

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**November 6, 2012**

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, County Manager  
Robert Yelton, Attorney  
Kerri Melton, Clerk to the Board  
April Crotts, Deputy Clerk  
Mark Dellinger, Electronic Maintenance Director  
Jessica Pickens, *The Star*  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

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

**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.*

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions or deletions to the minutes of the *October 2 and October 16, 2012 regular meeting*, motion was made by Jason Falls, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *approve the minutes as written.*

**CAPITAL PROJECTS: BUDGET AMENDMENT (BNA #026)**

**ACTION:** Jason Falls made the motion, seconded by Ronnie Hawkins, 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>
040.210.4.991.00	Capital Projects/Fund Balance Approp	\$45,000.	
040.210.5.992.00	Capital Projects/Joint Venture Const.	45,000.	

Explanation of Revisions: *To budget donations received for the Farmers Market Pavillion.*

**SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #027)**

**ACTION:** Jason Falls made the motion, seconded by Ronnie Hawkins, 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/Sheriff-Canine Fundraiser	\$ 14,979.	
010.441.5.790.16	Sheriff/Sheriff-Canine Fundraiser	14,979.	

Explanation of Revisions: Request to budget proceeds from K-9 Unit's fundraising efforts at the 2012 Cleveland County Fair (puppy raffle, sale of stuffed dogs and tee shirt sales).

**WESTERN BRANCH HAZARD MITIGATION REGIONAL PLAN**

The Cleveland County Emergency Management Department requested Commissioners approve submittal of a grant application to produce a Western Branch Hazard Mitigation Regional Plan. This plan will include Gaston, Lincoln and Cleveland counties. As part of the application, they requested Commissioners adopt a resolution naming Dewey Cook as the Primary Agent and Perry Davis as the Secondary Agent for this project.

**ACTION:** Jason Falls made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve submittal of the grant application and adopt the resolution authorizing Dewey Cook as the Primary Agent and Perry Davis as the Secondary Agent.*

<b>RESOLUTION</b>	
<b>DESIGNATION OF APPLICANT'S AGENT</b>	
<b>North Carolina Division of Emergency Management</b>	
Organization Name (hereafter named Organization): Cleveland County Emergency Management	Disaster Number:
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): North Carolina Department of Crime Control and Public Safety	
Applicant's Fiscal Year (FY) Start 2012-2014	Month: Day:
Applicant's Federal Employer's Identification Number: 56-6000288	
Applicant's Federal Information Processing Standards (FIPS) Number: 37045	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name Dewey C. Cook	Agent's Name Perry Davis
Organization Cleveland County Emergency Management	Organization Cleveland County Emergency Management
Official Position Director	Official Position Deputy Director
Mailing Address P.O. Box 2232	Mailing Address P.O. Box 2232
City, State, Zip Shelby NC 28151-2232	City, State, Zip Shelby, NC 28151-2232
Daytime Telephone 704-484-4841	Daytime Telephone 704-484-4841
Facsimile Number 704-484-4895	Facsimile Number 704-484-4895
Pager or Cellular Number 704-472-2916	Pager or Cellular Number 704-472-3648
<p>BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief &amp; Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.</p>	

**PUBLIC HEARINGS**

**ECONOMIC DEVELOPMENT ~ INCENTIVES PROJECT NEW YEAR (STEAG ENERGY SERVICES, LLC)**

Ken Mooney thanked Commissioners their support. Mr. Mooney presented an incentive agreement between Cleveland County and Steag Energy Services, LLC. The company will expand and

create \$3.5 Million in new investment and 25 jobs over the next two years. Steag Energy Services, LLC is located at 305 Linwood Road in Kings Mountain.

Steag considered expanding in other counties and states making this project competitive for Cleveland County. In 2006, Steag announced that they would create 21 jobs. They currently have approximately 100 permanent and temporary positions.

Chairman Hutchins opened the public hearing. (*Public notice of this hearing was accomplished in accordance with the mandates of North Carolina General Statutes, with a legal advertisement published in the Star on October 26, 2012.*)

**Michael Chrisawn, Cleveland County Chamber President** spoke in support of the incentive agreement. Mr. Chrisawn described Steag as a good corporate citizen. This is the second time the company has expanded in the past year. Steag is a business who serves the growing coal fired power generation industry.

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

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

## **REGULAR AGENDA**

### **VETERANS ADVISORY COUNCIL BYLAWS**

Commissioners Falls presented proposed bylaws for the Veteran's Advisory Council which was added as a County Commissioner appointed board.

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, ***to approve the Veteran's Advisory Council bylaws.***

## **BYLAWS FOR THE CLEVELAND COUNTY VETERANS ADVISORY COUNCIL**

### **ARTICLE I – NAME**

The name of the Advisory Committee shall be the Cleveland County Veterans Advisory Council.

### **ARTICLE II – MEETING LOCATION**

The Advisory Council shall meet in the Charles Harry Administration Building.

### **ARTICLE III – PURPOSE AND OBJECTIVES**

The Cleveland County Board of Commissioners in creating the Veterans Advisory Council respects and recognizes the service and sacrifice of all Cleveland County Veterans as represented in all the branches of United States military service and Merchant Marines. The Veterans Advisory Council will help Cleveland County Veterans by serving as a liaison with the community in coordinating services and activities benefiting Cleveland County Veterans and their families.

### **ARTICLE IV – DUTIES**

Members of the Veterans Advisory Council will plan events and provide updates about community based activities honoring Veterans. At the appropriate time, or when requested by the Cleveland County Board of Commissioners, the Advisory Council will present update reports to the Board of Commissioners on the activities of the Veterans Advisory Council.

