

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**March 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  
Ronnie 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  
Dorothea Wyant, Health Director  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairman Johnny Hutchins called the meeting to order. Madison Wilkins of Boy Scout Troop 100 from Shelby Presbyterian church led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Katie Harris the Missions Team Leader for the Greater Cleveland County Baptist Association provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk with the following changes:*

**Delete:**

8. **VEHICLE TAX APPEAL**  
Chris Green, Tax Administrator

**Add:**

8. **LANDFILL PROPERTY PURCHASE**  
Bob Yelton, County Attorney

**CITIZEN RECOGNITION**

Cindy Daugherty of 214 S. Lafayette Street spoke in opposition of the NCDOT Comprehensive Transportation Plan (CTP). Ms. Daugherty is the Cleveland County representative for Freedom Works. She urged Commissioners to vote no to the passing of the CTP and asked that Commissioners remove themselves as members of the Lake Norman RPO. Ms. Daugherty believes approval of the CTP could cause forced annexation and eminent domain abuse. She believes that "private property rights are being trampled." She described Freedom Works as an organization dedicated to lowering taxes, less government and more freedoms. "There is no reason to approve the CTP." She made note, in this

economy she believes that bike trails and walking paths are a luxury and the County's focus should be on jobs and bringing industry to Cleveland County. Ms. Daugherty urged Commissioners to take time to research the origins of the funding of transportation projects to ensure that "no strings are attached." She closed by quoting George Washington, "Private property and freedom are inseparable."

## **CONSENT AGENDA**

### **APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *February 1, 2011 and February 15, 2011*, motion was made by Ronnie Hawkins, seconded by Mary Accor, and unanimously adopted by the Board, to ***approve the minutes as written.***

### **HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #054)**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, 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>
054.473.4.510.00	Disposal/Landfill/Dept. Fees	\$1,975.	
054.473.5.310.00	Disposal/Landfill/Travel/Training	500.	
054.473.5.461.00	Disposal/Landfill/Lisc/Certification	1,475.	

Explanation of Revisions: Budget funds received for hosting SWANA training Class for certifications.

### **SHERIFF'S OFFICE: REQUEST TO AWARD SERVICE REVOLVER**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***award his service revolver (Serial Number LCA-251) to retiring Officer Ralph McKinney after twenty years of full-time law enforcement service with the Cleveland County Sheriff's Office.***

## **PUBLIC HEARINGS**

### **ECONOMIC DEVELOPMENT: INCENTIVE AGREEMENT ~ CHEMETALL FOOTE CORP.- LITHIUM DIVISION**

Ken Mooney, Manager, Existing Industry Relations presented an incentive grant for Chemetall Foote. Chemetall Foote is currently located in Kings Mountain and is the largest producer of Lithium Compound. The proposed expansion will be for a research and development facility and corporate offices. The facility will serve as a resource for research of advanced transportation batteries. This expansion will net 12 new jobs and a \$14 Million investment over a five-year period.

Chairman Hutchins opened the public hearing and asked anyone speaking for or against the proposed incentive agreement to come forward.

Michael Chrisawn, Cleveland Chamber President, spoke in favor of the incentive agreement. He said Chemtall Foote has been in Cleveland County for a long time and with this expansion and another possible expansion, they will be in Cleveland County for many years to come. On behalf of the

Cleveland Chamber Members, Mr. Chrisawn encouraged Commissioners to vote yes for the incentive package.

Hearing no other comments, Chairman Hutchins called for the public hearing to be closed.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor and unanimously adopted by the board, *to approve the incentive agreement for Chemetall Foote as presented (copy found on Page \_\_\_\_ of Minute Book \_\_\_\_).*

**ECONOMIC DEVELOPMENT: INCENTIVE AGREEMENT ~ PROJECT DIESEL**

Kristin Fletcher, Executive Vice President of Economic Development presented an incentive grant agreement for Project Diesel. Project Diesel will locate at 120 Woodlake Parkway and will lease an existing 542,000 square foot building. This project will net 52 new jobs and a \$5 Million new capital investment over a five-year period. The proposed company shall make improvements and install the capital equipment within the next twelve months. Ms. Fletcher thanked Commissioners for their continued support.

Chairman Hutchins opened the public hearing and asked anyone speaking for or against the proposed incentive agreement to come forward.

Michael Chrisawn, Cleveland Chamber President, spoke in favor of the incentive program. He said, "This is a great opportunity for Cleveland County." He described projects like this as turning around the economy and noted that it is a very competitive market where decisions about incentive agreements HAVE to be made.

Hearing no other comments, he called for the public hearing to be closed.

