

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**March 25, 2010 Worksession**

The Cleveland County Board of Commissioners reconvened their regular meeting of March 16, 2010 on this date, at the hour of 4:00 p.m., in the R.L. Alexander 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  
Bill McCarter, Planning Director  
David Allen, *The Star*  
Danielle Anzelone, *Cleveland Headline News*  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairwoman Boggs called the meeting to order.

**BAPTIST MEN PROPERTY DONATION**

The North Carolina Baptist Men appeared before the Commissioners. Following that meeting, the Baptist Men sent a monetary funding request to County Manager David Dear. Mr. Dear met with the organization to discuss options. He explained that the county, due to the economic conditions and also due to the fact that the Baptist Men Association is a religious organization, could not make a monetary donation. A request was made for Cleveland County to donate a piece of tax foreclosed property to the North Carolina Baptist Men. The organization would then rehab the property for resale or to be used as rental property. Mr. Dear suggested the property at 917 Airport Road. He explained that the property has been owned by the county through foreclosure since 2005. The county purchased the property for \$6,661. He explained that this would not only help the North Carolina Baptist Men but also help Cleveland County by increasing the tax value of the property and placing it back on the books as taxable property.

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to transfer Parcel # 26825 (917 Airport Road) to the North Carolina Baptist Men Association.*

## **PRELIMINARY BUDGET REPORT**

All budget requests have been received by County Department Heads. County Manager David Dear began by thanking Commissioners and past Commissioners for taking a fiscally conservative approach to budgeting which is allowing Cleveland County to weather this economic downturn.

The mission of the County Manager and the County Finance Director is to present a balanced budget with no tax rate increase and no reductions in county funded services.

Management had hoped to give County employees a 2% COLA. However, due to approximately \$650,000 in unfunded mandates in the Department of Social Services, they are recommending no salary increases or merit increases.

It is expected that the State of North Carolina will have an approximate \$1 billion shortfall. The shortage at the state level will determine what other mandates will be sent down to counties. Mr. Dear explained that he is expecting the following:

- Loss of approximately \$57 Million in motor vehicle value (\$326,000) due to the lack of new car purchases.
- Approximately 12-15% sales tax revenue reduction (\$1,000,000).
- Continuation of freeze in new home building. Last month only 4 new homes were started. In the past, approximately 25 new homes were built per month.
- Unemployment rate to hover at 15%.
- Continuation of having to house state jail inmates due to overcrowding at state facilities. (Cleveland County was paid for this service in the past.)
- Increased cost for new jail including meals, medical, laundry and fifteen positions.
- A 4% increase in health insurance (\$145,000).
- Increase in employer retirement (\$340,000).

The final budget proposal will include new debt service for the jail, Conference Center and the Shelby Middle School. However, these payments will be offset by debt reduction as other debt is paid off.

Commissioner Hutchins stated, "If anything can be put back into the budget, I would like to see a COLA for county employees be the first thing to be added back."

Commissioner Accor noted that, as NCACC President, she sees how Cleveland County is in far better shape than lots of other counties throughout the state.

Mr. Dear noted, Cleveland County does not expect to see any change in the tax base from Duke Energy Cliffside or Southern Power until 2012 or 2013. The county is continuing to "beat the bushes" for economic development projects. The final budget will be presented to Commissioners at their June 1, 2010 regular meeting.

## **CLEVELAND COMMUNITY COLLEGE BUDGET REQUEST**

Dr. Steve Thornburg, Cleveland Community College President, began by thanking Commissioners for improving the Cleveland Community College budget over the past three years. He then presented a PowerPoint Presentation addressing the budget needs of Cleveland Community College for FY

2010/2011 (copy of the presentation found on Pages \_\_\_\_ of Minute Book \_\_\_\_). In recent years, the Community College has added the Brown Emergency Center and the Bailey Center at no cost to Cleveland County and with no additional maintenance staff. Dr. Thornburg addressed the personnel needs for existing facilities which include: 5 full-time housekeepers, 3 full-time maintenance staff and 1 full-time security staff. The total estimate cost for these staff positions is \$274,959. Dr. Thornburg asked Commissioners to consider a three-year phase of funding to bring the Community College to needed staffing levels (\$125,230 year 1, \$126,237 year 2, \$127,299 year 3).

#### **POLITICAL SIGN CODE TEXT AMENDMENT**

At their November meeting, the Cleveland County Planning Board voted 5-1 to recommend the following amendment:

##### **Sec. 12-281. Permit required for signs.**

- (c) The following signs are exempt from regulation under this section.
  - (5) Signs erected in connection with elections or political campaigns. Such signs shall not exceed thirty-two (32) ~~sixteen (16)~~ square feet in surface area and shall be removed within three (3) days following the election or conclusion of the campaign.

The code text amendment was requested by David Morrow, Chair of the Planning Board. Mr. Morrow noted that in previous elections, some candidates used 4' x 8' sheet of plywood (32 sf) for a sign. The placement of these signs would require a zoning permit. Commissioners discussed whether they would like to schedule a public hearing to vote on this code text amendment. Commissioner Hutchins spoke in favor of scheduling the public hearing. Commissioner Hawkins, Boggs and Accor felt indifferent about the issue. Commissioner Holbrook said, "Out of respect for the Planning Board, I think we need to schedule a public hearing."

