	
012.530.5.420.00	General/Contracted Services	\$59,151.	
012.530.5.581.00	General/Awards/Incentives	\$ 1,800.	
012.530.4.410.00	General/Local & Other Grants	\$ 5,000.	
012.530.5.230.01	General/Prescription Drugs	\$ 5,000.	

Explanation of Revisions: 1. Budget DHHS- Immunization Funds for purchase of laptops, generator and other departmental supplies. 2. Budget DHHS-Aid-to-Counties funds for PHN II position, contracted services and other operating expenses. 3. Budget GlaxoSmithKline Child Health Recognition Award for purchase of vaccines.

**HEALTH DEPARTMENT: REDUCTION IN FORCE**

Due to the regional consolidation of case management services in the Communicable Disease Program, the Cleveland County Board of Health has recommended to abolish two Community Disease Control Specialist positions. The state will decrease the funding that the Health Department receives for case management and these services will be contracted with an outside agency.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the abolishment of the following positions.*

***Position # 012.531.1192 Community Disease Control Specialist  
Position# 012.531.1302 Community Disease Control Specialist***

**OPTION FOR PURCHASE AND SALE OF PROPERTY**

County Manager David Dear recommended that Cleveland County approve the option contract for purchase and sale of a parcel of land containing 10.85 acres of land located at 105 Metrolina Plaza in Shelby. This property is sometimes referred to as the old Artee building. Details of the contract are found in the contract document (*copy found on Page \_\_\_\_ of Minute Book 31*).

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve option contract for purchase and sale of referenced property.*

**PLANNING DEVELOPMENT: ZONING MAP AMENDMENT – CLEVELAND COUNTY, Southern Power Facility from Light Industrial (LI) to Residential (R), (Case 10-01) (Schedule a public hearing for January 5, 2010)**

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

**PLANNING DEVELOPMENT: ZONING MAP AMENDMENT – CLEVELAND COUNTY, Southern Power Facility from Residential (R) to Light Industrial(LI), (Case 10-02) (Schedule a public hearing for January 5, 2010)**

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

**SPECIAL RECOGNITION**

**DR. GEORGE LITTON- RALEIGH DINGMAN AWARD**

Commissioners presented Dr. George Litton, Cleveland County School Board member, a certificate of recognition for his recent receipt of the Raleigh Dingman Award. The certificate read as follows:

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

**PRESENTED TO**

**DR. GEORGE LITTON**

**FOR RECEIVING THE 2009 RALEIGH DINGMAN AWARD FOR YOUR CONTRIBUTIONS TO PUBLIC EDUCATION AS A SCHOOL BOARD MEMBER ~ FOR RECEIVING THIS, THE HIGHEST HONOR BESTOWED ON A NORTH CAROLINA SCHOOL BOARD MEMBER~ FOR BEGINNING, UNDER YOUR LEADERSHIP, A RELATIONSHIP WHERE THE SCHOOL BOARD AND THE COUNTY COMMISSIONERS CAN WORK COLLABORATIVELY ON PROJECTS FOR THE GOOD OF CLEVELAND COUNTY ~FOR ALWAYS DEMONSTRATING YOUR WILLINGNESS TO PLACE YOUR CONCERN FOR THE PUBLIC GOOD AHEAD OF YOUR PERSONAL INTEREST. ~ FOR SERVING THIS COMMUNITY WITH DISTINCTION FOR ALMOST FORTY YEARS. ~ WE COMMEND YOU!**

**Presented this the 1<sup>st</sup> day of December 2009.**

**SHELBY HIGH SCHOOL MEN'S SOCCER TEAM- STATE CHAMPIONS**

In honor of the Shelby High Men's Soccer Team winning the State Championship, Commissioners presented a resolution to the team congratulating them on their victory. Commissioner Holbrook recognized Coach David Steeves and those team members in attendance. The resolution read as follows:

**NUMBER 31-2009**

**HONORING SHELBY HIGH SCHOOL MEN'S SOCCER TEAM  
STATE CHAMPIONS**

**WHEREAS,** on November 21, 2009, the Shelby Golden Lions Men's Soccer Team, under the direction of 15<sup>th</sup> year coach and Shelby High Alum David Steeves became the State Champions in a 2-1 victory over Pittsboro Northwood High School; and

**WHEREAS,** being the first-ever team from Cleveland County to win a state championship in soccer is an extraordinary accomplishment; and

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

**WHEREAS**, the Shelby High School Men's soccer team has been an example for the youth of Cleveland County by wearing pink tape around their shinguards for breast cancer awareness ; 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 Soccer team, Coach David Steeves, coaching assistants, trainers, athletic staff, school administrators, parents, fans and the entire student body of Shelby High School.

