

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**December 6, 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 S. Accor, Commissioner  
Jason Falls, Commissioner  
Eddie Holbrook, Commissioner  
Eddie Bailes, Assistant County Manager  
Robert Yelton, Attorney  
Kerri Melton, Clerk to the Board  
David C. Dear, County Manager  
April Crotts, Deputy Clerk  
Chris Green, Tax Administrator  
Chris Crepps, Finance Director  
Alexis Pearson, Human Resources Director  
Karen Ellis, Social Services Director  
Debra Blanton, Elections Director  
Dorothea Wyant, Health Director  
Rebecca Clark, *The Star*  
Barry Ditz, *Cleveland Headline News*  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairman Johnny Hutchins called the meeting to order. A Brownie and Daisy Scout Troop led by Jackie Sibley led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Reverend William Thompson provided the invocation.

**NOMINATIONS AND SELECTION OF COMMISSION CHAIR**

Assistant County Manager, Eddie Bailes opened the floor to accept nominations for Commission Chair.

**NOMINATIONS:** Jason Falls nominated Johnny Hutchins for Chair (*Eddie Holbrook seconded the motion*). Hearing no further nominations, Mr. Bailes declared the nominations closed. ***Johnny Hutchins was elected Chairman by a unanimous vote.***

**NOMINATIONS AND SELECTION OF COMMISSION VICE-CHAIR**

Chairman Hutchins opened the floor to accept nominations for Commission Vice-Chair.

**NOMINATIONS:** Mary Accor nominated Ronnie Hawkins (*Eddie Holbrook seconded the motion*) for Vice-Chair. Hearing no further nominations, Chairman Hutchins declared the nominations closed. ***Ronnie Hawkins was elected Vice-Chair by a unanimous vote.***

**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 with the following changes:***

1) **Move item #9 to Consent Agenda Item J: MUTUAL ASSISTANCE RESOLUTION**

2) **Add item #9: ROGERS PROPERTY PURCHASE**

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions or deletions to the minutes of ***November 1, 2011 and November 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 AMENDMENTS (BNA #029)**

**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</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.539.4.310.00/93994-5151	Family Planning/Federal Gov't Grants	\$14,132.	
012.539.5.230.01	Family Planning/Prescription Drugs	7,066.	
012.539.5.513.00	Family Planning/Hosp & Drs Fees	7,066.	

**Explanation of Revisions:** *Budget TANF Out-of-Wedlock funds for operating expenses.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #030)**

**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</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.548.4.810.00	CODAP/Donations/Contributions	\$ 250.	
012.548.5.790.00	CODAP/Donations/Contributions	250.	

**Explanation of Revisions:** *Budget donation from Alliance for Health to purchase educational materials.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #031)**

**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</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.546.4.660.37/02200-5120	Carolina Access/Medicaid-Carolina Access		\$389,159.
012.546.4.991.00/02200-5120	Carolina Access/Fund Balance Approp	\$389,159.	
012.546.4.991.00/02200-5120	Carolina Access/ Fund Balance Approp	66,521.	
012.546.5.121.00	Carolina Access/Salaries-Regular	47,814.	
012.546.5.131.00	Carolina Access/Social Security	5,457.	
012.546.5.132.00	Carolina Access/Retirement	2,247.	
012.546.5.133.00	Carolina Access/Hospital Insurance	6,230.	
012.546.5.134.00	Carolina Access/Dental Insurance	210.	
012.546.5.135.00	Carolina Access/401K	1,605.	
012.546.5.136.00	Carolina Access/Medical Ins.	1,277.	
012.546.5.210.00/02200-5120	Carolina Access/Dept. Supplies	437.	
012.546.5.211.00/02200-5120	Carolina Access/Controlled Property	716.	
012.546.5.321.00/02200-5120	Carolina Access/Telecommunications	300.	
012.546.5.460.00/02200-5120	Carolina Access/Dues/Subscriptions	228.	