**ACTION:** Mary Accor made the motion, seconded by Jason Falls and unanimously adopted by the board, *to approve the incentive agreement for Project Diesel as presented (copy found on Page \_\_\_\_ of Minute Book \_\_\_\_).*

Commissioner Falls said, "I know our hands are tied on some of this. However, I would like the Economic Development Team to encourage any of these companies to use local businesses and hire local people."

Commissioner Holbrook praised the ninety-two jobs that were brought to the table and thanked the Cleveland County Economic Development Team for their hard work.

**HEALTH DEPARTMENT CODE TEXT AMENDMENT – ANIMAL CONTROL TETHER ORDINANCE**

The Cleveland County Board of Health at their February 10, 2011 meeting, voted unanimously to approve a proposed Animal Control Tether Ordinance. Dorothea Wyant, Health Director, requested Commissioners consider adoption of the ordinance. The proposed tether ordinance, if adopted, will aid

in the prevention of inhumane treatment resulting in injuries to animals that are improperly restrained by a leash, chain or other device.

Chairman Hutchins opened the public hearing and asked anyone speaking for or against the proposed ordinance to come forward.

Margarite Mebane, President of the Cleveland County Humane Society, spoke in favor of the ordinance. She believes that passing this ordinance shows that Commissioners care about animals in Cleveland County. She shared a story about a dog who had been tethered for many years and the emotional scars that are still there today. She also talked about the inhumane way people put weighted chains on their dogs. “People who use these weighted chains do it for show or to build up muscle mass.” Ms. Mebane has received several calls regarding dogs who have strangled themselves. “We must force people to abide by adopting ordinances because some people do not take care of their animals.”

Hearing no other comments, Chairman Hutchins called for the public hearing to be closed.

Commissioner Hawkins explained this has been the joint effort of the Health Director Dorothea Wyant, Health Services Director Sam Lockridge, Animal Control Supervisor Rick Geer and County Attorney Bob Yelton. The City of Charlotte implemented a tethering ordinance similar to this, today. He confirmed, “This is not a leash law. This will keep dogs from having chains around their necks. Animal Control will take action when they see a situation like this.”

If a pet owner is found to have a dog tethered, Animal Control will give them a certain amount of time to come in to compliance, unless it is an emergency. If they don’t comply, they will be taken to civil court. In extreme cases, the pet owner will be charged with animal cruelty.

**ACTION:** Eddie Holbrook made the motion, seconded by Mary Accor and unanimously adopted by the board to, *approve the code text amendment as follows:*

**Sec. 3-1. Definitions**

Tether means tying out or fastening an animal on a chain, leash or other like device so that it can range only within a set radius.

**Sec. 3-7. (h) Cruelty to Animals**

It shall be unlawful for an owner or keeper of any animal to restrain an animal in an unsafe manner as outlined under section 14-362.3 of the General Statutes. In addition, a tether shall be at least ten (10) feet long with swivels on both ends, shall not exceed ten (10) percent of the animal’s body weight and shall be attached to a properly fitting harness or collar to prevent choking, strangulation, unjustifiable pain, suffering or risk of death. A tethered animal shall have access to suitable and sufficient clean water, food and appropriate shelter.

Commissioner Falls said, “I think that like Ms. Mebane said, owning an animal is a privilege not a right. You should be able to afford it.”

Commissioner Accor voiced concern over citizens not being able to find a tether like the one required by the ordinance. Health Services Director Sam Lockridge ensured Commissioners a pamphlet will be developed to educate the public on this ordinance.

## **REGULAR AGENDA**

### **ABUSE PREVENTION COUNCIL**

Betsy Wells, Abuse Prevention Council (APC) Board Chairman thanked Commissioners for allowing her to discuss APC's plan to build a new shelter. Ms. Wells then asked Cathy Robertson, Executive Director of APC and all of her board members in attendance to stand up and introduce themselves.

Ms. Robertson presented Commissioners with a PowerPoint detailing the current state of the shelter. The current shelter is located in an area that does not communicate hope in any way. It is the intention of the APC to build a facility that will help the residents feel like there is hope for their futures. Ms. Robertson spoke with County Manager David Dear approximately a year and a half ago regarding this proposed project. Mr. Dear mentioned that Cleveland County may have some land available. APC contracted Bob Smith to draw up architectural plans for the project.

The APC will be approaching the North Carolina Housing Authority for funding for this project. In the application, they will be asked if they receive support from the County. Should the county donate land for this project, APC could say "yes" and this would assist in their ability to receive grant funding. When APC secures the land, a funding campaign will begin.

Ms. Robertson explained the APC owns the current shelter which will be sold once a new shelter has been built. Ms. Robertson is expecting construction to begin in the next 3-5 years at an estimated cost of \$3.5 Million. Plans are to build a shelter with a separate building to house the administrative offices. They would like to separate singles from families at the shelter. She described the plans as, "not fancy but sturdy".

