

CLEVELAND COUNTY BOARD OF COMMISSIONERS

February 1, 2011

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: Johnny Hutchins, Chairman
Ronald J. Hawkins, Vice-Chairman
Mary Accor, Commissioner
Jason Falls, 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
John Guthrie, *The Star*
Cleveland Headline News
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Johnny Hutchins called the meeting to order. The Pledge of Allegiance was led by Pack 92 of First Baptist Church in Shelby. Pastor Stan Webb of Crestview Baptist Church provided the invocation.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

Neal Thomas, 1105 West Elm Street "My name is Neal Thomas and I am a City of Shelby resident. I thank you for allowing me to address the Board of Commissioners on a very serious matter. My desire is to partner with the Board and offer my research skills and time to investigate this matter further if requested.

In 2010, the county stated its unemployment rate was 14.3%, housing starts were very depressed and retail sales continued to decline. It surprised even me to learn that our county's unemployment rate had doubled since 2005.

Maybe not so coincidentally, in 2003, Cleveland County awarded a contract to Centralina Council of Governments, indirectly funded by the EPA, to create the 2005 Cleveland County Land Use Plan (CCLUP). Two years later, Cleveland County became a member of Sustainable Environmental for Quality of Life or SEQL, directly funded by the EPA, and administered by Centralina COG. By NC Law, Cleveland County is NOT a member of Centralina COG.

Why is any of this important? Because the word sustainability in regards to the environment, has its roots in the United Nations Commission on Sustainable Development, and the UN's definition of what is sustainable development is not conducive to job or economic growth.

A group called ICLEI, created by the UN in 1990 to implement sustainable development at a regional and local level, published in 2010 the STAR Community guidelines for sustainable cities. The similarities between the CCLUP and ICLEI's STAR Guidelines are strikingly similar and neither are industry friendly.

Additionally, SEQL links to ICLEI on their website and ICLEI also works hand in hand with the EPA on many sustainability projects funded through Federal Stimulus money.

I submit SEQL's version of Sustainable Development has contributed greatly to the doubling of unemployment in our county since put in place in 2005.

I ask the Board, at 14 +/-% unemployment, is it now time to end our partnership with SEQL and the EPA? Is it now time to assemble a team that this time includes Cleveland County manufacturing, retail, and shopkeeper interests, in addition to land developers and city planners to grow Cleveland County. Cleveland County needs a Land Use Plan that is conducive to economic growth AND that is also mindful of the environment. These two concepts are NOT mutually exclusive.

Thank you for our time and attention to this matter."

Guy Smith "Good evening and thank you for this opportunity to address the Board of County Commissioner on what I feel is a very serious subject.

My name is Guy Smith. I am a Cleveland County resident, property owner, taxpayer and the self-employed managing partner of a small specialty industrial supply and support business which is owned by my wife and myself. Our business owns property in Cleveland County and is a proud member of the Cleveland County Chamber of Commerce.

At the January 4, 2011 meeting, which I attended, an industrial development grant was approved for FAS Controls that included assurances by the receiver, FAS Controls, that 50+ new jobs would be created and 1.5 million dollars in capital investment would be made. I think this is a great thing for our county, a good investment of County tax money and I hope that there will be more such activities as we continue to work to recover from our current economic condition.

The reason I am here this evening is to ask that the County investigate how to assure that when such grants are written, that there is language included that assures that companies, suppliers and contractors owned and/or operated by Cleveland County taxpayers are given a preferred opportunity to participate in the supplying of equipment and/or services required by such projects funded by these grants. I'm certain there are legal parameters related to bid requirements for such projects, but if

Cleveland County tax dollars are involved then I believe there should be some assurances that Cleveland County taxpayers have some type of advantage in participating in the project.

I would also ask that you investigate whether or not there can be some assurances written in to these grants that Cleveland County residents are given a preference in filling any new positions created by these projects.