**ACTION:** It was the consensus of the board, *to schedule a public hearing for April 20, 2010 to review a code text amendment regarding the surface area of political signs.*

#### **NCDOT LITTER SWEEP**

Each year, Commissioners participate in the NCDOT Biannual Litter Sweep. The Litter Sweep will be held April 17<sup>th</sup>-May 1<sup>st</sup>. Commissioners discussed dates of participation as well as a possible location.

**ACTION:** It was the consensus of the board, *to participate in the Litter Sweep on April 24, 2010. Commissioners and staff will clean areas inside the Cleveland County Industrial Park as well as along Countryside Drive.*

#### **2010 US CENSUS**

Chairwoman Boggs encouraged all Cleveland County residents to complete their 2010 US Census forms which should have arrived in the mail.

***Commissioners broke for dinner***

### **CLEVELAND COUNTY FAIR LEASE**

At their January 6, 2009 worksession, Commissioners discussed the renewal of the Cleveland County Fair lease. They felt the following items must be included in the renewal agreement; 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. Commissioner Accor has since been appointed by Commissioners to serve as a member of the Fair Board and has attended several meetings. She made mention that she feels as though the current board is trying to be “community-friendly” again.

County Attorney Bob Yelton presented Commissioners with a lease agreement which includes the items discussed above. Attorney Yelton noted that the fair board has not seen the lease yet.

A consultant from NC State University will be holding a retreat for Fair Board members and Cleveland County Fair management to establish goals and ground rules for the Cleveland County Fair property.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the Cleveland County Fair Lease as presented (a copy of the lease agreement found on Pages \_\_\_\_\_ in Minute Book \_\_\_\_\_)*

### **NUISANCE ORDINANCE**

Early in 2009, Commissioners discussed the possibility of developing a noise ordinance for Cleveland County. At that time, it was decided that they would not pursue development of this ordinance change. After phone calls from several residents, Commissioners decided to address this issue again. Commissioners looked at a proposed text amendment that deals with noise as a nuisance. Bill McCarter, Planning Director, described this as a very low-tech way of dealing with noise. It would be the responsibility of the officer called to determine if the noise was unreasonable or excessive. Civil penalties are currently; warning for a first offense, \$25 for second offense, \$50 for a third offense and \$100 for a fourth or subsequent offense. Mr. McCarter explained that the maximum penalty allowed is \$500 per day. Commissioners were concerned that this ordinance is unenforceable and law enforcement feels as though this would increase their call volume.

County Attorney Bob Yelton shared his thoughts, “This option is completely judgmental. It will give you some guidance but it will not fix the problem. I am not one to pass something that cannot be enforced unless it has a very positive effect. Many County Attorney’s say that, although they do have them, they do not use them.”

Commissioner Accor said, “It would at least create awareness of the situation letting citizens know that they are in violation. As of now, County Deputies are saying, “We can’t do anything, call your Commissioners.””

Commissioner Hawkins suggested that the Sheriff’s Office put a couple of meters in the patrol cars to test the decibels of the noise.

**ACTION:** It was the consensus of the board, *for Bill McCarter to research the cost of the meters as well as costs of training and report back to Commissioners with his findings.*

### **VIDEO GAMING ISSUES**

County Attorney Bob Yelton attended a seminar at the School of Government where the focus was on video gaming. There are three ways of controlling the video gaming industry: criminal, zoning and by requiring a privilege license. Counties are severely limited when it comes to privilege licenses. NC General Statutes read that a county can only charge \$5 per video gaming machine. A violation of \$5 per machine would not discourage operators from installing machines.

Currently, Cleveland County code reads that the maximum criminal fine is \$50 and the maximum civil penalty is \$25 per day for a zoning violation. Again, fines of this amount do not discourage operators from installing machines. The City of Shelby charges \$50 for the first day, \$200 for the second day and \$500 for every day after the third day. Five hundred dollars is the maximum amount allowed by NC law. In reviewing the Cleveland County Code of Ordinances regarding zoning, Mr. Yelton discovered reference to several statutes which have been repealed and also found it necessary to clarify definitions of things such as “video gaming” rather than refer only to a state statute.

He recommended Commissioners authorize him to update the code and asked for guidance regarding increased penalties and definitions. He explained that changes would only affect future permits and explained that zoning is a “complaint driven” process. Mr. Yelton could possibly have the changes ready by the middle of April and made note that changes to fines would be applicable to all zoning violations not just gaming machines.

**ACTION:** It was the consensus of the board, *to have County Attorney Bob Yelton update the current zoning ordinance to include increased fines for zoning violations.*

### **GENERAL STATUTES REGARDING ANNEXATION**

Commissioners recently received an email regarding forced annexation. This issue has been discussed in the past. Several Commissioners made note of their frustrations regarding forced annexation including: a majority vote of those residents in the proposed annexed area should be required before municipalities could petition the county for release and utilities should be provided within two years of annexation. Utilities should be paid for by the municipality.

**ACTION:** Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to develop a resolution taking a stand against forced annexation to include items listed above.*

**FINANCING OF SHELBY MIDDLE SCHOOL PROJECT**

County Attorney Bob Yelton is continuing work on the funding for the Middle School project. A non-profit (Cleveland County Public Facilities, Corp.) will need to be established as part of the financing package. Mr. Yelton asked Commissioners to establish a Board of Directors.

It was the consensus of the board, *for five County Commissioners, the County Manager and the County Finance Officer to make up the Board of Directors with the Clerk to the Board serving as the Secretary.*

**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 next regular scheduled meeting will be held *Tuesday, April 6, 2010 in the Commissioners Chamber.*

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

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