

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**January 16, 2007**

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:** Mary S. Accor, Chairman  
Eddie Holbrook, Vice-Chairman  
Jo Boggs, Commissioner  
Ronald J. Hawkins, Commissioner  
Johnny Hutchins, Commissioner  
David C. Dear, County Manager  
Robert Yelton, County Attorney  
Wanda Crotts, CMC, County Clerk  
Kerri Melton, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Chris Green, Tax Administrator  
Bill McCarter, Planning Director  
Carol Wilson, Library Director  
Alan Jenkins, *The Star*  
Lindsey Allen, *Cleveland Headline News*  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairman Mary S. Accor called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioner Hutchins provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following additions/deletions:*

*(1) Agenda Item #10: Industrial Facilities and Pollution Financing Authority public hearing – rescheduled to February 6, 2007 meeting (Bob Yelton)*

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *November 21, 2006, December 4, 2006 and December 5, 2006*, motion was made by Ronnie Hawkins, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *approve the minutes as written.*

**TAX ABATEMENTS AND SUPPLEMENTS**

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *December 2006*. The monthly grand total of tax abatements was listed as (\$22,031.05); and, the monthly grand total for tax supplements was listed as \$1,515.52.

**TAX COLLECTOR'S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *December 2006* (copy found on Page \_\_\_\_\_ of Minute Book 29).

**LIBRARY: BUDGET AMENDMENTS (BNA #031)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the following budget amendments:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.611.4.350.00/06600-P611	Library/State Grants	\$ 4,960.	
010.611.5.122.00	Library/Salaries Part-time	4,960.	

*Explanation of Revisions: To budget the additional funds allocated to the Library for the State Aid Grant from State Library Department.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #032)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the following budget amendments:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.516.4.350.01/SSIHC-5401	Smart Start/State Government Grants		\$ 1,023.
012.516.5.121.00/SSIHC-5401	Smart Start/Salary-Regular		1,023.
012.516.4.350.01/SSIHC-5401	Smart Start/State Government Grants	\$ 7,785.	
012.516.5.121.00/SSIHC-5401	Smart Start/Salary-Regular	3,285.	
012.516.5.230.01/SSIHC-5401	Smart Start/Prescription Drugs	1,500.	
012.516.5.311.00/SSIHC-5401	Smart Start/Education Expenses	3,000.	
012.516.4.350.01/SSIHC-5401	Smart Start/State Government Grants	2,600.	
012.516.5.230.00/SSIHC-5401	Smart Start/Medical Supplies	2,600.	

*Explanation of Revisions: Adjust Smart Start budget to revert funds for Access to Health Care. Reversion was a result of vacant positions in 2005-2006 FY. Also budget additional funds for salary of current employees (to cover reversion and cost-of-living), prescription drugs, educational expense and medical supplies.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #033)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the following budget amendments:*

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.535.4.350.00/93945-320E	Health Promotions/State Government Grant	\$ 500.	
012.535.5.311.00	Health Promotions/Education Expense	500.	

*Explanation of Revisions: To budget funds allocated by DHHS for Heart Health restaurant survey.*

**PLANNING DEVELOPMENT: ZONING MAP AMENDMENT – ONE-ON-ONE CARE, INC. (Case 06-22) (Schedule a public hearing for February 6, 2007)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board *to approve scheduling the public hearing as requested.*

**PLANNING DEVELOPMENT: CODE TEXT AMENDMENT – SECTION 12-137 – RURAL HOME OCCUPATION (Case 06-23) (Schedule a public hearing for February 6, 2007)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board *to approve scheduling the public hearing as requested.*

**SPECIAL RECOGNITION: BETH MOORE – NORTH CAROLINA ASSOCIATION OF PUBLIC HEALTH NURSE ADMINISTRATORS RECOGNITION**

Commissioners presented Mrs. Moore with a certificate of recognition, honoring her 13-years of service as Nursing Director at the Cleveland County Health Department.

**MURPHEY'S SCOOTER SHED TOY RUN**

Commissioners presented a certificate of recognition to Murphey's Scooter Shed, honoring their 12<sup>th</sup> annual toy run which raises money and collects Christmas toys to benefit the Masonic Home for Children and the Shriners Hospital.

**WINDJAMMERS RIDE FOR CHILDREN**

Commissioners presented a certification of recognition to the Windjammers club, honoring their 18<sup>th</sup> annual toy run which raises money for the Children's Homes of Cleveland County.

