

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**September 7, 2010**

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  
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  
Alexis Pearson, Human Resources Director  
Other individual names on file in the Clerk's Office

**ABSENT:** Ronald J. Hawkins, Commissioner

**CALL TO ORDER**

Chairwoman Jo Boggs called the meeting to order. Representatives of Boy Scouts Troop 107 led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Reverend Ray Allmond provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk.*

**CITIZEN RECOGNITION**

**Joel Maxwell:** Mr. Maxwell recently received a citation at one of the county's manned collection sites. He said the trash had been in the back of his truck, sealed, for a month. He was very disappointed with the way he was treated by the officer and felt as though this ordinance is not effective.

**Jonie Blanton:** Mr. Blanton also spoke about his recent issue at a manned collection site. He explained that he keeps concrete blocks and straps on his truck to keep his loads secure, however on this occasion, since his load was heavy (including a 55 gallon barrel full of bags, large tree limbs and large bags with bulk waste), he did not secure the load due to the weight of it and the fact that he felt as though it was secure itself.

Mr. Blanton did not like the way he was treated by the officer and felt as though he never had a chance to speak to the officer without interruption.

He believes, people bringing trash to the convenience center should not be the ones punished. It should be those people tossing trash out their car windows. Officers should be catching people along the road rather than sitting at the convenience centers. He said that he has always been against this ordinance and recommended Commissioners, “make laws that are beneficial to the county.”

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *August 17, 2010 and August 23, 2010*, motion was made by Johnny Hutchins, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the minutes as written*.

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #005)**

**ACTION:** Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the following budget amendment:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.545.5.790.00	Nurse Family Partnership/Donations/Cont.	\$ 500.	
012.545.4.810.00	Nurse Family Partnership/Contrib/Donat.	500.	

*Explanation of Revisions: To budget for Healthy Steps 2<sup>nd</sup> Edition 3 Volume Set Video Series for Teen Parents from vendor InJoy (V#19607)*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #006)**

**ACTION:** Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the following budget amendment:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.535.4.350.00/01120-5525	Health Promotion/State Gov't. Grants	\$12,820.	
012.535.5.490.00	Health Promotion/Professional Services	12, 820.	
012.535.4.410.00	Health Promotion/Local & Other Grants	700.	
012.535.5.311.00	Health Promotion/Education Exp	450.	
012.535.5.581.00	Health Promotion/Incentive/Awards	250.	

*Explanation of Revisions: Budget Eat Smart Move More grant funds to increase physical activity in schools. Will contract with Alliance for Health to administer the project. Budget funds from Cabarrus Health Alliance for “Faces of Stroke” initiative.*

**AWARD SERVICE REVOLVER- CAPTAIN BOBBY STEEN**

A request was made by Sheriff Raymond Hamrick that Captain Bobby Steen be honored, after his 26 years of law enforcement service, by presenting him with his departmental service revolver. Captain Steen served with Sheriff McKinney, Sheriff Crawford and for eight years with Sheriff Hamrick. Captain Steen’s service weapon, which if approved will be removed from county inventory is a Glock, Model 21, .45 Caliber, serial number BLW-413.

**ACTION:** Johnny Hutchins made the motion, seconded by Mary Accor and unanimously adopted by the board, to *present Captain Bobby Steen with his service weapon*.

**EMERGENCY MEDICAL SERVICES: AMBULANCE & RESCUE FRANCHISE CONTRACTS**

County Manager David Dear presented Ambulance and Rescue Squad Franchise Contracts for review. He noted that all contracts are for one year and there have been no changes to the contracts since last approved.

**ACTION:** Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to adopt the franchise agreements for Boiling Springs Rescue Squad, Grover Rescue Squad, Kings Mountain Rescue Squad, Shelby Rescue Squad and Upper Cleveland Rescue Squad* (copies found on Pages \_\_\_\_\_ of Minute Book \_\_\_\_\_.)

**SPECIAL RECOGNITIONS**

**COMMISSION FOR WOMEN- DISTINGUISHED WOMEN**

Each year, the Cleveland County Commission for Women presents several women in Cleveland County with the *Distinguished Women of Cleveland County Award*. Commissioner Mary Accor introduced this years recipients, Sybil Yelton Dixon, Jeanne Patterson, Suzette Ross and Elizabeth “Lib” Stewart. Commissioners presented each with a Certificate of Recognition. The certificate read as follows:

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

***IN RECOGNITION OF BEING NAMED ONE OF THE 2010 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 7TH DAY OF SEPTEMBER, 2010.***

**BRANDON BEACH, MIXED MARTIAL ARTS BELT WINNER**

Commissioners presented Brandon Beach, owner of Complete Martial Arts with a Certificate of Recognition for his recently becoming Lab Pro’s light-heavy weight champion. The certificate read as follows:

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

***PRESENTED TO  
BRANDON BEACH***

***FOR WINNING FIGHT LAB PRO’S LIGHT-HEAVYWEIGHT CHAMPIONSHIP ~  
FOR EARNING THE STAR’S BEST OF CLEVELAND COUNTY 2010 AWARD FOR BEST  
MARTIAL ARTS STUDIO~ MORE IMPORTANTLY, FOR TEACHING YOUR  
STUDENTS THE POSITIVE OUTCOMES THAT COME FROM DEDICATION, HEART  
AND HARD WORK ~ FOR BEING AN INSPIRATION AND A POSITIVE EXAMPLE  
FOR THOSE YOU TRAIN~ WE COMMEND YOU!***

***Presented this the 7<sup>th</sup> day of September 2010  
2010 SENIOR CENTER MONTH PROCLAMATION***

Commissioner Jo Boggs introduced Lisa Abernathy, Director of the Neal Senior Center. Ms. Abernathy requested Commissioners proclaim September, 2010 as Senior Center Month.