#### **ARTICLE V – MEMBERSHIP**

Section 1 – Appointment. The Veterans Advisory Council shall be appointed by the Cleveland County Board of Commissioners.

Section 2 – Number. The Veterans Advisory Council shall consist of nine (9) members. The members shall serve at the pleasure of the Cleveland County Board of Commissioners.

Section 3 – Representation. The Veterans Advisory Council shall consist of representatives of Veteran's Organizations, business community leaders, a parent or spouse of an active duty military personnel, a representative from the Veteran's Office and a Commissioner or Commissioner designee.

Section 4 – Attendance. After any member has missed two (2) consecutive meetings, he or she will be contacted by the Chairman to be reminded of their rights and responsibilities of membership. If any member of the Advisory Council fails to attend three (3) consecutive meetings or fails to attend half of the meetings in any twelve (12) month period, the Board of Commissioners may make a replacement.

Members are required to notify the Chairman of an intended absence. Absence due to sickness, death or other emergencies or like nature shall be recognized as approved absences and shall not affect the member's status on the Advisory Council. Exceptions will be made if a member encounters a long illness or any other experience that may cause a prolonged absence.

#### **ARTICLE VI – TERM OF OFFICE**

All appointments shall be for three (3) years, or for the remainder of the un-expired term of an Advisory Council member who must be replaced. Appointments will be made at the second meeting in December of each year.

Three of the initial members shall be appointed for a term of one year, three of the initial members shall be appointed for a term of two years, and three of the initial members shall be appointed for a term of three years.

The Advisory Council members shall serve without monetary compensation.

#### **ARTICLE VII – OFFICERS**

Section 1 – Number. The Advisory Council shall have a Chairperson, A Vice-Chairperson, and a Secretary. These officers shall perform the following duties:

- A. The Chairperson and the Vice-Chairperson and the Secretary shall be elected from the Advisory Council. The Chairperson of the Advisory Council shall preside at all meetings, shall appoint appropriate committees, and shall assist these committees in carrying out the duties for which they were appointed.
- B. The Vice-Chairperson shall preside in the absence of the Chairperson and shall perform such duties as are assigned by the Chairperson. Should the office of the Chairperson be vacated for any reason, the Vice-Chairperson shall fill the unexpired term of office and a new Vice-Chairperson shall be elected by the Advisory Council.
- C. The Secretary shall be responsible for seeing that the minutes and all other records of official transactions of the Advisory Council are maintained in proper order. The Cleveland County Veterans Service Office will assist in the processing and distribution of minutes, notices, and all other records of official transaction.
- D. If both the Chairperson and Vice-Chairperson are absent, the Secretary shall conduct the meeting.

Section 2 – Election. The Chairperson, Vice-Chairperson and Secretary shall be elected in January for a term of one (1) year. The Advisory Council shall fill vacancies in either position. Officers may not serve more than two (2) consecutive one (1) year terms.

## **ARTICLE VIII – MEETINGS**

Section 1 – Frequency. The Veterans Advisory Council will determine its meeting schedule but in no instance will it meet less than quarterly. It may schedule regular month meetings for a specific day and time. Notices of all regular meetings of the Advisory Council shall be made at least ten (10) days in advance. Notice of all meetings of the Council shall be given and minutes and other records of the Council shall be kept as provided by the applicable North Carolina Open Meetings laws and the North Carolina Public Records laws.

Section 2 – Called Meetings. Special meetings may be called by the Advisory Council Chairperson or upon request by 1/3 of the Advisory Council membership at that present time. The Cleveland County Board of Commissioners Chairperson may call a meeting of the Advisory Council at any time or place. All special meetings require prior notice of 24 hours. Notice of special meetings shall include the purpose for which the meeting is called.

## **ARTICLE IX – COMMITTEES**

Section 1 – Appointment. The Veterans Advisory Council may appoint committees as desired.

## **ARTICLE X – VOTING AND QUORUM**

Section 1 – 50% plus one (1) of the nine (9) members of the Veterans Advisory Council shall constitute a quorum of any regular or special meeting. If at any time the membership falls below nine (9), a quorum will be based on the membership at that time.

Section 2 – Assuming a quorum, the affirmative vote from a majority of the members for the Veterans Advisory Council present shall be sufficient to carry the issue.

Section 3 – To maintain balance between the Advisory Council, and any subcommittee thereof, the Presiding Officer shall be entitled to exercise his/her voting prerogative.

## **ARTICLE XI – CONDUCTING BUSINESS**

All business shall be conducted in accordance with Robert's Rules of Order, unless modified from time to time by action of the Advisory Council.

## **ARTICLE XII – AMENDMENTS**

These bylaws may be amended, supplemented or superseded only by an affirmative vote of not less than the majority of the members of the Veterans Advisory Council and approval by the Cleveland County Board of Commissioners; provided, however, members shall be given at least ten days written notice of such proposed amendments.

These bylaws were adopted the 6th day of November, 2012 by the Cleveland County Board of Commissioners.

### ***COMMISSIONERS REPORTS***

Commissioner Falls thanked Richard McSwain for his work with the Veteran's Day Program.

He suggested that a board training be held at the first meeting of the newly created Veteran's Advisory Council.

Commissioner Holbrook invited Commissioners to the Lighting of the LeGrand on November 16<sup>th</sup>.

Commissioner Accor attended the DSS Board retreat and the Shelby Civil Air Patrol Squadron banquet. She shared that after thirty-three years with Cleveland County Schools, she has retired.

**ADJOURN**

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded Jason Falls, and unanimously adopted by the Board, to adjourn. Next regular scheduled meeting will be held on *Tuesday, November 20, 2012 in the Commission Chamber.*

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*Johnny Hutchins, Chairman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*