

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**November 15, 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  
Eddie Bailes, Assistant County Manager  
Robert Yelton, Attorney  
Kerri Melton, Clerk to the Board  
David C. Dear, County Manager  
April Crotts, Deputy Clerk  
Chris Green, Tax Administrator  
Chris Crepps, Finance Director  
Alexis Pearson, Human Resources Director  
Dewey Cook, Emergency Management 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. A group of Girl Scouts and Brownies from throughout the county led the audience in the "Pledge of Allegiance" to the flag of the United States of America. County Clerk, Kerri Melton provided the invocation for the meeting.

**AGENDA ADOPTION**

Chairman Hutchins announced that Assistant County Manager would make a statement regarding the Cleveland County Sports Commission later in the meeting.

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

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

**ACTION:** There being no other corrections, additions or deletions to the minutes of *October 18, 2011*, motion was made by Ronnie Hawkins, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the minutes as written.*

**TAX COLLECTOR'S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *October 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 *October 2011*. The monthly grand total of tax abatements was listed as (\$8,472.91) and the monthly grand total for tax supplements was listed as \$3,822,660.91.

**SHERIFF’S OFFICE: BUDGET AMENDMENTS (BNA #025)**

**ACTION:** Ronnie Hawkins 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>
010.441.4.810.16	Sheriff/Donation-Sheriff K-9	\$ 8,450.	
010.441.5.790.16	Sheriff/Donation-Sheriff K-9	8,450.	

*Explanation of Revisions: Request approval to budget K-9 funds earned during the 2011 Cleveland County Fair (projects included sale of tee shirts and proceeds from puppy raffle). Funding will be used solely for items needed for the Cleveland County Sheriff’s K-9 Division.*

**SHERIFF’S OFFICE: BUDGET AMENDMENTS (BNA #026)**

**ACTION:** Ronnie Hawkins 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>
010.441.4.810.15	Sheriff/Donation-Sheriff K-9	\$ 1,281.	
010.441.5.790.15	Sheriff/Donation-Sheriff K-9	1,281.	

*Explanation of Revisions: Request approval to donate proceeds from the Cow Patty Bingo fundraiser that was held at Carillon Assisted Living Center in Shelby. Half of the net proceeds of the event are being donated to the Cleveland County Sheriff’s Office K-9 Division. Funds will be used solely to purchase needed K-9 supplies.*

**HISTORIC COURTHOUSE: BUDGET AMENDMENTS (BNA #027)**

**ACTION:** Ronnie Hawkins 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>
040.614.4.410.00/0LEAF-2DCC	Historic Courthouse/Local & Other Grant	\$250,000.	
040.614.5.991.00/0LEAF-2DCC	Historic Courthouse/Const. in Progress	250,000.	

*Explanation of Revisions: To budget funds from Golden Leaf pass through Destination Cleveland County for renovations to the courtrooms with the Earl Scruggs Center.*

**PUBLIC HEARINGS**

**UPPER CLEVELAND SPORTS COMPLEX PART F GRANT APPLICATION**

In 2010, The Upper Cleveland County Sports Commission wrote a grant requesting funding for a sports complex from the North Carolina Parks and Recreation Trust Fund (PARTF). Unfortunately, this grant did not get funded. Denese Stallings of the Upper Cleveland Sports Commission recommended the application be resubmitted.

Ms. Stallings gave background on the project. She explained residents saw the need for a recreation complex so they can participate in sports near their home. Their first objective was to locate property. With the help of the Town of Polkville and Cleveland County, the group was able to secure land. The Upper Cleveland Sports Commission has raised money and will continue to raise money

while trying to secure grants to help in this effort.

Ms. Stallings understands the limited money at the state level but has hope that this important project will be looked at favorably.

Chairman Hutchins opened the public hearing (*notice of this hearing was accomplished in accordance with the General Statutes in The Shelby Star on November 3, 2011*).

Leon Leonhardt, 3730 Fallston/Waco Road, strongly supports the efforts to build this complex.

Mr. Leonhardt is a charter member of the Upper Cleveland Sports Commission Board of Directors. He supports the organization with his time, professional services and money. Mr. Leonhardt said, "When I was in school, we could use the schools facilities to play, but you can't do that now.... Upper Cleveland needs these facilities to enrich the lives of our children and help with the quality of life in this community."

Mark Jolley, 310 E. Ridge Drive Lawndale has served for the last three years as President of the Upper Cleveland Sports Commission. The board started out with fifteen members and has continued to have a very high persistence rate. The project has received support from all of the towns of Upper Cleveland with three of the towns already giving financial support. The Upper Cleveland Chamber has also contributed significantly to this project.

"This project will benefit children all over Cleveland County." Mr. Jolley closed by thanking Commissioners for their continued support.

Frank Beam, 440 Country Club Acre Drive lives in the City of Shelby but was raised in Upper Cleveland County. Mr. Beam praised the Town of Polkville for doing some things (referring to a small park they have currently in the town). However, in the other small towns, he explained there is nowhere for the children to play. "All we are asking for is to give these children an opportunity."

Rhonda Branch, 2941 Stagecoach Trail is in favor of this sports complex. Ms. Branch has a thirteen year old boy who has been playing baseball since age 4. Ms. Branch and her family travel throughout the state to give her son an opportunity to play. "To bring a park like this to Upper Cleveland would be such an opportunity. There is talent here in Cleveland County that would be seen more if we had a facility such as this."

Hearing no other comments, Chairman Hutchins closed the public hearing at 6:30 p.m.

