

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**April 2, 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  
Susan Allen, Commissioner  
Johnny Hutchins, 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  
Dorothea Wyant, Health Director  
Bill McCarter, Planning Director  
Jessica Pickens, *The Shelby Star*  
Other individual names on file in the Clerk's Office

**ABSENT:** Jason Falls, Vice-Chairman  
Eddie Holbrook, Commissioner

**VETERAN'S:** Bjorn Hansen

**CALL TO ORDER**

Chairman Ronnie Hawkins called the meeting to order. County Clerk Kerri Melton led the audience in the "Pledge of Allegiance" to the flag of the United States of America and 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.*

**CITIZEN RECOGNITION**

No citizens signed up to speak.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *March 7, 2013 and March 19, 2013 meeting*, motion was made by Susan Allen, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *approve the minutes as written.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #065)**

**ACTION:** Susan Allen made the motion, seconded by Johnny Hutchins, 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>
012.538.4.991.00	Maternal Health/Fund Balance App	\$ 177.	
012.538.5.790.00	Maternal Health/Donations/Contrib	177.	

Explanation of Revisions: Budget donation for Care Coordination for Children

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #066)**

**ACTION:** Susan Allen made the motion, seconded by Johnny Hutchins, 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>
012.533.4.310.00/93069-2680	Adult Health/Fed Govt Grants	\$ 10,500.	
012.533.5.230.00	Adult Health/Medical Supplies	3,500.	
012.533.5.230.05	Adult Health/Lab Supplies	3,000.	
012.533.5.513.00	Adult Health/Hosp & Drs Fees	4,000.	

**Explanation of Revisions:** Budget DHHS WISEWOMAN funds for operating expenses for cardiovascular disease screening.

**SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #067)**

**ACTION:** Susan Allen made the motion, seconded by Johnny Hutchins, 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>
010.444.4.357.02	Detention Ctr/St. Grant-Inmate SSA	\$ 1,714.	
010.444.5.210.00	Detention Ctr/Departmental Supply	379.	
010.444.5.581.00	Detention Ctr/Awards/Appreciation	1,335.	

**Explanation of Revisions:** Request approval to budget funding to allow for an Appreciation Banquet for the Detention Center Church Ministry, to thank churches for their service and dedication to this ministry. Banquet will be held at Landmark Baptist Church on 3/19/13 (157 meals @ \$8.50 each = \$1,335; 19 plaques @ \$19.95 each = \$379 for a total of \$1,714).

**SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #068)**

**ACTION:** Susan Allen made the motion, seconded by Johnny Hutchins, 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>
010.442.4.991.00/USICE-P442	Sheriff/Fed Forf Prop/Fd. Bal App	\$ 67,800.	
010.442.5.210.00/USICE-P442	Sheriff/Fed Forf Prop/Dept. Supply	12.	
010.442.5.910.00/USICE-P442	Sheriff/Fed Forf Prop/Cap Equip	67,788.	

**Explanation of Revisions:** Request to budget funds for the purchase of two 2013 Tahoe's, including striping, lights, radios, K9 cages, highway use taxes and plates for each.

**SOCIAL SERVICES: BUDGET AMENDMENT (BNA #069)**

**ACTION:** Susan Allen made the motion, seconded by Johnny Hutchins, 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>
011.506.4.310.00/93556-P096	Title XX/Federal Grants	\$ 15,437.	
011.506.5.121.00	Title XX/Prof Services	15,437.	

**Explanation of Revisions:** Budget amendment necessary to accept additional Federal funds which will help with administrative costs in 506.

