

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**February 3, 2009**

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  
Johnny Hutchins, Vice-Chairman  
Mary Accor, Commissioner  
Ronald J. Hawkins, Commissioner  
Eddie Holbrook, Commissioner  
David C. Dear, County Manager  
Bob Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Chris Green, Tax Administrator  
Chris Crepps, Finance Director  
Bill McCarter, Planning Director  
Alexis Pearson, Human Resources Director  
David Allen, *The Star*  
Other individual names on file in the Clerk's Office

**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.

**AGENDA ADOPTION**

**ACTION:** Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk.*

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *January 6, 2009 Work Session and January 20, 2009*, motion was made by Johnny Hutchins, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *approve the minutes as written.*

**PLANNING DEVELOPMENT: CODE TEXT AMENDMENT – DR. DEANNA MOSELEY, DVM (Case 09-01) (Schedule a public hearing for March 3, 2009)**

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

**SHERIFF'S OFFICE: RECORDS RETENTION AND DISPOSITION SCHEDULE**

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *adopt revised (November 10, 2008) County Sheriff's Office Records Retention and Disposition Schedule.*

**EMERGENCY MANAGEMENT: BUDGET AMENDMENTS (BNA #048)**

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, 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>
010.445.4.460.00/ODUKE-P445	Emergency Mgt./Other Units Share	\$10,200.	
010.445.5.310.00	Emergency Mgt./Travel/Training	2,500.	
010.445.5.321.00	Emergency Mgt./Telecommunications	1,000.	
010.445.5.421.00	Emergency Mgt./Maintenance Contract	1,000.	
010.445.5.210.00	Emergency Mgt./Departmental Supplies	500.	
010.445.5.213.00	Emergency Mgt./Office Supplies	500.	
010.445.5.322.00	Emergency Mgt./Postage	400.	
010.445.5.211.00	Emergency Mgt./Capitol Equipment	4,300.	

Explanation of Revisions: *To budget Duke Power funding for Fiscal Year 2008/2009.*

**DETENTION CENTER: BUDGET AMENDMENTS (BNA #049)**

**ACTION:** Johnny Hutchins 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>
010.444.4.991.00	Detention/Fund Balance Appr	\$150,000.	
010.444.5.514.00	Detention/Detention Fees	150,000.	

Explanation of Revisions: *Budget funds for housing of inmates in Henderson County due to over population in county detention centers for September 2008 thru January 2009 and any additional charges incurred prior to year end.*

**SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #050)**

**ACTION:** Johnny Hutchins 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>
011.506.4.310.00/93563-2200	Administration/Fed Gov Grants	\$20,000.	
011.506.5.422.00	Administration/Contracted Labor	20,000.	

Explanation of Revisions: *Budget Amendment necessary to accept additional federal IVD funds for FY 2008/2009. The current state approved allocation is more than State Estimates for IVD Child Support funding for FY 2008-2009. The increase in funds are the result of additional child support fees. These funds will be used to hire temp. workers to help with the Child Support shortages.*

**SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #051)**

**ACTION:** Johnny Hutchins 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>
011.508.4.310.00/93568-P406	Income Maint/Fed Gov Grants	\$42,821.	
011.508.5.422.00	Income Maint/Contracted Labor	42,821.	

Explanation of Revisions: *Budget Amendment necessary to accept additional federal IVD funds for FY 2008/2009. The current state approved allocation is more than State Estimates for LIEAP Admin's funding for FY 2008-2009. The additional monies are the result of the increased need for services. The increase to 422. will cover the temp. workers needed to help administer the program.*

**SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #052)**

**ACTION:** Johnny Hutchins 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>
011.519.4.310.00/93568-P372	Public Asst./Fed Gov Grants	\$493,891.	
011.519.5.512.05	Public Asst./Crisis	493,891.	

Explanation of Revisions: Budget Amendment necessary to accept additional federal IVD funds for FY 2008/2009. The current state approved allocation is more than State Estimates for Crisis Funding for FY 2008-2009. The additional monies are the result of the increased need for services.

