

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**September 14, 2010 Worksession**

The Cleveland County Board of Commissioners reconvened their regular meeting September 7, 2010 on this date, at the hour of 5:00 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 (arrived at 5:20 p.m.)  
David C. Dear, County Manager  
Robert Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Chris Green, Tax Administrator  
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.

**OLD HISTORIC COURTHOUSE UPDATE**

JT Scruggs spoke on behalf of Destination Cleveland County. Holland & Hamrick Architects are in the process of completing the engineering design which is scheduled to be completed at the end of September. They are expecting to bid the project at the end of October with construction beginning in November. Mr. Scruggs noted that the asbestos has already been removed from the facility.

The conceptual exhibit design on the Scruggs Center was completed in early spring. The final design is approximately 50% complete and is scheduled to be completed by the end of the year. The exhibit design will be bid separately based on the bids received from the engineering design. The final exhibit design includes the exhibits, filming and the oral history part of the project. The filming is complete. There are roughly three major films. The exhibit writing is 50% complete. The photo research designer has been working in Cleveland County and is approximately 75% complete.

To date, 100 oral history interviews have been completed. Oral history interviews will continue. At the Scruggs Center, visitors will have an opportunity to create their own oral history.

The Scruggs Center is expected to cost \$5.5 Million. To date, \$4.3 Million has raised. DCC is working continuously to raise the remaining funds. Since Cleveland County owns the building, DCC does not have collateral which means that they cannot borrow money for construction of the Scruggs Center.

JT Scruggs reminded Commissioners of the Smithsonian Museum on Main Street exhibit that will be coming to Cleveland County from November 13<sup>th</sup> to December 29<sup>th</sup>. This exhibit will be housed at the Don Gibson Theatre and will be free to the public. While the exhibit is here, there will be many events coinciding with this throughout Cleveland County.

Commissioners complimented DCC on the amount of money raised to date.

#### **SHELBY/CLEVELAND REGIONAL AIRPORT UPDATE**

Brad Cornwell, City of Shelby Utilities Director began by thanking Commissioners for their continued support of the airport. Mr. Cornwell described the airport as a “professional” place for those who fly into the airport. “For some, it is their first and last impression.”

Several projects have occurred at the airport over the last several years including the parallel taxiway and the fuel farm. The fuel farm offers some of the lowest fuel prices in the area.

There are several obstructions at the airport that need to be dealt with. Most of them are due to overgrown vegetation. The NCDOT Aviation Branch will be making a presentation to Shelby City Council on October 18<sup>th</sup> regarding this issue.

The City of Shelby has also been working on an aircraft parking project. Mr. Cornwell believes that the city has a good chance of receiving a \$500,000 grant for this project (*Clerks Note: Since the meeting, the City of Shelby did receive a \$500,000 grant for this project*). The City of Shelby will need to provide a \$55,000 match.

Mr. Cornwell then showed pictures of the new terminal project. The project was completed on August 31<sup>st</sup>. A grand opening will be held on Wednesday, September 22<sup>nd</sup>.

#### **NUMBER SEVEN VOLUNTEER FIRE DEPARTMENT BOARD RULES**

Don Loucks, Chief of the Number Seven Volunteer Fire Department explained that, in 1999, there were some disagreements between the Board members and the Fire Commissioners. The Board members had approved purchase of a truck, but the Fire Commissioners would not pay for this purchase. After several meetings between the two groups and the County Manager, the positions of the Fire Commissioners were abolished and it was decided that all purchases over \$10K would require approval by the County Commissioners.

Since that time, the fire department has over \$200,000 in the bank and the relationship between the board members and the county has been very good.

Chief Loucks recommended Commissioners approve giving fiscal control back entirely to the Number Seven Volunteer Fire Department.

**ACTION:** Commissioners advised County Attorney Bob Yelton to, *prepare documents allowing Number Seven Volunteer Fire Department to regain control of their finances. Formal action will be taken when revised documents are brought before Commissioners.*

**CLEVELAND COUNTY SPORTS COMMISSION**

On July 13, 2010, Denese Stallings came before Commissioners with an update from the Cleveland County Sports Commission. During that meeting, she discussed several events that the Sports Commission was trying to confirm. To date, they have secured several of these events including another gun show, Carp Anglers Tournament, All American High School Football Game, Holiday Basketball Classic, American Junior Gold Tournament (to which they have received a \$30K sponsorship) and a Flag Football event.

These events are expected to have an economic impact of over \$600,000. She explained that the Sports Commission is in need of operating expenses. They are down to \$10,000 in their checking account. Ms. Stallings asked Commissioners to consider providing additional funding to the Sports Commission this year.

Commissioner Hawkins noted, "Since the Sports Commission started, it has been making an impact. I would like to see the board consider using a percentage of Travel and Tourism funds to help pay the salary of the Executive Director."

Commissioner Hutchins expressed concern that the Sports Commission is not partnering with other entities in the county. "I think that if they make more partnerships in the county, they will go a lot further. I don't feel like they are a team player."

