

CLEVELAND COUNTY BOARD OF COMMISSIONERS

February 2, 2010

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
Debra Blanton, Elections Director
David Allen, *The Star*
Danielle Anzelone, *Cleveland Headline News*
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 with the following additions:*

10. **100 YEARS OF SCOUTING IN 100 COUNTIES**
11. **CLEVELAND COUNTY ZONING BOARD OF ADJUSTMENT BOARD APPOINTMENT**

CITIZEN RECOGNITION

Joseph Mullinax, 2541 Brookfield Drive, referenced Agenda Item 9- a minimum housing code enforcement violation. Mr. Mullinax is owner of the home located at 2541 Brookfield Drive currently being recommended for demolition. He explained that he bought the house several years ago. After going through some difficult times, he thought that the house had been taken in foreclosure. He did not know that he was still the owner of the property until just recently. He has not been to the house in nine years. Throughout those years, the property has been vandalized and stripped of practically everything. Mr. Mullinax said he is not sure if the home is salvageable, however, he asked Commissioners to consider giving him the opportunity to restore the home.

CONSENT AGENDA

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #042)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
011.504.4.350.00/93659-2200	Income Maintenance/State Gov Grants	\$75,000.	
011.504.5.899.00/93659-2200	Income Maintenance/Spec. Needs Adoption	75,000.	

Explanation of Revisions: Budget Amendment necessary to accept State Funds for Special Needs Adoption for FY 2009/2010.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #043)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
011.508.4.310.00/93558-P238	Income Maintenance/Fed Gov Grants	\$12,600.	
011.508.5.420.00/93558-P238	Income Maintenance/WF Contracted Serv.	12,600.	

Explanation of Revisions: Budget Amendment necessary to accept federal funds for Work First Functional Assessments for FY 2009/2010.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #044)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
011.519.4.310.00/93568-P372	Public Asst/Fed Gov Grants	\$217,204.	
011.519.5.512.05/93568-P372	Public Asst/Crisis	217,204.	

Explanation of Revisions: Budget Amendment necessary to accept additional federal Crisis funds for FY 2009/2010. The current allocation is more than State Estimates for Crisis Funding for FY 2009/2010. The additional monies are the result of the increased need for services.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #045)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
010.442.4.311.00/USICE-P442	Fed. Forfeited Property/Fed Other Rev	\$34,119.	
010.442.5.910.00/USICE-P442	Fed. Forfeited Property/Capital Equipment	34,119.	

Explanation of Revisions: Request approval to budget Fed. Forfeited Property funding to outfit four 2010 Tahoe's that were approved in the FY 2009/2010 budget (striping, emergency lighting/sirens, purchase one canine cage for Tahoe, OSSI Canine Tracking Computer Module for K-9 Program, Data Storage/Work Station for ICOP)

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #046)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
010.445.4.460.00/ODUKE-P445	Emergency Mgmt/Revenue		\$15,000.
010.445.5.310.00	Emergency Mgmt./Travel & Training	2,500.	
010.445.5.321.00	Emergency Mgmt./Communications	1,000.	
010.445.5.421.00	Emergency Mgmt./Contracts & Fees	1,000.	
010.445.5.210.00	Emergency Mgmt./Dept. Supply	500.	
010.445.5.213.00	Emergency Mgmt./Office Supplies	500.	

010.445.5.322.00	Emergency Mgmt./Postage	400.
010.445.5.210.00	Emergency Mgmt./Dept. Supplies	3,940.
010.445.5.211.00	Emergency Mgmt./Controlled Equip	5,160.

Explanation of Revisions: To budget Duke Energy funds in various accounts to cover expenses.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #047)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
011.507.4.310.00/93996-2200	Outside Poor/Fed Gov grants-ARRA	\$584,801.	
011.507.5.420.00	Outside Poor/CCDF Daycare	584,801.	
011.507.4.350.01/93996-2200	Outside Poor/State Grants-SS	25,000.	
011.507.5.420.00	Outside Poor/Smart Start Daycare	25,000.	
011.508.4.310.00/93996-2200	Income Maintenance/Fed Gov Grants	32,954.	
011.508.5.121.00	Income Maintenance/Salaries/Wages	32,954.	

