

CLEVELAND COUNTY BOARD OF COMMISSIONERS

December 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: Johnny Hutchins, Chairman
Ronnie Hawkins, Vice-Chairman
Mary S. Accor, Commissioner
Jason Falls, 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
Dorothea Wyant, Health Director
Alan Norman, Sheriff
David Allen, *Shelby Star*
Danielle Anzelone, *Cleveland Headline News*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Johnny Hutchins called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Assistant County Manager Eddie Bailes provided the invocation.

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:*

J.) **Sheriff's Office:** Request for New Entry-Level Position

CITIZEN RECOGNITION

James Hodges, 4102 Carroll Street, thanked Commissioners for considering placing the Amateur Radio Tower issue back on the agenda in January.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of *November 16, 2010*, motion was made by Mary Accor, seconded by Eddie Holbrook and unanimously adopted by the Board, to *approve the minutes as written.*

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #034)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
012.539.4.350.00/93217-592X	Family Planning/State Gov't Grants	\$ 8,300.	
012.539.5.230.01	Family Planning/Prescription Drugs	8,300.	

Explanation of Revisions: Budget Family Planning Long Acting Reversible Contraceptives funding for purchase of prescription drugs.

PUBLIC SAFETY GRANTS: BUDGET AMENDMENT (BNA #035)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.437.4.310.00/93889-PJ12	Public Safety Grants/Federal Grants	\$ 5,997.	
010.437.5.210.00/93889-PJ12	Public Safety Grants/Departmental Supply	120.	
010.437.5.211.00/93889-PJ12	Public Safety Grants/Controlled Equipment	5,877.	

Explanation of Revisions: To budget grant funds awarded by US Department of Health and Human Service for disaster preparedness purposes and duties. These grant funds pass through Charlotte-Mecklenburg Hospital DBA Carolinas Medical Center.

ECONOMIC DEVELOPMENT: BUDGET AMENDMENT (BNA #036)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.492.4.410.00/0LEAF-T5PK	Econ Dev./Local & Other Grants	\$ 300,000.	
010.492.4.409.00/0LEAF-T5PK	Econ Dev./Local	300,000.	
010.492.4.409.00/0LEAF-T5PK	Econ Dev./Local	300,000.	
010.492.4.991.00/0LEAF-T5PK	Econ Dev./Fund Bal Approp.	300,000.	
010.492.4.700.00/0LEAF-T5PK	Econ Dev./Grants	1,200,000.	

Explanation of Revisions: To budget \$300,000 grant award from Golden Leaf Foundation to install Fiber Optic Cable to the Data Center Park. The cable will be publicly owned and maintained. T5, State of North Carolina and Cleveland County also have to provide a match for these grant funds.

ECONOMIC DEVELOPMENT: BUDGET AMENDMENT (BNA #037)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.492.4.350.00/0NCID-5594	Economic Development/State Gov't Grants	\$500,000.	
010.492.5.700.00/0NCID-5594	Economic Development/State Gov't Grants	500,000.	

Explanation of Revisions: To budget NC One Grant award to Cleveland County from NC Department of Commerce for an incentive to Clearwater Paper Corp.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #038)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
010.441.4.991.00	Sheriff/Fund Balance Approp.	\$ 2,036.	
010.441.5.790.00	Sheriff/Donations/Contributions	2,036.	

Explanation of Revisions: Request approval to budget unbudgeted carry-over revenue from prior years.

SHERIFF'S OFFICE: MEMO REGARDING CORPORAL TIM ELMORE

County Manager David Dear received a letter from former Sheriff Raymond Hamrick regarding an incident that happened on September 12, 2010, in which Sheriff's Corporal Tim Elmore was shot while responding to a suspicious person call for service. Sheriff Hamrick asked that a letter be placed in the minutes regarding the bravery of this young Deputy.