Eddie Holbrook described Jay Rhodes, Executive Director as "custom-made for a job of this nature. Perhaps things are moving so fast that people got left out. Knowing Jay, I don't think it is intentional."

Denese Stalling made note that the Sports Commission has only lost one board member since the Commission was established.

**BOARD OF ADJUSTMENT- PROCESS OF REVOKING A CONDITIONAL USE PERMIT – SECTION 12-95**

Several members of the Board of Adjustment wanted to instruct staff to immediately revoke a conditional use permit because of a violation. It was explained to the Board that there is a process for revoking a conditional use permit. Since this item was put on this agenda, it has been further explained to the members and they are comfortable with the process. County Attorney Bob Yelton stated, "Legally, the applicant must be given due-process".

Commissioner Hutchins asked staff if a committee needed to be put together to look at the process of conditional use permits for the gaming industry. Bill McCarter, Planning Director felt that the definitions in the ordinance need to be redefined to make granting conditional use permits for the gaming industry as strict as possible.

Commissioner Hutchins also brought up the idea of charging the operators sales tax.

#### **PLANNING BOARD MAKE-UP**

In the past, Commissioners have discussed whether or not members of the Planning Board should be allowed to live in the city limits or an ETJ of a municipality. Mr. McCarter, posted a message on the Planning listserv asking if other counties have a requirement. It was unanimous that no other county planning boards had restrictions. Currently, there is one member of the Planning Board living in the city limits and two living in municipal ETJ's.

Commissioner Hutchins brought this up as an issue due to the fact that the county zoning ordinance does not affect those who do not live in the county zoning jurisdiction.

**ACTION:** Commissioners directed County Planning Director Bill McCarter to, *develop a code text amendment recommending Commissioners appoint members to the Planning Board who live in the county zoning jurisdiction and that Mr. McCarter provide Commissioners with a copy of the Planning Board attendance record on a regular basis.*

#### **LAND USE PLAN UPDATE**

In 2004, the Centralina Council on Governments completed a Land Use Plan for Cleveland County. The original Land Use Plan cost \$66K. Mr. McCarter received a quote of \$24,960 from Centralina to complete an update of the Land Use Plan. Due to the cost of an update to the plan, Mr. McCarter suggested going into towns and getting their input. Getting the towns involved could help subsidize the cost of the update.

Commissioner Accor noted, the county has approved very few amendments for a plan this size and asked if Centralina could just look at the amendments that have been made and suggest whether or not the county needs to complete an entire update.

Commissioner Hutchins was concerned with the county hurting itself by not utilizing the thoroughfares for small businesses. In Commissioner Hutchins opinion, many counties have changed thoroughfares to General Business and have attracted small businesses.

**ACTION:** Commissioners directed County Planning Director Bill McCarter to, *discuss the possibility of Centralina doing a map update only and bring findings back to Commissioners.*

### **DONATION OF LAND- HARRY PROPERTY**

County Manager David Dear received a letter from John Harry requesting Cleveland County accept Parcel #11793 from the Harry Heirs. The property is a small strip of land located between the railroad and Highway 20 in Grover. It is valued at approximately \$9K.

County Attorney Bob Yelton was concerned because the property is owned by heirs. All parties will need to be located and contacted ensuring the county may incur more attorney fees than usual.

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board to, *accept Parcel #11793 from the Harry Family with the stipulation that the Harry family pay for the preparation and execution of the deed.*

### **2012 REVALUATION**

Chris Green, Tax Administrator reminded Commissioners that state statutes require a county revaluation at least once every eight years. Cleveland County is currently on a four-year cycle. The next revaluation is scheduled for 2012. Since the last revaluation in 2008, there has not been much change in the assessed values. The Assessors office tracks sales year round and verifies all sales transactions with a sales verification letter which in turn creates the sales file that is used during the revaluation. Even in good times, Mr. Green explained, you never have enough transactions in the sales files. With the low number of real estate sales over the last several months, it will be extremely difficult to reassess properties accurately.

Several counties across the state are looking at this situation and several have postponed their upcoming revaluations.

**ACTION:** It was the consensus of the board to, *have Chris Green, Tax Assessor review more information and come back to Commissioners with a recommendation as to whether or not Cleveland County should postpone the 2012 Revaluation.*

### **POLKVILLE FIRE DEPARTMENT**

The Polkville Volunteer Fire Department is in the process of building a new fire station next to the existing one. The cost to run sewer to the new fire station is estimated at \$45,000.

It has been proposed that the county contribute \$25,000 towards completion of the sewerline in exchange for the property where the existing fire station sits on including a paved driveway and access to a manhole. County David Dear explained that, in the future, this property could be used for an EMS Base Station. Currently, the base station located in that area is located in a mobile unit behind the Polkville Town Hall. This exchange would show Commissioners continued support of the Volunteer Fire Departments as well as provide a location for an EMS Base Station.