Explanation of Revisions: Budget amendment necessary to accept ARRA Fed. Funds and Smart Start Funds for Daycare Direct Services and Services Support for FY 2009/2010. ARRA Funds: Additional funds provided to assist with Daycare Direct Services. Services Support: State Budget Estimate allocation was less than the amount awarded. Will offset county cost. Smart Start Direct Services: The budgeted allocation was less than the amount awarded.

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #048)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
010.437.4.310.00/93889-6000	EMS/Federal Grants	\$ 6,000.	
010.437.5.211.00/93889-6000	EMS/Controlled Equipment	4,440.	
010.437.5.210.00/93889-6000	EMS/Departmental Supply	1,560.	

Explanation of Revisions: To budget a grant award from the NC Office of Emergency Medical Services for the purchase of items needed for SMAT team.

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #049)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, 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>
010.611.4.991.00	Library/Fund Bal Appropriated	\$ 2,804.	
010.611.5.790.01	Library/Donations/Contributions	2,804.	

Explanation of Revisions: To budget carryover donations/contributions to spend on general books.

SPECIAL RECOGNITION

RUTH B. WILSON- CLEVELAND COUNTY BOARD OF ELECTIONS

Ruth Wilson has served the Cleveland County Board of Elections for over thirty years. In Feb, 2009, due to health reasons, Ms. Wilson resigned as Secretary to the Board. Debra Blanton, Elections Director, presented Ms. Wilson with several items including a resolution from the Cleveland County Board of Elections, a resolution from the Elections Boards Association of North Carolina and a resolution from the State Board of Elections. Ms. Blanton also read a letter from US Senator Richard Burr. Brett Keeter, Representative from Congressman Patrick McHenry's office read a letter from Representative McHenry in appreciation of Ms. Wilson's hard work and friendship. Several precinct officials, board members and family members were present to honor Ms. Wilson.

PUBLIC HEARING

INDUSTRIAL INCENTIVE GRANT- PROJECT CATALYST

Kristin Fletcher, Assistant Vice-President of Economic Development, presented an incentive grant contract to Commissioners. The project being discussed, Project Bonjour will be located at 133 Industrial Drive in Kings Mountain. Ms. Fletcher shared the details of the agreement some of which included:

- **The creation of approximately twenty seven (27) new, permanent full-time jobs within twenty four months of the date of this agreement.**
- **Grantee will create approximately Two Million Dollars (\$2,000,000) in taxable investment.**
- **Grantee will lease the facility and install capital equipment and machinery into the facility within twelve months of the date of the agreement.**
- **Average wage paid to the full-time employees shall equal or exceed \$35,208.**
- **The term will continue for three fiscal years following initial verification as long as the Grant Criteria remain satisfied.**

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, ***to open the public hearing.*** (Notice of this hearing was accomplished in accordance with NCGS 153A-343, with a legal ad published in the Star on January 22, 2010.)

Steve Padgett- 105 Persimmon Creek Road- spoke in favor of approving the incentive agreement. "This is a positive situation."

Chairwoman Boggs asked if there were any other comments or if Commissioners had any questions of anyone in the audience or staff. Hearing no other comments, she called for the public hearing to be closed.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins and unanimously adopted by the board, ***to close the public hearing.***

Chairwoman Boggs called for discussion among Commissioners. County Attorney Bob Yelton made note of an error under Section 2(b) and recommended a change from (5) fiscal years to three (3) fiscal years. Hearing no other comments, Chairwoman Boggs called for the vote.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board, ***to approve the incentive agreement as presented with the recommended change to Section 2(b) (copy of incentive agreement with change found in Page _____ of Minute Book _____.)***

PLANNING DEPARTMENT ZONING MAP AMENDMENT-DALE PARKER (Case #10-04)

Mr. McCarter presented a petition from Dale Parker requesting a zoning map amendment from Residential-Corridor Protection (R-CP) to Light Industrial-Corridor Protection (LICP) for a vacant parcel along US74, near Sandy Run Creek. This amendment will be an expansion of an existing light industrial district where B&W Fiberglass is located

He provided background information as follows:

Existing Land Use: Vacant

Future Land Use: Light Industrial

Utilities: Public water provided by Cleveland County Sanitary District.

