

CLEVELAND COUNTY BOARD OF COMMISSIONERS

December 15, 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
Alexis Pearson, Human Resources Director
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 Ronnie Hawkins, provided the invocation for the meeting. Commissioners took a moment to sing "Happy Birthday" to Commissioner Accor.

AGENDA ADOPTION

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

Delete:

4. **BROAD RIVER GREENWAY FEE STRUCTURE**
Darlene Gravett, Chair Broad River Greenway Council

Add:

4. **PUBLIC HEARING FOR CDBG ECONOMIC DEVELOPMENT GRANT**
Teresa Spires, Isothermal Planning and Development Commission
18. **INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY**
Jo Boggs, Chairwoman
19. **CLOSED SESSION TO DISCUSS A LEGAL MATTER**
Bob Yelton, County Attorney

CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during **November 2009** (copy found on Page _____ of Minute Book 31).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *November 2009*. The monthly grand total of tax abatements was listed as (\$11,655.61); and, the monthly grand total for tax supplements was listed as \$39,400.92.

VARIOUS DEPARTMENTS: BUDGET AMENDMENTS (BNA #033)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
010.442.5.790.09	Fed Forfeited Prop/Donations-Equip	\$5,980.	
010.442.4.810.09	Fed Forfeited Prop	5,980.	
010.421.5.790.09	Information Technology	2,400.	
010.421.4.810.09	Information Technology	2,400.	

Explanation of Revisions: To budget for donated Mitsubishi Montero from US Customs. To budget for three printers that were acquired through Hewlett Packard Free Points Program. These accounts need to be budgeted in order to post donated entries for audit.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #034)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
012.537.4.350.00/93283-190X	Child Health/State Gov't. Grants	\$13,000.	
012.537.4.490.00	Child Health/Professional Services	13,000.	

Explanation of Revisions: Budget funds from DHHS- for Enhancing Local Asthma Efforts. Will contract with Alliance for Health to complete project.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #035)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
012.540.4.310.00/10557-5403	WIC/Federal Grants	\$34,288.	
012.540.4.310.00/10557-5404	WIC/Federal Grants	8,572.	
012.540.5.121.00	WIC/Salaries-Regular	5,694.	
012.540.5.131.00	WIC/Social Security	353.	
012.540.5.132.00	WIC/Retirement	285.	
012.540.5.133.00	WIC/Hospital Ins.	2,496.	
012.540.5.134.00	WIC/Dental Ins.	84.	
012.540.5.135.00	WIC/Employee 401K	285.	
012.540.5.136.00	WIC/Medicare Ins.	83.	
012.540.5.210.00	WIC/Dept. Supplies	1,000.	
012.540.5.213.00	WIC/Office Supplies	2,000.	
012.540.5.322.00	WIC/Postage	500.	
012.540.5.490.00	WIC/Professional Services	30,080.	

Explanation of Revisions: Budget increased allocation for WIC funds due to additional caseload and increase in per participant amount- increase a 50% LPN to 100% effective 1/1/10 and budget funds for operating and professional services (Nutritionist).

3RD PARTY PASS THRU GRANTS: BUDGET AMENDMENTS (BNA #036)

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, 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>
010.432.4.310.00/16738-0GVP	3 rd Party Pass Thru/Fed. Gov't Grants	\$36,975.	
010.432.5.700.00/16738-0GVP	3 rd Party Pass Thru/Grants		36,975.

Explanation of Revisions: To accept funding from the NC Dept. of Juvenile Justice and Delinquency Prevention for a community based Youth Gang Violence Prevention Program. The program will be administered by the Communities in Schools personnel and will target programs to promote positive life choices and positive connections within their schools and communities. There are no county funds involved with this grant. Source of funding is from Government stimulus funds.

LANDFILL PROPERTY PURCHASE

Access to the manned container site located at the old Lutz Apple Orchard near Belwood was obtained through an easement across the property of Ms. Tinna Rhames Helms. Ms. Helms has offered to sell this portion of her property to Cleveland County for \$8,000. County Manager David Dear recommended that Commissioners approve the purchase of this property from Ms. Helms.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to approve the purchase of the proposed property from Tinna Rhames Helms for \$8,000 (copy of survey found on Page _____ of Minute Book 31).*

PUBLIC HEARING

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT GRANTS

Chairwoman Boggs opened the public hearing (*notice of this hearing was accomplished in accordance with the mandates of CDBG funding with a legal advertisement published in The Shelby Star by Isothermal Planning and Development Commission*).