**ACTION:** Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board to *proclaim September 2010 as National Senior Center Month.*

*Number 02-2010*

***2010 Senior Center Month***

**WHEREAS,** older residents of Cleveland County are significant members of our society, investing their wisdom and experience to help enrich and better their own lives as well as the lives of younger generations; and

**WHEREAS,** Cleveland County, North Carolina has two Senior Centers of Excellence, per the North Carolina Division of Aging and Adult Services Senior Center Operations and Procedures Evaluation (SCOPE); and

**WHEREAS,** the Leona Smith Neal Memorial Senior Center in Shelby and the H. Lawrence Patrick Senior Center in Kings Mountain, serve adults age fifty-five (55) and above in Cleveland County; and

**WHEREAS,** the Neal Senior Center and the Patrick Senior Center act as catalysts for mobilizing the creativity, energy, vitality and commitment of older residents in Cleveland County; and

**WHEREAS,** both Senior Centers provide a wide array of services, programs, activities and life-long learning opportunities to empower the older citizens of Cleveland County to contribute to their own health and well being and the health and well being of their fellow citizens of all ages; and

**WHEREAS,** both Senior Centers offer opportunities for older adults to connect with the community through volunteerism, technology, and socialization; and

**WHEREAS,** the Neal Senior Center and the Patrick Senior Center affirm the dignity, self worth and independence of older persons by facilitating their decisions and actions; tapping their experiences, skills and knowledge; and enabling their continued contributions to the community;

**Now, therefore, we, the Cleveland County Board of Commissioners,** do hereby proclaim September 2010, Senior Center Month. And call upon all citizens to recognize the special contributions of both Senior Centers' participants, and the special efforts of the staff and volunteers who work every day to enhance the well being of older citizens in our community.

**ADOPTED THIS THE 7<sup>th</sup> DAY OF SEPTEMBER, 2010.**

**PUBLIC HEARINGS**

**ECONOMIC DEVELOPMENT INCENTIVE: EVONIC ENERGY SERVICES**

**ACTION:** Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board to *continue the public hearing to September 21, 2010 at 6:00 pm.*

**ABANDONMENT OF RIGHT OF WAY- BANKS ROAD**

Southern Power Company has requested the abandonment of approximately 0.13 miles of public right-of-way at the end of Banks Road. They own the property on both sides of the road and no other properties will be affected. At their August 17, 2010 regular meeting, Commissioners adopted a resolution of intent for this project. In accordance with NCGS 153A-21, advertisements were made in the *Shelby Star* on August 20, 29 and September 3, 2010.

**ACTION:** Mary Accor made the motion, seconded by Johnny Hutchins and unanimously adopted by the board, *to open the public hearing.*

*Jackie Morgan 7032 Idewild Road Charlotte, NC 28212,* is part owner of a property further down Banks Road. Ms. Morgan asked the Board to delay their decision stating, "I have not had the opportunity to see how this will affect my property." She explained that she did not have a problem

with them abandoning the road, just of the location. Bill McCarter, Planning Director, presented a map detailing the location of the road closing, however, Ms. Morgan was having difficulty understanding. Mr. McCarter also explained that the location was clearly marked at the site. Ms. Morgan had not recently visited the site to see the marking. After the County Manager, County Attorney and Mr. McCarter explained that the closing of this road would not affect Ms. Morgan's property, she stated that she would feel better having a letter from the County Attorney assuring her of that fact.

Chairwoman Boggs asked if there were any other comments or if Commissioners had questions of anyone in the audience or staff. Hearing no comments, she called for the public hearing to be closed.

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, *to close the public hearing.*

Chairwoman Boggs called for discussion among Commissioners.

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, *to adopt the following resolution abandoning the discussed 0.13 miles of Banks Road and to request that the County Attorney send Ms. Morgan a letter confirming that this road closing would only affect the property owned by Southern Power Company.*

*Number 23-2010*

**Order To Abandon Public Right-Of-Way  
Portion of Banks Road (SR 2280)**

**WHEREAS**, the Cleveland County Board of Commissioners have received a petition from Southern Power Company requesting the abandonment of a portion of the public right-of-way of **Banks Road** (approximately 0.13 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 7, 2010.

**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 said portion of **Banks Road**, and that a copy of this order be filed in the Office of the Register of Deeds.

**ADOPTED THIS 7th DAY OF SEPTEMBER 2010.**

**REGULAR AGENDA**

**JOY PERFORMANCE CENTER RENOVATIONS**

Jim Champion, Immediate Past President of the Joy Performance Center began by giving a background on the Joy Performance Center. The Joy Theatre opened June 1, 1949. With over \$5,000 of in-kind contributions by local individuals and businesses, the Joy Performance Center lobby areas were refurbished in January 2010 through an Eagle Scout project by local Boy Scout Dylan Painter.

Attendance for Kings Mountain Little Theatre's 2009-2010 season was over 4,400. Drama camps are

held at the center, as well as a few nationally known acts, free movies, dance recitals, church dramas and many other events. The Joy Performance Center is undergoing an auditorium renovation. The renovation will consist of upgrading the auditorium of the facility and concentrating on providing more comfortable seating. The Total Phase I Costs of the project are \$126,000-\$137,000. Mr. Champion asked Commissioners to look favorably on this project.

**COMMISSIONER REPORTS**

Commissioner Accor finished her term as NCACC President. She was very proud to announce that the new president, Joe Bryan, will continue her efforts towards helping the youth of North Carolina.

**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 to Tuesday, September 14, 2010 at 5:00 p.m. in the R.L. Alexander Conference Room for a Commission Work Session.*

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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*