

CLEVELAND COUNTY BOARD OF COMMISSIONERS

October 19, 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
Ronald J. Hawkins, Commissioner
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
Alexis Pearson, Human Resources Director
David Allen, *The 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 and provided the invocation for the meeting.

AGENDA ADOPTION

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

M. Economic Development: Budget Amendment (BNA #023)

CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *September 2010* (copy found on Page _____ of Minute Book _____).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *September 2010*. The monthly grand total of tax abatements was listed as (\$164,105.44); and, the monthly grand total for tax supplements was listed as \$858,281.66.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the *September 14, 2010 worksession and September 21, 2010 regular meeting*, motion was made by Mary Accor,

seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *approve the minutes as written.*

DSS: BUDGET AMENDMENTS (BNA #017)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.507.4.410.00	Outside Poor/Local & Other Grants	\$ 3,000.	
011.507.5.700.00	Outside Poor/Grants	3,000.	

Explanation of Revisions: Budget Amendment necessary to accept a United Way grant in the amount of \$3,000 for FY 2010/2011. This grant will assist with emergency food and shelter for adults.

DSS: BUDGET AMENDMENTS (BNA #018)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.507.4.310.00/93996-2200	Outside Poor/Grants ARRA	\$22,465.	
011.507.5.700.00	Outside Poor/CCDF Daycare	22,465.	

Explanation of Revisions: Budget Amendment necessary to accept ARRA Fed. Funds for Daycare-Direct Services for FY 2010/2011.

DSS: BUDGET AMENDMENTS (BNA #019)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.519.4.310.00/93568-P372	Public Asst./Fed Gov Grants	\$236,987.	
011.519.5.512.05	Public Asst./Crisis	236,987.	

Explanation of Revisions: Budget Amendment necessary to accept additional federal crisis funds for FY 2010/2011. The current allocation is more than state estimates for crisis funding for FY 2010/2011. The additional monies are the result of the increased need for services.

DSS: BUDGET AMENDMENTS (BNA #020)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.508.4.310.00/93568-P406	Income Maintenance/Fed Gov Grants	\$36,973.	
011.508.5.422.00	Income Maintenance/Contracted Labor	36,973.	

Explanation of Revisions: Budget Amendment necessary to accept additional federal LIEAP funds for FY 2010/2011. The current federal approved allocation is more than state estimates for LIEAP admin's funding for FY 2010/2011. The increase to 422.00 will cover temporary workers needed to administer the program.

DETENTION CENTER: BUDGET AMENDMENTS (BNA #021)

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.444.4.310.00/16606-P444	Detention/Federal Grants	\$ 4,809.	
010.444.5.490.00	Detention/Professional Services	800.	
010.444.5.210.00	Detention/Departmental Supply	4,009.	

Explanation of Revisions: To budget the 2010 State Criminal Alien Assistance Program Grant Award.

CLEVELAND COUNTY HOUSING DISTRIBUTION/ASSISTANCE POLICY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT 2010 SCATTERED SITE HOUSING PROJECT

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board to, *approve the Cleveland County Housing Distribution/Assistance Policy for the Community Development Block Grant 2010 Scattered Site Housing Project* (copy found on Page _____ of Minute Book _____).

MOUNT ZION MISSIONARY BAPTIST CHURCH PROCLAMATION

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board to, *adopt the following proclamation which will be presented by Commissioner Accor on November 14, 2010.*

NUMBER 05-2010

**IN HONOR OF THE 130TH ANNIVERSARY OF
MOUNT ZION MISSIONARY BAPTIST CHURCH**

WHEREAS, in 1880, twenty years after Abraham Lincoln signed the Emancipation Proclamation, Mount Zion Missionary Baptist Church was established under the direction of Reverent R.L. Veal; and

WHEREAS, Sunday, November 14, 2010, Mount Zion Missionary Baptist Church will celebrate their 130th Anniversary; and

WHEREAS, in 1916, after over thirty-five years on Piedmont Avenue, Mt. Zion Missionary Baptist Church relocated to W. King street where they underwent enormous growth under the direction of the late Reverend Mitchell, Reverend Garvin, Reverend Norris and others; and

