

CLEVELAND COUNTY BOARD OF COMMISSIONERS

December 18, 2012

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: Ronnie Hawkins, Chairman
Jason Falls, Vice-Chairman
Susan Allen, Commissioner
Johnny Hutchins, Commissioner
Eddie Holbrook, Commissioner
Eddie Bailes, County Manager
Bob Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Other individual names on file in the Clerk's Office

VETERAN'S PRESENT: Ronnie Hawkins
Johnny Hutchins
Jason Falls
Will Plaster
Max Hopper
Michael Chrisawn

CALL TO ORDER

Chairman Ronnie Hawkins called the meeting to order and led the audience in the Pledge of Allegiance. Eddie Bailes, County Manager, provided the invocation.

AGENDA ADOPTION

ACTION: Johnny Hutchins 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 addition.*

I. SOCIAL SERVICES Budget Amendment (BNA#043)

CITIZEN RECOGNITION

Brett Keeter, representative for Congressman Patrick McHenry, thanked Commissioners for hosting an office for Congressman McHenry for the past eight years. Due to redistricting, five counties will be removed from the Congressman's district, while they will pick up the rest of Gaston, Polk, Rutherford and a large part of Buncombe County. A full-time office will now be located in Gastonia.

Mr. Keeter thanked not only the currently seated Commissioners but all those who have served over the last eight years. He presented Commissioners with a flag that has been flown over the Capital in Washington. Mr. Keeter will still represent Cleveland County.

Lori Wilson, 1704 Country Garden Drive Shelby, spoke in opposition to funding for Pinnacle Classical Academy. Ms. Wilson is a parent of three children and has been in the Cleveland County School system for thirteen years. "I know that we can't stop the school from coming. If we could say

this school would offer something different, I could stand behind giving them funding.” However, Ms. Wilson views the mission of the charter school as the same as what the public schools are currently offering.

Brendan LeGrand, 1205 Bob Falls Drive Shelby, “When DCC was given a lease on the Courthouse on March 19, 2008 for the Earl Scruggs Center, they were not required to make a deposit or put up a bond which is customary in contracts like this. DCC has not obeyed the terms of the lease”. Ms. LeGrand described several ways in which she felt that DCC was not following the terms of the lease. She listed each item and presented them to Commissioners. “If Commissioners approve a loan to DCC, please require them to repay the entire loan of \$1,389,000.00 and not forgive a half-million dollars of the loan as DCC has requested.”

Robert Williams, 814 E. Stagecoach Trail Lawndale, came before Commissioners at a previous meeting and suggested that allowing three minutes for citizens to speak during citizens recognition is not enough time. Mr. Williams expressed his disappointment that the Commissioners did not look at changing the amount of time allowable. He views this issue as a denial of Freedom of Speech.

Mr. Williams also expressed his concerns that the county has budgetary problems and for the last two or more years, they have been “dipping into reserves.”

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *November 20, 2012 and December 3, 2012 Organizational meeting*, motion was made by Jason Falls, seconded by Susan Allen, and unanimously adopted by the Board, to *approve the minutes as written*.

TAX COLLECTOR’S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *November 2012* (copy found on Page _____ of Minute Book _____).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *November 2012*. The monthly grand total of tax abatements was listed as (\$28,063.11); and, the monthly grand total for tax supplements was listed as \$16,398.51.

SOIL AND WATER CONSERVATION: BUDGET AMENDMENT (BNA #038)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
010.498.4.350.00/05610-P498	Soil and Water/State Govt Grant	\$ 311.	
010.498.5.210.00	Soil and Water/Dept Supply		311.

Explanation of Revisions: To budget additional funds from NC Department of Agriculture for DSWC match grant.

LIBRARY: BUDGET AMENDMENT (BNA #039)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
010.611.4.810.07	Library/Contributions/Donations	\$ 3,100.	
010.611.5.790.07	Library/Contributions/Donations	3,100.	

Explanation of Revisions: To budget donations received. Funds to be used for architect fees.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #041)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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	\$ 21,269.	
011.507.5.420.00	Outside Poor/Contracted Services	21,269.	

Explanation of Revisions: Budget amendment necessary to accept additional federal daycare subsidy funds for FY 2012/2013. The additional monies are the result of IV-E funds provided to the State for daycare services.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #042)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
010.441.4.810.16	Sheriff/Canine Fundraiser	\$ 290.	
010.441.5.790.16	Sheriff/Canine Fundraiser	290.	

Explanation of Revisions: Request to budget proceeds from the K-9 units final fundraising effort remaining stuffed puppies from the 2012 CC Fair have been sold) and funding will be used to purchase K-9 supplies.