**ECONOMIC DEVELOPMENT: INCENTIVES FOR PROJECT SERVICE (TELERX MARKETING, INC.)**

Dave Hart, Chamber Vice-President, reported that the Chamber 20/20 board "supports the Commission offering incentive grants to Telerx" as requested. He reviewed the following information about this project:

- Telerx will represent approximately 456 new full-time permanent jobs over the next 60-months.
- Anticipated net new valued investment of at least \$7,400,000.
- Will be located at 120 Commerce Boulevard in Kings Mountain.
- Value of the industrial incentive grant is to be approximately \$28,120 per year for five fiscal years.
- Funding for these grants is to be annually appropriated from the County's General Fund-Fund Reserve.
- Based upon the total new investment, it is estimated that property tax revenues received from this project will amount to more than \$214,000 for five tax years.
- It is believed this project will stimulate and provide stability for the local economy.
- It is further believed this project will provide local benefits for the citizens of Cleveland County through an increase in sales tax revenue and the increased purchases of local goods and services.

Chairwoman Accor opened the public hearing. (*Notice of this public hearing was accomplished in Accordance with NCGS 158-7.1 with legal advertisements published in The Star on January 4, 2007.*)

Hearing no comments, Chairwoman Accor declared the public hearing closed.

**ACTION:** Eddie Holbrook made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, *to approve the incentive grants as requested.*

**ISOTHERMAL PLANNING & DEVELOPMENT: 2004 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SCATTERED SITE HOUSING PROJECT – CLOSE OUT HEARING**

Mark Galloway, Isothermal Planning and Development, stated, "The purpose of this hearing is to receive comments regarding the county closing out the 2004 Community Development Block Grant Scattered Site Housing project. The County received \$400,000 from CDBG funds from the North Carolina Department of Commerce for administration and rehabilitation of 12 owner occupied housing

units of low to moderate-income citizens located throughout the county. The county actually expended \$399,999 of the \$400,000 and completed all proposed activities.”

He reviewed project highlights as, “The grant was awarded June 15, 2004 and ended on December 15, 2006, and final close out is today, January 16, 2007. There was one extension request to allow time for additional repairs requested by the Department of Commerce. Cleveland County had originally proposed to complete 12 homes and actually completed 12, so we met all the commitments.” He said, “All of the DCA recommended additional repairs have been completed at this time and to date we have received no complaints on the work completed through the project.”

There were two revisions to the original budget, both revisions related to the relocation line item activity and neither revision requested impacted the total number of units that were addressed.

He said, “All total, we spent \$356,499 for rehabilitation activities, remodeling and renovating homes; \$40,000 for administration; and, \$3,500 for planning. The average cost of the units came to \$29,708 per unit.”

Chairwoman Accor opened the public hearing. (*Notice of this hearing was accomplished by a block advertisement published in The Star on January 4, 2007.*) Hearing no comments, Chairwoman Accor declared the public hearing closed.

**ACTION:** Jo Boggs made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the grant close out as reported.*

**ISOTHERMAL PLANNING & DEVELOPMENT: 2007 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SCATTERED SITE HOUSING APPLICATION TO THE NC DEPARTMENT OF COMMERCE**

Paula Kempton, Community Development, Isothermal Planning & Development, stated, “The purpose of this second hearing is to receive comments from the public concerning the county applying for the 2007 CDBG scattered site housing project. The NC Department of Commerce, Division of Community Assistance, administrator of the NC Small Cities Community Development Block Grant program, is pleased to present the 2007 Scattered Site Housing Program where grants are made on a non-competitive basis to each county every three years. The primary objective of the CDBG Scattered Site Program is to improve the housing conditions of very low-income households with incomes at or below 50% of the median income. This is the exact same project that you completed in 2001 and the 2004 that you just heard about. The same terms, the same requirements, \$400,000 max and you can use those for specified activities.”

Ms. Kempton said, “Tonight’s hearing is to receive comments regarding Cleveland County applying for this, there will be a second public hearing required were more specific details will be given, if you decide to go forward with this project.”

Chairwoman Accor opened the public hearing. (*Notice of this hearing was accomplished by a block advertisement published in The Star on January 4, 2007.*) Hearing no comments, Chairwoman Accor declared the public hearing closed.

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the grant application.*

**SPECIAL RECOGNITION**

Chairwoman Accor introduced Glenda O'Shields, noting Ms. O'Shields has been both her friend and mentor over the years.

**CLEVELAND MEMORIAL LIBRARY ANNUAL REPORT**

Carol Wilson, Library Director, presented a PowerPoint report, a copy of which is found on Pages \_\_\_\_\_ of Minute Book 29.