Vice-Chair Hawkins reminded Commissioners of a meeting that was held several years ago at Burns High School. "Commissioners made a promise to try and make this project come to fruition and my commitment is still there." He complimented David Dear on finding a way to purchase the land and also thanked the Town of Polkville (Mayor Shytle was in attendance) for donating land for this project.

Commissioner Accor noted that the board has always showed favor on this project. “It’s time for Upper Cleveland County.”

Commissioner Falls was not on the board when this project began. He said, however, the residents of Upper Cleveland have his full support of this project.

Commissioner Holbrook stressed the importance of this grant being heard. He reiterated a point that is said quite often, “Sports is economic development.”

Chairman Hutchins added, “The addition of this park would help the community with health issues by giving the residents of Cleveland County a place to exercise.”

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to approve filing of the PARTF grant application for the Upper Cleveland Sports Complex (copies found on Page \_\_\_\_\_ of Minute Book \_\_\_\_\_).*

**REGULAR AGENDA**

**CLEVELAND COUNTY MULTI JURISDICTIONAL HAZARD MITIGATION PLAN**

Emergency Management Director Dewey Cook recommended Commissioners pass a resolution to approve the newly revised Hazard Mitigation Plan.

Approximately five years ago, FEMA required counties to adopt a hazard mitigation plan. At that time, a vendor was hired to complete the plan. By law, every five years, this plan must be updated. Perry Davis, Assistant Emergency Management Director, spearheaded the effort to complete the update in-house which saved county dollars. FEMA has received a copy of the plan and has approved it pending approval by the County Board of Commissioners. This plan covers all of Cleveland County including properties located within a city limits.

**ACTION:** Mary Accor made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adopt the following resolution (a copy of the plan can be found in the County Managers Office):*

Number 23-2011

Cleveland County  
Multi Jurisdictional  
Hazard Mitigation Plan

WHEREAS, the citizens and property within Cleveland County are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damages to property, and with the knowledge and experience that certain areas, i.e., flood hazard areas, are particularly susceptible to flood hazard events; and

WHEREAS, the County desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General

Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214—Senate Bill 300 effective July 1, 2001), states in Item (a) (2) “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after November 1, 2004, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act”; and

WEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local government must develop an All-Hazards Mitigation Plan in order to receive future Hazard Mitigation Grant Program Funds, and

WHEREAS, it is the intent of the Board of Commissioners of Cleveland County to fulfill this obligation in order that the County will be eligible for state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, therefore, be it resolved, that the Board of Commissioners of Cleveland County hereby:

1. Adopts the Cleveland County Hazard Mitigation Plan; and
2. Vests the County Manager with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
  - (c) Adjust the boundaries of County and municipal planning jurisdictions whenever a municipal annexation or extraterritorial jurisdiction revision results in a change whereby a municipality assumes or relinquishes the authority to adopt and enforce floodplain management regulations for a particular area in order that all Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs) accurately represent the planning jurisdiction boundaries. Provide notification of boundary revisions along with a map suitable for reproduction, clearly delineating municipal corporate limits and extraterritorial jurisdiction boundaries to all concerned parties.
3. Appoints the County Manager to assure that the Hazard Mitigation Plan is reviewed annually and in greater detail at least once every five years to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Cleveland County Board of Commissioners for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted this the 15<sup>th</sup> day of November, 2011

#### **CLEVELAND COUNTY SPORTS COMMISSION**

Assistant County Manager Eddie Bailes read the following statement from the Commissioners regarding the Cleveland County Sports Commission:

With the current budget challenges, the county cannot increase the contribution to the Sports Commission beyond the current budgeted amount. This issue can be explored further during the next budget cycle.

*(Clerks Note: At their November 1, 2011 regular meeting Commissioners discussed the Cleveland County Sports Commission. At that meeting, it was the consensus of the board to take action next meeting.)*

## COMMISSIONER REPORTS

Commissioner Falls attended a Veteran's event. At their last meeting, the Pathways board and staff members expressed their appreciation for approval of the Intent to Merge Agreement.

As a member of the Nursing Home Advisory Committee, Commissioner Falls asked citizens to take an opportunity to visit the nursing homes throughout the county. Some of the residents do not get any visitors.

Commissioner Holbrook commended Cleveland Community College for the recent Fire College. Over 700 firefighters throughout the region attended this. "The Emergency Training Center is exemplary and is well known throughout the state."

The LeGrand Center fundraising efforts have begun. The Center is on schedule to be completed in May.

Commissioner Accor attended the Fair Board meeting where the current board officers were re-elected.

Commissioner Hawkins encouraged the others to attend one of two meetings discussing poverty. The meetings will be hosted by Communities in Schools. He voiced his concern for those in need of help with power bills this winter and asked if the Shelby Star could possibly run an article listing the agencies available to help with this need.

Commissioner Hawkins praised the work of Dr. Blackburn. At end of his term, Dr. Blackburn will no longer be able to serve on the Board of Health. "He has been a great chairman."

Chairman Hutchins attended a Senior Center Board meeting where they informed members that they are working on a website that will list agencies throughout the county that can assist people in need.

## ADJOURN

There being no further business to come before the Board at this time, Mary Accor made a motion seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adjourn the meeting*. The next regular meeting of the Commission is scheduled for *Tuesday, December 6, 2011 at 6:00 p.m.* in this Commission Chamber.

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*Johnny Hutchins, Chairman  
Cleveland County Board of Commissioners*

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*Kerri Melton, County Clerk  
Cleveland County Board of Commissioners*