

CLEVELAND COUNTY BOARD OF COMMISSIONERS

January 22, 2008

The Cleveland County Board of Commissioners reconvened their recessed regular session of January 15, 2008 on this date, at the hour of 3:00 p.m., in the County Managers Conference Room.

PRESENT: Mary S. Accor, Chairwoman
Eddie Holbrook, Vice-Chairman
Jo Boggs, Commissioner
Ronald J. Hawkins, Chairman
Johnny Hutchins, Commissioner
David C. Dear, County Manager
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Bill McCarter, Planning Director
Marti Glaser, *Cleveland Headline News*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Boggs called the meeting to order.

FLOOD HAZARD MAPS (FIRM)

Chairwoman Boggs introduced Ed Curtis with the North Carolina Division of Emergency Management who explained that, following Hurricane Floyd, the State of North Carolina entered into a partnership with FEMA to complete digital flood maps. The purpose was to obtain better ground surface topography and have more accurate flood maps.

Mr. Curtis pointed Commissioners to a map showing the difference between the old flood maps and the revised maps. In some instances, the floodplain actually decreased in size. Should a citizen disagree with the map, they can file for a LOMA (letter of map amendment) through FEMA. This application can be found on the FEMA website or in the County Planning Department. The application is required to be certified by a licensed surveyor. The property owner would bear the cost of the survey.

Commissioner Hawkins questioned why the elevation certificate was required after the home was built instead of prior to construction. Mr. Curtis explained that not only is the floor elevation required to be above the base elevation but the utilities are also. The building permit should say where the floor elevation is required prior to construction. A surveyor will need to be hired to determine the final floor elevation for the final certificate.

All municipalities in Cleveland County are also required to adopt the flood maps. Failure to do so would result in denial of flood disaster funding from FEMA and would not allow citizens to participate in the Flood Insurance Program. Commissioners asked Mr. Curtis to return to the February 5th Board of Commissioners meeting to answer any final questions before adoption.

PRIVATE ROADS IN MINOR SUBDIVISIONS

Commissioner Hutchins began by saying that there have been several cases over the last few months involving private roads in minor subdivisions. He referred specifically to Item 4 in the following Section of the Cleveland County Code of Ordinances.

Sec. 12-193. Private roads.

Proposed private roads, which are not to be maintained by NCDOT or any municipality in the county, shall be permitted under the following conditions:

- (1) Private roads in major subdivisions shall be paved and conform in all respects to the standards referenced in section 12-192.
 - (2) Private roads in minor subdivisions shall be classified as local, as set forth in section 12-191.
 - (3) Private roads in a minor subdivision shall not require paving but shall be subject to the remaining standards referenced in section 12-192.
 - (4) No more than four (4) lots shall be served by a private unpaved road.
 - (5) A proposed private unpaved road shall not be allowed to intersect another private unpaved road. Private roads shall be indicated on the final plat with reference to the recorded disclosure statement.
- (Amd. of 4-4-06)

All of the cases have involved family members wanting to subdivide property for other family members. In each of these instances, there have already been four lots served by the private unpaved road. Commissioner Hutchins asked that Commissioners send this issue to the Planning Board for further review of the ordinance in cases of family owned properties. “There are cases where families cannot pass their land on to their children because of this ordinance” said Commissioner Hutchins.

Commissioner Hawkins was concerned that, should the ordinance be changed, property owners would sell the subdivided properties to buyers that were not part of the family. County Manager David Dear informed Commissioners that, property could be subdivided into more than four lots if the property owners were willing to pave the road or make improvements that will satisfy the NCDOT to take the road as a state maintained road. However, these improvements would need to be completed at the cost to the property owners. Bill McCarter, Planning Director, noted that paving to NCDOT standards costs approximately \$225,000 per mile.

Commissioners also discussed the importance of well maintained roads to the ambulance and rescue squads. A road that is not well maintained cannot be accessed by ambulances and fire trucks.

ACTION: Commissioner Hutchins made a motion, *to send the minor subdivision ordinance back to the Planning Board to revisit and see if a solution can be worked out and come back before the Commissioners with a recommendation.* Commissioner Hutchins did not receive a second. No vote was called.