I have had discussions with, and made inquiries to several business people and trade associations in different states and localities whether they are aware of any such programs requiring or at least offering preference to local businesses' participation in grant projects that include local tax dollars. At this time I have not been able to find any information on programs set up this way, but I can say I have received near unanimous agreement that this should be how these types of grants are crafted. As one fellow business person pointed out, there are Federal grant programs that REQUIRE minority, disadvantaged and/or special needs set aside to meet grant requirements. Why not requirements that the direct taxpayers who are financing these grants be rewarded for their investment? For this I have no answer.

I would ask that if you see this question to be reasonable, that the county attorney should investigate this situation and if they find no legitimate legal obstacles; moving forward we start to include such language in any future grants that are inclusive of Cleveland County tax dollars.

It only stands to reason that if Cleveland County tax dollars are involved, then Cleveland County companies and residents should have an advantage, or at least be guaranteed a fair opportunity to benefit from these types of investments. Again, thank you for your time and consideration."

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *January 4, 2011 and January 7, 2011*, motion was made by Mary Accor, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***approve the minutes as written.***

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

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

<i>Account Number/Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.441.4.810.15	Sheriff/Donations-Sheriff K9	\$ 9,000.	
010.441.5.790.15	Sheriff/Donations-Sheriff K9		9,000.

Explanation of Revisions: Request approval to budget a \$9,000 donation from Ann J. Thompson which she has requested to be used toward the purchase of an additional K-9 and associated supplies for the K-9 division of the Cleveland County Sheriff's Office.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #046)

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>
010.444.5.790.20	Detention Center/Donations-Equipment	\$ 698.	
010.444.4.810.20	Dentention Center		698.

Explanation of Revisions: *To budget for donated HP Pavilion computer from Walmart. This was a stolen computer from Walmart that the Sheriff's Office recovered in case #200710250020. Walmart's store manager, Johnny Wise, released ownership of the computer to the Sheriff's department for their use. The Detention Center will be using it.*

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #047)

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>
011.519.4.310.00/93568-P372	Public Asst/Fed Gov Grants	\$159,899.	
011.519.5.512.05	Public Asst/Crisis		159,899.

Explanation of Revisions: *Budget Amendment necessary to accept additional federal Crisis funds for FY 2010/2011. The current allocation is more than State Estimates for Crisis Funding for FY 2010/2011. The additional monies are the result of the increased need for services.*

REGULAR AGENDA

CLEVELAND COUNTY COMPREHENSIVE TRANSPORTATION PLAN

Each municipality in Cleveland County as well as Cleveland County Government will be presented with the Cleveland County Comprehensive Transportation Plan (CTP). Each will be asked to adopt a resolution in support of the plan. The CTP addresses the transportation needs in Cleveland County through the year 2035. This document does not give priority to projects and there is not enough money to fund many of these projects, however, it is the first step in identifying projects that need to be completed. It is very difficult to get funding from the NCDOT if a project is not included in a Comprehensive Transportation Plan. A Comprehensive Transportation Plan is completed every ten years. Bill Duston of Centralina Council of Governments, introduced David Kielson of NCDOT to present the plan to Commissioners (*copy found on Page ____ of Minute Book ____*).

Commissioner Hawkins felt as though it was premature for the NCDOT to come to the Commissioners for approval until all municipalities have been visited. Mr. Keilson has visited most of the municipalities in Cleveland County and reaction from the towns has been very positive. "There are only three municipalities that we have not visited and will do so in the next week or two." Commissioner Falls echoed the comments of Commissioner Hawkins and added, "This is the first time I have seen this. I would not be inclined to pass this tonight. I would also like to see what other communities have to say because there are a couple of things that are surprising to me." Chairman Hutchins described the plan as more of a "wish list" for the future transportation needs of Cleveland County.

