

CLEVELAND COUNTY BOARD OF COMMISSIONERS

October 18, 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 S. Accor, Commissioner
Jason Falls, Commissioner
Eddie Holbrook, Commissioner
David C. Dear, County Manager
Robert Yelton, Attorney
Kerri Melton, Clerk to the Board
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Alexis Pearson, Human Resources Director
Rebecca Clark, *The Star*
Barry Ditz, *Cleveland Headline News*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Johnny Hutchins called the meeting to order. Landon Brown of Boy Scout Troop 95 led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioner Jason Falls provided the invocation for the meeting. Following the invocation, Commissioners presented Landon Brown with a Certificate of Recognition which read as follows:

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

***PRESENTED TO
LANDON BROWN***

***FOR BEING COMMITTED TO SEEING POSITIVE CHANGE IN YOUR
COMMUNITY AND YOUR OWN LIFE BY YOUR WORK IN SCOUTING~ FOR
PARTNERING WITH KINGS MOUNTAIN CRISIS MINISTRY TO BUILD A FOOD
PANTRY ~ FOR TAKING YOUR TIME TO SOLICIT DONATIONS TO STOCK THE
FOOD PANTRY WHICH WILL SERVE CITIZENS IN NEED ~ FOR BEING A
LEADER AMONG YOUR PEERS ~ WE COMMEND YOU!***

Presented this the 18th day of October, 2011.

AGENDA ADOPTION

ACTION: Ronnie Hawkins 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 addition:*

8. **CLOSED SESSION: PERSONNEL MATTER AND LEGAL MATTER**

CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *September 2011* (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 2011*. The monthly grand total of tax abatements was listed as (\$121,220.43); and, the monthly grand total for tax supplements was listed as \$887,437.15.

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of the *October 4, 2011 regular meeting*, motion was made by Mary Accor, seconded by Jason Falls, and unanimously adopted by the Board, to *approve the minutes as written*.

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENTS (BNA #012)

ACTION: Mary Accor made the motion, seconded by Jason Falls, 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>
010.466.4.310.00/97036-IREN	EMS/Federal Grants	\$12,275.	
010.466.5.121.00/97036-IREN	EMS/Salary/Wages	6,399.	
010.466.5.122.00/97036-IREN	EMS/Salary/Wages-P/T	5,215.	
010.466.5.241.00/97036-IREN	EMS/Motor Fuels/Oil	620.	
010.466.5.310.00/97036-IREN	EMS/Travel/Training	41.	

Explanation of Revisions: To budget funding from NC Division of Emergency Management for Cleveland County All Hazard Incident Management Team to be deployed for Hurricane Irene.

CO-OPERATIVE EXTENSION: BUDGET AMENDMENTS (BNA #013)

ACTION: Mary Accor made the motion, seconded by Jason Falls, 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>
010.495.4.810.00/0WALM-2495	Co-op Ext/Donations	\$ 1,000.	
010.495.5.790.00/0WALM-2495	Co-op Ext/Donations	1,000.	
010.495.4.410.00/NCFCSS-2495	Co-op Ext/Local & Other Grt	1,000.	
010.495.5.210.00/ NCFCSS-2495	Co-op Ext/Dept. Supplies	1,000.	

Explanation of Revisions: To budget Wal-mart donation for EFNEP incentives. Also, to budget a grant award for NC Family and Consumer Sciences Foundation for the EFNEP project.

HEALTH DEPARTMENT: WRITE-OFF OF ACCOUNTS RECEIVABLE

ACTION: Mary Accor made the motion, seconded by Jason Falls, and unanimously adopted by the Board, to *allow the Health Department to write-off a total of \$24,207.48 in private pay and Medicaid fees uncollectible through June 30, 2008*.

If an inactive patient returns for services, the Health Department policy is to reinstate the charges that have been written off and apply payments to the oldest amount owed.

NC PUBLIC EMPLOYEE DEFERRED COMPENSATION PLAN

Cleveland County Human Resources has presented a recommendation to offer an additional deferred compensation plan to County employees.

ACTION: Mary Accor made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adopt the following resolution making employees eligible for the North Carolina Public Employee Deferred Compensation Plan.*

Number 22-2011

NC Public Employee Deferred Compensation Plan

WHEREAS, the members of the Cleveland County Board of Commissioners wishes to provide a qualified defined contribution plan to the employees of Cleveland County; and

WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under the Internal Revenue Code 457B for public employees of North Carolina;

NOW THEREFORE, BE IT RESOLVED THAT, the Cleveland County Board of Commissioners hereby adopts the North Carolina Public Employee Deferred Compensation Plan also known as “NC Deferred Comp” under the terms of the Plan Document and the Third Party Administrator Agreement. All employees shall become eligible to defer compensation immediately.

ADOPTED THIS 18th DAY OF OCTOBER 2010.

SPECIAL RECOGNITION

2011 DISTINGUISHED WOMEN AWARDS

Commissioners presented Lou Ballew, Helen Barrow, Elizabeth Revels and Ruth Wilson with a Certificate of Recognition for their receiving the Cleveland County Commission for Women Distinguished Woman Award . The certificate read as follows:

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

IN RECOGNITION OF BEING NAMED ONE OF THE 2011 DISTINGUISHED WOMEN OF CLEVELAND COUNTY BY THE CLEVELAND COUNTY COMMISSION FOR WOMEN~ A DISTINGUISHED WOMAN 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 18th day of October, 2011.