**REGULAR AGENDA**

**PARTNERS BEHAVIORAL HEALTH MANAGEMENT GOVERNANCE CHANGES**

Rhett Melton, Executive Director of Partners Behavioral Health Management discussed changes required to the governance structure of Partners. The board is currently made up of 26 members based on population. The board make-up is driven by statute. On July 12, 2012, session law was ratified

significantly modifying the requirements for the structure of Local Management Entity boards. Partners is required to be in full compliance by 2013. Mr. Melton highlighted the new requirements:

- The board may have between 11 and 21 voting members. Partners BHM Board of Directors currently has 26 members.
- There are 13 required categories of individuals that must be represented on the LME board. Eleven of the 13 are voting members and the other two (the president of the local Provider Council and an administrator of a hospital providing mental health, developmental disabilities and substance abuse services) are non-voting members.
- Of the eleven mandated categories to be represented by voting members, one is directly appointed by the Secretary of the NC Department of Health and Human Services.
- The board must have at least one member who is a county commissioner.
- No one person can be counted as filling more than two of the mandated categories even if they meet the requirements of additional classifications.

The Partners BHM Board of Directors voted to have the maximum board members permitted under the new legislation which is 21. Cleveland County will have the same percentage of members that it currently has. Members will continue to be distributed based on the population of the county. Mr. Melton made note that although statute only requires one Commissioner on the board, Partners is designating a County Commissioner or designee from each county serve on the Partners Board. There are total of eight counties in the provider area.

On a side note, Commissioner Hutchins asked why Cleveland County's funding per person is so much higher than the other counties.

Mr. Melton explained that the money that Cleveland County budgets for Pathways is used for Cleveland County residents only. He explained many counties wonder why Cleveland County has so many more programs. It is because Cleveland County allocates more funding per person.

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

*Number 08-2013*

***Support for Revision of the Composition of the Partners Behavioral Health Management Board of Directors***

**WHEREAS**, Partners Behavioral Health Management ("Partners BHM") was established by joint agreement between the Commissioners of Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry and Yadkin counties on July 1, 2012 by merging the former Mental Health Partners, Crossroads Behavioral Healthcare, and Pathways LME Area Authorities; and

**WHEREAS**, the board of directors for Partners BHM was established at the time of the merger to be a 26 member board distributed proportionately according to the population of each individual county as a percentage of the combined merged population; and

**WHEREAS**, North Carolina Session Law 2012-151 (Senate Bill 191) codified as NC Gen Stat{ 122C-118.1 enacted new requirements for Area Authority boards in both size and composition of members and requires Area Authorities to be in full compliance with the new requirements no later than October 1, 2013; and

**WHEREAS**, the Board of Directors for Partners BHM has thoroughly discussed and explored various options to come into compliance with the statute and to maintain fidelity to the will of the commissioners expressed at the time of the merger; and

**WHEREAS**, Partners BHM's Board of Directors has modified its by-laws to maintain an equitable distribution of members among the eight counties that comprise the organization; and

**WHEREAS**, Partners BHM requests that the modifications to the governance structure be supported by the respective Boards of County Commissioners;

**THEREFORE**, be it resolved that the Cleveland County Board of Commissioners supports and approves the modifications made to the governance structure of Partners BHM that is in compliance with NC Gen Stat {122C-118.1 and will work collaboratively with the Partners BHM Board of Directors to appoint the members with the requisite backgrounds and qualifications to maintain compliance with state statutes.

**ADOPTED THIS THE 2<sup>ND</sup> DAY OF APRIL, 2013**

**RESOLUTION IN SUPPORT OF NATIONAL PUBLIC HEALTH WEEK**

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

*Number 06-2013*

**A RESOLUTION IN SUPPORT OF NATIONAL PUBLIC HEALTH WEEK**

**Whereas** the week of April 1–7, 2013, is National Public Health Week, and the theme is “Public Health is Return on Investment: Save Lives, Save Money”;

**Whereas** since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policymakers and public health professionals about issues important to improving the public's health;

**Whereas** the Cleveland County Health Department's mission is to assure, enhance and protect the health of Cleveland County citizens through education and prevention;

**Whereas** preventing diseases before they start is critical to helping people live longer, healthier lives while managing health-related costs;

**Whereas** preventable chronic diseases such as heart disease, cancer and diabetes are responsible for millions of premature deaths each year;

**Whereas** chronic diseases cause Americans to miss 2.5 billion days of work each year, resulting in lost productivity totaling more than \$1 trillion;

**Whereas** investing just \$10 per person each year in proven, community-based public health efforts could save the nation more than \$16 billion within five years;

**Whereas** strong public health systems are critical for sustaining and improving community health:

**NOW, THEREFORE, be it resolved that the Cleveland County Board of Commissioners**, do hereby proclaim the week of April 1–7, 2013, as National Public Health Week 2013 in Cleveland County, North Carolina. We call upon the citizens of Cleveland County to observe this week by helping their families, friends, neighbors, co-workers and leaders better understand the value of public health and adopt preventive lifestyle habits.

