

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**February 5, 2013**

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  
Andrea Leslie-Fite, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Chris Green, Tax Administrator  
Chris Crepps, Finance Director  
Bill McCarter, Planning Director  
Jessica Pickens, *The Shelby Star*  
Other individual names on file in the Clerk's Office

**VETERAN'S:** Michael Chrisawn

**CALL TO ORDER**

Chairman Ronnie Hawkins called the meeting to order. The Pledge of Allegiance was led by Girl Scouts from Zion Baptist Church. Reverend Dante Murphy of Shiloh Baptist Church provided the invocation. Reverend Murphy currently serves as the President of the Cleveland County NAACP. Girls Scouts from Sharon United Methodist Church were also in attendance working on a Girl Scout badge.

**CITIZEN RECOGNITION**

No citizens signed up to address the Commissioners.

**AGENDA ADOPTION**

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk.*

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the Minutes of *December 18, 2012, January 3, 2013 and January 15, 2013*, motion was made by Johnny Hutchins, seconded by Jason Falls, and unanimously adopted by the Board, to *approve the minutes as written.*

**REMOVAL OF DUPLICATE BUDGET AMENDMENT (BNA #046)**

At their January 15<sup>th</sup> regular meeting, Commissioners approved a budget amendment in the Department of Social Services. This budget amendment was already approved at their December 18, 2012 meeting as BNA #043.

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to remove Budget Amendment #046.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #047)**

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, 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>
012.535.4.350.00/01120-5503	Health Promotion/State Govt Grants	\$ 4,879.	
012.535.5.420.00	Health Promotion/Contracted Services	4,879.	

Explanation of Revisions: *Budget additional DHHS Health Promotion funds for Eat Smart Move More activities.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #048)**

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, 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>
012.537.4.310.00/93994-5745	Child Health/Federal Funds	\$17,157.	
012.537.5.230.00	Child Health/Medicine & Supplies	6,000.	
012.537.5.230.01	Child Health/Prescription Drugs	3,000.	
012.537.5.513.00	Child Health/Hospital & Drs. Fees	8,157.	

Explanation of Revisions: *Budget DHHS Healthy Mothers Health Children funds to provide reproductive health services for non-Medicaid clients ages 11-19.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #049)**

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, 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>
012.543.4.350.00/01120-9373	Grants/State Govt Grants	\$115,922.	
012.543.5.230.00/01120-9373	Grants/Medical Supplies	2,373.	
012.543.5.311.00/01120-9373	Grants/Education Expense	2,373.	
012.543.5.422.00/01120-9373	Grants/Contracted Labor	69,576.	
012.543.5.513.00/01120-9373	Grants/Hospital & Drs Fees	41,600.	

Explanation of Revisions: *Budget Year 3 diabetes Community Health Grant for operating expenses. Grant is to increase diabetic patients access to care (grant period 1/1/13-12/31/13)*

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #050)**

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, 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>
012.537.4.310.00/93070-190X	Child Health/Federal Funds	\$ 12,791.	
012.537.5.490.00	Child Health/Professional Services	12,791.	

Explanation of Revisions: *Budget DHHS Enhancing Local Asthma Efforts funds to contract with Alliance for Health to carry out objectives of this project.*

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #051)**

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, 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>
012.539.4.800.00	Family Planning/Misc. Revenue	\$ 405.	

012.539.5.230.00	Family Planning/Medicine & Supplies	205.
012.539.5.581.00	Family Planning/Awards & Incentives	200.

Explanation of Revisions: Budget revenue to be received for student preceptorship.

