

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**June 4, 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  
Bill McCarter, Planning Director  
Allison 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 Eddie Holbrook 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 Jason Falls, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk with the following change:*

***ADD Item 9 CLOSED SESSION TO DISCUSS A LEGAL MATTER (NCGS 143-318.11(a)(3))***

**CITIZEN RECOGNITION**

***Janet Yow, 450 Lemmons Road Mooresboro*** informed Commissioners the meeting scheduled for June 6<sup>th</sup> at Showmars has been postponed.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the minutes of ***May 7, 2013 and May 21, 2013 regular meetings***, motion was made by Susan Allen, seconded by Eddie Holbrook, and unanimously adopted by the Board, to ***approve the minutes as written.***

**LIBRARY: BUDGET AMENDMENT (BNA #081)**

**ACTION:** Susan Allen 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>
010.611.4.810.20	Library/Donations-Equipment	\$850.	
010.611.5.790.20	Library/Donations-Equipment	850.	

**Explanation of Revisions:** *To budget non-cash donation of a Video Phone the library will be receiving from Sorenson.*

**COOPERATIVE EXTENSION: BUDGET AMENDMENT (BNA #082)**

**ACTION:** Susan Allen 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>
010.495.4.510.94	Coop Ext./Home Horticulture	\$370.	
010.495.5.530.94	Coop Ext./Home Horticulture	370.	

Explanation of Revisions: *To budget funds that came in for the Home Horticulture Program.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #083)**

**ACTION:** Susan Allen 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>
012.542.4.810.00	Rabies Control/Donations/Contrib	\$ 62.	
012.542.5.790.00	Rabies Control/Donations/Contrib	62.	

Explanation of Revisions: *Budget donations for operating expenses.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #084)**

**ACTION:** Susan Allen 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>
012.546.4.660.49/NCCCN-3546	Carolina Access/State Govt Grants	\$9,600.	
012.546.5.121.00	Carolina Access/Salary-Regular	8,800.	
012.546.5.310.00	Carolina Access/Travel/Training	800.	

Explanation of Revisions: *Budget funds received from NC Community Care Network for Accreditation Specialist. We will use these funds to support existing staff since it is a 9 month grant and some of these activities are already being done.*

**RESOLUTION HONORING DR. WESTMORELAND**

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

*Number 12-2013*

***IN APPRECIATION OF CONTRIBUTIONS TO CLEVELAND COUNTY  
DR. THEODORE G. "TED" WESTMORELAND***

***WHEREAS,*** Dr. Westmoreland will be retiring after fifty-two years in the practice of Veterinary Medicine; and

***WHEREAS,*** his dedicated service to the community deserves special recognition; and

***WHEREAS,*** as owner of Boulevard Animal Hospital, PA, one of the most successful animal clinics in the state of North Carolina, Dr. Westmoreland has provided loving treatment to tens of thousands of dogs, cats, and many other animals in our community while serving their owners with care and respect and providing wise counsel; and

***WHEREAS,*** Dr. Westmoreland developed a prominent purebred Angus farm whose cattle excelled at the local, state, regional, and international levels, making a genetic impact on offspring in forty-four states and Argentina; and

***WHEREAS,*** Dr. Westmoreland has faithfully served as an active member of Elizabeth Baptist Church for five decades, having served in many leadership positions; and

***WHEREAS,*** Dr. Westmoreland had served as a mentor to numerous students who are now successful veterinarians and taught them values for which he is so well known, a strong work ethic and a lifelong desire for learning; and

**WHEREAS**, the vast array of philanthropies that Dr. Westmoreland is involved in shows how he gives unselfishly his time, money and talent to benefit others.

**NOW, THEREFORE, WE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS**, hereby express our sincere appreciation and deep gratitude for the dedication and distinguished service of Dr. Ted Westmoreland.

**ADOPTED THIS THE 4<sup>th</sup> DAY OF JUNE, 2013.**

**SPECIAL RECOGNITION**

**CLEVELAND COUNTY OKLAHOMA**

Vice-Chairman Falls and Commissioner Hutchins discussed the recent tornado tragedy in Moore, Oklahoma. Moore, OK is located in Cleveland County, Oklahoma. They suggested that the county have a dialogue with this community as they rebuild from the devastation. Commissioner Hutchins hopes that the passing of a resolution will help connect the communities in the future. Commissioner Allen thanked not only those citizens who delivered supplies to Oklahoma, but those who stayed behind to host drop off sites as well as those who donated.

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

*Number 15-2013*

**A RESOLUTION ENCOURAGING SUPPORT FOR CLEVELAND COUNTY, OKLAHOMA**

**WHEREAS** on May 20, 2013, a massive tornado struck the Town of Moore located in Cleveland County, Oklahoma; and

**WHEREAS**, Cleveland County, North Carolina and Cleveland County, Oklahoma share the same name; and

**WHEREAS**, whenever our nation is faced with disaster such as this, Americans must join together to help the affected areas recover and rebuild; and

**WHEREAS** shortly after the tornado ripped through this community, residents of Cleveland County were called to action and answered to aid the tornado victims; and

**WHEREAS**, donation stations were established throughout the county which collected tractor trailers full of items as well as thousands of dollars which were and are continuing to be delivered to Oklahoma; and

**WHEREAS**, it takes only a short time for a tornado to cause so much devastation but it takes years to rebuild a community affected by such tragedy.