**CONNECT OUR FUTURE**

Chairman Hawkins introduced Jim Prosser of Centralina Council of Governments. Mr. Prosser began by apologizing for not coming before Commissioners sooner to discuss the *Connect Our Future* program.

Mr. Prosser began by apologizing to Commissioners for not coming to share information about the *Connect our Future* program sooner. He shared a PowerPoint Presentation titled *CONNECT Our Future Update*. The purpose of the program is to create Regional Growth Framework focused on growing economy and jobs, controlling cost of government and improving quality of life. Members of Centralina wanted staff to work on a plan to determine what is important to maintain the economic vitality of communities in a 14-county bi-state region. A grant was received to do this planning.

Thirty-two open houses were held and surveys were gathered in order to receive input from residents throughout the region, including representatives of local government, education, business, economic development, non-profits and other organizations. The purpose was to see what residents care about most. Responses included the following:

**Biggest Challenges for the Future of Our Region**

- Jobs, Economic Development, Employment, Poverty
- Transportation; Traffic, Walkability
- Infrastructure to Support Growth
- Managing Growth, Sustainable Development
- Schools, Education, Skills Development

**Regional Future Best Illustrating Place you Value**

- Town Center/Main Street
- Community parks & greenways
- State parks, forests, preserved land
- Rivers, streams & lakes
- Neighborhoods with housing, offices & shops together

**Description of What Valued (Community/Region Place)**

- Friendly
- Quality of Place (Dynamic, Enduring, Authentic, Fresh, Pleasant)
- Quality of Place (Beauty)
- Ease of Access, Walkable, Close
- Historic

A forum which includes elected officials appointed by the County Boards of Commissioners and City Council Members will meet to look at which options will be included in a final report. Examples of CONNECT Products would include; Region-wide and County-level Economic and Assessment Reports, Career Headlights, Regional Freight Plan, Downtown Redevelopment Strategies, Compilation of Regions existing Land Use data and Regional Assessment of Housing Needs.

Mr. Prosser introduced Earl Mayor Max Hopper and Shelby Mayor Stan Anthony to give their views on the importance of the *Connect Our Future* program.

Mayor Hopper is looking for this program to help those small towns who have been “attacked by Charlotte.” “Small towns need to know where to go if these areas are extended into their town limits”.

Mayor Anthony made note that the City has not seen the presentation given by Mr. Prosser, however, he has attended a few meetings and was impressed with the exchange of ideas from the public.

At the meetings, Mayor Anthony heard both good and bad things. He stressed the importance of dialoging with neighbors because all areas are growing.

Commissioner Hutchins has attended a few meetings but he said he was not impressed. He feels as though this program is geared more towards the areas with a larger population. He also believes that several things coming out of this report will be duplicating things that are already being done.

Mr. Prosser appreciated Commissioner Hutchins honesty and said he raised some concerns that were “right on track.” Centralina wants to make sure that this is not just about the areas with the larger populations. “Everywhere will grow and we are trying to find the similarities.”

**ACTION:** Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to table action on a Memorandum of Understanding until all Commissioners are present.*

**ADDENDUM TO THE DESTINATION CLEVELAND COUNTY LEASE**

On December 18, 2013, Commissioners approved a loan to Destination Cleveland County. The loan is to be repaid against the pledges they already have in place. The loan was contingent upon them receiving an additional loan and upon extension of the EDA grant received for construction of the Earl Scruggs Center.

