

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**May 6, 2008**

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:** Jo Boggs, Chairwoman  
Eddie Holbrook, Vice-Chairman  
Mary S. Accor, Commissioner  
Ronald J. Hawkins, Commissioner  
David C. Dear, County Manager  
Robert Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Chris Green, Tax Administrator  
Bill McCarter, Planning Director  
Chris Crepps, Finance Director  
Alexis Pearson, Human Resource Director  
Marti Glaser, Cleveland Headline News  
Cassie Tarpley, The Star  
Other individual names on file in the Clerk's Office

**ABSENT:** Johnny Hutchins, Commissioner

**CALL TO ORDER**

Chairwoman Jo Boggs called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioner Eddie Holbrook provided the invocation for the meeting.

**COMMISSIONER HUTCHINS**

Chairwoman Jo Boggs felt it appropriate to inform the citizens that Commissioner Hutchins was unable to attend the meeting due to a skydiving accident. He is in Carolinas Medical Center but is recovering well.

**AGENDA ADOPTION**

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

**(1) Remove Agenda Item:** *Remove agenda item six: Teaching American History Grant- Todd Peeler and Robby Brown.*

**(1) Move Agenda Item:** *Move agenda item nine to agenda item six: Presentation of Cleveland County Schools Budget.*

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *April 15, 2008- Board of Equalization and Review and April 15, 2008*, motion was made by Ronnie Hawkins, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the minutes as written.*

**EMERGENCY MANAGEMENT: BUDGET AMENDMENTS (BNA #063)**

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.445.4.810.00	Emergency Mgt./Donations	\$1000.	
010.445.5.790.00	Emergency Mgt./Donations	\$1000.	

Explanation of Revisions: *Estimated donations for volunteer appreciation day to be held Saturday, June 7, 2008.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #064)**

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

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.537.4.350.00/01120-5301	Child Health/State Govt. Grants	\$ 250.	
010.537.5.310.00	Child Health/Travel	\$ 250.	

Explanation of Revisions: *Budget Funds from DHHS- for Child Health Services.*

**PLANNING DEVELOPMENT: ZONING MAP AMENDMENT –GENE FORTENBERRY  
(Case 08-08) (Schedule a public hearing for June 3, 2008)**

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

**LEGAL DEPARTMENT: PROPERTY TRANSFER AND EASEMENT FOR AN ELEVATED STORAGE TANK FOR THE CITY OF SHELBY WESTSIDE WATERLINE PROJECT**

County Manager David Dear presented a request from the City of Shelby for the purchase of approximately .766 acres off of Plato Lee Road. The purpose of this property purchase is to construct an elevated storage tank to serve the Westside Waterline Project.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve the sale of .766 acres off of Plato Lee Road to the City of Shelby for the purpose of constructing an elevated storage tank. (Copies found on Pages \_\_\_\_\_ of Minute Book 30).*

**CITIZEN RECOGNITION**

**CLEVELAND COUNTY SHERIFF'S OFFICE K-9 DIVISION**

Commissioner Eddie Holbrook welcomed Sgt. Mark Self and three of the deputies from the Cleveland County Sheriff's Office K-9 Division (Chris Cook, Cliff Irvin and John Bradley). Vice-Chair Holbrook explained that these deputies are preparing for the National Dog Trials in Raleigh. The three officers attended the regional trials and qualified for the Nationals which will be held in September. Each officer brought his dog to the meeting to be recognized.

**NC SKILLSUSA WELDING AND ELECTRONICS COMPETITION**

Commissioner Hutchins asked that these students be placed on the agenda for recognition. Due to his absence, Commissioner Hawkins made the presentation. Several students throughout Cleveland County attended a SkillsUSA competition held at the Rowan-Cabarrus Community College. Students competed in over eighty categories. Four students from Cleveland County received recognition. These students will represent Cleveland County at the National competition to be held in Kansas City. Commissioner Hawkins also shared the importance of the Cleveland County Schools CTE program stating that these awards are proof that these programs are making a difference. He presented a certificate of recognition and a Cleveland County T-shirt to the following students:

John Walters	Kings Mountain High School	First Place	Welding
Kevin Gann	Kings Mountain High School	Second Place	Welding
Chris Richard	Crest High School	First Place	Electronics
Ethan Oliver	Crest High School	Third Place	Electronics

**REGULAR AGENDA**

**CLEVELAND COUNTY SCHOOL BUDGET**

Tommy Greene, Chair of the Cleveland County Board of Education began by thanking the Commissioners for their good relationship with Cleveland County Schools (CCS) and stated, “I hope that it will continue to flourish.”

Chairman Greene then introduced Cleveland County Schools Superintendent, Dr. Bruce Boyles. Dr. Boyles reiterated the comments made by Chairman Greene by stating, “We are successful due to the community support.” Many positive things are happening with the Cleveland County Schools. He noted that two schools in Cleveland County are in competition to become National Blue Ribbon Schools. CCS has also received many grants for programs throughout the system. Last year, CCS ranked seventh in the state in the number of schools making expected growth.

