

CLEVELAND COUNTY BOARD OF COMMISSIONERS

January 15, 2008

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: Jo Boggs, Chairwoman
Eddie Holbrook, Vice-Chairman
Mary Accor, Commissioner
Ronald J. Hawkins, Commissioner
Johnny Hutchins, 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
Bill McCarter, Planning Director
Chris Crepps, Finance Director
David Allen, *The Star*
Marti Glaser, *Cleveland Headline News*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Jo Boggs called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Reverend Rit Varriale of Elizabeth Baptist Church provided the invocation for the meeting. Ronda Freeman of Ultra Machine sang the National Anthem to mark the first meeting of 2008.

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 additions/deletions:***

- (13) Recognition of Cleveland Chamber Athena Award recipient. (Commissioner Hawkins)***
- (14) Discussion of North Carolina Wildlife Hunting season. (Commissioner Hawkins)***

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of ***December 4, 2007***, motion was made by Ronnie Hawkins, seconded by Johnny Hutchins, 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 ***December 2007*** (copy found on Page _____ of Minute Book 29).

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *December 2007*. The monthly grand total of tax abatements was listed as (\$43,912.36); and, the monthly grand total for tax supplements was listed as \$13,641.18.

SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #032)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the following budget amendments:*

<i>Account Number/Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
011.519.4.310.00/93568-P372	Public Assistance/Fed Gov Grants	\$152,224.	
011.519.5.512.05	Public Assistance/Crisis	\$152,224.	

Explanation of Revisions: Budget amendment necessary to accept additional federal crisis intervention funds for FY 2007/2008. The current state approved allocation is more than State Estimates for Crisis Intervention funding for FY 2007-2008.

SHERIFF'S OFFICE: BUDGET AMENDMENTS (BNA #033)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the following budget amendments:*

<i>Account Number/Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.422.4.311.00/USICE-P442	Fed. Forfeited Property/Fed- Oth Revenues	\$134,013.	
010.442.5.210.00/USICE-P442	Fed. Forfeited Property/Fed- Dept. Supply	\$ 36.	
010.442.5.910.00/USICE-P442	Fed. Forfeited Property/Fed- Capital Equip	\$133,977.	

Explanation of Revisions: Request approval to budget funding to purchase five 2008 Ford Crown Vic's at a cost of \$21,573.20 ea. (\$107,866 total); request includes 3% hwy. use tax of \$3,236 for all five veh's; five permanent plates (\$30) and cost of equipping with radios, lights, sirens and striping of vehicles at a total cost of \$19,075. Police package for another vehicle (\$3,800) and plate (\$6).

SOCIAL SERVICES: BUDGET AMENDMENTS (BNA #034)

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the following budget amendments:*

<i>Account Number/Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
011.504.4.310.00/93568-P278	Title XX/Fed Gov Grants	\$ 6,240.	
011.504.5.500.01	Title XX/Misc. Grant Expense	\$ 6,240.	

Explanation of Revisions: Budget amendment necessary to accept additional federal TANF/DV funds for FY 2007/2008. The current state approved allocation is more than State Estimates for TANF/DV funding for 2007/2008.

CITIZEN RECOGNITION

ROGER HARRIS – CLEVELAND COUNTY SCHOOLS PRINCIPAL OF THE YEAR

Commissioners presented Mr. Harris with a plaque of appreciation for his years of dedicated service to the children of Cleveland County, having served Cleveland County Schools as teacher, assistant principal and principal and for having been named Cleveland County Schools Principal of the Year. Mr. Harris, was also named Teacher of the Year in 1987.

ERIKA SIGMON – CLEVELAND COUNTY SCHOOLS TEACHER OF THE YEAR

Commissioners presented Ms. Sigmon, a first grade teacher at Washington Elementary School, with a plaque of appreciation for her years of dedicated service to the children of Cleveland County

having served Cleveland County Schools as an educator for eight years and for having been named Cleveland County Schools Teacher of the Year.

DARE STUDENT ESSAY WINNERS

Commissioners presented Elaysia Woods, Scarlett Carnett, Lindsey McCoy, Jasmine King and Judith Harmon with the following certificate of appreciation:

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

**FOR GRADUATING FROM THE DARE EDUCATION PROGRAM ~ FOR
WINNING FIRST
PLACE IN THE DARE ESSAY CONTEST AT YOUR SCHOOL
AND FOR YOUR COMMITMENT TO STAYING DRUG-FREE AND VIOLENCE
FREE.
WE COMMEND YOU!**

Presented this the 15TH day of January 2008.