DCC received approval that the EDA grant has been extended to December 7, 2013. County Manager Eddie Bailes presented an amendment to the lease agreement between Cleveland County and Destination Cleveland County as follows:

NORTH CAROLINA  
CLEVELAND COUNTY

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AMENDMENT TO LEASE AGREEMENT

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**THIS AMENDMENT TO LEASE AGREEMENT**, made and entered into as of the 2<sup>nd</sup> day of April, 2013, by and between **CLEVELAND COUNTY, NORTH CAROLINA**, a governmental subdivision of the State of North Carolina, hereinafter referred to as the “County,” and **DESTINATION CLEVELAND COUNTY, INC.**, a North Carolina non-profit corporation, hereinafter referred to as the “Lessee”.

**WITNESSETH**

**WHEREAS**, the County and the Lessee entered into a Lease Agreement dated the 18<sup>th</sup> day of March, 2008, said Lease Agreement being of record in Book 1547 at Page 1363 of the Cleveland County Registry; and,

**WHEREAS**, Paragraph 14 of said Lease Agreement stated in part as follows: “In addition, all renovations shall be completed and the Center to be located in the leased property shall be operational within sixty (60) months from the date of this lease”; and,

**WHEREAS**, Paragraph 14 of said Lease Agreement would require that all renovations be completed by March 18, 2013; and,

**WHEREAS**, the parties hereto have agreed to extend the time set forth in Paragraph 14 until December 31, 2013; and,

**WHEREAS**, Paragraph 15 of said Lease Agreement stated in part as follows: “The Lessee shall designate at least eight (8) hours of the Center’s operating schedule for free admission to Cleveland County residents.”; and,

**WHEREAS**, the parties hereto have agreed to change the “eight (8) hours” set forth in Paragraph 15 to “one (1) day”; and,

**WHEREAS**, the parties hereto have agreed to correct the name of the Center described in said Lease Agreement from “The Earl Scruggs Center – Songs and Stories of the Carolina Foothills” to “Earl Scruggs Center: Music & Stories from the American South”;

**NOW, THEREFORE**, the County and the Lessee agree to amend the Lease Agreement dated March 18, 2008, to read as follows:

Amendment Number 1:

14. Commencement and Completion of Renovations. Lessee shall commence renovations to the leased property within twelve (12) months from the date of this Lease. In addition, all renovations shall be completed and the Center to be located in the leased property shall be operational no later than December 31, 2013.

Amendment Number 2:

15. Hours of Operation. Once the Center to be located in the leased property is operational, the Lessee agrees to keep the Center open to the public and fully operational for a minimum of thirty (30) hours per week. The Lessee shall designate at least one (1) day of the Center’s operating schedule for free admission to Cleveland County residents.

Amendment Number 3:

Wherever the name “The Earl Scruggs Center – Songs & Stories of the Carolina Foothills” appears in Lease Agreement, said name will be changed to “Earl Scruggs Center: Music & Stories from the American South.”

Except as herein amended, all the terms of the Lease Agreement dated March 18, 2008, shall remain in full force and effect.

**IN WITNESS WHEREOF**, County and Lessee have caused this Amendment to Lease Agreement to be duly executed, as of the day and year first above written.

**ACTION:** Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to approve the amendment to the lease agreement as presented.*

**R2707 SHELBY BY-PASS; DESIGN ACCOMMODATIONS FOR CAROLINA THREAD TRAIL**

The NCDOT asked for comments on the design for Section C of the Shelby Bypass project. During review of the design, it was determined that coordination with the NCDOT on the construction of Section C could assist with the implementation of a section of the Carolina Thread Trail. Commissioners adopted the Carolina Thread Trail Master Plan in January, 2010. The Thread Trail includes 106 miles of proposed trail linking popular destinations throughout the county. Planning Director Bill McCarter recommended Commissioners adopt a resolution requesting that accommodations for a multi-purpose pedestrian access path be included as part of the Section C design.