**NOW THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS**, wishes to thank our residents for their generosity toward the people affected by the tornado in Oklahoma and as leaders, we will work towards fostering a relationship with this community who shares the same name.

***Adopted this the 4th day of June, 2013***

**REGULAR AGENDA**

**NACo VOTING DELEGATE**

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to appoint Ronnie Hawkins as the Voting Delegate for the NACo Conference to be held July 19-22 in Houston, Texas.*

**RESOLUTION HONORING THE SERVICE OF TIM MOORE**

**ACTION:** Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to adopt the following resolution.*

*Number 13-2013*

**A RESOLUTION HONORING THE PUBLIC SERVICE OF TIM MOORE, A NORTH CAROLINA HOUSE REPRESENTATIVE**

***Whereas,*** Tim Moore, a native of Cleveland County, is currently serving his sixth term in the North Carolina General Assembly; and

***Whereas,*** Representative Moore left Cleveland County to receive his undergraduate degree and his J.D., however, following law school, Moore returned “home” to Cleveland County to practice law; and

***Whereas,*** Tim Moore’s concern for children led to his being the primary sponsor of the Jessica Lunsford Act, House Bill 933, a law which provides that certain criminal offenses of rape or sexual offense against a child are either life imprisonment or mandatory active sentence of twenty-five years and lifetime satellite-based monitoring; and

***Whereas,*** in 2011, Tim Moore sponsored House Bill 49 which increases penalties for repeat DWI offenders. Laura’s Law was named for a Gaston County teen who was killed in an automobile accident; and

***Whereas,*** Tim Moore takes a personal interest in his constituents, by making himself available to elected officials in his district as well as citizens in need; and

***Whereas,*** Representative Moore, through hard work, has worked his way through the ranks of the North Carolina House presently serving as the Chairman of the House Rules Committee, the third highest ranking member in the House leadership; and

***Whereas,*** the vast array of civic groups that Representative Moore is involved in shows how he gives unselfishly his time and talent to benefit his constituents.

***Now therefore, the Commissioners of Cleveland County,*** wish to express their appreciation for the public service given and contributions made by Tim Moore, by naming the portion of I-85 from just inside the Cleveland County line to just inside the North Carolina border close to the South Carolina, ***The Representative Tim Moore Highway.***

***Adopted this the 4th day of June, 2013***

Commissioners spoke very highly of Representative Moore calling him, “an outstanding worker for our county” and noting “his response to the county’s needs is paramount.”

**NCDOT- TIGER GRANT RESOLUTION OF SUPPORT**

The NCDOT Division 12 office will be applying for a federal grant to speed up construction of the US 74 Bypass project. The Transportation Investment Generating Economic Recovery, or TIGER Discretionary Grant program, provides a unique opportunity for the US Department of Transportation to invest in road, rail, transit and port projects that have a significant impact on the Nation, a region or metropolitan area. USDOT is authorized to award \$473.847 million in TIGER Discretionary Grants pursuant to the Full-Year Continuing Appropriations Act, 2013. Planning Director Bill McCarter explained the grant, should it be awarded, will be used towards the second phase of the project. The grant request is for \$10 Million.

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

**A RESOLUTION IN SUPPORT OF TIGER GRANT APPLICATION R-2707 US74 BYPASS**

**WHEREAS**, the US Department of Transportation is authorized to award \$473.847 million in TIGER Discretionary Grants pursuant to the Full-Year Continuing Appropriations Act in 2013; and

**WHEREAS**, the US Department of Transportation has recently solicited project submittals for the Transportation Investments Generating Economic Recovery (TIGER) program, and

**WHEREAS**, the intent of this program is to help fund projects that increase economic competitiveness, livability, sustainability, and safety; and

**WHEREAS**, the US-74 Shelby Bypass is included in the Statewide Transportation Improvement Program (STIP) project R-2707; and

**WHEREAS**, R-2707 is considered “shovel-ready”, having received all Federal, State and local permits and approvals, including completion of the National Environmental Policy Act (“NEPA”); and

**WHEREAS**, construction is underway on the first section of R-2707, but the entire project will not be complete for another 20 years, due to high cost; and

**WHEREAS**, the US-74 Shelby Bypass will remove over 2,000 trucks per day from a congested commercial corridor; and

**WHEREAS**, the North Carolina governor and legislature have proposed changing the state’s project ranking and funding formulas to better link economic development with transportation projects through a data-driven process; and

**WHEREAS**, the NCDOT has projected that the Shelby Bypass will create approximately 1,000 long-term jobs as a result of increased mobility and accessibility, making it the sixth-most beneficial project in the state; and

**WHEREAS**, the City of Shelby and Cleveland County have adopted a multi-county Carolina Thread Trail Master Plan, which includes a pedestrian trail within the right-of-way.

