

CLEVELAND COUNTY BOARD OF COMMISSIONERS

January 15, 2013

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: Ronnie Hawkins, Chairman
Jason Falls, Vice-Chairman
Susan Allen, Commissioner
Johnny Hutchins, Commissioner
Eddie Holbrook, Commissioner
Eddie Bailes, County Manager
Andrea Leslie-Fite, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Bill McCarter, Planning Director
Allyson Mauney, Human Resources Director
Jessica Pickens, The Shelby Star
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Ronnie Hawkins called the meeting to order. Commissioner Jason Falls led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioners wore green ribbons in honor of Tanner Denton, a Jefferson Elementary School student who is fighting kidney disease. Commissioner Falls provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk with the following addition:*

G. ANNUAL CERTIFICATION OF FIREFIGHTERS

CITIZEN RECOGNITION

No citizens signed up to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions or deletions to the minutes of *December 4, 2012 and December 11, 2012 Work Session*, motion was made by Jason Falls, seconded by Eddie Holbrook 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 *December 2012* (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 **December 2012**. The monthly grand total of tax abatements was listed as (\$10,992.54); and, the monthly grand total for tax supplements was listed as \$19,621.38.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #044)

ACTION: Jason Falls 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>
011.516.4.310.00/93996-2200	Income Maintenance/Federal Govt Grants	\$29,765.	
011.516.5.121.00	Income Maintenance/Salaries	29,765.	

Explanation of Revisions: Budget Amendment necessary to accept additional federal daycare administration funds for FY 2012/2013. The current allocation is more than the state estimates for daycare admin services. These funds will help with the cost in providing daycare services.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #045)

ACTION: Jason Falls 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>
011.519.4.310.00/93568-P372	Public Asst./Fed Govt Grants	\$78,835.	
011.519.5.512.05	Public Asst./Crisis	78,835.	

Explanation of Revisions: Budget Amendment necessary to accept additional federal LIEAP funds for FY 2012/2013. The additional monies are the result of the increased need for services.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #046)

ACTION: Jason Falls 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>
011.519.4.310.00/93568-P372	Public Asst./Fed Govt Grants	\$315,714.	
011.519.5.512.05	Public Asst./Crisis	315,714.	
011.508.4.310.00/93568-P372	Public Asst./Fed Govt Grants	42,198.	
011.508.5.422.00	Public Asst./Contracted Labor	42,198.	

Explanation of Revisions: Budget Amendment necessary to accept additional federal Crisis funds and Admin funds for FY 2012/2013. The current allocation is more than state estimates for crisis funding for FY 2012-2013. The additional monies are the result of the increased need for services.

ANNUAL CERTIFICATION OF FIREFIGHTERS

Cleveland County Emergency Management sent a roster to Commissioners which listed Dewey Cook, Perry Davis and Bobby Horton as employees of the Cleveland County Fire Marshall's Office and Emergency Management. Per NCGS 58-86-25, an annual certification is required to be sent to the State Firemen's Association so they could receive death benefits if something occurred in the line of duty.

ACTION: Jason Falls made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, ***to certify that Dewey Cook, Perry Davis and Bobby Horton are employees of the Cleveland County Fire Marshall's Office and Emergency Management.***

REGULAR AGENDA

CLEVELAND COUNTY YOUTH COMMISSION UPDATE

Former County Commissioner Mary Accor, who currently serves as the Advisor for the Cleveland County Youth Commission, shared a PowerPoint presentation showing all of the events the Commission has been involved in throughout the year. Ms. Accor then introduced Allison Howell, president of the Cleveland County Youth Commission.

The Youth Commission meets on the second Sunday of every month at 3:30pm. After several meetings, the group decided that they would focus on service projects. They have delivered items to Hospice and Cleveland Pines Nursing Home. Recently they held a pancake breakfast. They raised \$165 for each of the five high schools. Money is to be used for students in need.

Commissioners thanked former Commissioner Accor for her hard work with this board.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION- GEORGE SURRATT- 2913 PHILADELPHIA ROAD

Mr. McCarter reviewed that, in accordance with Section 3.5-45(b), a hearing was held on September 12, 2012 regarding this case and the owner was allowed 90-days to demolish the dwelling. The Order expired on December 12, 2012. To date, no action has been taken. The house has been severely damaged by fire and is beyond repair.

The adoption of this ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

ACTION: Eddie Holbrook made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

**CLEVELAND COUNTY
NORTH CAROLINA**

**AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH
A DWELLING AT 2913 PHILADELPHIA ROAD**

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 2913 Philadelphia Road, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 2913 Philadelphia Road, (Parcel 35066) now or formerly owned by George W. Surratt; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 15th day of January 2013 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: MIMIMUM HOUSING CODE VIOLATION- LEILA MAE CLARK- 119 COTIE ROAD

Mr. McCarter reviewed that, in accordance with Section 3.5-45(b), a hearing was held on September 18, 2012 regarding this case and the owner was allowed 90-days to demolish the dwelling. The Order expired on December 18, 2012. To date, no action has been taken. The house has been damaged by fire.