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to include said letter from former Sheriff Raymond Hamrick in the minutes of the December 7, 2010 meeting (copy found on Page _____ of Minute Book _____).*

PLANNING DEPARTMENT: HISTORIC PRESERVATION COMMISSION JOINT PUBLIC HEARING ~ THE JOSHUA BEAM HOUSE (Schedule public hearing for January 4, 2011)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to schedule the public hearing as requested.*

RESOLUTION: CANCEL DECEMBER 21, 2010 MEETING

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook and unanimously adopted by the board to *adopt the following resolution:*

NUMBER 29-2010

CHANGE IN REGULAR MEETING SCHEDULE OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Cleveland County Board of Commissioners have determined to cancel their regular meeting of **Tuesday, December 21, 2010** in recognition of the Christmas Holiday.

NOW, THEREFORE, BE IT RESOLVED, THAT, public notification of this change will be conducted in accordance with the mandates of North Carolina General Statute 153A-40 and 143-318.12. The regular meeting schedule, as adopted by the Board, will remain in place for all other regular meetings of the Commission.

ADOPTED THIS 7th DAY OF DECEMBER 2010.

SHERIFF'S OFFICE: REQUEST FOR NEW ENTRY-LEVEL POSITION

County Manager David Dear received a memo from Sheriff Alan Norman requesting one additional entry-level Deputy Sheriff at an annual salary of \$30,144 (64/1/2). Sheriff Norman explained, after restructuring the Cleveland County Sheriff's Office positions and subsequent salaries, sufficient funding exists (\$53,000) within their 2010/11 budget to support his request for one additional entry-level position.

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook and unanimously adopted by the board to *approve the request for a new entry-level position.*

SPECIAL RECOGNITION

YEEVA CHENG

Commissioners presented Yeeva Cheng with a Certificate of Recognition for her establishment of the Martha Mason Scholar Award. The Martha Mason Scholar Award program gives a \$100 savings

bond to each student in Cleveland County who participates in the Star Spelling Bee. Ms. Cheng set a goal of raising \$10,000. To date, she has raised approximately \$12,000. The certificate read as follows:

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

PRESENTED TO

YEEVA CHENG

**FOR INITIATING THE MARTHA MASON SCHOLAR AWARD ~ FOR HONORING A
WOMAN WHO DID NOT ALLOW PHYSICAL LIMITATIONS TO HAMPER HER
SPIRIT OF LEARNING ~ FOR UNDERSTANDING THE IMPORTANCE OF GIVING
BACK TO YOUR COMMUNITY ~ FOR BEING AT LEADER A SUCH A YOUNG AGE
~ FOR BEING A POSITIVE EXAMPLE TO YOUR PEERS~ WE COMMEND YOU!**

Presented this the 7th day of December 2010.

PUBLIC HEARINGS

CLEARWATER PAPER CDBG GRANT BUDGET AMENDMENT

During the recruitment of Clearwater Paper Company, Cleveland County applied for \$1.5 Million in grants to construct an entrance road and a railroad spur. Cleveland County was awarded a \$1 Million grant from the Community Development Block Grant program and a \$500 K grant from the Industrial Development Fund. The original budget was as follows:

\$ 699,550	Entrance Road
765,450	Railroad
35,000	Administration
\$1,500,000	TOTAL

During the design of the road, the Engineer discovered some rock in the project area. The NCDOT also required a turn lane which was not originally a requirement. These two items increased the cost of the road by approximately \$150 K causing the bids to come in higher than expected. Mr. Dear proposed a revised budget as follows:

\$ 850,000	Entrance Road
615,000	Railroad
35,000	Administration
\$1,500,000	TOTAL

The railroad portion of the project will be bid in January. Mr. Dear is hoping that the railroad bids come in less than expected. Additional funding for this project is being researched specifically the additional cost of the turn lane.

Chairman Hutchins opened the public hearing (*at 6:15 p.m.*).

Hearing no comments, Chairman Hutchins declared the public hearing closed (*at 6:15 p.m.*).

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board to ***approve the revised budget presented by David Dear.***

REGULAR AGENDA

**ELECTRONIC RECYCLING AMENDMENT TO THE TEN YEAR SOLID WASTE
MANAGEMENT PLAN**

Chairman Hutchins introduced Dorothea Wyant, Cleveland County Health Director. Ms. Wyant took a moment to introduce Sam Lockridge, Cleveland County Coordinator of Health Services.

The Cleveland County Board of Health voted unanimously at their October 12, 2010 board meeting to recommend that the Board of Commissioners consider approval of an amendment to the Cleveland County Ten Year Solid Waste Management Plan that would include electronics recycling.