**HEALTH DEPARTMENT: REDUCTION IN FORCE**

**ACTION:** Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to approve the abolishment of the following positions.*

*Position # 012.541.0051 Environmental Health Specialist*

*Position #012.539.1063 PHN Supervisor II*

*Position #012.539.1093 Clinical Social Worker*

**PUBLIC HEARING**

**PLANNING DEPARTMENT: FINAL PAVING ASSESSMENT – SHEREE LANE**

The assessment process, the process under which this road was paved, requires two public hearings. The first public hearing was held in November, 2005 after the Cleveland County Planning Department received a valid petition from the property owners. Engineering drawings had already been completed and the project had been bid. During that meeting, Commissioners awarded the bid for the paving to Custom Paving in the amount of \$143,615. The contract was signed, construction completed, the road was inspected by NCDOT and the Planning Department began work on Right of Way dedication. These items were completed in February, 2007. The Board of Transportation approved the addition of Sheree Lane into the state highway system in December, 2008.

Bill McCarter, Planning Director explained that the purpose of this second public hearing is to assess the property owners for pay back to the County. Each property owner will be assessed \$7,802 and will be charged 8% interest. Property owners have a period of five years to pay back the county. An annual statement will be sent to the property owner detailing their balance. This debt will be collected just like any other property taxes. The obligation to pay this assessment runs with land. Commissioner Hawkins explained that the realtor or the attorney should have notified the purchaser of this debt before closing.

Chairwoman Boggs opened the public hearing at 6:20 p.m. (*Notice of this hearing was accomplished in accordance with NCGS 153A-194, with a legal advertisement published in The Star on January 23, 2009*)

*Marilyn Ramsey, 2933 Sheree Lane, explained that she thought she had been paying this assessment all along with her regular property tax payment and said that it was “pretty shocking” when she received the letter from Mr. McCarter. She does love having the road paved and asked when the five year repayment term begins.*

*David Mathis, 2917 Sheree Lane, owns three lots on Sheree Lane. Mr. Mathis attended the first public hearing in 2005 where he said that 70% of the residents in attendance withdrew their names from*

the petition before anything was voted on. He explained that the County Attorney was asked several questions before the vote was taken and the Attorney explained that he would get back to them. Before he could get answers from an attorney, the road was already being paved. Mr. Mathis felt that the paving was “shoved down our throats.” He believes that the Commissioners decided to pave the road due to safety of fire and rescue service and school buses and said that it is not the responsibility of the citizens to keep it up. Mr. Mathis also noted that he told Commissioners that he could not afford the assessment then, and now, he said, “I definitely can’t.”

*Wendy Stinnette, 2913 Sheree Lane*, explained that she was one of the property owners who asked if the residents could remove their names from the petition. She said that the response from the County Attorney was, “I don’t know.” Ms. Stinnette called Mr. Yelton the day after the meeting where she said he told her that it was “too late.” She also emailed Commissioners following the public hearing. She has said that she has contacted attorneys regarding this matter stating that they plainly said at the first public hearing that they could not afford this and the economy has only gotten worse.

*Leonard Smith, 2917 Sheree Lane*, also attended the first public hearing and stated that he also said he did not want the road. Mr. Smith feels as though they weren’t given a chance to back out because it was already approved.

*Steven Stinnette, 2913 Sheree Lane*, did not attend the first public hearing and said that he did know anything about this project. He felt that the exact amount of the assessment should have been written in the letter prior to the first public hearing.

*Carol Pearson, Owner of Lot 17 Sheree Lane*, said that she did not know that the road had even been paved until she got the letter about this public hearing in the mail.

*Russell Matthews, 2925 Sheree Lane*, recently purchased his home. He knew nothing of this assessment when he purchased the home. If he had known about it, he probably would have looked somewhere else.

Hearing no further comments, Chairwoman Boggs declared the public hearing closed.

Mr. McCarter answered one of the questions by stating that property owners will have five years to repay the assessment. The five years starts after the assessment roll is recorded. Property owners will have 10 days following adoption by the Commissioners to appeal the final assessment roll. Appeals should be made to Superior Court. After the 10 days, the roll will be recorded.

Commissioner Hawkins recognized that it has been several years since the first public hearing and he knows that this is going to be a burden on some. He asked County staff if a lien would be placed against the property if it was every sold.