RESOLUTION IN SUPPORT OF DEER HUNTING SEASON

At the January 15th Board of Commissioner meeting, Commissioner Hawkins mentioned a proposed change in the hunting season by the North Carolina Wildlife Commission. This issue has been resolved and the North Carolina Wildlife Commission has decided not to proceed with the proposed

change. Commissioner Hawkins asked that Commissioners approve the resolution in support of opposing the changes to the proposed hunting season in case this issue was to ever come up again.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adopt the resolution showing support of opposing the proposed changes to the deer hunting season.*

NUMBER 01-2008

**IN SUPPORT OF OPPOSING CHANGES TO THE
CLEVELAND COUNTY HUNTING SEASON**

WHEREAS, hunting in Cleveland County is not only a favorite pastime of many residents and visitors, it also benefits the county in two major areas: economic impact and safety; and,

WHEREAS, according to a recent report by the National Shooting Sports Foundation, the State of North Carolina recognizes that an estimated one million hunters and anglers spend more than \$1.7 billion dollars per year hunting and fishing; and,

WHEREAS, hunters in Cleveland County support the local businesses, by staying in hotels, bringing game to meat processors, purchasing guns and hunting accessories at local retail stores and purchasing hunting licenses from local wildlife agents; and,

WHEREAS, the change in the hunting season would undoubtedly have a negative economic impact on those businesses who provide the above services; and,

WHEREAS, in a study conducted by the Highway Safety Research Center, general deer-related car accidents are steadily increasing. In total, 17,236 deer-related crashes occurred in North Carolina in 2005; and,

WHEREAS, over the past two years, the North Carolina Highway Patrol has recorded over 400 deer-related auto accidents in Cleveland County alone; and,

WHEREAS, the change in the hunting season would also, undoubtedly, increase the number of deer in Cleveland County causing more deer-related auto accidents;

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners hereby oppose the NC Wildlife Commission's decision to change the Cleveland County Deer Hunting season.

ADOPTED THIS THE 22nd DAY OF JANUARY 2008.

CLEVELAND COUNTY CORRECTIONAL CENTER

In January, Commissioner Hutchins, Boggs and Accor attended a graduation ceremony at the Cleveland Correctional Center. At the graduation, the warden asked for the Commissioners support of a proposed expansion to the Correctional Center. This expansion would provide space for inmates to be involved in work release programs and additional road cleanup. County Manager, David Dear drafted a letter to Senator Dalton on behalf of the Commissioners and suggested that this letter be forwarded to the other local legislators. Mr. Dear confirmed that this expansion would be completed at no cost to the county. Commissioner Holbrook stated that he has talked to several local legislators including Walter Dalton and Tim Moore. He said that they would not take a stand on this expansion until County Commissioners took a position. It was suggested that if this expansion was to be approved, it would most likely be approved in this year's short session.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve sending a letter of support for the proposed jail expansion to Senator Dalton and a copy to the county's other local legislators.*

RESOLUTION IN SUPPORT OF GATEWAY TRAILS PART F GRANT APPLICATION

David Dear explained that, Kings Mountain Gateway Trails is submitting a \$500,000 grant application to the North Carolina State Park and Recreation Board to help funding Phase I of the Kings Mountain Gateway Trails project. As part of the grant application, Commissioners are required to support the Master Plan and submittal of the grant application. Adopting a resolution of support will meet the requirements of the grant application.

ACTION: Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to adopt the resolution in support of Kings Mountain Gateway Parks & Recreation Trust Fund Grant application.*

NUMBER 02-2008

**Resolution of Support
Parks & Recreation Trust Fund Grant
Kings Mountain Gateway Trails**

WHEREAS, in 2005 the Cleveland County Board of Commissioners adopted the 2015 Cleveland County Land Use Plan, which identified the need for a greenway connecting Kings Mountain with Crowder's Mountain State Park, and

WHEREAS, in 2005 the National Park Service prepared a Master Plan for creating a network of trails and open spaces, with a vision toward preserving the small town character of Kings Mountain and create a "Gateway To The Parks" experience for future visitors, and

WHEREAS, Haden-Stanziale recently completed a Master Plan for the development of the Gateway Trail, and

WHEREAS, the Gateway Trail will provide a greenway connection from downtown Kings Mountain to Davidson and City Lakes, which are owned by the City of Kings Mountain, then connecting with Crowder's Mountain State Park (NC), Kings Mountain State Park (SC), and Kings Mountain National Military Park, and

WHEREAS, the development of this trail is made possible through a public-private partnership between Cleveland County, the City of Kings Mountain, Chemetall Foote Corporation, Martin Marietta Materials, Inc., land owners, and Kings Mountain Gateway Trails, Inc.