Mr. McCarter also reviewed the following recommendations from the Planning Board and the

Planning Consultant:

Chuck Nance, Planning Consultant, Isothermal Planning and Development Commission: APPROVE

I've had a chance to review the information regarding the above referenced rezoning case, and I've also had a chance to view the site. Based upon all pertinent information, and the fact that the future land use is projected to be light industrial, and that this is an expansion of an already existing light industrial district, it is our opinion that Cleveland County could legally rezone this site.

Planning Board Recommendation: APPROVE

The Planning Board voted unanimously to recommend that the rezoning be approved.

In 2005, NCGS 153A-341 was amended to require that planning board review include written comments on the consistency of the amendment with the Land Use Plan and any other relevant plans. The Board must also explain why the action is "reasonable and in the public interest".

Consistent with the 2015 Land Use Plan

This area was designated as industrial on our future land use map, and the proposed Light Industrial (LI) zoning district would be consistent with our plan.

Is the amendment reasonable and in the best interest of the public?

Expansion of an existing Light Industrial district.

Surrounding Properties

Existing residential to the west, industrial to the east. Commercial uses across the highway to the south.

Non-Conforming Uses

Vacant.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor and unanimously adopted by the board, ***to open the public hearing.*** (Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal ads published in the Star on January 22 and January 29 2010.)

Chairwoman Boggs asked if there were any other comments or if Commissioners had any questions of anyone in the audience or staff. Hearing no other comments, she called for the public hearing to be closed.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor and unanimously adopted by the board, ***to close the public hearing.***

Chairwoman Boggs called for discussion among Commissioners. Hearing no comments, Chairwoman Boggs called for the vote on the zoning map amendment.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, ***to approve the zoning map amendment as requested.***

**ORDINANCE AMENDING THE CLEVELAND COUNTY ZONING MAP
Three Acre Tract Along US 74 near Sandy Run Creek
Residential-Corridor Protection (R-CP) to Light Industrial-Corridor Protection (LI-CP)**

WHEREAS, Article 18 of Chapter 153A of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, Dale Parker presented a petition to amend to the Cleveland County Zoning Map for a three-acre tract located along US 74 near Sandy Run Creek from Residential-Corridor Protection to Light Industrial-Corridor Protection,; and

WHEREAS, the Cleveland County Planning Board found the map amendment to be consistent with the 2015 Land Use Plan; and

WHEREAS, in accordance with NCGS 153A-343, a public hearing was held by the Cleveland County Board of Commissioners on February 2, 2010, and legal notices published on January 22 and January 29, 2010 and a sign posted on January 22, 2010 as required by law; and

WHEREAS, after consideration of comments made at the public hearing, along with the recommendation of the Cleveland County Planning Board,

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Code, be amended to change the zoning classification of parcel 52711, from Residential-Corridor Protection (R-CP) to Light Industrial-Corridor Protection (LI-CP) as illustrated on the attached map designated "Case 10-04", and being incorporated herein by reference and made part of this ordinance.

BEGINNING at a new iron pin located on the Northern margin of the right of way of Highway 74 By-pass, said pin being also located in the Southeastern corner of the Word of Truth Fellowship Church described in Deed Book 1172 at Page 2468, and running thence from said beginning new iron pin and running along a portion of Eastern property lines of Word of Truth Fellowship Church property, North 07-13-02 East 364.59 feet to a rebar; running thence South 86-08-53 East 99.25 feet to a rebar; running thence North 11-16-58 West 69.96 feet to a new iron pin; thence leaving the Eastern property line of the Word of Truth Fellowship Church and running along a portion of the John L. Hunt property, South 88-58-06 East 202.86 feet to a new iron pin; running thence in a new line across the property of Frances G. Beattie as described in Deed Book 1092 at Page 1343, South 07-13-02 West 551.49 feet to a new iron pin located in the Northern margin of the right of way of Highway 74 By-Pass; running thence along the Northern margin of the right of way of Highway 74 By-pass; North 64-20-41 West 293.64 feet to the point and place of BEGINNING, and containing 3.00 acres as will be shown by reference to plat entitled "Survey for Dale Parker" as prepared by D. Dobbins Lattimore, RLS, dated November 5, 1998.