**EASEMENT FOR WATERLINE ON PLATO LEE ROAD**

**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to approve the easement between Cleveland County and the City for property on Plato Lee Road (copy found on Page \_\_\_\_\_ of Minute Book \_\_\_\_\_).*

**REGULAR AGENDA**

**TRAVEL AND TOURISM UPDATE**

Jackie Sibley, Cleveland County Travel & Tourism Director, began by thanking Commissioners for allowing her to be at the meeting. Ms. Sibley was very excited about things happening in Cleveland County. Last year, hotels were able to increase the daily average rate and hotel occupancy was up 11% county wide. Cleveland County ranked #8 in the State of North Carolina for visitor spending increase. Cleveland County accomplished national media attention for events such as the filming of the Hunger Games. Events such as these considerably increased travel to the area. Other events such as Cycle NC, the Little Tar Heel State Championship, American Legion World Series, the Fall Liver Mush Festival of North Carolina and the Crime Stoppers State Conference were held in Cleveland County this past year.

Ms. Sibley spoke of the great conglomeration of people throughout Cleveland County. The Travel Council meets monthly to discuss Cleveland County's tourism product inventory and ways to encourage visitors to the county. Ms. Sibley, with the help of others, has been working diligently to recruit a new hotel to the county. She is hoping that a new hotel will be built in the Fall of 2013. She said a local hotel has been inspired to upgrade due to the increase in hotel occupancy. Ms. Sibley is researching software for a centralized calendar of events and a Cleveland County Gift Card. This gift card would be a prepaid gift card good for purchases at local businesses in the county. Ms. Sibley is researching ways to develop a Cleveland County Welcome Discount Card. This card would be used by Cleveland County Travel and Tourism as well as other non-profits to avoid having to ask multiple times for discounts for special event attendees.

Commissioners thanked Ms. Sibley for her hard work in growing Travel & Tourism in Cleveland County.

**GASTON URBAN AREA MPO**

Planning Director Bill McCarter introduced Hank Graham, Coordinator of the Gaston Urban Area MPO (Metropolitan Planning Organization). Mr. Graham explained the purpose of him being at the meeting is to present a Memorandum of Understanding for the Commissioners Approval.

Cleveland County is currently a member of the Lake Norman RPO (Rural Planning Organization). Due to the latest census information, a portion of Cleveland County is being considered an urban cluster. Urban clusters are required to be part of an MPO rather than an RPO. The Gaston MPO included this portion of Cleveland County in their map (presented by Mr. Graham) as well as another portion of the county. Mr. Graham explained, the US Census Bureau asks the MPO's to smooth around the area to handle growth. A cost share is being proposed to support the MPO. In order to participate, you must pay to be a member. If you do not wish to be a member, you can opt out. Cleveland County's portion would be \$2,418 and the City of Kings Mountain would be \$3,142. Meetings of the MPO are held bi-monthly.

Commissioner Hutchins, Commissioners representative on the Lake Norman RPO, voiced his concern with the area of Cleveland County they are suggesting to be part of the MPO. Commissioners had voted to allow Kings Mountain and their ETJ (extra territorial jurisdiction) to be part of the MPO. However, they recommended no other areas of the county be included. He claimed that the Commissioners wishes were presented to the MPO and now the map Mr. Graham is presenting shows something different. He then asked Mr. Graham, "If we don't participate are you still going to take over the area and we have no choice?" Mr. Graham responded, "Yes".

Commissioners were concerned with a portion of the county being part of the MPO and another portion of the county being part of the RPO. Commissioner Hutchins mentioned the possibility of contacting Legislators and asking them to exempt Cleveland County from becoming part of the MPO.

Commissioner Falls also expressed his concern with the area presented by Mr. Graham becoming part of the MPO. He asked that Commissioners look at a resolution to present to Legislators and recommended the County Manager contact the City of Kings Mountain to inform them of the Commissioners thoughts on the matter. He also asked the School of Government be contacted to see if there is a better way of developing a Comprehensive Transportation Plan for Cleveland County.