**RESOLUTION: IN SUPPORT OF CLEVELAND COUNTY SANITARY DISTRICT**

**ACTION:** Ronnie Hawkins made the motion, seconded by Jo Boggs, and unanimously adopted by the Board, *to approve the following resolution.*

*Number 01-2007*

*In Support of Cleveland County Sanitary District  
First Broad River Reservoir*

*WHEREAS*, the Cleveland County Sanitary District supplies potable water to over 55,500 customers with over 1,000 miles of waterline in rural areas and small municipalities of Cleveland County and parts of surrounding counties; and

*WHEREAS*, the primary source of raw water supplying the Cleveland County Sanitary District comes from the First Broad River or Knob Creek, a tributary of the First Broad River; and

*WHEREAS*, the First Broad River basin is the largest watershed in Cleveland County; and

*WHEREAS*, in 1989, a County-wide Water System Study recommended the investigation of a future surface water impoundment on the First Broad River; and

*WHEREAS*, in 1997, a Feasibility Study confirmed the need for a reservoir and identified a preferred dam site, pool elevation, and the resulting safe yield; and

*WHEREAS*, in 1998, a committee appointed by the Cleveland County Board of Commissioners recommended additional system inter-connections and a hydraulic analysis to more efficiently use the limited capacity of our water systems; and

*WHEREAS*, a severe drought in August of 2002, forced Cleveland County, the City of Shelby and the Governor of North Carolina to declare a STATE OF EMERGENCY in Cleveland County; and

*WHEREAS*, in 2002, a partnership between Cleveland County, the City of Shelby and the Cleveland County Sanitary District, was formed to construct an emergency raw waterline to the Broad River, as a short-term alternative, until a reservoir could be constructed; and

*WHEREAS*, the Cleveland County Sanitary District is diligently moving forward to construct a reservoir that will provide a long-term dependable water source to the residents of Cleveland County; and

*WHEREAS*, a water supply reservoir would also add economic value to the county as well as an incentive for future industrial growth; and

*NOW, THEREFORE BE IT RESOLVED*, that the Cleveland County Board of Commissioners support the Cleveland County Sanitary District plan to build a reservoir on the First Broad River; and

*BE IT FURTHER RESOLVED*, that the Cleveland County Board of Commissioners encourages all municipalities located in Cleveland County to support the First Broad River Reservoir as a long-term dependable water source for the residents of Cleveland County.

**PLANNING DEPARTMENT: MINIMUM HOUSING CODE ENFORCEMENT – MACKEY (390 PREYER STREET)**

Bill McCarter, Planning Director, explained his department has been dealing with this case since September 2005, and has been ongoing with the Commissioners since June 6, 2006. He said that he and the Building Inspector have not been able to get inside the home to examine the second phase of renovations.

Commissioner Hawkins recommended this case be postponed until the work session in order for Commissioner Boggs and Vice-Chairman Holbrook to be brought up-to-date on the background of this case.

**ACTION:** Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to discuss at the work session and to make a decision on the case at the February 6<sup>th</sup> regular meeting.*

**PLANNING DEPARTMENT: MINIMUM HOUSING CODE ENFORCEMENT – GEORGIA FUNDERBURKE (1117-C6 OAK GROVE ROAD)**

Mr. McCarter advised a public hearing was held on November 13, 2006 regarding this case and the owner was allowed 30-days to demolish the dwelling. After expiration of the 30-day period, the property was re-inspected. To date, no further action has been taken to demolish the dwelling. This dwelling is a mobile owned by Ms. Funderburke, located in a mobile home park owned by Tom Brooks. The mobile home is partly demolished and uninhabitable.

He said the owner has now moved to Gastonia and he had difficulty contacting her, but has received a confirmation receipt that she did receive the mailed notice. Mr. McCarter advised he has advertised for bids on demolition and received one bid from Tom Brooks, the landowner, who has agreed to demolish the dwelling at no cost to the county.

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the following ordinance authorizing the demolition of the dwelling.*

CLEVELAND COUNTY  
NORTH CAROLINA

**AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH DWELLING AT 1117-C6 OAK GROVE ROAD**

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 1117-C6 Oak Grove 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 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 dilapidated dwelling(s) remain 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 1117-C6 Oak Grove Road now or formerly owned by Georgia Funderburke, shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-446(6).

Adopted and approved this the 16<sup>th</sup> day of January, 2007 by the Cleveland County Board of Commissioners in open session.

**PLANNING DEPARTMENT: MINIMUM HOUSING CODE ENFORCEMENT – JAMES WALTON HEIRS (445 GANTTS GROVE CHURCH ROAD)**

Mr. McCarter advised a public hearing was held on May 31, 2006 regarding this case and the owner was allowed 90-days to demolish the dwelling. This dwelling was partially burned and is uninhabitable. Attempts to contact the heirs by mail were unsuccessful, so the Order was advertised in *The Star* on August 10, 2006. After allowing 90-days from the date of publication, the property was re-inspected, but no action had been taken to demolish the dwelling.

Mr. McCarter noted the property has been in foreclosure for several years, but recently the taxes have been paid, along with the attorney fees; however, the family has not contacted him. He said the remaining portion of the dwelling was burned by a rural fire department as a “practice burn” and the “only thing remaining to be removed is the brick . . . the brick walls are a hazard to children in the neighborhood, as they could fall easily.”