**Explanation of Revisions:** *1) Budget fund balance- offset current budgeted Medicaid revenue 2) Budget fund balance to establish full-time Pharmacist and PHN II positions, increase half-time PHN II to full-time and budget operating expenses for new PHN II position.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #032)**

**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</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.530.4.350.00	General/State Gov't Grants	\$23,826.	
012.530.5.210.00	General/Dept. Supplies	2,000.	
012.530.5.310.00	General/Travel	2,826.	
012.530.5.311.00	General/Education Expense	4,000.	
012.530.5.490.00	General/Professional Services	15,000.	

Explanation of Revisions: Budget General Aid-to-Counties funds for Ten Essential Services.

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #033)**

**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</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.537.4.310.00	Child Health/Federal Grants	\$ 6,649.	
012.537.5.211.00	Child Health /Controlled Property	840.	
012.537.5.211.01	Child Health /Cont. Equip-Major Upg	1,002.	
012.537.5.230.00	Child Health /Medicine & Supplies	2,404.	
012.537.5.230.01	Child Health /Prescription Drugs	2,403.	

Explanation of Revisions: Budget funds from DHHS (Immunization Action Plan) to purchase new alarm system for pharmacy temperature control, a refrigeration for vaccine, supplies and prescription drugs.

**ECONOMIC DEVELOPMENT: BUDGET AMENDMENTS (BNA #034)**

**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</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.410.4.991.00	General Revenue/Fund Balance	\$32,530.	
010.492.5.700.00	Economic Development/Grants	32,530.	

Explanation of Revisions: to provide additional support of economic development efforts to Cleveland County Chamber.

**RE-APPOINTMENT OF COUNTY TAX ASSESSOR AND ASSISTANT TAX ASSESSOR**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted

by the Board, to ***reappoint Christopher L. Green to serve as Cleveland County Tax Assessor and Jean***

***Mayer to serve as Cleveland County Assistant Tax Assessor.*** The term of this re-appointment is for a

period of four years (reference NCGS 105-294), scheduled to conclude December 6, 2015. (*Reference*

*Minutes of January 11, 2002 for record of initial appointment.*)

**SHERIFF'S OFFICE: REQUEST TO AWARD SERVICE REVOLVER ~CAPTAIN  
PHYLLIS B. SIMS**

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously

adopted by the Board, ***to award her service revolver (Serial Number FLU-875 Glock, Model 21, .45***

***caliber) to Captain Phyllis B. Sims after over thirty-one years of service with the Cleveland County***

***Sheriff's Office.***

**MUTUAL ASSISTANCE RESOLUTION**

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

**Number 25-2011**

**RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE  
WITH OTHER LAW ENFORCEMENT AGENCIES**

**WHEREAS**, pursuant to North Carolina General Statute 160A-288, the governing body of a county may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

**WHEREAS**, pursuant to said Laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

**WHEREAS**, it is deemed to be in the best interests of the citizens of **Cleveland County** to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

**WHEREAS**, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of **Cleveland County**;

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

1. The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Sheriff is hereby authorized to permit officers of the Cleveland County Sheriff's Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he deems advisable.
3. All such requests and authorizations shall be in accordance with North Carolina General Statute 160A-288, as applicable.
4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.
5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.
6. The Sheriff is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

**ADOPTED THIS 6<sup>th</sup> DAY OF DECEMBER 2011**

**SPECIAL RECOGNITION**

**NORTH CAROLINA RURAL CENTER FORUM**

Former Mayor Ted Alexander began by thanking Commissioners for their support over his last eight years as Mayor of the City of Shelby.

Mr. Alexander serves as a member of the North Carolina Rural Center Board of Directors. In November, the Rural Center Forum was held in Raleigh. This year, the focus was Youth Engagement and the purpose was to plan ways of keeping youth in rural communities after college graduation. Two students from four out of five Cleveland County High Schools participated in the forum.

Mayor Ted Alexander introduced Josh Stevens, a sophomore at Crest High School, who spoke about the Youth Forum. "We are concerned Cleveland County is losing its agriculture business.

Agriculture should not be ignored. As more and more data centers come in, the agriculture business could provide jobs for the citizens.”

