

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**January 4, 2011**

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 Accor, Commissioner  
Jason Falls, Commissioner  
Eddie Holbrook, Commissioner  
David C. Dear, County Manager  
Andrea Leslie-Fite, Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Chris Green, Tax Administrator  
Chris Crepps, Finance Director  
Dewey Cook, Emergency Management Director  
Bill McCarter, Planning Director  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairman Johnny Hutchins called the meeting to order. Pack 92 from Kings Mountain and the Daisy Girls Scouts, led by Jackie Sibley, led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Tim Ware, provided the invocation for the meeting.

**AGENDA ADOPTION**

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

**CONSENT AGENDA**

**TAX COLLECTOR'S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *November 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 *November 2010*. The monthly grand total of tax abatements was listed as (\$11,677.11); and, the monthly grand total for tax supplements was listed as \$26,332.69.

**PUBLIC SAFETY GRANTS: BUDGET AMENDMENTS (BNA #039)**

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

<i>Account Number/Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.437.4.310.00/93889-PJ08	Public Safety Grants/Federal Grants	\$11,874.	
010.437.5.210.00/93889-PJ08	Public Safety Grants/Departmental Supply	11,874.	

*Explanation of Revisions: To budget grant award from US DHHS-Health Resources and Service Administration. These funds will be used to enhance regional disaster preparedness.*

**DSS: BUDGET AMENDMENTS (BNA #040)**

**ACTION:** Eddie Holbrook 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>
011.508.4.310.00/93714-P057	Income Maintenance/Fed Gov Grants	\$211,200.	
011.508.5.422.00/93714-P057	Income Maintenance/Contracted Labor	211,200.	

*Explanation of Revisions: Budget amendment necessary to accept funding of a new temporary program called Job Boost. These funds will allow 40 Tanf eligible individuals to participate in a work program for 20 weeks.*

**THIRD PARTY PASS THRU: BUDGET AMENDMENTS (BNA #041)**

**ACTION:** Eddie Holbrook made the motion, seconded by Mary Accor, 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>
010.432.4.310.00/16738-0GVP	Third Party Pass Thru/Fed Govt Grants	\$38,025.	
010.432.5.700.00/16738-0GVP	Third Party Pass Thru/Grants	38,025.	

*Explanation of Revisions: To budget second year Community Based Youth Gang Violence Prevention Project to be administered through Communities in Schools. Grant requires pass through County.*

**HEALTH DEPARTMENT: FINANCIAL ELIGIBILITY/FEE COLLECTION POLICY**

**ACTION:** Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to adopt the Cleveland County Health Department Financial Eligibility/Fee Collection Policy (copy found on Page \_\_\_\_\_ of Minute Book \_\_\_\_\_).*

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of **December 7, 2010**, motion was made by Eddie Holbrook, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the minutes as written.*

**PUBLIC HEARING**

**JOINT PUBLIC HEARING REGARDING THE JOSHUA BEAM HOUSE**

Planning Director Bill McCarter explained the purpose of the public hearing is to review an application submitted by Gordon Hamrick regarding the Joshua Beam House.

Mr. McCarter discussed the project. "Joshua Beam, son of John Teeter Beam, was born on July 16, 1800, in his father's home on Buffalo Creek, then in Lincoln County. Teeter Beam died in 1807, leaving his widow, son Joshua, and his younger brother Aaron in the homestead (youngest of Teeter's fifteen children). Widow Elizabeth Beam had 336 acres in dower rights- both sides of Buffalo Creek including the home site. In 1833 she began releasing her rights to the heirs of Teeter Beam and in the 1830's, Joshua acquired the homestead, store, corn and sawmills that belonged to his father. The Beam house is significant in the history of Cleveland County because Joshua Beam was host for a gathering of leading citizens from Rutherford and Lincoln Counties to plan a petition to the NC General Assembly to organize a new county. The meeting was held on September 22, 1836. The legislation was approved

and the first session of court was held in Cleveland County in 1841. Beam was the first trustee and Justice of the Peace. In 1846 he was elected to the NC General Assembly. For many years, this farm remained in the Beam family. In 1980, the house, outbuildings and a 30 site was entered into the National Register of Historic Homes- a program of the National Park Service. The nomination was submitted by Sue Morris Hopper, Great-Great-Great-Granddaughter of Joshua Beam. The house and farm are currently owned by Gordon Hamrick, applicant for the Local Historic Landmark.”

Chairman Hutchins opened the public hearing (*notice of this hearing was accomplished in accordance with the General Statutes in The Shelby Star on December 22 and 29, 2010*).