This Ordinance shall become effective upon adoption and approval.

Adopted this 2nd day of February, 2010 at 6:00 p.m.

REGULAR AGENDA

CLEVELAND COUNTY WATER BOARD APPOINTMENT

Mr. Freddie Harrill has accepted a position with US Senator Kay Hagan in her Asheville office.

Due to the time requirements of this new position, Mr. Harrill resigned from his position on the Cleveland County Water Board. Under North Carolina General Statute 130A-54, any vacancy in a sanitary district board shall be filled by the county commissioners until the next election for sanitary district board members. Donald Melton, Cleveland County Water Chairman recommended Commissioners appoint Mr. Jerry Self to fill the unexpired term of Mr. Harrill.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to appoint Jerry Self to fill the unexpired term of Freddie Harrill on the Cleveland County Water Board.*

FEDERAL ECONOMIC DEVELOPMENT ADMINISTRATION GRANT FOR DCC-COVENANT OF PURPOSE, USE AND OWNERSHIP

Destination Cleveland County has applied for a \$1.5 Million grant from the Economic Development Administration (EDA). This grant would be used for construction of the Earl Scruggs Center to be located in the historic courthouse. The courthouse is currently owned by Cleveland County. Because of this, Cleveland County is required to be a co-applicant.

If awarded, the EDA required their name be put as a first lien holder on the property. County Attorney Bob Yelton explained that this is not legally allowed under NC General Statutes. Mr. Yelton

has worked with the EDA on a similar grant for Cleveland Community College. In place of the lien, Attorney is recommending that Commissioners approve a covenant of purpose, use and ownership document. This document states that the property could only be used for the purpose for which the grant is applied for without prior permission from the EDA.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board, *to approve the application from Destination Cleveland County, Inc. and Cleveland County for the Economic Development Administration Federal Assistance Award and move that the Chairwoman and Clerk be authorized and directed to execute, on behalf of Cleveland County, any and all documents necessary to complete said application.*

PLANNING DEPARTMENT: MINIMUM HOUSING CODE ENFORCEMENT- JOSEPH MULLINAX (2541 BROOKFIELD DRIVE)

Bill McCarter, Planning Director, began by showing pictures of a dwelling located at 2541 Brookfield Drive. In February 2008, the Planning Department received a call regarding this property and its condition. After an inspection of the dwelling, county staff found the dwelling to be dilapidated and damage to be beyond 50%. The Planning Department attempted to contact the owner. Unable to contact the owner, a legal ad was published scheduling a public hearing to be held on February 26, 2009. During this hearing, the owner was allowed 30 days to demolish the dwelling. Again, the owner could not be located. A legal ad of the order was published in the Shelby Star on October 30th and the order was posted on the dwelling. This order expired December 1, 2009. He proposed three options to the Commissioners including: 1. Do nothing 2. Allow the property owner additional time to repair the dwelling 3. Authorize demolition. Mr. McCarter recommended Commissioners authorize demolition of the dwelling.

Mr. McCarter noted that property taxes have not been paid on this property since 2003. The total amount of taxes due is \$2,487. During Citizen Recognition, Mr. Mullinax spoke regarding this property and his situation over the past several years. Commissioner Accor said, "I feel like some type of extension should be given to give him the possibility to fix it up. If we don't see an improvement by the end of the extension, then we proceed with demolition."