NOW THEREFORE BE IT RESOLVED, that Cleveland County Board of Commissioners support the application for matching grant funds from the Parks & Recreation Trust Fund to construct the Gateway Trail and trail head facilities.

Adopted this 22nd day of January, 2008 at 3:00 p.m.

RESOLUTION IN SUPPORT OF BROAD RIVER GREENWAY PART F GRANT APPLICATION

Broad River Greenway has requested Commissioners support for the submittal of a North Carolina State Park and Recreation Board PART F grant application. This grant will require no matching funds from the county and will be used to construct an additional parking lot at the Greenway.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adopt the resolution in support of Broad River Greenway Parks & Recreation Trust Fund Grant application.*

NUMBER 03-2008

**Resolution of Support
Parks & Recreation Trust Fund Grant
Broad River Greenway**

WHEREAS, the need for a district park for passive recreation in southwestern Cleveland County was identified in a 1990 Master Parks & Recreation Plan, and

WHEREAS, in 1996 Woolpert Consultants prepared a Master Plan for the development of the Broad River Greenway, and

WHEREAS, The Broad River Greenway was developed through a very successful public-private partnership, Cleveland County, Town of Boiling Springs, and the Broad River Greenway Council, and

WHEREAS, The Broad River Greenway is celebrating its 11th year of operation, and

WHEREAS, the Greenway now has visitation in excess of 100,000 visitors a year with the majority of that attendance falling between May and September, and

WHEREAS, the Greenway is faced with the need to expand facilities to accommodate these daunting numbers by increasing the number of picnic stations with ADA tables, including permanently mounted grills, adding a safe parking area to serve these trail head facilities, and

NOW THEREFORE BE IT RESOLVED, that Cleveland County Board of Commissioners supports the application for matching grant funds from the Parks & Recreation Trust Fund to construct additional picnic stations and a parking area to serve these trail head facilities.

Adopted this 22nd day of January, 2008 at 3:00 p.m.

2008/2009 CAPITAL PROJECTS PRIORITY LIST

County Manager, David Dear was asked by the Board to develop a list of potential capital projects and proposed funding amounts. Mr. Dear gave each Commissioner an outline of the projects. The outline contained projects from this current fiscal year (FY) through FY 13-14 along with the cost savings from Medicaid Relief. As part of the Medicaid Relief package, Legislators will be taking ½ cent of the County's sales tax in exchange for permanent Medicaid Relief. In the handout, Mr. Dear showed the effects of the reduction in the ½ cent sales tax. He then continued by explaining each proposed project.

1. Old Courthouse Renovation- includes the renovations to the interior of the old courthouse. An architect has estimated that renovations would cost approximately \$1.8 Million. Destination Cleveland County is working on a fundraising effort to restore the old courthouse. They are expecting a total project cost of \$6-\$7 Million. County Attorney Bob Yelton has been working with several attorneys from Charlotte regarding a possible lease agreement for Destination Cleveland County to use the courthouse. Proper terms of the lease agreement could mean additional tax credits for the building and renovations.

6 yr. commitment totaling \$1,500,000

2. Early College High School- The Early College High School funding includes a temporary facility and a permanent facility. The temporary facility would house the school for the first five years. This would include the set-up of eight temporary classrooms on the Cleveland Community College (CCC) campus.

5 yr. commitment totaling \$416,000

Also included in the funding for the Early College High School is a permanent facility. This would include the High School itself along with some other amenities on the CCC campus.

6 yr. commitment totaling \$3,600,000

3. Gateway Trails- At the February 19, 2008 Commissioners meeting, Kings Mountain Gateway Trails came to Commissioners with a request for \$60,000 per year for three years to help fund Phase I of the Kings Mountain Gateway Trails project. This funding would secure their match for the North Carolina Parks and Recreation PART F grant. The City of Kings Mountain has agreed to commit \$150,000 to this project.

3 yr. commitment totaling \$180,000

4. 800 MHz Communications System- At their December 4, 2007 meeting, Commissioners approved the funding of a \$6 Million 800 MHz communications system. This money will be paid back over a 15 year term.