Dr. Boyles then presented the 2008-2009 Budget Request Information to Commissioners (*a copy of which is found on Pages \_\_\_\_\_ of Minute Book 30.*) Included in the presentation, Dr. Boyles explained that the increase in salaries over the last several years has been significant. Salary increases are determined by NC Legislature. New teachers are paid with local funds while veteran teachers are paid with state funds. Due to a decrease in enrollment, Cleveland County Schools has lost fifty-two state funded positions but have not “reduced” those positions. Thirty of these positions have been reclaimed using normal attrition.

Dr. Boyles also presented a copy of the Cleveland County Schools Strategic Plan to Commissioners (*a copy of which is found on Pages \_\_\_\_\_ of Minute Book 30.*) Commissioners commended the school system for being creative and visionary.

## **PUBLIC HEARINGS**

### **ECONOMIC DEVELOPMENT; INCENTIVES FOR THE GENLYTE GROUP, INC.**

Kristin Fletcher, Assistant Vice-President of Economic Development, presented an incentive grant contract to the Commissioners. The industry being discussed, Genlyte Group, Inc., is located at 639 Washburn Switch Road. Ms. Fletcher shared the details of the agreement some of which included:

- **\$2-\$3 Million Investment**
- **55 new full time jobs**
- **Meet or exceed counties average manufacturing wage**

Chairwoman Boggs opened the public hearing at 6:55 p.m. (*public notice was accomplished in accordance with the mandates of NCGS 158-7.1, with an advertisement published in The Star on April 23, 2008.*)

*Steve Padgett, Cleveland Chamber President*, encouraged Commissioners to consider approving the incentive agreement. He described Genlyte as a “forward thinking” company. He explained that the company could have gone anywhere, but they chose to stay in Cleveland County.

*Jeffrey Siden*, Director of Operations, Genlyte Group, Inc., is pleased to be able to announce the company’s multi-million dollar expansion. He explained that the majority of the investment for this expansion will create a world-class experience for their customers. The remaining investment will be spent to improve manufacturing operations. He also noted that this expansion would create fifty-five new jobs and thanked Kristin Fletcher and the Chamber of Commerce for their passion and dedication.

Chairwoman Boggs closed the public hearing at 7:05 p.m. and asked Commissioners for comments.

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the board, to ***approve the incentive contract for Genlyte Group, Inc.*** (*copy found on Page \_\_\_\_\_ of Minute Book 30*).

### **PLANNING DEPARTMENT: PETITION FOR ABANDONMENT- PORTION OF MCCRAW ROAD**

Bill McCarter, Planning Director, explained that NCDOT and Duke Energy requested that Commissioners abandon a portion of McCraw Road. This portion of the road runs through the property owned by Duke Energy.

Harry Lancaster, Project Manager for the Duke Energy Cliffside Project explained that safety of Duke Energy employees as well as the community is very important. Mr. Lancaster shared a copy of the layout for the construction phase of the Cliffside project which included a lay down space

where equipment and materials will be held. Many of the items which will be used in construction will be shipped in bulk and will need to be stored for later use including a 300 x 300 x 300 capital intensive boiler. The equipment and materials will, constantly, need to be moved from the lay down space to the new plant across the portion of McCraw Road that they are requesting to be abandoned. The constant moving of this equipment and supplies across this road would be a safety concern for travelers of McCraw Road. Once the new plant is operational, 80 twenty pound trucks will cross the road to the storage area every day. Mr. Lancaster informed Commissioners and citizens that Duke Energy plans to fund an upgrade of Mosteller and Kirby Roads which are currently gravel. Traffic would be re-routed along these roads should McCraw Road be abandoned. Mr. Lancaster also explained that, with the increased plant size, there will also be an increase in coal and limestone delivery via rail. "Closing McCraw Road will greatly reduce the train and car accidents at grade crossing." Mr. Lancaster described the benefits to Duke Energy as: enhanced security of the plant and safety for it's employees. He described the benefits to the community as: loss of at-grade crossing and fewer conflicts with vehicles and heavy machines.

Mr. McCarter then introduced John Wortman, NCDOT Assistant District Engineer. Mr. Wortman explained that the NCDOT is in agreement to abandon this portion of McCraw Road. Duke Energy owns all adjoining property to the proposed road abandonment. Mr. Wortman felt that abandoning this road is in the best interest of the community and would be safer for travelers. He assured the community that the upgrade to Mosteller and Kirby Roads would be completed in compliance with NCDOT specifications. McCraw road is considered a secondary road. NCDOT is currently in the process of putting together the asphalt contract. Mr. Wortman noted that McCraw Road will not be closed until improvements to Kirby and Mosteller are complete. Upon Commissioner approval and Duke Energy approval, this project will become a top priority.