Tax Administrator Chris Green explained that it is his understanding that this assessment would attach as a lien and the County Tax Collector would be responsible for collection in the same means that she collects property taxes. After the five year repayment term, the assessment would be treated like a delinquent tax bill. Mr. McCarter explained that many times, property owners will borrow money from banks to increase their term. Chairwoman Boggs asked how the paving of this road would effect the property values of these homes. Mr. Green said, “Typically there is a 20% detriment for not having the road paved.”

Commissioners were given a copy of the minutes from the first public hearing (*ref. minutes from November 1, 2005.*) Commissioner Accor voiced her sensitivity toward the situation but noted that only

three residents spoke against this project during the public hearing in 2005 and stated, “At that time, it was favorable.”

Commissioner Hutchins suggested that Commissioners postpone the vote to see if they could find out any further information. This suggestion was never put in the form of a motion. Commissioner Hawkins also expressed his concern and stated, “The County did what was asked of them at the time.”

**ACTION:** Ronnie Hawkins made a motion to, *approve the paving assessment*. The motion died of lack of second.

**ACTION:** Johnny Hutchins made a motion to, *postpone the vote and bring it up at the March 3, 2009 meeting*. The motion died of lack of second.

**ACTION:** Ronnie Hawkins made a motion seconded by Mary Accor, and unanimously adopted by the Board, *to approve the following Final Paving Assessment for Sheree Lane*.

### **Final Assessment Roll**

Pursuant to NCGS 153A-205(c), the Cleveland County Board of Commissioners held a Public Hearing on February 3, 2009 at 6:00 p.m. in the Commissioners Chambers located at 311 East Marion Street, Shelby, NC, to confirm the Assessment Roll for the paving of Sheree Lane. Each lot is assessed equally and the owners of the following lots are responsible for their share of the total project costs:

Owner	Parcel	Lot	Assessment
Steven D Stinnette	31110	9	\$ 7,802
David Miller Mathis	31111	10	\$ 7,802
David Miller Mathis	31112	11	\$ 7,802
Russell Matthews	72864	12	\$ 7,802
Peggy Louise Franklin	31114	13	\$ 7,802
Bobby Lee Ramsey	71166	14	\$ 7,802
Ruby Mae Jablonski	72863	15	\$ 7,802
William A Weathers	31117	16	\$ 7,802
Ronald Lee Pearson	31118	17	\$ 7,802
Vickie P Smith	31119	18	\$ 7,802
Dennis Keith Lane	31120	19	\$ 7,802
Christina Louise Meli	31121	20	\$ 7,802
Tony Britt Barts	70759	21	\$ 7,802
David Miller Mathis	72385	22	\$ 7,802
James Richard Piercy	70598	23	\$ 7,802
David Wayne Allen	31126	25 (Part)	\$ 7,802
John H Colvin	56348	25 (Part)	\$ 7,802
Leonard L. Smith	31127	26	\$ 7,802
Richard Harold Baker	31128	27	\$ 7,802

Each assessment is a lien on the property assessed of the same nature and extent as a lien for county property taxes as set forth in North Carolina General Statute 153A-200. The above assessments may be paid to the Cleveland County Tax Collector without interest prior to MARCH 31, 2009. Any outstanding balance remaining on APRIL 1, 2009 will be charged eight percent (8%) interest annually.

**All assessments, including interest, are due in full within five years, APRIL 1, 2014.**

Adopted this 3<sup>rd</sup> day of February 2009.

### **SMALL BUSINESS ASSISTANCE**

On December 2, 2008, Commissioners held a worksession to discuss Economic Development. Understanding the importance of Small Businesses in Economic Development and the hardships they face during tough economic times, Commissioners invited several agencies involved with helping small businesses to attend the meeting to discuss services offered to small businesses. Assistant County Manager Eddie Bailes, presented Commissioners with information from Gardner-Webb University Godbold School of Business. He then introduced Bee Strain of Cleveland Community College and

Michael Chrisawn and Vickie Tessener of the Cleveland County Chamber to present Commissioners with information about the services they provide (*copy found on Pages \_\_\_\_\_ of Minute Book 31*).