15 yr. commitment totaling \$6,000,000

5. Jail Annex Expansion- Commissioners previously gave approval to the Sheriff's Office to begin the planning process for a Jail Annex expansion. To date, there has not been a cost estimate completed. Mr. Dear assumed that this expansion would also cost approximately \$6 Million.

15 yr. commitment totaling \$6,000,000

6. Number 3 Volunteer Fire Department- At their work session in November, Commissioners approved the purchase of the Number 3 Volunteer Fire Department Building. The Number 3 Volunteer Fire Department is in the process of building a new fire station. County Attorney Bob Yelton is preparing the deed for this purchase.

1 yr. commitment totaling \$275,000

7. Addition to Capital Reserve Funds- Remaining funds will be put back for future projects or uses.

Total of \$3,100,000 to be put in Capital Reserve Fund

County Manager David Dear reminded Commissioners that the savings from Medicaid relief were estimated numbers only. He then, turned the meeting back over to Chairwoman Boggs.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, to approve those items presented by Mr. Dear that have not previously been approved by Commissioners. There was much discussion regarding funding of the Early College High School permanent facility. Following the break for dinner, Commissioner Hawkins *withdrew his motion* and Commissioner Accor *withdrew her second*.

During the discussion regarding the Early College High School Permanent Facility, Commissioner Hutchins was concerned with the fact that the Cleveland County School Board has not formally requested the funds for a permanent building and the fact that there has been talk of piggybacking the idea of a conference center with the Early College High School facility. He did not support committing \$3,600,000 without knowing exactly what the facility would entail. Several Commissioners explained that this would be a win/win situation for Cleveland County, Cleveland County Schools and Cleveland Community College in a collaboration to provide Early College High School, a conference center, and a solution to an overcrowded community college. Commissioners agreed that before funding was to be committed, a determination would need to be made to ensure that the conference center facility would suit the needs of the entire community and a contract would need to be written to that fact. Commissioner Holbrook pointed out that if the county was to ask Cleveland Community College and Cleveland County Schools what they would fund, those entities would be more apt to contribute knowing that Cleveland County is committed to the project.

ACTION: Chairwoman Boggs recessed the meeting at 4:30 p.m. for a dinner break.

Commissioners reconvened at 5:00 p.m.

ACTION: Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to adopt the conceptual plan for the Early College High School program and ask the County Manager or his designee to discuss with the Superintendent of Cleveland County Schools and the President of Cleveland Community College the figure that they are willing to “put into the equation”.* Also, allow David Dear to discuss the figures that Cleveland County is discussing and see what response he receives. David Dear is to come back to the Commissioners with the components of what the facility will include and the potential uses of the facility.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve all other items on the Forecasted Uses Spreadsheet (copy found on Page ____ of Minute Book 30) that have not been previously approved including the Old Courthouse Renovation, the Early College High School Temporary Facility, Gateway Trails, the Jail Annex Expansion and the Addition to Capital Reserve Funds.*

Understanding the sensitivity of the Old Courthouse renovation, Commissioners discussed it at length before the vote was called. Commissioner Holbrook explained that the courthouse belongs to the county and expressed his desire that the old courtroom be used for educational opportunities, community meetings, press conference and possibly be named after some former political giants. Commissioner Accor said, “When I think of renovations to the courthouse, I don’t even think of Destination Cleveland County. I think of the need to renovate the courthouse.” County Manager, David Dear stated that any funding that is given to Destination Cleveland County will specifically be used to renovate the courthouse. Commissioner Holbrook asked if the proposed lease could require that naming rights to rooms within the courthouse must be approved by the County Commissioners.

CLEVELAND COUNTY INDUSTRIAL PARK (WESTERN PART OF COUNTY)

Commissioner Hawkins asked to discuss the industrial park in the western part of the county. He shared how instrumental David Dear has been in developing the industrial park.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to name the industrial park in the western part of the county David C. Dear Industrial Park.*

CLEVELAND COUNTY SPORTS COMMISSION

Commissioner Hutchins asked Commissioners to consider providing additional funding to the Cleveland County Sports Commission in the next fiscal year. Commissioner Holbrook agreed stating he

thinks that the Sports Commission has done a great job and believes the Sports Commission could bring economic development to the community. Commissioner Holbrook also supported providing additional funding to the Sports Commission. There were no specific dollar amounts discussed.