Mr. Yelton noted 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 Johnny Hutchins, and unanimously adopted by the Board, *to approve the following order to demolish.*

CLEVELAND COUNTY  
NORTH CAROLINA

**AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH DWELLING AT 445 GANTTS GROVE CHURCH ROAD**

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 445 Gantts Grove Church 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 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 dilapidated dwelling(s) remain 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 445 Gantts Grove Church Road now or formerly owned by James Walton Heirs, shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-446(6).

Adopted and approved this the 16<sup>th</sup> day of January 2007 by the Cleveland County Board of Commissioners in open session.

**BID FOR PURCHASE OF FORECLOSURE REAL ESTATE (PARCEL #765, TAX ID #114-1-6)**

Mr. Yelton explained that a \$1,000.00 bid to purchase this parcel has been received from Bobby G. Watkins. Mr. Watkins has given the Clerk a deposit in the amount equal to 5% of the bid. In accordance with NCGS 160A-269, sale of property by upset bid requires the original offer be published and potential bidders are given 10-days to offer a higher bid. Upset bids must raise the original bid by an amount of at least 10% of the first \$1,000 of that bid and 5% of the remainder. The highest upset bid becomes the new offer and the process is repeated. Once no upset bid is received, the county may sell the property to the last published bidder.

**ACTION:** Eddie Holbrook made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to accept Mr. Watkins bid and if no qualifying bid is made to upset his bid in the appropriate time frame, to accept his bid as final.*

**COMMISSIONER REPORTS**

- Commissioner Hawkins reminded Commissioners of several upcoming events: Chamber annual banquet, the Health Department breakfast, and the Senior Center Rock-a-thon scheduled for January 26-27. Chairwoman Accor will open the festivities by singing the National Anthem.
- Commissioner Hawkins reported he attended the Airport Advisory board meeting tonight and there was discussion regarding efforts to be a part of the regional plan. Mr. Dear said a report will be presented at the commission work session.
- Commissioner Hutchins reported he attended the monthly meeting of the Sanitary District Board and Habitat for Humanity, stating he was “very impressed with their progress.” He reminded Commissioners of the Firefighters Association meeting on January 25<sup>th</sup> in Grover.
- Commissioner Hutchins commented that the Chamber economic development staff is working on “32 hits.”
- He also stated he felt the NCACC meeting was very successful.
- Commissioner Boggs advised she attended the Isothermal Planning and Development Commission Board of Directors meeting and was impressed with the number of people from Cleveland County who are involved with that organization.
- She commented on how proud she was to be a part of the Telerx announcement.
- She advised the Commissioners have formed a “team” and are participating in the Cleveland County Shrinkdown program.
- Vice-Chairman Holbrook reported he also attended the Sanitary District meeting, as well as the NCACC conference. He stated “we’ve got our work cut out for us to stress needs with Medicaid” and encouraged everyone to contact State representatives to further emphasize goals made by the NCACC, noting Medicaid relief is at the top of the list. He noted that Representatives Moore and England are the first to come on board in print to support Medicaid relief.
- Chairwoman Accor advised she attended the Dr. Martin Luther King, Jr. unity march.
- She added that Medicaid relief needs to be “bigger and permanent” and “we need to speak out boldly and loudly.”



- She said another goal is “school construction” and “revenue options fairness.” Her next Board of Directors meeting in Raleigh is February 7<sup>th</sup> noting she is “open to any concerns to take to them.”
- Chairwoman Accor said she participated in the Community Foundation Awards today, where awards are given to non-profit organizations.
- Commissioner Hawkins added that if the State does give Medicaid relief “they should not tell us what we can do with it” noting there was discussion about such limiting of the use of funds at the NCACC meeting.
- Chairwoman Accor noted that the Clerk to the Board, Wanda Crotts, has submitted a letter to the Board announcing her intention to retire, after 29-years of service to the County, effective March 31, 2007.
- Chairwoman Accor also noted she would like to invite the new Cleveland County Schools Superintendent, Dr. Bruce Boyles, to attend an upcoming Commission meeting to introduce him to the Commission.
- She said she will attend on Wednesday a hospital system legislative briefing to discuss their goals with legislators.
- She also noted there will be a “Black-on-Black Crime” meeting at the T.R. Harris Conference Center at Cleveland Regional HealthCare Center for open discussion on this critical issue.

**RECESS TO RECONVENE**

There being no further business to come before the Board at this time, Jo Boggs made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to recess (*at 7:45 p.m.*) to reconvene for a work session of the Commission on ***Monday, February 5, 2007, at 5:00 p.m.*** in this Commission Chamber.

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*Mary S. Accor, Chairwoman  
Cleveland County Board of Commissioners*

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*Wanda Crotts, CMC, Clerk  
Cleveland County Board of Commissioners*