ACTION: Eddie Holbrook made the motion which was seconded by Mary Accor, *to allow Joseph Mullinax an extension to make improvements to his property as follows: all back property taxes are to be paid within two months of this meeting date and some degree of improvement to the dwelling must be completed within three months of this meeting date. Mr. McCarter is to report back to Commissioners in two months regarding the payment of taxes. (no vote was taken)*

ACTION: Eddie Holbrook amended his motion which was seconded by Mary Accor and unanimously adopted by the board, *to allow Joseph Mullinax an extension to make improvements to*

his property as follows: all back property taxes and associated fees are to be paid within two months of this meeting date and all improvements must be completed within six months. Mr. McCarter is to report back to Commissioners in two months regarding the payment of taxes.

100 YEARS OF SCOUTING IN 100 COUNTIES

Commissioner Hawkins introduced Tommy and Nicholas Mattola. Nicholas will be representing Cleveland County Boy Scouts in a ceremony in Raleigh hosted by Beverly Purdue. He will carry a Cleveland County Flag during the ceremony. Nicholas asked Commissioner Hawkins to read the following resolution and asked that it be adopted by the Commissioners.

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

NUMBER 05-2010

RESOLUTION

WHEREAS, the Boy Scouts of America celebrates the 100th Anniversary of its formation on February 8, 2010, and

WHEREAS, throughout its history, the Boy Scouts of America has provided training to youth in leadership development, service to others, and civic responsibility, and

WHEREAS, numerous youth in our county have participated in the Scouting program through the years, becoming accomplished leaders both past and present, and

WHEREAS, Boy Scouts have performed a variety of valuable service projects throughout our county and its communities, and

WHEREAS, a National study has shown that youth who participate in Boy Scouts five or more years have:

- improved performance in reading, science, math and physical fitness;
- higher percentage of attendance to colleges and universities;
- obtained higher paying jobs;
- better ethical decision making; and
- higher attendance at religious services with their family;

WHEREAS, the National study has also shown that adults who were in Boy Scouts as a youth have:

- stated that scouting had a positive influence on their lives as a youth and adult; and
- learned positive character traits such as being a good team player, always being honest, taking better care of the environment, respecting life and property of others, having pride in their country, respecting the elderly and having confidence in their abilities.

NOW THEREFORE BE IT RESOLVED, that the Cleveland County Board of Commissioners hereby declare February 8, 2010 as "Boy Scouts of America Day."

Adopted this the 2nd day of February, 2010

CLEVELAND COUNTY ZONING BOARD OF ADJUSTMENT

At their January 19, 2010 regular meeting, Commissioners voted to appoint Warren Spikes to serve as an alternate on the Cleveland County Zoning Board of Adjustment. The Planning Department spoke with Mr. Spikes. He is no longer interested in serving on this board. Due to the current overload in cases being heard through the Board of Adjustment regarding Sweepstakes Business Conditional Use Permits, Mr. McCarter suggested that the Board of Commissioners appoint two additional alternates for a total of three, to the Cleveland County Board of Adjustment.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to add an additional alternate to the Board of Adjustment and to appoint Myron*

Edwards and Dino Nicopoulos to serve as alternates on this board. (Note: There are no term lengths for alternates on the Board of Adjustment)

COMMISSIONER REPORTS

Commissioner Holbrook: The final Golden Leaf Meeting regarding the Community Assistance Program was held. The Board of Commissioners has been appointed as the selection committee. Mr. Holbrook is hopeful that \$2 Million will be dispersed throughout Cleveland County by late summer/early fall.

The World Series bid has been shipped. A copy of the bid and the presentation will be on display in the County Managers Office.

Commissioner Accor: During the last Department of Social Services Meeting, the issue was brought up regarding requiring emergency generators in nursing facilities and adult care facilities. This has been a goal of the Cleveland County Board of Commissioners for some time.

Commissioner Boggs: Thank you to the Emergency Management, Emergency Medical Services and Fire Departments for all their hard work during the recent snow storm.

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 16, 2010 at 6:00 p.m.* in this Commission Chamber.

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

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*