SHERIFF'S DEPARTMENT: REQUEST TO REMOVE CANINE FROM COUNTY INVENTORY (RUGER)

Caning **Ruger (County ID #200763)**, a male Czech German Shepherd was purchased March 22, 2006 for \$6,250. Ruger is six and a half years old and has recurring serious health problems. Deanna Mosely, DVM, has advised that Ruger has chronic intestinal issues that must be maintained with prescription diets and periodic medications. He was recently diagnosed with an enlarged prostate which then caused him more difficulty with his intestinal disease. The enlarged prostate led to additional medical problems. It is Dr. Moseley's professional opinion that it would be in Ruger's best interest to be retired so that he can have time to heal and his diseases can more easily managed. Sheriff Norman requested the county allow Ruger's current handler, Kevin Pruitt, to retire the canine and have him removed from county insurance and inventory. Deputy Prueit will provide him a good home for the remainder of his life and will assume complete custody, control and liability of the canine.

ACTION: Jason Falls made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to transfer ownership of Canine Ruger (County ID# 200763) to his handler, Deputy Kevin Pruitt.*

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #043)

ACTION: Jason Falls made the motion, seconded by Susan Allen, 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>
011.519.4.310.00/93568-P372	Public Asst./Fed Gov Grants	\$315,714.	
011.519.5.512.05	Public Asst./Crisis	315,715.	
011.508.4.310.00/93568-P372	Public Asst./Fed Gov Grants	42,198.	
011.508.5.422.00	Public Asst./Contracted Labor	42,198.	

Explanation of Revisions: Budget amendment necessary to accept additional federal crisis funds and administrative funds for FY 2012/2013. The current allocation is more than the state estimates for crisis funding for FY 2012-2013. The additional moneys are the result of the increased need for services.

REGULAR AGENDA

DESTINATION CLEVELAND COUNTY FUNDING REQUEST

At their December 11, 2012 Work session, Destination Cleveland County made a request for a loan to assist with the completion of construction on the Earl Scruggs Center (*Clerks Note: see December 11, 2012 minutes for further details*).

Commissioner Falls asked if County Manager Bailes had the opportunity to review the current pledges that DCC has. Mr. Bailes responded that he had reviewed the pledges and feels there are adequate pledges to cover a loan of \$755,400 to Destination Cleveland County. After meeting with DCC, Mr. Bailes noted that should the county grant DCC a loan of \$755,400 and they are approved to borrow the remaining funds required to open, the Scruggs Center should be able to open within six months. Since DCC cannot borrow against the building, the current contents of the building (fixtures, display cases, etc.) will be used as collateral for the loan.

During the last meeting, it was brought up that the lease with Destination Cleveland County was scheduled to expire in April. Commissioner Holbrook recommended that the county not only consider the loan but have deeper discussions regarding the extension of the lease.

ACTION: Eddie Holbrook made a motion which was seconded by Ronnie Hawkins, *to loan to DCC \$755,400 to be repaid by 2020 using the current pledges to repay the loan. (no vote was taken on this motion)*

ACTION: Commissioner Hutchins amended the motion to the following: *Commissioners agree to loan DCC \$755,400 contingent upon DCC guaranteeing the EDA grant is satisfied and they provide Commissioners with an opening date. Current pledges will be used to satisfy the loan to the County. (motion failed for lack of a second)*

Commissioners were concerned with loaning DCC the money and them being unable to secure a second loan.

JT Scruggs explained, "At this point, the EDA will not grant an extension without an opening date. Mr. Scruggs had no objection with the loan from the county not taking effect until DCC secures the rest of the funding. DCC has been working on securing another loan. However, it could take between 45-60 days to get it approved. If DCC gets indication of approval, they will go to EDA to request the extension.

ACTION: *Commissioner Holbrook withdrew his first motion.*

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to grant Destination Cleveland County a loan of \$755,400 contingent upon a second loan being approved by a lending agency and the EDA grant being extended after an opening date has been set. The loan to the county is to be repaid by the year 2020 with the current pledges being used to pay back the loan.*

PINNACLE CLASSICAL ACADEMY FUNDING REQUEST

At their December 11, 2012 Work session, representatives of Pinnacle Classical Academy made a request for assistance with purchasing land to construct the proposed Pinnacle Classical Academy (*Clerks Note: see December 11, 2012 minutes for further details*).

Commissioner Hutchins has received several calls from citizens who felt as though, should this money be approved, it would be taken from the public schools. Commissioner Hutchins assured the public that this was not the case. "I am looking at the best interest of the county to give the parents of kids a choice. Also, the opening of Pinnacle will relieve Cleveland County of some grant predicaments we are in."