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

**RESOLUTION  
ACCOMODATIONS FOR PEDESTRIAN AND BICYCLE ACCESS  
R-2707 US74 BYPASS**

**WHEREAS**, the NCDOT is currently developing plans for R-2707 - US74 Shelby Bypass; and  
**WHEREAS**, the NCDOT has requested input on the design of Project R-2707, located in the jurisdiction of Cleveland County, NC; and  
**WHEREAS**, Cleveland County adopted a Master Plan for the Carolina Thread Trail on January 5, 2010; and  
**WHEREAS**, this multi-purpose path along the First Broad River, will pass under a proposed bridge on the US-74 Bypass, and extend along the southern edge of the proposed right-of-way; and  
**WHEREAS**, implementation of the Carolina Thread Trail Master Plan will be impeded without design considerations for a multi-purpose path within the right-of-way; and  
**WHEREAS**, Cleveland County and the City of Shelby have adopted a Comprehensive Transportation Plan, as well as other land use, bicycle and pedestrian plans that reference these accommodations.  
**NOW, THEREFORE BE IT RESOLVED** that the Cleveland County Board of Commissioners respectfully request NCDOT to consider design accommodations for the Carolina Thread Trail, as long as construction will not be delayed.

*Adopted this the 2<sup>nd</sup> day of April, 2013*

**SALE OF TAX FORECLOSURE PROPERTY- 215 BRIDGES CIRCLE**

Cleveland County received a bid of \$3,500 on a vacant parcel located at 215 Bridges Circle (Parcel ID 16944). The county has owned this vacant lot since 2008. The bidder, Anthony Reid owns several other properties on Bridges Circle. A deposit has been submitted and the property has been properly advertised.

**ACTION:** Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, ***to accept the \$3,500 bid from Anthony Reid and authorize sale of Parcel ID 16944.***

**WESTERN YOUTH INSTITUTION**

County Manager Eddie Bailes was contacted by Burke County Vice-Chairman Johnny Carswell regarding support of the Western Youth Institution in Burke County. In his most recent budget proposal, Governor McCrory proposed to close this facility in 2014. Closing of this facility would put 350 workers in Burke County out of a job.

Mr. Bailes contacted Cleveland County Sheriff Alan Norman to see what effect closing this facility would have on Cleveland County. Sheriff Norman is in favor of keeping this facility open. He made note that the number of offenders in the age group that is housed at the Western Youth Institution is growing. He also noted that the proximity to Cleveland County would save the county transportation costs.



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

*Number 09-2013*

***SUPPORTING THE WESTERN YOUTH INSTITUTION***

**WHEREAS**, in 1972 the State of North Carolina constructed Western Youth Institution (WYI) in Morganton, NC to house close, medium and minimum custody male inmates between the ages of 13 to 22 so as to keep them out of adult correctional facilities;

**WHEREAS**, it is unlawful to house male youth offenders who have been tried and adjudicated as adults with adult inmates; and,

**WHEREAS**, WYI currently serves as the diagnostic facility for adjudicated male youth offenders; and,

**WHEREAS**, it is not in the best long-term interest of the youthful offender or citizens of the State of North Carolina for the youthful offender's current housing and rehabilitation program to be changed; and,

**WHEREAS**, WYI staff members have faithfully and efficiently accomplished the mission of the NCDPS Division of Adult Correction by promoting public safety through the administration of a fair and humane system which provides reasonable opportunities for adjudicated offenders to develop progressively responsible behavior; and,

**WHEREAS**, Governor McCrory's FY 2013-15 budget as released on March 20, 2013, proposes to close the facility in January 2014; and,

**WHEREAS**, Closure of this facility would have a devastating impact on the youthful offenders, WYI staff and the economy of the surrounding region.

**NOW, THEREFORE, BE IT RESOLVED** that the Cleveland County Board of Commissioners acting on behalf of all parties to be affected by the proposed closing ask that its state legislative delegation take all steps available to them to vigorously oppose the closing and ensure continued funding of the facility, rehabilitation programs and maintain the current staffing level.

*Adopted this the 2<sup>nd</sup> day of April, 2013*

**ADJOURN**

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to adjourn*. The next regular meeting will be held on April 16, 2013 at 6:00pm in the Commissioners Chamber.

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*Ronald J. Hawkins, Chairman  
Cleveland County Board of Commissioners*

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