North Carolina law mandates that an electronics recycling program be established with shared responsibility between manufacturers, retailers, consumers and local and state government, with specific requirements for different parties. The law includes a ban on the disposal of computer equipment and televisions effective July 1, 2011. Cleveland County is establishing an electronics waste recycling program that will benefit consumers, fifteen municipalities, local and state government agencies and many local businesses beginning January 1, 2011. The program will ensure that the county is compliant with the State statute and allow us to be eligible for future recycling revenues and grants. Ms. Wyant presented the following proposed amendment to Commissioners:

Electronics Recycling Amendment
for
The Solid Waste Management Plan
Cleveland County, NC

General Information

Session Law 2010-67 establishes an electronics recycling program for the State of North Carolina with shared responsibility between manufacturers, retailers, local and state government, and consumers. The law places specific requirements on different parties and includes a ban on the disposal of computer equipment and televisions effective July 1, 2011. [from NCDENR Division of Waste Management]

Contacts

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Project Details

Cleveland County is establishing an electronic waste recycling program that will benefit fifteen municipalities as well as many local businesses. This program will ensure the county is compliant with the state statute requiring electronic waste recycling effective January 1, 2011.

Cleveland County will use ten enclosed utility trailers. Nine trailers will be located at convenience centers across the county; available for the public to use in recycling old radios, stereos, televisions, VCR's, personal electronic devices as well as all models of computer equipment. By having the utility trailers available at convenient locations across the county, for consumer use, the potential to dump these electronic materials will be reduced or eliminated. The tenth trailer will be used to swap out with filled trailers at the convenience center locations.

Filled trailers will be transported to a special processing location, located at the current Cleveland County Landfill. The trailer will be conveyed to the target site where employees will sort and separate electronic waste, and package it for processing. Packaged electronic waste will be stored at the county landfill until an adequate volume is reached for pickup by an approved vendor. The county landfill will contact eCycleSecure LLC, 1500 N Graham, NC 28206 (telephone: 704-376-1116, fax: 704-376-1112) to remove waste and transport it to their facility for final processing. eCycleSecure LLC is an improved vendor by the State of North Carolina.

Tonnage will be tracked at the county landfill. Trailers will be weighed before sorting, on their way into the landfill. Additional weight measurements will be assessed of the sorted material sent to eCycleSecure LLC for final processing.

Public Awareness

Cleveland County is taking this project one step further by incorporating several levels of public education, regarding the new electronics recycling program. The local print and television media will be used to notify the public. Electronic message boards at each convenience center will carry messages regarding the electronics recycling. The web site for the county government and the Cleveland County Health Department will also post notices. The Cleveland County fair will also be a venue to inform the public and provide educational materials to fairgoers. Educational material will also be available at the convenience centers and municipal government offices.

Budget

Cleveland County has established a separate local budget that includes grant funds as well as county funding to support this electronics recycling project. The county can justify spending funds on electronics recycling because this growing waste stream will free up space in the landfills. Additionally, removing the electronic waste eliminates a possible contamination hazards from toxic materials used in the electronics manufacturing process.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the amendment to the solid Waste Management Plan as presented by Dorothea Wyant.*

MINIMUM HOUSING CODE VIOLATION ~ 1238 OAK GROVE ROAD ~ JERRY DEAN BROOKS

In December 2009, Planning Director Bill McCarter received a minimum housing petition for a property located at 1238 Oak Grove Road. The current tenant is the petitioner. The petitioner requested that a building inspector visit the property to make an inspection.

Following the inspection, on January 12, 2010, a hearing was held where the property owner (Jerry Dean Brooks) was ordered to repair the dwelling within 90 days. The order expired on April 12, 2010. Mr. Brooks asked for a 90-day extension, which has now expired. A Cleveland County Building Inspector completed his last inspection on October 18, 2010. It revealed that several major repairs have not been completed resulting in moisture and mold problems in the bathroom.

Mr. McCarter explained that there are two options when it comes to minimum housing.