Commissioner Holbrook was concerned that the County's RPO representative was not informed of a change to the map. Since the Commissioners have a lot of questions, Commissioner Holbrook made the following motion:

**ACTION:** Eddie Holbrook made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to table a vote on this subject to give Commissioner Hutchins a chance to review Commissioners options and come back to the board with a recommendation.*

**AMENDMENT TO THE 2015 LAND USE PLAN**

Bill McCarter, Planning Director presented a map of an area south of Farmville Road (*map found on Page \_\_\_\_ of Minute Book \_\_\_\_*). This area has been purchased by Cleveland County for industrial

development. It is currently indicated as residential on the 2014 Cleveland County Land Use Plan. Mr. McCarter recommended the plan be amended to show this area as Light/Heavy Industrial, to reflect the Commissioners intent to develop additional industrial sites in this area. County Manager Eddie Bailes made note this area is the Washburn Switch Industrial Park.

**ACTION:** Jason Falls made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to amend the 2015 Land Use Plan as recommended.*

**MINIMUM HOUSING CODE VIOLATION~153CLINE DRIVE~JUDITH FIELDER HEIRS**

Bill McCarter, Planning Director advised a hearing was held on October 9, 2012 regarding this case and the owner was given ninety days to repair or demolish the dwelling. The order expired on January 9, 2013. Mr. McCarter began working with this family in 2008, the year Mrs. Fielder passed away. The children are in the process of preparing the home for demolition. Mrs. Fielders children were in attendance requesting additional time to clean the dwelling in order for the Fire Department to burn it.

**ACTION:** Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to allow the property owners ninety days to clean the dwelling and have it demolished. Mr. McCarter is to report back to Commissioners.*

**MINIMUM HOUSING CODE VIOLATION~1809 ISAAC PLACE~HASSAN SHIHADA**

Bill McCarter, Planning Director advised a hearing was held on October 10, 2012 regarding this case and the owner was given ninety days to repair or demolish the dwelling. The order expired on January 10, 2013. The property was purchased by Mr. Shihada in 2009. The property was in the same condition when Mr. Shihada purchased it. He presented a letter from Mr. Shihada requesting additional time to sell the property.

**ACTION:** Eddie Holbrook made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adopt the following ordinance and proceed with demolition.*

CLEVELAND COUNTY  
NORTH CAROLINA  
AN ORDINANCE AUTHORIZING THE CODE ENFORCEMENT OFFICER TO DEMOLISH  
A DWELLING AT 1809 ISAAC PLACE

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6 of the North Carolina General Statutes, the dwelling located at 1809 Isaac Place, 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 1809 Isaac Place, (Parcel 22123) now or formerly owned by Hassan Shihada; shall be demolished, and a lien placed against the property for the costs incurred by the county as provided by GS160A-443(6).

Adopted and approved this the 5th day of February 2013 by the Cleveland County Board of Commissioners in open session.

**MINIMUM HOUSING CODE VIOLATION~107 SCHENCK FARM ROAD~LARRY WILSON, RITA M. MILLER, LORI A. CLEMMONS**

Bill McCarter, Planning Director advised a hearing was held on October 11, 2012 regarding this case and the owner was given ninety days to repair or demolish the dwelling. The order expired on January 11, 2013. To date, no action has been taken by the owner. The property burned eighteen years ago. The property owner would rather demolish the dwelling himself than have the county demolish and place a lien on the property.

**ACTION:** Eddie Holbrook made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to allow the property owners thirty days to demolish the dwelling. If the property is not demolished within thirty days, the county will proceed with demolition. Mr. McCarter is to report back to Commissioners.*

**MINIMUM HOUSING FOR THE TOWN OF LAWNSDALE**

At the November 20, 2012 County Commissioners meeting, the Town of Lawnsdale requested Commissioners look at the possibility of enforcing minimum housing in the town. During that meeting, Commissioners asked Planning Director Bill McCarter to poll all of the towns in the county to see which others may be interested in Minimum Housing Code Enforcement.