**ADOPTED THIS THE 1<sup>st</sup> DAY OF DECEMBER 2009.**

**DARE STUDENT ESSAY WINNERS**

Commissioners presented Sierra Moss, Avalon Warren, Aleah Cross and Davien Norton with the following certificate of appreciation:

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

**FOR GRADUATING FROM THE DARE EDUCATION PROGRAM ~ FOR  
WINNING FIRST PLACE IN THE DARE ESSAY CONTEST AT YOUR SCHOOL ~  
FOR YOUR COMMITMENT TO STAYING DRUG-FREE AND VIOLENCE FREE.  
WE COMMEND YOU!**

***Presented this the 1<sup>st</sup> day of December 2009.***

Commissioner Hutchins invited all essay winners to take a picture with the Commissioners. Two students read their winning essays. Commissioner Hutchins then thanked Officer James Brooks, DARE Officer, for all his hard work with the youth of Cleveland County and presented him with a certificate of appreciation which read as follows:

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

**PRESENTED TO**

**OFFICER JAMES BROOKS**

***For your dedicated commitment to the children of Cleveland County  
through the D.A.R.E program ~ For helping these children learn to be drug  
free, not to fall for peer pressure and how to make the best decisions  
possible~ For truly making a difference in the lives of so many, We  
commend you!***

***Presented this the 1<sup>st</sup> day of December, 2009.***

**REGULAR AGENDA**

**RESOLUTION DESIGNATING RECOVERY ZONE (CONFERENCE CENTER AND  
SHELBY MIDDLE SCHOOL PROJECTS)**

County Finance Director Chris Crepps explained that the county must designate the sites of the Conference Center and the new Shelby Middle School as recovery zones for purposes of the Recovery

Zone Act and the sale of recovery zone facility bonds. Mr. Crepps explained that he is requesting Commissioners designate the entire county as a recovery zone based on the unemployment rate and general distress of the county. The construction of these projects will promote economic development activity. In his request, Mr. Crepps recommended that officers including David Dear, Kerri Melton and Bob Yelton be authorized and directed to take all actions as may be required in furtherance of the designation of the recovery zone.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board to ***adopt the following resolution designating Cleveland County as a Recovery***

**Zone.**

Number 29-2009

#### RESOLUTION DESIGNATING RECOVERY ZONE

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) ("ARRA") modifies the Internal Revenue Code of 1986, as amended (the "Code") to authorize, among others, two new types of bonds entitled "recovery zone economic development bonds" and "recovery zone facility bonds;" and

WHEREAS, recovery zone economic development bonds are a subcategory of taxable build America bonds (as defined in section 54AA(d) of the Code), issued under provisions of ARRA that have been codified as Section 1400U-2 of the Code, the proceeds of which are to be used for qualified economic development purposes in a recovery zone; and

WHEREAS, qualified economic development purpose includes expenditures for the purpose of promoting development or other economic activity in a recovery zone, including capital expenditures for property located in the zone or expenditures for public infrastructure and construction of public facilities in the zone; and

WHEREAS, ARRA also authorizes a new type of federally tax exempt private activity bonds entitled "recovery zone facility bonds" in Sections 1400U-1 and 1400U-3 of the Code to finance construction, renovation, or acquisition of depreciable property by a private taxpayer of a qualified business in a recovery zone, with "qualified business" defined to include any trade or business other than residential rental property and certain prohibited uses outlined in the Code; and

WHEREAS, sections 1440U-2 through 1400U-3 of the Code, and related Notice 2009-50 issued by the U.S. Treasury Department (collectively, the "Recovery Zone Act") define a recovery zone as any area designated by the County as an area of significant poverty, unemployment, rate of home foreclosure, or general distress; and

WHEREAS, the Board of County Commissioners of Cleveland County, North Carolina has determined to finance and construct a new multi-use facility for use by the County, Cleveland Community College, and Cleveland County Board of Education (d/b/a Cleveland County Schools) and has determined that this facility will promote development and other economic activity, including providing an educated and trained workforce, providing construction jobs, and attracting jobs and development near the facility; and