1. If the cost of the repairs exceeds 50% of the property value, then Commissioners could authorize demolition of the dwelling.
2. When the cost of repairs is less than 50% of the value of the property, Commissioners can adopt an ordinance to close and vacate the property. The county could then make the repairs on the property and charge the cost to the property owner or they can allow the property owner additional time to make the repairs.

Mr. McCarter presented a picture of the property which confirmed that the repairs would not exceed 50% of the property value. The property owner suggested that Commissioners take action to adopt an ordinance to close and have the tenant vacate the property. Commissioners were concerned with the fact that closing the property would evict the current tenant. Commissioner Hawkins stated, "I feel like the property owner needs to take legal means for the eviction". Upon question of counsel, County Attorney Bob Yelton stated, "If the owner wants the tenant out, I believe they need to take other legal means."

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to deny adoption of the ordinance to close and vacate the property and give the property owner an additional 90 days to make repairs to the property.*

DATA CENTER PARK INDUSTRIAL DEVELOPMENT FUND RESOLUTION

On October 5, 2010 Commissioners adopted a resolution to authorize an application to the Industrial Development fund for a secondary waterline to serve the Kings Mountain Data Center Park. The amount of the grant application submitted was \$493,587. Since that time, it was determined that a small sewerline extension would be needed to serve a shell building being constructed in the Data Center Park. County Manager David Dear requested the amount of the grant application be changed from \$493,587 to \$500,000 (maximum amount of grant) for construction of the sewerline extension.

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following resolution:*

Number 28-2010

CLEVELAND COUNTY'S APPLICATION FOR INDUSTRIAL DEVELOPMENT FUNDS FOR A SECONDARY WATERLINE TO SERVE A DATA CENTER PARK NEAR KINGS MOUNTAIN, NC

BE IT RESOLVED, that a grant from the Department of Commerce be made to provide a 12" secondary water line to serve a data center park near the City of Kings Mountain; and

BE IT FURTHER RESOLVED, that Cleveland County will administer this grant in accordance with the rules and regulations of the Department of Commerce; and

BE IT FURTHER RESOLVED, that the County will administer this grant through the County Finance Office with the assistance of Isothermal Planning and Development Commission staff; and

BE IT FURTHER RESOLVED, that the grant will be monitored quarterly to assure compliance with this proposal and the Department of Commerce regulations; and

BE IT FURTHER RESOLVED, that the amount of the grant application will be \$500,000.

Adopted and approved this the 7th day of December, 2010.

COMMISSIONER REPORTS

Chairman Johnny Hutchins noted that former Commissioner Willie McIntosh was recently appointed as the Chair of the local chapter of NAACP. Mr. McIntosh was in attendance.

Vice-Chair Ronnie Hawkins reminder Commissioners of a dinner that he and his wife Libby will be hosting on December 16th.

He requested Bill McCarter, Planning Director, get additional information on the different types of towers and antennae to make Commissioners more knowledgeable should they decide to revisit the amateur radio tower issue.

Commissioner Mary Accor presented a proclamation from the Board of Commissioners to Mt. Zion Missoinary Baptist Church. She noted the church was very appreciative of this.

Due to the recent defeat of one of the NCACC Officers, Commissioner Accor will serve as 2nd Vice President again. All three goals legislated recommended to NCACC by Cleveland County have been approved and will be brought before the NCACC committee.

Commissioner Eddie Holbrook shared information about the 21st Century County program. This program was designed by the NC Department of Commerce for Tier I counties to assist them in formulating a plan for Economic Development. Commissioner Holbrook commended Commissioners and the County Manager for their work with Economic Development. “The Department of Commerce presented a list of items that counties should address regarding economic development. Cleveland County has already addressed many of these items.”

The American Legion World Series committee received a \$300,000 gift from Lowes for improvements to the stadium facilities.

Commissioner Jason Falls thanked the board and the staff in the County Managers Office for welcoming him. During his campaign, there were several items that he felt needed to be addressed by the board. He made a request to Chairman Hutchins to bring up some of these issues at the next work session.

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Jason Falls, and unanimously adopted by the Board, ***to adjourn the meeting. The next regular scheduled meeting will be held on Tuesday, January 4, 2011, in the Commission Chamber.***

*Johnny Hutchins, Chairman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*