ACTION: Jason Falls made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to purchase from Hallelujah Acres approximately 56.3 acres (parcel #60180) located on Joe's Lake Road for a cash payment of \$125,000 provided the County can obtain clear title to the property. As part of the purchase arrangement, Hallelujah Acres will not be required to repay the \$200,000 CDBG grant and the \$150,000 grant. After the purchase agreement has been signed by both parties, the County will deed the property to Pinnacle Classical Academy upon receipt of their charter from the State. If within 15 years, Pinnacle Classical Academy ceases to operate as a charter school, the County will be repaid \$325,000, which shall be secured by a deed of trust on the property in favor of the county. The deed of trust will be subordinated through a USDA loan.*

RESOLUTION IN SUUPPORT OF CONSTRUCTION OF AN INDUSTRIAL ACCESS ROAD AND TURN LANE FOR PROJECT X-CEL

ACTION: Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adopt the following resolution:*

NUMBER 24-2012

**In Support of
Construction of an Industrial Access Road and Turn Lane
to serve Project X-CEL**

WHEREAS, Project X-CEL is a manufacturing company seeking to locate a new facility in Cleveland County, North Carolina; and

WHEREAS, Project X-CEL is proposing to create approximately 189 new full-time jobs with an anticipated new investment of approximately \$45,300,000; and

WHEREAS, Cleveland County has an unemployment rate of 10%; and

WHEREAS, these new manufacturing jobs will be extremely helpful to improving the economic conditions for the citizens in Cleveland County; and

WHEREAS, in support of Project X-CEL's decision to locate in Cleveland County, Commissioners pledged to assist with the application of grants for the construction of an industrial access road and turn lane; and

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners respectfully requests \$250,000 from the North Carolina Office of the Speaker of the House, Thom Tillis, and \$250,000 from the Office of the President Pro Tem of the Senate, Phil Berger, to assist with the construction costs for the Project X-CEL roadway and turn lane.

ADOPTED THIS THE 18th DAY OF DECEMBER, 2012.

**CHANGE REGULAR MEETING IN OBSERVANCE OF THE NEW YEAR HOLIDAY TO
JANUARY 3, 2013**

ACTION: Susan Allen made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adopt the following resolution:*

NUMBER 23-2012

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

WHEREAS, the Cleveland County Board of Commissioners have decided that it is appropriate to change their meeting date for their regular meeting of **Tuesday, January 1, 2013** to **January 3, 2013** in the Commission Chamber. During this meeting, Senator Warren Daniel and Representative Tim Moore will be sworn in to their newly elected offices. The meeting will begin at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, THAT, the Cleveland County Board of Commissioners will change the meeting date of said meeting and notify the public of their decision in accordance with the mandates of North Carolina General Statute 153A-40. The regular meeting schedule as adopted by the Board will resume after this meeting.

ADOPTED THIS 18th DAY OF DECEMBER, 2012.

NCACC LEGISLATIVE GOALS CONFERENCE VOTING DELEGATE

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to nominate Vice-Chairman Jason Falls to serve as the voting delegate for the*

NCACC Legislative Goals Conference to be held on January 24-25, 2013 at the Sheraton Imperial-RTP.

HEALTH DEPARTMENT/ANIMAL CONTROL

Cleveland County is still facing the issue of overpopulation of animals. A lot of work has been done to establish adoption clinics, rabies clinics and the new animal shelter. Chairman Hawkins recommended that the county look at what else can be done because adoptions alone are not working. “We need to move forward.”

Chairman Hawkins asked that the Board of Health create a task force to make recommendations on alternatives for the overpopulation of animals. Commissioner Hutchins asked that they look at a broad base of citizens to serve on this board. “Something needs to be crafted to make the ones who are not responsible for their pets, to be made responsible.

Chairman Hawkins wanted the public to know that, “The pens at Animal Control are monitored seven days a week.”

CONSENSUS: It was the consensus of the board that a task force be created and that Commissioners have a say in who would serve on this board.

BOARD APPOINTMENTS

ADULT CARE HOME ADVISORY BOARD

ACTION: Jason Falls made the motion, seconded by Johnny Hutchins and unanimously adopted by the board to, *appoint Roger Gaddis* to serve as a member of this board for a term of one-year, scheduled to conclude on December 31, 2013.

COMMUNITY CARE BLOCK GRANT

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to re-appoint Chris Crepps, Evangeline Jones, Bob Davis, Wilson Griffin, Ursula Walls, Kris Thompson, Eddie Holbrook, Glenda Childers, Kitty Hoyle and Curtis Pressley* to serve as regular members on this board. The term of this appointment is for a period of three-years, scheduled to conclude December 31, 2015.

CHILD FATALITY PREVENTION TEAM

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to re-appoint Alan Norman, Melvin Proctor, Joe Lord and Selena Grier* to serve as regular members on this board. The term of this appointment is for a period of three-years, scheduled to conclude December 31, 2015.