Teresa Spires, Isothermal Planning and Development Commission explained that this was the first of two public hearings required for CDBG Economic Development Grants. She discussed the grant as follows:

The Community Development Block Grant program was created by the Housing and Community Development Act of 1974 and provides a block of funding from the US Department of Housing and Urban Development to each state through the Small Cities Program. North Carolina received about \$45 million this year to distribute throughout the eligible entities in the state. Of this amount about \$9 million is reserved for economic development activities. These activities are managed by the Commerce Finance Center which is part of the North Carolina Department of Commerce.

The Commerce Finance Center has three main programs available using CDBG funds. Here is a brief outline of each:

Economic Development Infrastructure: This program grants money to local governments who in turn construct infrastructure to support a business that is either locating in or expanding operations in

that community. Or in some limited cases, the funds can be used to construct infrastructure that is needed to keep a business in operation and retain existing jobs provided that the jobs are held by predominantly low and moderate income persons and that the business can prove that they would be forced to close if the infrastructure is not provided. Infrastructure is defined as water, sewer, access roads, rail spurs and electric – if the electric system is publicly owned and operated. The amount available per job created or retained and the grant maximums vary by tier level of the County and by type of company with manufacturing jobs receiving higher funding than service sector jobs. Cleveland County is a Tier One. There is no match for Tier One counties. The maximum total grant amount per project is \$1,000,000. A local government is also limited to no more than \$1,250,000 per program year in funding for all CDBG program areas.

Building Reuse Grants: This is a new program that will provide up to \$750,000 as a loan to a local government to be used to match the owner's contribution on the rehabilitation of an existing building. Each local government is limited to a maximum of \$750,000 per program year. The actual amount per project would depend on the number of jobs, the type of business and the actual costs of building renovation. Companies are required to maintain the jobs for a period of 5 years in order for the loan to be completely forgiven.

Spec. Building Loan Fund: This program allows a local government to borrow funds to construct a spec. building. No more than 50% of the costs may be borrowed from the program. The payback is 5 years with interest only for the first 2 years.

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

REGULAR AGENDA

RESOLUTION IN SUPPORT OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FUNDING FOR PROJECT DIESEL

Assistant County Manager Eddie Bailes presented a resolution to Commissioners regarding the proposed Project Diesel. Project Diesel proposes to invest \$4.5 Million of capital investment and to employ at least forty-five persons when the company is fully operational. The purpose of this resolution is to endorse the application of Project Diesel to request financial support from the North Carolina Department of Transportation to assist in the funding of a rail industrial access track to serve Project Diesel.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adopt the resolution as follows:*

NUMBER 32-2009

RESOLUTION IN SUPPORT OF PROJECT DIESEL TO LOCATE A MANUFACTURING FACILITY IN CLEVELAND COUNTY, NORTH CAROLINA

WHEREAS, Project Diesel is considering locating a manufacturing facility at 144 Norick Drive in Kings Mountain North Carolina; and

WHEREAS, Project Diesel proposes to invest \$4,500,000 of capital investment and to employ at least forty-five persons when the company is fully operational; and

WHEREAS, Project Diesel plans are consistent with local land use and state and local transportation plans; and

WHEREAS, Project Diesel plans conform with all applicable state and local ordinances and policies; and

WHEREAS, Cleveland County is committed to work with the NCDOT in a leadership role to make transportation improvements that address the safety needs of the public, and contractors and employees of Project Diesel.

NOW, THEREFORE, BE IT RESOLVED, by the Cleveland County Board of Commissioners

Section 1: Cleveland County supports the location of Project Diesel in Cleveland County and confirms that its plans are consistent with and conform with state and local laws, plans and policies.

Section 2: Cleveland County endorses the application of Project Diesel to request financial support from the North Carolina Department of Transportation to assist in the funding of a rail industrial access track to serve Project Diesel.

Section 3: Cleveland County commits to work with the NCDOT to make needed transportation improvements necessary to protect the safety of the public, and contractors and employees of Project Diesel.

ADOPTED THIS THE 15th DAY OF DECEMBER 2009.