WHEREAS, in 1973, Mount Zion Missionary Baptist Church broke ground on their current home on N. Watterson Street; and

WHEREAS, since 1987, Mount Zion Missionary Baptist Church has been led by Dr. Clinton Feemster, leading Mt. Zion Missionary Baptist Church to be a congregation of over 500 members; and

WHEREAS, we give pause, honor and praise for the deep and abiding Christian commitment of those who in faith began this church, and for all those who have given so unselfishly during the years to help the church grow and thrive, and provide valuable human services where the need is great; and

WHEREAS, our community has benefited from the fine Christian influence this Church has exerted through the years, and the many facets of its outreach; and

WHEREAS, it is a pleasure to extend this expression of our esteem and best wishes to the members of this congregation on the memorable occasion of this Anniversary;

NOW, THEREFORE, WE THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, do hereby proclaim November 14, 2010, as **Mt. Zion Missionary Baptist Church Day** in our community, and further provide that this tribute be presented to the congregation in testimony of the high regard in which this Church is held in Cleveland County.

ADOPTED THIS THE 19TH DAY OF OCTOBER 2010.

PLANNING DEPARTMENT: CODE TEXT AMENDMENT –APPOINTMENT AND TERMS OF PLANNING BOARD MEMBERS (Schedule a public hearing for November 16, 2010)

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

PLANNING DEPARTMENT: ZONING MAP AMENDMENT –SHARON HORN (Case 10-20)(approximately 1.15 acres along Oak Grove Road) (Schedule a public hearing for November 16, 2010)

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

ECONOMIC DEVELOPMENT: BUDGET AMENDMENTS (BNA #023)

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

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.492.4.350.00/0BRRP-PFSB	Economic Dev/State Grants	\$240,000.	
010.492.4.991.00/0BRRP-PFSB	Economic Dev/Fund Balance Apr	7,200.	
010.492.5.490.00/0BRRP-PFSB	Economic Dev/Professional Services	7,200.	
010.492.5.700.00/0BRRP-PFSB	Economic Dev/Grants	240,000.	

Explanation of Revisions: To budget grant award from the Rural Center to Cleveland County for Building Renovations to building on 126 Bessie Dr, Kings Mountain to house Parker Farm Service.

SPECIAL RECOGNITION

JAKE FRAZIER AND JORDAN BEAVER, CARNEGIE HALL SINGERS

Commissioners presented Jake Frazier and Jordan Beaver with a Certificate of Recognition for winning an international singing competition. As a result of their win, each student will be performing at Carnegie Hall in New York City. Jordan and Jake performed the songs that they sang at their audition. Commissioners praised them for their talent.

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

FOR BEING HONORED FOR YOUR TALENT BY THE GOLDEN VOICES OF AMERICA TO PERFORM AT THE FAMOUS CARNEGIE HALL ~ FOR RECOGNIZING YOUR TALENT AND SHARING IT WITH YOUR COMMUNITY AND NOW THE NATION~ FOR PUTTING IN THE TIME TO CONTINUE TO GROW ~ FOR FOLLOWING YOUR DREAMS ~ WE COMMEND YOU!

Presented this the 19th day of October 2010.

REGULAR AGENDA

NUMBER SEVEN VOLUNTEER FIRE DEPARTMENT BYLAWS

At their September 14, 2010 work session, Don Loucks, Chief of Number Seven Volunteer Fire Department came before Commissioners asking that complete fiscal control of their budget be given to the Number Seven Volunteer Fire Department Board of Directors (*Clerks Note: reference minutes from September 14, 2010 work session*).

County Attorney Bob Yelton reviewed their request. He referenced NCGS 69-25.7 which reads as follows:

69-25.7. Administration of special fund; fire protection district commission.