Bob Smith, Chairman of the Historic Preservation Commission opened their public hearing.

*Brian LeGrand* spoke in favor of the application. “I am proud that they are doing this. My mother was Emma Jo Beam.”

Hearing no other comments, Chairman Hutchins declared the public hearing closed.

Bob Smith then closed the Public Hearing for the Historic Preservation Commission and recommended, on behalf of the Historic Preservation Commission, that Commissioners approve submittal of the Landmark Designation Application.

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve submittal of the Landmark Designation Application by adoption of the following ordinance:*

### **Ordinance Designating A Local Historic Landmark Joshua Beam House – 1920 New Prospect Church Road Cleveland County, North Carolina**

**WHEREAS**, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of a local historic landmark; and

**WHEREAS**, the Cleveland County Board of Commissioners designated the Cleveland County Historic Preservation Commission as a joint commission on December 21, 2004, having the authority to exercise, within the planning jurisdiction of the County, all the powers and duties given it by the Cleveland County Historic Preservation Ordinance; and

**WHEREAS**, the Cleveland County Board of Commissioners has taken into full consideration all statements and information contained in the Landmark Designation Application for the Joshua Beam House; and

**WHEREAS**, the Joshua Beam House is significant in the history of Cleveland County: On September 22, 1836, leaders from Rutherford and Lincoln counties meet at this farm to petition the NC General Assembly to organize a new county called “Cleveland”. Cleveland County Court first met in this house in 1841. The house is also an example of antebellum development in the western Piedmont of North Carolina and the growing prosperity of its planter and business class in the decades before the Civil War; and

**WHEREAS**, notice of the Landmark Application was provided to the North Carolina Department of Cultural Resources, State Historic Preservation Office on November 18, 2010, and no comments were received; and

**WHEREAS**, the Cleveland County Historic Preservation Commission and the Cleveland County Board of Commissioners held a joint public hearing on January 4, 2011, having published public notice in the *Shelby Star* on December 22 and December 29, 2010, and mailed notice of the hearing to the applicant along with adjoining property owners by first class mail on December 22, 2010; and

**NOW THEREFORE**, by order of the Cleveland County Board of Commissioners: The property known as the Joshua Beam House located at 1920 New Prospect Church Road, within the planning jurisdiction of Cleveland County, North Carolina, is hereby designated as a Local Historic Landmark pursuant to Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and Section 12-404 of the Cleveland County Code.

This property is more specifically described as follows: The nominated property is a 30 acre parcel, which is a portion of the tract identified as tax parcel 24489.

BEGINNING at the northeast corner of the intersection of SR 1908 and SR 1923, following the eastern right-of-way line of SR 1923 in a northerly direction a distance of 600 feet, more or less, to the intersection of the SR 1923 right-of-way line and the southern boundary of Shalp (24487); thence in a northeasterly direction a distance of 2000 feet, more or less with the southern boundary of Shalp (24487) M. Wilson (24496) and L. Wilson (55873); thence in a southerly direction a distance of 900 feet, more or less, with the western boundary of G. Hamrick (24488); thence in a southwesterly direction, a distance of 1100 feet more or less, to the centerline of a private road on the Hamrick property; thence in a northerly direction along the said private road a distance of 300 feet, more or less, to the intersection with the north right-of-way line of SR 1908; thence in a westerly direction along the right-of-way line of SR 1908 a distance of 150 feet, more or less, back to the beginning.

This ordinance shall become effective upon adoption and approval.

Adopted this 4<sup>th</sup> day of January, 2011.

**ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT: FAS CONTROLS, INC.**

Ken Mooney, Manager of Existing Industry Relations for the Cleveland County Chamber reviewed the incentive agreement for FAS Controls, Inc. (*copy found on Page \_\_\_\_\_ of Minute Book \_\_\_\_\_*). He noted that this project would create approximately 52 new, permanent full-time jobs and create approximately \$1,500,000 in new taxable investment over a three-year period. The average wage paid to the new full-time employees associated with this project shall equal or exceed \$9.50 per hour. Mr. Mooney thanked Commissioners for their past and continued support of businesses and noted that this was very competitive and without the local incentive grant and the NC One Grant, FAS Controls may have moved their operation to Mexico.

Chairman Hutchins opened the public hearing at 6:15 p.m. (*notice of this hearing was accomplished in accordance with the General Statutes in The Shelby Star on December 23, 2010*).

Michael Chrisawn, Cleveland Chamber President, spoke in favor of the incentive program. "On behalf of the Cleveland Chamber and its members, I stand in favor of this. It is great that we start a new year with this. The year 2011 looks very positive. I encourage you to award this incentive agreement."