Mr. McCarter is working on developing a cost per case to present to Commissioners for approval. In the meantime, the Town of Lawnsdale has one pressing case that needs to be addressed. Mr. McCarter presented an interlocal agreement between Cleveland County and the Town of Lawnsdale. Cleveland County Code would be used to enforce this case. Any costs such as advertising would be incurred directly by the town. The county would only charge for staff time. The interlocal agreement, if approved, will terminate after 180 days.

**ACTION:** Jason Falls made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the interlocal agreement as presented by Mr. McCarter.*

**NORTH CAROLINA  
CLEVELAND COUNTY**

**INTER-LOCAL AGREEMENT  
MINIMUM HOUSING CODE ENFORCEMENT**

THIS AGREEMENT by and between CLEVELAND COUNTY, a North Carolina Municipal Corporation, located in the state of North Carolina, party of the first part, hereinafter referred to as "County", and THE TOWN OF LAWNSDALE, a North Carolina Municipal Corporation, located in Cleveland County, North Carolina, party of the second part, hereinafter referred to as "Town".

FOR THE BENEFIT OF THE CITIZENS OF THE TOWN OF LAWNSDALE, and for the powers and duties given CLEVELAND COUNTY within the planning jurisdiction of the TOWN OF LAWNSDALE.

1. PURPOSE

The Town of Lawnsdale desires to provide basic minimum housing standards deemed essential to maintain any residential dwelling in safe and sanitary condition. Pursuant to the authority provided in Section 160A-441 of the North Carolina General Statutes, the *Town* hereby designates *Cleveland County*, to administer and enforce the provisions set forth in the Cleveland County Minimum Housing Code, as adopted by the Cleveland County Board of Commissioners on May 2, 2000 and as may be subsequently amended. The County shall have authority to exercise, within the jurisdiction of the Town, all the powers and duties given it by the Cleveland County Minimum Housing Code.

2. SERVICES

The County shall administer and enforce the provisions of the Minimum Housing Code within the corporate limits of the Town of Lawnsdale. The Town agrees to indemnify and hold harmless Cleveland County from any liability, costs, expenses, claims or financial detriment of any kind or nature whatsoever which may be incurred as a result of providing this service.

3. COST REIMBURSEMENT

The Town agrees to reimburse the County for any costs related to the administration, including but not limited to mileage, postage, legal notices, asbestos remediation, and demolition.

6. AMENDMENT TO THE CODE

If the County proposes any amendment to the Cleveland County Minimum Housing Code, it will provide the Town with written notice of the proposed amendment and also provide the Town a reasonable opportunity to review and comment on the proposed amendment, before the County holds a public hearing on the amendment.

7. TERMINATION

Should either party elect to terminate this Agreement, the party wishing to terminate shall provide at least a 90-day written notice to the other party.

8. TERM

This agreement becomes effective with respect to the County and the Town when it has been adopted by both the Cleveland County Board of Commissioners and the Town Council of Lawnsdale, and will be terminate 180 days after being signed by both parties.

**DISTRIBUTION OF LOTTERY FUNDS**

County Finance Director Chris Crepps presented two applications for distribution from the Public School Building Capital Fund of the North Carolina Education Lottery. The first application would reimburse Cleveland County \$1,416,808. These funds would be used for principal and interest payments due in fiscal year 2012-2013 for debt issued in June 2010 to construct the new Shelby Middle School. The second application is for construction to convert a portion of the former Shelby Middle School to house administrative offices and the alternative school Turning Point Academy. The total project cost is \$8,979,040. Lottery money cannot be used for the construction of administrative offices so the County is only requesting release of \$4,152,759 which was used for construction at Turning Point Academy.

**ACTION:** Jason Falls made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to authorize Chairman Ronald Hawkins to sign the applications and approve distribution of lottery funds as presented by Chris Crepps.*

**REFINANCING OF LOANS FOR THE DETENTION CENTER ANNEX AND THE 800 MHZ COMMUNICATIONS EQUIPMENT**

The current interest rates on long-term debt are low. County Finance Director Chris Crepps recommended Commissioners approve refinancing of two existing loans with BB&T. The two loans are (1) the 2009 loan to expand the detention center with a current interest rate of 3.57% and (2) the 2007 loan purchase the 800 MHz communications system with a current interest rate of 3.46%. The interest rate on each loan will be reduced by 1.2% resulting in a net savings to both of the loans of \$591,782 realized over the remaining life of the loans.