Commissioner Hawkins asked if APC had discussed renovating an existing building in the interim since there are so many vacant buildings in the area. Ms. Robertson informed Commissioners that there are so many things that would need to be included such as handicap accessibility, sprinklers, etc. It would not be cost effective to outfit a new building at this time.

David Dear suggested Commissioners consider a part of the old Doran Mill property off of Highway 226 as a possible location of the new shelter. He recommended a possible five-acre site, however, a little more research and a survey will need to be completed to come up with a definite site.

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins and unanimously adopted by the board to, *help the Abuse Prevention Council identify and survey a parcel on the old Doran Mill*

*Property for possible donation by Cleveland County. The County Manager and County Attorney will come back to Commissioners with a proposed contract to include items such as a construction timeline. Official action will be taken once the survey and contract are completed.*

**LANDFILL PROPERTY PURCHASE**

Over two years ago, Health Department staff identified property for future expansion of the Cleveland County Landfill. The property identified is currently owned by Conservation Trust for North Carolina (CTNC). Upon her death in 2008, Ms. Nella Jo Brecht bequeathed the identified property to CTNC because she did not want her property to become part of the county landfill. This property is needed by Cleveland County for future expansion of the Landfill. After several attempts by Cleveland County to purchase the property, on November 10, 2010, CTNC received notice of condemnation action by the County on the 84.773-acre parcel. Cleveland County has been in negotiation with CTNC to come to an agreement in an effort to avoid condemnation. After many conversations, a purchase price was agreed upon by both parties and CTNC agreed, no restrictions will be placed on the property.

This property will be purchased through the reserve in the Landfill Enterprise Fund. The Landfill is funded entirely through tipping fees and other fees charged for use of the landfill. County Manager David Dear assured Commissioners and citizens that no property taxes or sales tax are used to fund the Cleveland County Landfill or its operations. Per landfill engineers, it is estimated that this property will extend the life of the landfill by twenty years.

**ACTION:** Jason Falls made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to purchase 84.773 acres of property owned by Conservation Trust for North Carolina for a price of \$492,000. Property will be used for future expansion of the Self-McNeilly Landfill.*

**RESOLUTION AUTHORIZING INSTALLATION OF ALWS SIGN PANELS**

Commissioner Eddie Holbrook explained, in order for ALWS Signs to be placed on the Welcome to Shelby” city limit signs, the City of Shelby must have Commissioners approval.

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

**NUMBER 01-2011**

**AUTHORIZING AMERICAN LEGION WORLD SERIES SIGN PANELS TO BE INSTALLED AT “WELCOME TO SHELBY CITY LIMIT” SIGNS LOCATED ON STATE-MAINTAINED ROADS**

**WHEREAS**, the National Executive Committee of The American Legion designated the City of Shelby as the permanent site of The American Legion Baseball World Series; and

**WHEREAS**, Cleveland County is proud to be the home of the American Legion Baseball World Series; and

**WHEREAS**, a benefit of designation is the posting of American Legion World Series sign panels to be installed at “Welcome to Shelby” city limit signs located on state-maintained roads.

NOW, THEREFORE, BE IT RESOLVED BY THE CLEVELAND COUNTY BOARD OF COMMISSIONERS:

American Legion World Series sign panels are authorized to be installed at “Welcome to Shelby” city limit signs located on state-maintained roads.

Adopted this the 1<sup>st</sup> day of March, 2011.

### **COMMISSIONER REPORTS**

Ronnie Hawkins- Dorothea Wyant and Dr. Blackburn have been getting information on an effort by the senate to regionalize Health Departments. It is rumored that Cleveland County will regionalize with Gaston, Lincoln, Rutherford, McDowell and Polk counties with Gaston being the lead agency. Commissioner Hawkins encouraged citizens and Commissioners to contact Legislators to let them know that “regionalization will not work in Cleveland County.”

Commissioner Hawkins also sat in a meeting regarding Courthouse Security. There were representatives from the NC Sheriff’s Association who gave Cleveland County nothing but praise for the security measures they have already in place.

Mary Accor- thanked Beverly Shuford for serving her 2<sup>nd</sup> term as a Commissioner appointed representative on the DSS Board. Commissioner Accor praised Karen Ellis and DSS staff for their hard work and is amazed by the amount of work the employees are doing.

Jason Falls- The Nursing Home Advisory Committee met with a full committee for the first time in a very long time. He explained the Crisis Detox Facility will be done this month. He invited Commissioners to the Crisis Intervention Training Graduation to be held on March 18<sup>th</sup> at Cleveland Mall.

Johnny Hutchins- attended the Lake Norman RPO meeting where they discussed the states proposed budget. The NCDOT has purchased some land for the Hwy 74 bypass. This project will take approximately seven years to be completed.

### **ADJOURN**

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

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*Johnny Hutchins, Chairman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*