Hearing no other comments, Chairman Hutchins closed the public hearing at 6:20 p.m.

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, ***to approve the incentive agreement for FAS Controls, Inc. as presented.***

Chairman Hutchins stated, "Although the percentage of the grant is high, the grant term is low. After three years, FAS Controls will pay 100% of the property tax on this new investment. I also think that the creation of 52 jobs is a great thing for Cleveland County."

**FALLSTON VOLUNTEER FIRE DEPARTMENT SERVICE DISTRICT**

Attorney Andrea Fite provided the following information to Commissioners: G.S. 69-25.11 provides that a fire protection district can be expanded (1) upon application of a two-thirds majority of the owners of property in the area to be included; (2) the approval of a majority of the members of the board of directors of the corporation furnishing fire protection to the district; and (3) the approval of the Board of County Commissioners. The first two requirements have been met.

The extension of this fire district was initiated by the Fallston Volunteer Fire Department and the citizens in the district. Extending this district will allow a lower insurance rating for those in the sixth mile and allows the Fallston Volunteer Fire Department the opportunity to collect taxes for a service that they are currently providing. County Manager David Dear explained that the decrease in insurance

premiums for property owners due to the lower insurance rating will be more than the additional taxes they will be paying. He felt as though this is a win/win for both parties.

Chairman Hutchins opened the public hearing at 6:22 p.m. (*notice of this hearing was accomplished in accordance with the General Statutes in The Shelby Star on December 24 and 31, 2010*).

Hearing no comments, Chairman Hutchins closed the public hearing at 6:22 p.m.

**ACTION:** Eddie Holbrook made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board, *to increase the Fallston Volunteer Fire Department Service District from 5 to 6 miles effective January 1, 2011.*

### **REGULAR AGENDA**

#### **FIRE PROTECTION CONTRACTS**

NC General Statutes require that when tax dollars are paid to a volunteer fire department, then any contract between the volunteer fire department and a municipality for the provision of fire protection in the municipality must be approved by the Board of Commissioners. Over the years, various contracts have been executed between volunteer fire departments and municipalities. Attorney Fite explained, some of these may have been approved by Commissioners in the past, but to be safe, she asked that all of the contracts be approved again. Attorney Andrea Fite asked that the following contracts be approved:

1. A Contract dated 12-14-09 between the Town of Kingstown and Polkville VFD.
2. A Contract dated 7-31-96 between the Town of Belwood and Casar VFD.
3. A Contract dated 8-1-96 between the Town of Casar and Casar VFD.
4. A Contract dated 9-14-06 between the Town of Earl and Number Three VFD.
5. A Contract dated 9-18-06 between the Town of Patterson Springs and Number Three VFD.
6. A Contract date 8-14-06 between the Town of Lattimore and Number Seven VFD.
7. A contract dated 8-3-06 between the Town of Mooresboro and Number Seven VFD.
8. A Contract dated 8-28-06 between the Town of Kingstown and Number Seven VFD.
9. A Contract dated 11-1-93 between the Town of Belwood and Fallston VFD.
10. A Contract dated 11-1-93 between the Town of Fallston and Fallston VFD.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the contracts as presented (copy found on Page \_\_\_\_\_ of Minute Book \_\_\_\_\_).*

#### **NCACC LEGISLATIVE GOALS CONFERENCE VOTING DELEGATE**

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls and unanimously adopted by the Board, *to appoint Ronnie Hawkins to serve as voting delegate at the 2011 NCACC Legislative Goals Conference.*

## **BOARD APPOINTMENTS**

### **CLEVELAND COUNTY ADULT CARE HOME ADVISORY COMMITTEE**

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board to, *re-appoint Denise Smith and Kris Thompson* to serve as members of this board for a term of three-years, scheduled to conclude on December 31, 2013.

### **CLEVELAND COUNTY AGRICULTURAL ADVISORY BOARD**

**ACTION:** Jason Falls made the motion, seconded by Eddie Holbrook and unanimously adopted by the board to, *re-appoint Myron Edwards and to appoint Randy Cook and William Thompson* to serve as members of this board, for a term of three-years, scheduled to conclude on December 31, 2013.

### **CLEVELAND COUNTY PLANNING BOARD**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to re-appoint Larry Dooley, Dobbins Lattimore, Richard Acuff and Raymond Walker and to appoint Melissa Spearman and Evangeline Jones* to serve on this board. The term of this appointment is for a period of three-years, scheduled to conclude December 31, 2013.