Based on the fact that the change is simply a modification of the interest rate, a public hearing is not required. Mr. Crepps recommended Commissioners adopt two resolutions and authorize Chris Crepps, County Finance Director (and if needed Eddie Bailes, County Manager) to sign documents with BB&T to effect such change.

**ACTION:** Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to adopt the following resolution and authorize Chris Crepps, County Finance Director (and if needed Eddie Bailes, County Manager) to sign documents.*

02-2013

**RESOLUTION APPROVING TERMS OF REFINANCING- JAIL ANNEX**

**WHEREAS**, Cleveland County, North Carolina (the “County”) has determined to change the terms of the Payment Schedule to that Financing Agreement and Deed of Trust (the “Original Agreement”) granted to F. Louis Loyd, III (the “Deed of Trust Trustee”) for the Benefit of Branch Banking and Trust Company (“BB&T”) dated as of February 8, 2013; and

**WHEREAS**, the changes to the terms of the Payment Schedule include revising the interest rate from 3.57% to 2.39%;

**NOW, THEREFORE, BE IT RESOLVED**, by the Cleveland County Board of Commissioners that the proposed changes to the Payment Schedule of the Original Agreement are hereby approved and the officers designated to sign financing documents are hereby authorized and directed to take such action as may be necessary to effectuate such changes. All other terms and conditions of the original agreement and payment schedule thereof remain in full force and effect.

**ADOPTED THIS 5<sup>th</sup> DAY OF FEBRUARY, 2013.**

**ACTION:** Susan Allen made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to adopt the following resolution and authorize Chris Crepps, County Finance Director (and if needed Eddie Bailes, County Manager) to sign documents.*



**RESOLUTION APPROVING TERMS OF REFINANCING- 800 MHZ COMMUNICATIONS SYSTEM EQUIPMENT**

**WHEREAS**, Cleveland County, North Carolina (the “County”) has determined to change the terms of the Payment Schedule to that Financing Agreement between Cleveland County and Branch Banking and Trust Company (“BB&T”) dated as of February 8, 2013; and

**WHEREAS**, the changes to the terms of the Payment Schedule include revising the interest rate from 3.46% to 2.26%;

**NOW, THEREFORE, BE IT RESOLVED**, by the Cleveland County Board of Commissioners that the proposed changes to the Payment Schedule of the Original Agreement are hereby approved and the officers designated to sign financing documents are hereby authorized and directed to take such action as may be necessary to effectuate such changes. All other terms and conditions of the original agreement and payment schedule thereof remain in full force and effect.

**ADOPTED THIS 5<sup>th</sup> DAY OF FEBRUARY, 2013.**

**BOARD APPOINTMENT ADDITIONS**

**COMMISSION FOR WOMEN**

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

**NURSING HOME ADVISORY COMMITTEE**

**ACTION:** Susan Allen made the motion, seconded by Eddie Holbrook and unanimously adopted by the board to, **appoint Marty Lockridge** to serve as a member of this board for a term of one-year, scheduled to conclude on December 31, 2013.

**COMMISSIONER REPORTS**

*Commissioner Holbrook* thanked Commissioners for attending the announcement for KSM Castings. He also asked Commissioners to remember Linda Quinlon in their prayers as she has recently undergone cancer surgery.

*Commissioner Hutchins* spoke with Representative Tim Moore regarding the Gaston MPO. Representative Moore said he would help in any way he can.

**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 next regular scheduled meeting will be held on February 19, 2013 in the Commissioners Chamber.**

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*Kerri Melton, Clerk*  
*Cleveland County Board of Commissioners*