The adoption of this ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

ACTION: Susan Allen made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A DWELLING AT 119 COTIE ROAD

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 119 Cotie Road, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 119 Cotie Road, (Parcel 37757) now or formerly owned by Leila Mae Clark; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 15th day of January 2013 by the Cleveland County Board of Commissioners in open session.

PLANNING DEPARTMENT: MIMIMUM HOUSING CODE VIOLATION- DONNIE RAY WILLIAMS- 109 SABRE DRIVE

Mr. McCarter reviewed that, in accordance with Section 3.5-45(b), a hearing was held on August 18, 2012 regarding this case and the owner was allowed 90-days to demolish the dwelling. The Order expired on November 18, 2012. To date, no action has been taken. Mr. McCarter had difficulty locating the owner. Mr. Williams sister called and informed Mr. McCarter that her brother has received the letters. An order has been posted on the property but Mr. McCarter has not heard any response.

The adoption of this ordinance authorizes the Code Enforcement Officer to accept bids for any salvage materials in or about the dwelling and credit the proceeds against the costs of demolition. A lien will be placed against the property for any additional costs incurred by the county, as provided by NCGS 160A-446(6).

ACTION: Susan Allen made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adopt the following ordinance ordering the demolition:*

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH
A DWELLING AT 109 SABRE DRIVE

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 109 Sabre Drive, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 109 Sabre Drive, (Parcel 12997) now or formerly owned by Donnie Ray Williams; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 15th day of January 2013 by the Cleveland County Board of Commissioners in open session.

RESOLUTION HONORING THE PUBLIC SERVICE OF DEBBIE ANN CLARY

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to adopt the following resolution:*

Number 01-2013

A RESOLUTION HONORING THE PUBLIC SERVICE OF DEBBIE ANN CLARY, A NORTH CAROLINA HOUSE REPRESENTATIVE AND SENATOR.

Whereas, Debbie Clary, a native of Cleveland County, was elected in 1994 and served seven terms in the North Carolina House of Representatives and two terms in the North Carolina Senate; and

Whereas, Debbie Clary's interest in government service began with private business where she was the owner of a radio station; and

Whereas, Debbie Clary, being a champion for people on limited incomes, was well known and received awards for her work regarding the expansion of home care and adult day care services and the protection of services for the mental health community; and

Whereas, Debbie Clary's concern for youth safety led to her passing legislation for the Graduated Driver's License which allows novice drivers to be slowly introduced to driving by first allowing them to drive under the safest conditions with supervision before moving on to an unrestricted license; and

Whereas, Debbie Clary has been recognized in several national publications, including The New York Times, Washington Post and Time and Parents Magazines, for her leadership with highway safety legislation; and

Whereas, for two consecutive years Debbie Clary was recognized as "Region C-Law Enforcement Legislator of the Year", after passage of her legislation which increased the penalty for assault on a law enforcement officer with a deadly weapon; and

Whereas, Debbie Clary took a personal interest in her constituents, offering immediate assistance to people in need, many times provided from her own pocket; and

Whereas, the betterment of the people of Cleveland and Rutherford Counties has always superseded any personal or political agenda;

Now therefore, the Commissioners of Cleveland County, wish to express their appreciation for the public service given and contributions made by Debbie Clary, by naming a two-mile stretch of Highway 74 extending across the county line into Rutherford County, *The Senator Debbie A. Clary Highway*.

COMMISSIONER REPORTS

Commissioner Holbrook reminded Commissioners that there will be a public announcement regarding the LeGrand Center held on Thursday, January 17th at 4:30pm

Commissioner Hutchins attended the official swearing in of the House and Senate in Raleigh where they met with the local delegation.

He has received several calls about the collection sites closing on Sundays. Commissioner Hutchins asked *The Shelby Star* to run a poll to see how many citizens would be willing to pay to keep these collections sites open on Sundays.

Commissioner Falls announced that 5 animals were adopted at the Tractor Supply adoption event.

Commissioner Allen attended the Essentials of County Government course.

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to recess to reconvene to Tuesday, January 22nd for a work session*. The next regular meeting will be held on *Tuesday, February 5, 2013, at 6:00 p.m.* in this Commission Chamber.

Ronald J. Hawkins, Chairman
Cleveland County Board of Commissioners

Kerri Melton, Clerk
Cleveland County Board of Commissioners