### **CLEVELAND COUNTY BOARD OF ADJUSTMENT**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to appoint Tommy Brooks, Jeff Ames and Myron Edwards* to serve as regular members on this board. The term of this appointment is for a period of three-years, scheduled to conclude December 31, 2013, and;

**ACTION:** Ronnie Hawkins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to appoint Jimmy Carroll and Mitch Chaplin* to serve as alternate members on the Cleveland County Board of Adjustment. There is no term expiration for this appointment.

### **COMMISSION FOR WOMEN**

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to re-appoint Rosaline Hunt and Linda Martin* to serve as members of the Commission, for a period of three-years, scheduled to conclude December 31, 2013.

### **CLEVELAND COUNTY EMPLOYEE PRODUCTIVITY AWARD REVIEW COMMITTEE**

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to appoint Michael Chrisawn* to serve a citizen representative member of the Committee, for a period of one-year, scheduled to conclude December 31, 2011.

### **CLEVELAND COUNTY BOARD OF HEALTH**

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to re-appoint Dr. Michael Alexander (Optometrist) and Kendalyn Lutz-Craver*

*(Dentist) and to appoint Gina Ayscue (Public Representative) to serve as members of the board. Each appointment is for a term of three-years, scheduled to conclude December 31, 2013.*

**INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY**

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *re-appoint Corky Fulton* to serve as a member of the board. This appointment is for a term of six-years, scheduled to conclude December 31, 2016.

**ISOTHERMAL PLANNING BOARD OF DIRECTORS**

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *re-appoint Bobby Rogers* to serve as a member of the board. This appointment is for a term of three-years, scheduled to conclude December 31, 2013.

**NURSING HOME ADVISORY COMMITTEE**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *re-appoint Hal Dedmon, Jason Falls, Alen Jolley and Ginger Poteat* to serve as members of this committee. The term of this re-appointment is for a period of three-years, scheduled to conclude on December 31, 2013. By the same motion, Commissioners *appointed Jim Gold and Brenda Lipscomb* to serve as members of this committee. The term of this appointment is for a period of one-year, scheduled to conclude on December 31, 2011.

**PATHWAYS**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *appoint Allen Langley* to serve as a member of this board and to *appoint Jason Falls as the Commissioner representative* on this board. The term of these appointments is for a period of three-years, scheduled to conclude on December 31, 2013.

**REGION C WORKFORCE DEVELOPMENT BOARD**

**ACTION:** Mary Accor made the motion, seconded by Jason Falls, and unanimously adopted by the Board, to *re-appoint Suzi Kennedy and Tim Blackwell* to serve as members of the Board, for a period of three-years, scheduled to conclude December 31, 2013.

**TOWN OF BOILING SPRINGS PLANNING AND ZONING BOARD OF ADJUSTMENT**

**ACTION:** Eddie Holbrook made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *appoint Paul Bridges* to serve as a member of this board. The term of this appointment is for a period of three-years, scheduled to conclude June 30, 2013.

**UPTOWN SHELBY ASSOCIATION**

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***appoint Denise McKinney to serve as the Commissioner Representative designee.*** The term is scheduled to conclude on December 31, 2011.

**EMPLOYEE PRODUCTIVITY AWARD REVIEW COMMITTEE**

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***appoint Commissioner Jason Falls*** to serve as the Commissioner Representative of this board. The term of this appointment is for a period of one-year, scheduled to conclude December 31, 2011.

**CLEVELAND COUNTY AUDIT**

County Finance Director Chris Crepps distributed the 2009/2010 audit report to Commissioners. This consisted of a report from the audit firm and a short report from Mr. Crepps. The report showed no findings. County Manager David Dear praised the Finance Department staff for their great job again this year and stated that the audit firm is very complementary of the staff also.

**COMMISSIONERS REPORTS**

Commissioner Falls began by thanking Sheriff Norman and Deputy Gibson for allowing him to spend time with them learning about the Sheriff's office.

Commissioner Holbrook has been working with Mr. Harrill and Representative Moore to secure additional grant funding opportunities for Cleveland County. He also noted that he read an article stating that Governor Perdue is working on reviewing General Statutes which have led to North Carolina being second in the race for economic development projects.

Commissioner Accor also noted that the NCACC will be focusing on the North Carolina tax structure to help with economic development opportunities.

Chairman Hutchins thanked all of those citizens serving on Cleveland County Boards & Committees.

**RECESS TO RECONVENE**

There being no further business to come before the Board at this time, Chairman Hutchins ***recessed the meeting to reconvene to Friday, January 7, 2011 at 12:30 p.m. to discuss the Data Center Park Waterline.***

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*Johnny Hutchins, Chairman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*