**OZONE NON-ATTAINMENT BOUNDARY RESOLUTION**

In 1997, the EPA revised the national ambient air quality standard for ozone, referred to as the 8-hour ozone standard, and classified the Charlotte-Gastonia-Rock Hill MSA as a non-attainment area. These standards were significantly strengthened in March, 2008, referred to as the ambient air quality standards (NAAQS) for ground-level ozone. The EPA is now asking the NC Division of Air Quality to provide a non-attainment boundary for the upcoming, more stringent, ozone standards. The EPA has recommended that the boundary follow county lines and include all of Iredell and Cleveland counties. DAQ has indicated that they will recommend that the boundaries do not change from the current delineation and the LNRPO also requested that the boundaries do not change. Mr. McCarter explained that, if the boundaries are changed, this will have a big impact on new and existing industries by placing more restrictions on them.

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

NUMBER 02-2009

Charlotte-Gastonia-Rock Hill, NC-SC  
8-Hour Ozone Non-Attainment Area

*Whereas*, the U.S. Environmental Protection Agency (EPA), on July 18, 1997, promulgated a revised national ambient air quality standard for ozone, referred to as the 8-hour ozone standard, and classified the Charlotte-Gastonia-Rock Hill MSA as a non-attainment area; and

*Whereas*, Recommendations for area designations were generally based upon ambient air quality data within the census designated MSA boundary; and

Whereas, Ambient air quality monitoring data clearly showed that Cleveland County met the current 8-hour ozone standard; and

*Whereas*, the EPA significantly strengthened its national ambient air quality standards (NAAQS) for ground-level ozone on March 12, 2008, and

Whereas, Cleveland County is projected to meet the new 8-hour ozone standard adopted by EPA through the year 2020.

Whereas, The EPA provides recommendations on establishing the boundaries for non-attainment areas, and has recommended that the boundary for the Charlotte-Gastonia-Rock Hill NC-SC non-attainment area be expanded to include Cleveland County; and

Whereas, Cleveland County does not meet the criteria for population growth and commuting patterns, considered by the EPA in designating non-attainment areas; and

*Whereas*, According to the NC Office of State Budget & Management, population projections shown Cleveland County as a "low growth" county, increasing only 1% in the decade 2000-2010; and

Whereas, Only 29.5% of our workforce commute into the Charlotte-Gastonia-Rock Hill MSA from Cleveland County, fewer than any other county in the region; and

**Now, Therefore, Be It Resolved**, That the Cleveland County Board of Commissioners are opposed to the expansion of the Charlotte-Gastonia-Rock Hill, NC-SC 8-Hour Ozone Non-Attainment Area to include Cleveland County.

Adopted this 3rd day of February, 2009

## **COMMISSIONER REPORTS**

Commissioner Hawkins began by thanking his fellow Commissioners and David Dear. “I have seen a transition in us sharing and partnering.” Commissioner Hawkins referred to several examples including a recent joint industrial park project with the City of Shelby and partnership with the City of Kings Mountain on the Southern Power Waterline. “This is the way we will accomplish a lot. By working with each other, we are positioning ourselves for the future.”

Commissioner Holbrook concurred with what Commissioner Hawkins said and added, “There is strength in unity.” He also shared that, although there is lots of negativity surrounding the economy, Cleveland 20/20 Economic Development Partnership and its partners are working diligently and aggressively trying to recruit new industries to Cleveland County.

Commissioner Accor, after recently returning from a trip to Raleigh, explained, “From a state level, we hear horror stories about situations in other counties. It is a blessing to say that we are working together. When we work together, there is ease and hope.” Commissioner Accor commended County Manager David Dear for holding things together.

Commissioner Hutchins echoed the thoughts of the other Commissioners. “Some counties are having to cut their budgets by 15% and lay off employees. At this time, it looks as though, we will not have to do anything drastic.”

## **ADJOURN**

There being no further business to come before the Board at this time, Mary Accor made a motion seconded by Johnny Hutchins, and unanimously adopted by the Board, *to adjourn the meeting*. The next regular meeting of the Commission is scheduled for *Tuesday, February 17, 2009 at 6:00 p.m.* in this 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*