Chairwoman Boggs opened the public hearing at 7:25 p.m. (*public notice was accomplished in accordance with the mandates of NCGS 153A-241, with an advertisement published in The Star on April 18, 2008, April 25, 2008 & May 2, 2008.*)

**Reverend Ernie Cole, Prospect Baptist Church,** explained that he is against the proposed road abandonment. He believes that this is a very well traveled road. Many vehicles travel this road from Forest City to Gaffney. Mr. Cole presented a petition to Commissioners with 574 signatures opposing the closing of McCraw Road.

**Patricia Cole, 2729 Wood Road,** explained that she was a fifty-one year resident of the Prospect community. She said that the community has always faced the issue of the train. "We face typical problems of an industrial neighbor. This is a main artery for our residents. We travel this road

for our medical appointments, schools and many other things. The community wants to see this project successful but not at the sole sacrifice of the community.”

Ms. Cole also expressed concern over a “one lane” bridge located on Kirby Road. Commissioner Holbrook asked if this bridge had come up in discussions with the DOT. John Wortman explained that the bridge is located in Rutherford County. He explained that the District Office who handles Rutherford County is handling the portion of the project in Rutherford County. Mr. Wortman explained that he did not have an answer to Commissioner Holbrook's question. The Rutherford County Board of Commissioners will also hold a public hearing for the closing of the portion of the project which is located in Rutherford County.

**Linda Frady, 1334 Beechwood Road**, expressed concern over the extra distance to travel around McCraw Road and the current gas prices. She also noted a concern with the safety of the “one-lane” bridge on Kirby Road.

Commissioner Hawkins suggested that, if it takes two boards to make this decision, then the two boards (Cleveland County Commissioners and Rutherford County Commissioners) should possibly hold a joint meeting. Mr. Lancaster told the board that the Rutherford County Commissioners would hold their public hearing on June 2, 2008.

Commissioner Accor also voiced concern over the bridge. She said that she believed that Commissioners need to get all of their questions together and agreed that a joint meeting with Rutherford County may be necessary.

**Wanda Womet, Camps Creek Community**, said that she travels this road quite often and believes that this road is very well traveled. She explained that Duke Energy has, on many occasions unhooked the train and let cars go through while they unloaded.

**Keith Beaver, 1078 Ferry Road, Mooresboro**, also expressed concern over the bridge on Kirby Road and stated, “this is very inconvenient.”

**Eddie Jolley, 364 Knollwood Drive**, explained that his mother lives in the very last house on McCraw Road. She ran a beauty shop there for many years. His sister now runs the shop. He stated, “We have given up a lot over there. My Mom is 86. We feel like we are the armpit of Cleveland County.”

**Jason Falls, 150 Mike Ledford Road**, asked that the DOT do a traffic count on McCraw Road.

Chairwoman Boggs closed the public hearing at 7:40 p.m. and asked Commissioners for comments.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the board, to *table the vote until Commissioners or the County Manager meet and talk with the Rutherford County Commissioners and get more information from the NCDOT.*

**RESOLUTION: CHANGE IN REGULAR MEETING PLACE OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook, unanimously adopted by the Board *to adopt the following resolution:*

**NUMBER 12-2008**

**CHANGE IN REGULAR MEETING SCHEDULE OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**WHEREAS,** the Cleveland County Board of Commissioners have decided that it is appropriate to change their regular meeting place for their regular meeting of **Tuesday, May 20, 2008** from the Commission Chamber in the County Administrative Building to meet in the Council Chambers at Kings Mountain City Hall at 101 W. Gold Street Kings Mountain. The meeting will begin at 6:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED, THAT,** the Cleveland County Board of Commissioners will change the meeting place of said meeting and notify the public of their decision in accordance with the mandates of North Carolina General Statute 153A-40. The regular meeting schedule as adopted by the Board will resume after this meeting.

**ADOPTED THIS 6th DAY OF MAY, 2008.**

**COMMISSIONER REPORTS**

**Commissioner Hawkins:**

Commissioner Hawkins spent a half day last week in Hickory visiting the Catawba County Humane Society. He has, for several years, been working on an adoption program. He felt that visiting the Catawba County Humane Society made him feel like they were closer to a solution than they have been in eight years. The rabies problem has escalated over the last several years making it nearly impossible to have an adoption program. "We cannot have a viable adoption program until the rabies problem is addressed." Over 8,000 animals per year are euthanized in Cleveland County. The Catawba County Humane Society offers to spay and neuter animals at a much lower cost than regular veterinarians. This service would ultimately help with the rabies problem in Cleveland County.

**Commissioner Accor:**

Commissioner Accor gave a presentation on county government and how it works to the Social Services Board. She said that it was a wonderful session. Commissioner Accor suggested possibly holding State of the Community meetings in the evenings for Cleveland County residents.

Commissioner Accor also said, "Medicaid Relief is done, now legislators are discussing sharing the costs of road maintenance."

**RECESS TO RECONVENE**

There being no further business to come before the Board at this time, Vice-Chair Eddie Holbrook made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to recess to reconvene for the budget worksession to be held Monday, May 12, 2008 at 5:00 p.m. in the Commission Chamber.*

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*Rebecca Jo Powell Boggs, Chairwoman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*