The special fund provided by the tax herein authorized shall be administered to provide fire protection as provided in G.S. 69-25.5 by the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, or by a fire protection district commission of three qualified voters of the area, to be known as

(Here insert name)

Fire Protection District Commission, said board to be appointed by the board of county commissioners or the joint boards of county commissioners, if the area lies in more than one county, for a term of two years, said commission to serve at the discretion of and under the supervision of the board of county commissioners or boards of county commissioners if the area lies in more than one county. (1951, c. 820, s. 7; 1953, c. 453, s. 2.)

Attorney Yelton informed Commissioners that, per this statute, Commissioners could not legally grant the Number Seven Volunteer Fire Department complete fiscal control of their budget. Mr. Yelton suggested that he write a letter to Number 7 Volunteer Fire Department Board of Directors explaining the legal situation and the give them option of either allowing the Commissioners to continue authorizing purchases or having Commissioners appoint a three member Fire Protection District Commission. Commissioner Hawkins asked if the Volunteer Fire Department could attempt to have the bill changed. Mr. Yelton said it is an option, however, this legislation has been in effect since 1951.

ACTION: Commissioners gave direction to County Attorney Yelton to, *write a letter explaining his legal opinion regarding fiscal control of the Number Seven Volunteer Fire Department.*

CLEARWATER PAPER LEASE- GOLDEN LEAF GRANT

As part of the Clearwater Paper incentive agreement, Cleveland County agreed to purchase a \$1 Million piece of equipment. This equipment will be purchased by Cleveland County through a Golden Leaf grant. Clearwater paper will be responsible for delivery and installation of the equipment. Clearwater will lease the equipment from Cleveland County with interest for a term of ten years (3.32% interest rate, \$119,168 a year for ten years). Clearwater Paper will be required to meet all criteria set forth in the Incentive Agreement approved on July 7, 2010 (*Clerks Note: reference minutes of July 7, 2010*). At the end of ten-years, should there be no default on the lease, Cleveland County will convey the equipment to Clearwater Paper for \$1. The \$1M received from lease payments will be used for future economic development projects. Since it is a lease to Clearwater Paper, they will be required to pay all applicable property taxes on the equipment.

As this is a custom-made piece of equipment, County Manager David Dear recommended Commissioners approve Thacker Industrial Services Company as a sole-source vendor for this equipment.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the lease agreement as presented by County Attorney Bob Yelton (copy found on Page _____ of Minute Book _____) and to approve Thacker Industrial Services Company as a sole-source vendor for this equipment.*

PLANNING DEPARTMENT: CODE TEXT AMENDMENT- JAMES N. HODGES-AMATEUR RADIO TOWERS (CASE #10-18)

ACTION: Chairwoman Boggs *continued this agenda item until November 16, 2010 at*

6:00 pm.

COMMISSIONER REPORTS

Commissioner Hawkins:

The Boy Scouts will be hosting an event at the fairgrounds on Saturday, October 23rd. They are expecting 3,000 kids and 11,000 family members representing 11 counties. The Scout Associations said that the Fair Board has been very gracious and they have met no resistance from them.

Commissioner Holbrook:

Commissioner Holbrook had a meeting with American Legion World Series officials in the conference room at the airport. He said that they were very impressed. Commissioner Holbrook encouraged all those who have not been to the new airport terminal to take the opportunity to visit.

Commissioner Accor:

The NCACC Board of Directors has begun talking about Legislative Goals for 2011. Cleveland County's suggested goals regarding annexation and mandatory generators at Nursing Facilities will be looked at by NCACC again this year. This year, under the direction of President Joe Bryan, NCACC will be focusing on Veteran's in North Carolina.

Commissioner Hutchins:

Commissioners Hutchins visited Grover Volunteer Fire Department where they have a new mobile unit which helps to teach children about Fire Safety. He again, suggested that everyone take the opportunity to visit this mobile unit. The second Gun Show will be held November 13-14.

Commissioner Boggs:

Chairwoman Boggs reminded Commissioners of the County Health & Benefits fair and of a MED week event where Commissioners will receive an award for their community service.

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 next regular scheduled meeting will be held ***Tuesday, November 2, 2010 in the Commissioners Chamber.***

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

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*