**NOW, THEREFORE BE IT RESOLVED** that the Cleveland County Board of Commissioners hereby support the NCDOT application for TIGER Discretionary Grant funds.

**ADOPTED THE 4<sup>TH</sup> DAY OF JUNE, 2013**

**2014 REVALUATION DISCUSSION**

On November 16, 2010, Commissioners postponed the reappraisal scheduled to take effect on January 1, 2012. The reappraisal was re-scheduled for January 1, 2014.

Since then, there have been further discussions among staff members and Commissioners regarding the values of properties in Cleveland County. Interim Manager David Dear expressed his concern about the quality of housing sales. “These sales may not make give the Tax Assessors office quality revaluation numbers.” David Dear spoke, “In my humble opinion, after research, it may be in the county’s best interest to delay the revaluation in hopes there is a better product to present.”

Tax Administrator Chris Green agreed with Mr. Dear’s comments. “The mass appraisal process is dependent on data from sales. The results are based on quantity and quality of the product. He explained they have a greatly diminished size of data (half of the data available during the last revaluation) to work with. Many of the sales have been short sales or foreclosures. There have not been enough arms-length transactions. He explained there is no guarantee that the market will be better, however, they are seeing

positive signs. By pushing back the revaluations, the county can take advantage of the larger volume of transactions to have enough consistency to accurately present the data. Mr. Green spoke, "I will support the County Managers recommendation."

Chairman Hawkins reminded Commissioners this was the last time the revaluation could be delayed. The revaluation must take place in 2016.

Mr. Green explained data from 2011, 2012 as well as 2013 and 2014 will be used for the revaluation. He has seen a trend down in foreclosures so far in 2013 and some growth in housing starts. Although some time has been spent on the 2014 revaluation, he does not feel as though it is wasted time.

Chairman Hawkins spoke with many realtors who agreed that the trend for 2013 has been better than the past several years. He also noted the unemployment rate was higher in 2011. "I am siding with the County Manager and Tax Assessor."

Commissioner Holbrook described the issue as "complicated". He expressed his appreciation to David Dear and Chris Green for listening to realtors, studying national trends and watching the decline in the unemployment rate. Combined with the possibility of several significant projects, Commissioner Holbrook said, "I'm prone to agree with David Dear and Chris Green."

Commissioner Allen appreciated the assistance of staff in helping Commissioners make a decision. She suggested Commissioners be very mindful when making decisions because, "we don't know for sure what the economy will be like when it is time for the revaluation."

Commissioner Hutchins has hope that there may be some additional tax base from economic development customers who may no longer be receiving incentives.

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

*Number 16-2013*

#### **RESOLUTION CHANGING SCHEDULED REAPPRAISAL**

**WHEREAS**, North Carolina General Statute 105-286 requires that all real property be reappraised at least every eight years; and

**WHEREAS**, the same statute permits any County desiring to conduct a reappraisal earlier to do so upon adoption of a resolution so providing, and

**WHEREAS**, a reappraisal of real property for Cleveland County is currently scheduled to take effect as of January 1, 2014; and

**WHEREAS**, due to economic conditions, the number of real property transactions available for analysis has been greatly reduced; and

**WHEREAS**, the Board of Commissioners may by resolution modify the date for which the next county-wide revaluation will take place; and

**WHEREAS**, based on the foregoing, the Board of Commissioners desires to change the effective date of the next county-wide reappraisal to January 1, 2016;

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLEVELAND DOES RESOLVE AS FOLLOWS:**

1. That the next general reappraisal of real property within the County of Cleveland shall be scheduled to become effective January 1, 2016, under the provision of North Carolina General Statute 105-286.
2. That successive general reappraisals be performed on a four year cycle unless market sales, cost, and income data analysis indicate a different schedule is necessary and approved by resolution by the Board of Commissioners; or, if a more advanced schedule is required by North Carolina General Statutes.

**ADOPTED this the 4th day of June, 2013.**

**CLOSED SESSION**

**ACTION:** Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to conduct a closed session as follows;*

*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).*

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to reconvene in open session.*

Commissioners gave instruction to the County Attorney on the legal matter. No action was taken.

**COMMISSIONER REPORTS**

Commissioner Allen attended several Memorial Day services. She commended those volunteers who hosted the events.

Commissioner Holbrook visited Indianapolis to discuss the upcoming American Legion World Series. USAA recently visited Cleveland County. They have agreed to sponsor Military Appreciation Day at the American Legion World Series.

Commissioner Hutchins visited Raleigh with Commissioner Falls for County Assembly Day. He thanked Commissioner Falls and the Veteran's Advisory Council for the Memorial Day program they hosted.

The Health Department held a press conference to address the E Coli outbreak at the Cleveland County Fair. Reports found no negligence on the part of the Fair. They explained the main focus will be educating parents of hand washing for their children. They are unsure if there will be a petting zoo this year.

A vote was held regarding the three-county MPO. It was a tie vote. Another meeting will be held on June 19<sup>th</sup>.

Commissioner Falls felt County Assembly day was worthwhile. He and Commissioner Hutchins met with several local Legislators. He also attended North Shelby School graduation which was a great event.

**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.*

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

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*