SUGGESTED RULES OF PROCEDURE FOR THE BOARD OF COUNTY COMMISSIONERS

At their regular meeting of December 6, 2004, Commissioners adopted, with modifications, the Suggested Rules of Procedures for the Board of County Commissioners by Joseph S. Ferrell (*see Minutes from December 6, 2004*). At their December 1, 2009 regular meeting, Commissioners adopted the Suggested Rules of Procedure for Public Hearings (*see Minutes from December 1, 2009*). During this meeting, Commissioners felt that it was appropriate to review and re-adopt the Suggested Rules of Procedures for the Board of County Commissioners by Joseph S. Ferrell. Commissioners asked that the re-adoption of this book be placed on their December 15, 2009 regular meeting.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to re-adopt the Suggested Rules of Procedures for the Board of County Commissioners by Joseph S. Ferrell with modifications made at the December 6, 2004 meeting.*

BOARD APPOINTMENTS

COMMUNITY CARE BLOCK GRANT ADVISORY COMMITTEE

ACTION: Eddie Holbrook made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board to, *appoint Chris Crepps, Glenda Childers, Bob Davis, Wilson Griffin, Kitty Hoyle, Evangeline Jones, Curtis Pressley, Kris Thompson and Ursula Walls* to serve as members of this board, for a term of three-years, scheduled to conclude on December 31, 2012.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board to, *appoint Commissioner Eddie Holbrook* to serve as the Commissioner Representative of this board, for a term of three-years, scheduled to conclude on December 31, 2012.

CLEVELAND COUNTY CHILD FATALITY PREVENTION TEAM

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board to, *appoint Raymond Hamrick (Sheriff) and Melvin Proctor (Police Chief)* to serve as members of this board, for a term of three-years, scheduled to conclude on December 31, 2012.

COMMISSION FOR WOMEN

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *re-appoint Diane Davis, Valerie Boyd and Betty McKesson* to serve as members of the Commission, for a period of three-years, scheduled to conclude December 31, 2012.

EMPLOYEE PRODUCTIVITY AWARD REVIEW COMMITTEE

ACTION: Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *appoint Jo Boggs as Commissioner Representative and Chris Green as Citizen Representative* to serve on this committee. The term of this appointment is for a period of one-year, scheduled to conclude December 31, 2010.

CLEVELAND COUNTY BOARD OF HEALTH

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *re-appoint Robert Miller (Public Citizen) and to appoint Charles Hayek (Physician), William Marsh (Pharmacist), Steve Rackley (Professional Engineer) and Theresa Taylor (Veterinarian)* to serve as members of the board. Each appointment is for a term of three-years, scheduled to conclude December 31, 2012.

UPTOWN SHELBY ASSOCIATION

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *appoint Denise McKinney to serve as the Commissioner Representative designee.* The term is scheduled to conclude on December 31, 2010.

NURSING HOME ADVISORY COMMITTEE

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *re-appoint John Oriente* to serve as a member of this committee. The term of this appointment is for a period of three-years, scheduled to conclude on December 31, 2012.

PATHWAYS

ACTION: Jo Boggs made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *appoint Cathy Robertson* to fill the unexpired term of Dr. Denise Smith, scheduled to conclude on June 30, 2012.

PERSONNEL ADVISORY COMMITTEE

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to re-appoint Jan Deviney, Jeff Cash and Joyce King (Alternate)* to serve as members of this board, for a term of one-year, scheduled to conclude on December 31, 2010.

CLEVELAND COUNTY FAIR BOARD OF DIRECTORS

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to appoint Commissioner Mary Accor* to serve as the Commissioner Representative of this board. The term of this appointment is for a period of one-year, scheduled to conclude December 31, 2010.

CLEVELAND 20/20 ECONOMIC DEVELOPMENT PARTNERSHIP

Chairwoman Boggs began by thanking Commissioner Holbrook for his service to the Cleveland 20/20 Economic Development Partnership.

A member of the Board of Commissioners serves on the Cleveland 20/20 Economic Development Partnership Executive Board. This member is appointed at the discretion of the Chair. Chairwoman Jo Boggs appointed Eddie Holbrook to serve as her representative for the upcoming year.

INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to appoint David Leonhardt* to serve as a member of this board. The term of this appointment is for a period of six-years, scheduled to conclude December 31, 2015.

CLOSED SESSION

ACTION: Mary Accor made the motion, which was seconded by Eddie Holbrook, and unanimously adopted by the Board, to conduct a closed session regarding a legal matter, as allowed under North Carolina General Statute 143-318.11(a)(1)(3)(2).

RECONVENE IN REGULAR SESSION

Chairwoman Boggs reconvened in regular session.

ACTION: Ronnie Hawkins made the motion, which was seconded by Mary Accor, and unanimously adopted by the Board to, *approve the attached agreement (copy found on Page ____ of Minute Book 31) with the amendment that Chris Craft make the 10th payment before or at closing.*

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to recess to reconvene to Friday, December 18, 2009 at 8:00 a.m. in this Commission Chamber if required to discuss a legal matter.*

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

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*