SHANIYA POOLE

ACTION: Eddie Holbrook made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to select Shaniya Poole as honorary vice-chair for the evening.*

MINORITY ENTERPRISE DEVELOPMENT WEEK

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adopt the following proclamation as presented by Gaye DeVoe:*

**MINORITY ENTERPRISE DEVELOPMENT WEEK
OCTOBER 23-29, 2011**

WHEREAS, Minority Enterprise Development Week, is an annual observance that has been proclaimed by the President of the United States since 1983 to highlight the important role and contributions minority business enterprises bring to our local, national and global economy; and

WHEREAS, this year's theme, "**Emerging Business and Community Leaders: A Blueprint for Success**" represents this nation's immense human and leadership capital within our free enterprise system to help foster strategic alliances and economic viability through continuous improvements, collaboration, innovation, competitiveness, and workforce preparedness in an ever changing global society; and

WHEREAS, the 16th Annual Awards Luncheon will bring together small business owners, local business and government officials, and community stakeholders to honor and commemorate the accomplishments of small business owners, local citizens and community partners who give of their time to make a difference in our local community; and

WHEREAS, the Cleveland County Business Development Center in collaboration with Cleveland Community College, Shelby High School, Infinity Media, The Shelby Star, and other local sponsors have teamed up to promote greater community awareness and participation in youth mentoring and talent development programs, women in business forums, education outreach, volunteerism, and access to opportunities and information that improve the overall quality of life in Cleveland County;

NOW THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS, hereby proclaims October 23-29, 2011 as "Minority Enterprise Development Week" in Cleveland County in recognition of the cooperative efforts of the above sponsoring organizations and individuals to enhance, promote and support the success of minority owned businesses, individuals and community partners.

ADOPTED THIS THE 18TH DAY OF OCTOBER 2011.

Commissioner Hawkins recognized Robert Miller, a member of the Cleveland County Board of Health for his work on the Health Board. Commissioner Hawkins described him as "an integral part of the board."

PUBLIC HEARINGS

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT: CASE FARMS

Ken Mooney, Manager of Existing Industry, presented the Case Farms, LLC incentive agreement to Commissioners for review. He highlighted the incentive agreement as follows:

- New jobs and investment are to be created at 1524 Airport Road, Shelby.
- Project will create approximately \$6.74 Million in new taxable investment over two years.
- Grant term- 5 years.
- Project will create ten (10), new, full-time jobs.
- The grant award will be the appraised value of the net new taxable investment of the project of each of the five years multiplied by .0057 (tax rate) multiplied by 40%.
- The value of the equipment will be determined by the Tax Assessor.
- All applicable taxes must be paid in full.
- Grantee is required to provide any information to the county in order to be in compliance with the grant agreement.

Chairman Hutchins opened the public hearing and asked anyone wishing to speak for or against the proposed incentive agreement to come forward.

Michael Chrisawn, Cleveland Chamber President, called this project "another opportunity for jobs." Case Farms is an existing industry in Cleveland County. Again, he noted, he believes existing industry will lead the way out of the recession. "Case Farms is a small business.... We believe in our small businesses."

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

ACTION: Ronnie Hawkins made the motion, seconded by Jason Falls and unanimously adopted by the board, *to approve the incentive agreement as presented (copy of agreement found on Pages ____ of Minute Book ____).*

REGULAR AGENDA

CITY OF SHELBY- NATURAL GAS PUBLIC AWARENESS MEETING

Federal law requires public utility providers to hold public awareness meetings to keep Government Officials and citizens informed of natural gas safety issues. Ronnie Davis, City of Shelby Utility Compliance Coordinator spoke to Commissioners about the goals of the City of Shelby Gas Department including providing safe, reliable gas service to customers and ensuring the safety of people living and/or working near gas pipelines. Mr. Davis educated the public on pipeline markers, farm tap regulator stations, meter set and regulator stations. He talked about the importance of calling 811 before you dig and made note that the number one cause of gas leaks is third-party damage accidents. Lastly, he informed the public on how to recognize a gas leak (see, hear and smell) and stressed that you must call 911 immediately if you suspect a gas leak.

CLOSED SESSION

ACTION: Jason Falls made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to conduct a closed session to discuss two issues;*

-To consult with the county attorney in order to preserve the attorney-client privilege, as allowed under North Carolina General Statute 143-318.11(a)(3)

-To discuss a personnel matter, as allowed under North Carolina General Statute 143-318.11(a)(6).

Chairman Hutchins reconvened the meeting in open session.

Regarding the consultation with the county attorney, Commissioners gave instruction to the County Attorney on the legal matter. No action was taken.

Regarding the personnel matter:

ACTION: Ronnie Hawkins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to appoint Eddie Bailes as Interim County Manager effective January 1, 2012.*

COMMISSIONER REPORTS

Commissioner Hawkins:

Commissioner Hawkins attended an Airport Commission meeting. The pouring of a new helicopter pad has been completed as well as renovations to the ramp facilities. He suggested possibly hosting a County Commissioners in the conference room at the Airport.

Commissioner Hawkins provided lunch for Animal Control and the Humane Society. He is very pleased with the cooperation that has taken place between these two groups and is looking forward to another adoption event.

Commissioner Holbrook:

Last Friday, Commissioners dedicated the Foothills Commerce Center. Dan Gerlach of the Golden Leaf Foundation attended and following, he visited the LeGrand Center. Mr. Gerlach commented, "It is always good to come to Cleveland County because this county moves."

Commissioner Falls:

Commissioner Falls has been working with Cooperative Extension, Uptown Shelby Association and Travel and Tourism to promote a "buy local" program.

ADJOURN

There being no further business to come before the Board at this time, Eddie Holbrook made the motion, seconded by Jason Falls, and unanimously adopted by the Board, to adjourn. The next regular scheduled meeting will be held ***Tuesday, November 1, 2011 in the Commissioners Chamber.***

*Johnny Hutchins, Chairman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*