WHEREAS, the Board of Commissioners has determined to explore financing the multi-use facility with Recovery Zone Economic Development Bonds, which requires the Board to designate the area in which that facility will be located as a "recovery zone" under the federal American Recovery and Reinvestment Act of 2009;

WHEREAS, the County has determined that the entire County has experienced significant unemployment and general distress due to the local, state, regional, and national recessions, the factors that led to the recessions, and the repercussions from the recessions;

WHEREAS, the County has determined that it is in the best interest of the County and its citizens to designate the entire County as a "recovery zone" for purposes of the Recovery Zone Act and the American Recovery and Reinvestment Act of 2009;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Cleveland, North Carolina, that:

1. The County hereby finds that there is significant unemployment and general distress in the entire area of Cleveland County, and, therefore, hereby designates the entire area of Cleveland County as a recovery zone for purposes of the Recovery Zone Act.
2. The officers of the County are hereby authorized and directed to take all actions as may be required in furtherance of the designation of the recovery zone.
3. The officers of the County are hereby authorized and directed to file any necessary paperwork, including the "Notice of Intent to Issue Recovery Zone Bonds" and "Request for Reallocation", and to take any further action necessary or appropriate for the issuance of recovery zone bonds.

This resolution is effective upon its adoption this 1<sup>st</sup> day of December, 2009.

#### **RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES (CONFERENCE CENTER AND SHELBY MIDDLE SCHOOL PROJECTS)**

Chris Crepps, County Finance Director requested Commissioners adopt a resolution of official intent to reimburse expenditures. The purpose of this document is to allow Cleveland County to spend

money prior to the sale of the bonds on the above projects then reimburse itself when funding is available.

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

**NUMBER 30-2009**

**Resolution of Official Intent to Reimburse Expenditures**

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the County of Cleveland, North Carolina that the Declaration of Official Intent to Reimburse Expenditures attached hereto as **Exhibit A** be, and hereby is, approved.

**ADOPTED THIS THE 1<sup>st</sup> DAY OF DECEMBER 2009.**

**SUGGESTED RULES OF PROCEDURE FOR PUBLIC HEARINGS**

At their November 17<sup>th</sup> regular meeting, Commissioners reviewed Suggested Rules of Procedure for Public Hearings which was written by County Attorney Bob Yelton. Commissioners recommended several changes and asked Attorney Yelton to present a revised document to them for approval at their December 1, 2009 regular meeting. Commissioner Hawkins noted, "I think that this takes away the authority of the board chair. I feel like the procedures are cumbersome to the chair. I suggest that we put them on the table for a specific amount of time to see how they work." Currently, Commissioners follow Suggested Rules of Procedure for the Board of County Commissioners written by Joseph Ferrell. Commissioner Hawkins suggested that these procedures be re-adopted by Commissioners in addition to the Suggested Rules of Procedure for Public Hearings at the first meeting in December of even election years. Commissioner Hutchins viewed the procedures as, "a way to know what to follow. This is laying a pattern that gives the chair more order to the meeting."

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the suggested rules of procedure for public hearings for a period of six-months at which time they will be re-evaluated (copy found on Page \_\_\_\_\_ of Minute Book 31).*

**CLOSED SESSION**

**ACTION:** Ronnie Hawkins made the motion, which was seconded by Eddie Holbrook, and unanimously adopted by the Board, to conduct a closed session regarding a legal matter, as allowed under North Carolina General Statute 143-318.11(a)(1)(3)(2).

**RECONVENE IN REGULAR SESSION**

Chairwoman Boggs reconvened in regular session and announced that no action was taken.

**COMMISSIONER REPORTS**

*Mary Accor* will be attending her first NACo Board of Directors meeting in Santa Rosa, California.

*Johnny Hutchins* attended the Rural Planning Organization meeting. He voiced concern over the state wanting to classify Cleveland County as a non-attainment area which would pose more restrictions on Cleveland County which could possibly harm economic development efforts. He asked that County Manager David Dear send a letter, on behalf of the Commissioners, in opposition of this designation.

*Chairwoman Jo Boggs* thanked Commissioners for giving her the opportunity to serve as chair again for the upcoming year. As Chair, she will be swearing in her husband, Gary Boggs, as Mayor of Fallston.

**ADJOURN**

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adjourn the meeting.* *The next regular scheduled meeting will be held on Tuesday, December 15<sup>th</sup>, in the Commission Chamber.*

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*Jo Boggs, Chairwoman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*