Commissioners presented the following students (Courtney Piercy, Christiana Taylor, Cole Miller, Austin Elliott, Evan Humphries, Joshua Stevens, Denise McCoy, Ethan Cromer) with a Certificate of Recognition which read as follows:

***CERTIFICATE OF RECOGNITION  
FROM THE  
CLEVELAND COUNTY BOARD OF COMMISSIONERS***

***FOR BEING SELECTED AND SERVING AS A PARTICIPANT IN THE NORTH  
CAROLINA RURAL CENTER’S FORUM ON YOUTH ENGAGEMENT ~ FOR SHARING  
YOUR OPINIONS ON THE FUTURE OF RURAL NORTH CAROLINA AND YOUNG  
PEOPLE ~ FOR UNDERSTANDING THE IMPORTANCE OF GIVING BACK TO YOUR  
COMMUNITY ~ WE COMMEND YOU!***

***Presented this the 6<sup>th</sup> day of December 2011***

**CLEVELAND COUNTY DEPARTMENT OF SOCIAL SERVICES BEST PRACTICE  
AWARDS**

Commissioners recognized Tom Ensley, Dan Proctor, Rebecca Champion, Pam Bright, Karen Ellis and the entire DSS Management Team for their recent receipt of two NCADSS Best Practices Awards. Each was presented with a certificate of recognition which read as follows:

***CERTIFICATE OF RECOGNITION  
FROM THE  
CLEVELAND COUNTY BOARD OF COMMISSIONERS***

***FOR RECEIVING ONE OF THE 2011 NCADSS BEST PRACTICES AWARDS ~ FOR  
BEING AN EXAMPLE OF COMMITMENT AND DEDICATION TO THE SERVICES  
YOU PROVIDE AND FOR GOING ABOVE AND BEYOND THE CALL OF DUTY FOR  
THE RESIDENTS OF CLEVELAND COUNTY ~  
WE COMMEND YOU!***

***Presented this the 6<sup>th</sup> day of December 2011.***

Commissioners also recognized Reverend William Thompson and Betsy Wells. Reverend Thompson was elected to serve as President of the NC Association of County Boards of Social Services and Betsy Wells was elected to serve as Region I Director.

**PUBLIC HEARINGS**

**ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT~ PROJECT CIRRUS**

County Manager, David Dear, presented Commissioners with a proposed site plan for Project Cirrus. Project Cirrus will be located on the Old Doran Mill property. Project Cirrus will be developed by a group of local investors and several out of state investors.

Their purpose is to renovate a portion of the Old Doran Mill building while demolishing a majority of the building. A 65,000 square foot building to house a Data Center will be constructed. The group intends to create ten new, permanent full-time jobs during the first three-years. The entire project

will include site improvements, building and the installation of equipment with a total investment of approximately Ten Million Dollars and will include a small business park.

The company agrees to commence demolition and renovation of the Project within eighteen months and be completed with the renovation within twenty four months of the execution of the Agreement.

The incentive agreement includes conveyance of forty-five acres located on the East side of Highway 226 (location of Old Doran Mill) and fifty percent of the total ad valorem taxes paid by Project Cirrus for five calendar years. County Manager David Dear described the project as two fold- first it brings new investment and jobs to Cleveland County and second it is an urban renewal project. The immediate purpose is to construct the one-story building for the proposed data center.

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

Cindy Bailey, 214 S. Lafayette Street, “This is the first I have heard of the project. I don’t understand why you have to demolish the whole Doran Mill Area and only employ 10 people. Can’t you do anything with it that would employ more people? We need to find companies that will hire people from our county.”

Hearing no other comments, Chairman Hutchins closed the public hearing.

County Manager David Dear responded to Ms. Bailey’s comments. “Engineers from across the state have looked at the building. It is a structural liability and not an asset. A large part of the building has already collapsed. It was the recommendation of the Engineers to tear it down and re-use the land.” Commissioner Hawkins asked how much it would cost the county if Commissioners were to demolish and clean up the property. Mr. Dear made note that the estimate for cleanup of the property is between \$300,000 and \$350,000. He also made note that age and location hurt the property when it comes to recruitment of new industry. “If the property was located in a downtown area, it could possibly be used for residential property.”