COMMISSION FOR WOMEN

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, to *re-appoint Diane Davis and Valerie Boyd* to serve on this board. The term of this appointment is for a period of three-years, scheduled to conclude December 31, 2015.

EMPLOYEE PRODUCTIVITY AWARD COMMITTEE

ACTION: Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *appoint Michael Chrisawn, Paul Ezell, Sharon Fuller and Chris Crepps* to serve on this board. The term of this appointment is for a period of one-year, scheduled to conclude December 31, 2013.

BOARD OF HEALTH

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *re-appoint Dr. Charles Hayek to serve as the Physician Member, Mr. Robert Miller to serve as a Public Citizen Member, Mr. Steve Rackley to serve as a Professional Engineer Member, and Dr. Theresa Taylor to serve as a Veterinarian Member*, to serve a three-year term as a member of the board, scheduled to conclude December 31, 2015 and to *appoint Mr. James Stanley (Stan) Pitts to serve as a Pharmacist Member*, to serve a three-year term as a member of the Board, scheduled to conclude December 31, 2015.

NURSING HOME ADVISORY COMMITTEE

ACTION: Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, to *appoint Judy Barrett and Elaine Champion* to serve as members of the committee. These appointments are for a term of one-year, scheduled to conclude December 31, 2013.

VETERAN'S ADVISORY COUNCIL

ACTION: Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *appoint Tim Southard, Marty Burton, Ronald James, Darlene Gravett, Richard McSwain and Emily Hurdt* to serve as members of this council. These appointments are for a term of three-years, scheduled to conclude December 31, 2015.

CITY OF KINGS MOUNTAIN PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *re-appoint Doug Lawing* to serve as a member of both boards. The term of these appointments is for a period of three-years, scheduled to conclude December 31, 2015.

GASTON COMMUNITY ACTION

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, to *appoint Georgianna Hartgrove* to serve as a member of this board. The term of this appointment is for a period of one-year, scheduled to conclude December 1, 2013.

COMMISSIONERS REPRESENTATIVES

COMMISSION FOR WOMEN

ACTION: Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint Jason Falls* to serve as a Commissioner member of this board. The term of this appointment is for a period of three -years, scheduled to conclude December 31, 2015.

EMPLOYEE PRODUCTIVITY AWARD COMMITTEE

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to appoint Jason Falls* to serve as a Commissioner member of this board. The term of this appointment is for a period of one -year, scheduled to conclude December 31, 2013.

BOARD OF HEALTH

ACTION: Eddie Holbrook made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to appoint Johnny Hutchins* to serve as a Commissioner member of this board. A term expiration was not set.

LIBRARY BOARD

Action to appoint a Commissioner to the Library Board was tabled to a later date.

LAKE NORMAN RPO

CONSENSUS: It was the consensus of the board, *to appoint Johnny Hutchins* to serve as a Commissioner member of this board and *to appoint Jason Falls* to serve as an alternate member of this board. The term of this appointment is for a period of three -years, scheduled to conclude December 31, 2015.

SOCIAL SERVICES

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint Jason Falls* to serve as a Commissioner member of this board. The term of this appointment is to fill the unexpired term of former Commissioner Mary Accor scheduled to conclude June 30, 2013.

CLEVELAND COUNTY FAIR BOARD

ACTION: Jason Falls made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to appoint Johnny Hutchins* to serve as a Commissioner member of this board. A term expiration was not set.

PARTNERS BEHAVIORAL HEALTHCARE

ACTION: Jason Falls made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to appoint Susan Allen* to serve as a Commissioner member of this board. A term expiration has not been set.

ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION

CONSENSUS: It was the consensus of the board, *to appoint Susan Allen* to serve as a Commissioner member of this board. The term of this appointment is for a period to complete the Term of Jason Falls scheduled to conclude June 30, 2015.

VETERAN'S COUNCIL

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the board, *to appoint Jason Falls* to serve as a Commissioner member of this board. The term of this appointment is for a period of three-years, scheduled to conclude December 31, 2015.

COMMUNITY CHANNEL ADVISORY COMMITTEE

ACTION: Jason Falls made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to appoint Chairman Ronnie Hawkins and County Manager Eddie Bailes* to serve as members of this committee. There is no term expiration for this appointment.

ADJOURN

There being no further business to come before the Board at this time, Johnny Hutchins made a motion seconded by Jason Falls, and unanimously adopted by the Board, *to adjourn the meeting*. The next regular meeting of the Commission was changed via resolution to *Thursday, January 3, 2013 at 6:00 p.m.* in this Commission Chamber.

*Ronnie Hawkins, Chairman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*