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve a \$25,000 expenditure for the Polkville Volunteer Fire Department Sewer Project in exchange for the property where the existing fire station is located.*

**DETENTION CENTER SOLAR POWER PROJECT**

Cleveland County is currently in discussions with FLS Energy to install solar panels on the roof of the new detention center annex currently under construction on McBrayer Street in Shelby. The panels will be installed and maintained at no cost to the county. The county will benefit from a 30% reduction in natural gas costs used to heat water for showers, kitchens, etc. FLS Energy will benefit by receiving tax credits and selling the carbon credits. They have also partnered with ElectriCities who will be extending further credits in order to meet their requirements to invest in renewable energy.

This project, if approved, is expected to save the county approximately \$3,500 per year on the cost of generating hot water. A gas hot water system will be installed in the building for back-up.

If approved, the contract will be for a ten-year period with buyout options beginning at seven years. At the end of ten years, the county may either choose to buy the equipment at a depreciated price or renew the contract for an additional ten years. If the contract is renewed, there will still be no cost to the county.

Roger Holland, Architect for the new jail annex, has met with FLS Energy and sees no problem with this project being a part of the new jail. County Manager David Dear said, "I don't see a downside to this. We are getting energy savings, going green and there is no additional cost to us."

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to authorize the County Manager to proceed with the solar project for the new jail annex.*

**DORAN MILLS PROPERTY**

In 2009, Cleveland County purchased the old Doran Mills property through tax foreclosure. The property includes 80 acres of land located on both sides of Hwy 226. County Manager David Dear has asked several opinions on what should be done with this property. Consensus was, to tear down the old building and leave the one story concrete building which Mr. Dear felt, could be salvaged. The cost to tear down everything but the concrete building would be approximately \$300K. The county could receive approximately \$200K for the recycled material that would come from the demolition. After demolition of the older building, only two sides of the concrete building would remain and it would not have electricity. The benefit would be getting rid of the old building which is certainly an eye sore. It would make the property more marketable.

Commissioners asked what the purpose of keeping a building with just two sides would be. Mr. Dear explained, building a job-ready building would cost approximately \$2.4 Million. The state offers a grant of \$10K per job created to refurbish an old building.

Cleveland County received a grant to complete Brownfield testing and an asbestos study. The asbestos testing and study are complete. The testing on the Brownfields has been completed however, it will take approximately six months for the results.

Commissioner Hawkins recommended holding off on this project and possibly purchasing the school property where the museum archives are stored. He also wanted to steer potential businesses to the Cleveland County Industrial Park and the Foothills Commerce Center noting that this property may compete against those other sites.

Commissioner Hutchins recommended possibly selling the property on the opposite side of the road separately from the old mill noting that the money from the sale could be used to clean up the old mill side.

**ACTION:** It was the consensus of the board, *to wait until the completed Brownfields study is received before Commissioners take any action.*

#### **PUBLIC HEARING PROCEDURES**

In December, 2009, Commissioners approved the **Public Hearings Procedures for Board of Commissioners of Cleveland County, NC.** Chairwoman Boggs asked that this item be placed back on the agenda and suggested adding a time limit on the speakers original presentation.

Commissioner Hawkins began by stating, “I think that the fact that we have to do this is ridiculous.” After discussion, Commissioners agreed that the process of calling for a motion to open and close a public hearing is cumbersome and decided to revert back to where the chair has the authority to open and close a public hearing.

Commissioners then discussed the need for a time limit for the original presentation of a speaker during a public hearing.

**ACTION:** It was the consensus of the board, *to ask County Attorney Bob Yelton to update the Public Hearings Procedures for Board of Commissioners of Cleveland County, NC to include the following: 1. The chair will have the authority to open and close the public hearing 2. The original presentation by a speaker will be limited to no more than five (5) minutes.*

#### **NCACC LEGISLATIVE GOALS**

**ACTION:** It was the consensus of the board, *to submit the following Legislative Goals to the North Carolina Association of County Commissioners.*

- Back-Up Generators for New Adult Care Homes- Cleveland County supports legislation that would require all new adult-care homes to have a back-up generator prior to receiving a certificate of occupancy. Cleveland County feels that existing adult-care homes should be put on a schedule which would require all adult-care homes to be equipped with back-up generators within a specific period of time. In the event of an emergency and an extended loss of power, moving residents from an adult-care home to a shelter would be a burden on Emergency Medical Services and the county as a whole.
- Annexation Laws- Cleveland County is opposed to the current annexation laws allowing involuntary annexation.
- Recognize Homebuilders Associations as an industry that can be recognized by the state for economic development incentives.

**COUNTY MANAGER'S ANNUAL EVALUATION**

**CLOSED SESSION**

**ACTION:** Mary Accor made the motion, which was seconded by Ronnie Hawkins, 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:** Eddie Holbrook made the motion, which was seconded by Mary Accor and unanimously adopted by the board to, *in addition to his regular vacation time, add twelve hours per month to his vacation time effective today and in January, 2012 give County Manager David Dear a 7.2% salary increase through the end of 2012.*

**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, September 21, 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*