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

## **REGULAR AGENDA**

### **ROGERS PROPERTY PURCHASE**

Cleveland County has been in negotiations for property in the Washburn Switch area. As part of the purchase, the property owner has asked Cleveland County to convey .32 acres of property on Farmville Road owned by Cleveland County in order to square up his property. County Attorney Bob

Yelton explained, .20 acres of the .32 acres is in the right-of way. He further explained the property would never be of benefit to Cleveland County. By General Statute, all conveyance of county property must be approved by the Board of Commissioners.

**ACTION:** Mary Accor made the motion, seconded by Jason Falls and unanimously adopted by the board to, *convey property as described by Attorney Yelton and authorize the Chairman and the County Clerk to sign the deed* (copy of Deed found on Page \_\_\_\_ of Minute Book \_\_\_\_).

**RESOLUTION TO CANCEL DECEMBER 20, 2011 REGULAR MEETING**

To celebrate the Christmas Holiday, Chairman Johnny Hutchins recommended the December 20, 2011 County Commissioners meeting be cancelled.

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

**NUMBER 24-2011**

**CHANGE IN REGULAR MEETING SCHEDULE OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**WHEREAS**, the Cleveland County Board of Commissioners have determined that it is necessary to cancel their regular meeting of **Tuesday, December 20, 2011** in observance of the Christmas Holiday.

**NOW, THEREFORE, BE IT RESOLVED, THAT**, public notification of this change will be conducted in accordance with the mandates of North Carolina General Statute 153A-40 and 143-318.12. The regular meeting schedule, as adopted by the Board, will remain in place for all other regular meetings of the Commission.

**ADOPTED THIS 6<sup>th</sup> DAY OF DECEMBER 2011.**

**COMMISSIONER REPORTS**

**Commissioner Mary Accor** attended a meeting in Raleigh where they worked on Legislative Goals. At the Social Services Board meeting, it was announced that twenty-three children have been adopted since January, 2011. Currently, eleven have been cleared for adoption.

**Commissioner Eddie Holbrook** thanked the Cirrus group for their willingness to “take a step forward to reinvigorate our community”.

He mentioned the Economic Development Team is involved in four projects that could go either way. Clearwater Paper will be hiring an additional one hundred employees.

**Commissioner Jason Falls** attended a JCPC Planning Committee. “Lots of work needs to be done but I heard a lot of good news. Last year, there were 330 intakes, this year that number has decreased to 270.”

He noted the Pathways merger meetings are continuing to go well and also noted the benefits of Project Cirrus including the fact that it will increase the look going into the City of Shelby.

*Commissioner Ronnie Hawkins* described Project Cirrus as a win/win. Commissioner Hawkins, as well as Commissioner Falls, has been working on fostering a good relationship between Animal Control and the Humane Society. Another adoption day will be held at Tractor Supply on December 17, 2011.

**DAVID DEAR RETIREMENT COMMENTS**

As this was the last meeting for County Manager David Dear, Commissioners took a moment to say a few words.

As Commissioner Holbrook was sitting at a meeting in Atlanta, a gentleman from the State Department of Commerce made this statement, "This is a time I usually keep quiet but I must make this statement. There is not another county population-wise that is as innovative and quick to respond as Cleveland County and I whole heartedly support them in their efforts." Commissioner Holbrook attributed that statement to the efforts of David Dear. "He has done a heck of a job".

Chairman Hutchins described Mr. Dear as available. "David always gave me the opportunity to sit down and talk. He wouldn't tell me what to do but he would offer suggestions. It will be hard to fill his shoes but we will continue moving forward."

Commissioner Hawkins said, "I value your friendship."

Commissioner Accor spoke of three words to describe Mr. Dear- faith, integrity and character.

Commissioner Falls, as the newest Commissioner, has appreciated Mr. Dear's willingness to work with him. He thanked him for "showing him the ropes" and what is expected of him as a County Commissioner. "Across the state, some people recognize Commissioners from Cleveland County, but people ALWAYS mention the name David Dear.

County Attorney Bob Yelton thanked David Dear for his leadership.

Assistant County Manager Eddie Bailes, who was recently appointed Interim County Manager said, "Never change your cell phone number."

**ADJOURN**

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, ***to adjourn the meeting. The next regular scheduled meeting will be held on Tuesday, January 3, 2012, in the 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*