PERSONNEL SALARIES

County Manager David Dear asked Commissioners what their feelings were regarding Cost of Living Adjustment (COLA) for county employees. Commissioners discussed different ideas.

ACTION: It was the consensus of the board to advise County Manager, David Dear to start budget preparation with a COLA of 3% and adjust accordingly.

In the 1980's and 1990's, the Cleveland County Pay Plan was set up where employees received a full step increase for the first three steps then ½ steps following. In 2001, due to financial circumstances, Commissioners agreed to allow only ½ step increases. Commissioner Hutchins suggested that the pay plan be changed back to the way that it was in the 80's and 90's. "The Sheriff's Office is losing people to neighboring counties due to the fact that it takes so long to move up the pay scale." Commissioner Hutchins said.

County Manager, David Dear suggested that Commissioners approve full step increases for the first two steps and then ½ step increases for step three and above.

ACTION: It was the consensus of the board to prepare the first draft of the budget with the suggestions from County Manager, David Dear.

HEALTH AND WELLNESS PROGRAM

Last year, Commissioners implemented a two-tier Health Insurance program giving county employees the option of choosing between a Health Savings Account (HSA) and the regular PPO plan. The HSA has had an extremely successful year (\$75.76 per person per month) while the PPO program has not been as successful (\$419.79 per person per month.) Several county employees have been working with Mark III, Healthcare Consultants, to develop incentives to encourage employees to participate in the HSA program.

Eddie Bailes, Assistant County Manager, told Commissioners that he is anticipating a 5 1/2 % increase in county contribution to the overall health plan. Had it not been for the success of the HSA, the increase would have been as much as 35%.

Mark III suggested that Cleveland County implement a Wellness Program where county employees are given a Health Risk Assessment. This assessment will be completed by an independent source and will test height, weight and complete a blood draw on all participants. The goal is for all participants to score 80% on the Health Assessment. Participants will be re-tested each year. Should a

participant score 80% or improve the previous year's score by 5 points, then they would receive a discount on their premiums. Should employees opt not to participate in the Health Risk Assessment, their premiums will increase. There has also been discussion of offering wellness programs to employees including; how to eat healthier, how to handle diabetes and possibly smoking classes. Many of these classes will be held during lunch.

CLEVELAND COUNTY VETERANS SERVICES

Commissioner Hawkins asked Commissioners, while reviewing the budget, to consider adding a position in the Veterans Services Office. Commissioner Hawkins said that there are more than 8,500 veterans in Cleveland County. Cleveland County has one employee to handle the benefits for all of the veterans. He mentioned that there are more and more people using these services. County Manager, David Dear said that space is an issue, however, he has been looking for different alternatives should Commissioners approve the addition of an employee in the Veterans Office.

ADDITIONAL COUNTY PROPERTY

County Manager, David Dear has been approached by Central United Methodist Church regarding the purchase of the land and building where the Boy Scouts are currently housed (Parcel ID #17275). The current asking price is \$72,000. Mr. Dear has told the church that the county has no need for the building at this time; however, he may be interested in a land only value.

Mr. Dear also mentioned the Old Hunter School property which is located behind the Cleveland County Schools administration office on Patton Drive. He has had several conversations with Superintendent Bruce Boyles regarding the county's interest in this property. With the jail expansion, the county will need a facility to house many of the vehicles currently being housed at the jail. A purchase price has not been discussed at this time. This property is already equipped with a large, paved, fenced in area making it suitable for the county's needs.

CLEVELAND COUNTY FAIR

The fair board has appointed a lease committee and asked for a meeting with Mr. Dear. This committee indicated that they are interested in completing several capital projects at the fairgrounds. The fair lease runs through December, 2010. This committee wanted assurance that the county will negotiate a new lease before spending funds on capital projects.

FLOOD HAZARD MAPS (FIRM)

Planning Director, Bill McCarter has received requests from five towns to administer the floodplain ordinance. Currently, the Planning and Zoning Department does not enforce zoning in any of these towns. Mr. McCarter suggested developing an inter-local agreement between the county and the

town. These inter-local agreements will need to be approved by the Board of Commissioners at their February 19th meeting. David Dear asked Mr. McCarter to speak with the County Attorney to ensure that Cleveland County would not have any liability should there be a problem.

ADJOURN

There being no further business to come before the Board at this time, Jo Boggs *adjourned the meeting at 6:00 p.m.*

*Jo Boggs, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*