ACTION: Ronnie Hawkins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to table action until the first meeting in March and to get more information from the towns at the work session on February 24, 2011.*

MINIMUM HOUSING CODE: 484 JAMES ROAD

The Cleveland County Planning Department began working with the property owners of 484 James Road in 2008. At that time, the current occupants were removed and the property owner was given 90 days to demolish the dwelling. The order has since expired and to date, no further action has been taken. It is the recommendation of the Planning Department to take bids for demolition of the property. A notice of this meeting was sent to the property owners. One of the property owners (name was not given) was present. He explained the reason the property has not been demolished is because the power that runs his house is run off of the property being recommended for demolition. Before making the motion to adopt the ordinance for demolition, Commissioner Hawkins said he believed the property owners had ample time to have the power moved.

ACTION: Ronnie Hawkins made the motion, seconded by Jason Falls and unanimously adopted by the board, *to adopt the ordinance authorizing demolition as follows:*

AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH A
DWELLING AT 484 JAMES ROAD

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 2408 Eleanor Drive, Cleveland County, North Carolina has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within Cleveland County; and

WHEREAS, according to the procedures provided by law, the owner(s) of said property have been given notice of the aforesaid inspection, defective conditions, determination and order to bring said property into compliance with the minimum housing code of Cleveland County and the State of North Carolina by appropriate repair and/or demolition of said dilapidated dwelling; and

WHEREAS, the owner(s) have not complied with the Findings and Order by the Code Enforcement Officer within the period allowed by law; and

WHEREAS, the said dwelling remains, at this time, unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of Cleveland County and should be demolished in order to prevent and alleviate such danger and dilapidated conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS that the dilapidated dwelling located at 484 James Road (Parcel 53491) now or formerly owned by Yates Greene Heirs: Shirley Campbell, Ervin Rachel, and Ruby Raines; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-446(6).

Adopted and approved this the 1st day of February 2011 by the Cleveland County Board of Commissioners in open session.

COMMISSIONER REPORTS

Commissioner Accor presented each Commissioner with a copy of the Cleveland County Fair Board's strategic plan. She asked them to take the time to review it and ask questions to her or Fair Board Chairman Andy Elmore. "I think you will be pleased with this", she said.

She then updated Commissioners on the hard work going on at the Department of Social Services. "Those people are doing tremendous things to meet the needs of those in the county." This year, Cleveland County has received \$1.3 Million from the Low Income Energy Program. She asked Commissioners to take the time to thank DSS Director Karen Ellis and her staff for all they are doing.

Commissioner Holbrook, in cooperation with the Cleveland County Economic Development Partnership and David Dear, has been working hard on Economic Development projects. He attended a portion of the Main Street Association Conference which he described as a good example of what Travel & Tourism can do for a community. Cleveland County and the City of Shelby each received approximately \$150,000 in grants. Billy Ray Hall of the Rural Center was in Shelby to make the presentation. Commissioner Holbrook asked that everyone keep the family of Bob Greenburg and Arrie Ellis in their prayers.

Commissioner Falls noted that Pathways has been watching Raleigh to see what happens with the budget. "There will definitely be cuts we just don't know how much." The Detox Center will be opening in March with Phoenix Counseling staffing the facility. They will hire approximately 30-40 people, however, they are not yet taking applications.

Commissioners appointed two new members to the Nursing Home Advisory Committee. They will be trained soon. Commissioner Falls told the others if they have any free time to stop in and visit a nursing home, the residents would appreciate it.

Commissioner Hawkins encouraged all citizens to get the flu vaccine. Although there has been talk of a shortage of vaccines, that information is incorrect.

The Board of Health will be reviewing a new leash ordinance. Upon review by the Board of Health, it will be brought before Commissioners for approval.

As voting delegate for the Cleveland County Commissioners, Commissioner Hawkins took the boards goals to the NCACC Legislative Conference. "We did not win all of what we asked for, but it was not for a lack of trying".

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made a motion seconded by Eddie Holbrook, and unanimously adopted by the Board, *to adjourn the meeting*. The next regular meeting of the Commission is scheduled for *Tuesday, February 15, 2011 at 6:00 p.m.* in this Commission Chamber.

*Johnny Hutchins, Chairman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*