Commissioner Hutchins invited all essay winners to sit in the seats of the Commissioners. The students introduced their parents and one student read her winning essay.

PUBLIC HEARINGS

**PLANNING DEPARTMENT: ZONING MAP AMENDMENT – FLOOD HAZARD MAPS
(FIRM). (Case 08-01)**

The NC Division of Emergency Management, in cooperation with FEMA, has developed new flood hazard maps (FIRM) for North Carolina. FEMA requires that, by February 20, 2008, all local governments having jurisdiction within the floodplain, adopt and implement the state and federal minimum requirements for participation in the National Flood Insurance Program. Should a local government decide not to participate in this program, federal disaster assistance may be withheld. Currently, Cleveland County uses a zoning overlay district (Floodplain Overlay District) to regulate the development in the floodplain. It is the recommendation of the Planning Director, Bill McCarter, to change the current Floodplain Overlay District to reflect the new flood hazard boundaries provided by FEMA. This action, if approved, would be treated as a zoning map amendment. Mr. McCarter informed Commissioners that with the accuracy of the new maps, the flood hazard area is actually less than it was previously. Several meetings were held to inform residents about the specifics of this change.

Commissioner Hawkins asked Mr. McCarter if a property owner could still build on the property if it is located in the Floodplain Overlay District. Mr. McCarter responded by saying, “The property owner could build, however, they would need to elevate the floor three feet above the base elevation and flood insurance would need to be purchased.

Chairwoman Boggs opened the public hearing. (*Notice of this hearing was accomplished in accordance with NCGS 153A-343, with legal advertisements published in The Star on January 4 and January 11, 2008.*)

Alton Stewart, owns seven acres in Lawndale, feels as though he was not well informed about the details of this zoning map amendment and is unable to make an informed decision as to whether he is for/against it. Mr. Stewart has been trying to determine the elevation that he can build on for quite some time but has been unable to find an answer. He asked Commissioners, "Do you even know what you are voting on?"

Tim Wease, Toney Road, attended one of the meetings held by the Planning Department. He told Commissioners that he was the only resident in attendance. The maps of his property (1.79 acres on Toney Road) showed it to be completely under water. He said that the FIRM maps were incorrect and that he has applied for an amendment through the FEMA website. He informed those present that this was an option for anyone affected by this change.

Clyde King, Mickey Sharts Road, stated that his property has never flooded. He told Commissioners, "FEMA will dictate code but you will dictate taxes. Our value will decrease. Will our taxes?"

Hearing no further comments, Chairwoman Boggs declared the public hearing closed.

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins and unanimously adopted by the board to *postpone a vote until the first meeting in February to get more information about which properties are affected and how they are affected.*

REGULAR AGENDA

KINGS MOUNTAIN GATEWAY TRAILS, INC.

Shirley Brutko, Vice-President of Kings Mountain Gateway Trails, thanked Commissioners for the opportunity to be at the meeting. "North Carolina is the 6th fastest growing state in our country... just as important as education, open spaces and wildlife preservation and a place for us to have recreation is very important for our health." Ms. Brutko introduced Erin Broadbent, superintendent of the Kings Mountain National Military Park. It was Ms. Broadbent who felt that it would be wonderful for the City of Kings Mountain to be a gateway to Crowders Mountain, Kings Mountain State Park and Kings Mountain National Military Park. She began talking to Mayors and Commissioners, making Gateway Trails what it is today. Ms. Broadbent shared her concern for children's health and safety. Kings Mountain Gateway Trails would allow children and parents to get out together and exercise and share in the history of our area. She told Commissioners, "North Carolina is the 6th fastest growing state but it is also the 16th fattest state which is not something to be proud of."

Shirley Brutko then introduced John Wood and Mike McKnabb of Haden-Stanziele, Inc. to give Commissioners an update on the progress of the Master Site Plan. John Wood showed Commissioners a picture of the proposed master plan (*copy found on page _____ of Minute Book 30.*) He explained that they have been working since the end of last summer. Most of the land along the trail has been donated. There will be several amenities along the trail with seating areas every ½ mile. There will also be many

opportunities for educational information. Mr. Wood explained that Kings Mountain Gateway Trails would be submitting a PARTF Grant application to help funding for this project. He asked for the Commissioners support. Grant application is due in Raleigh by January 31st and will be awarded in May.

Shirley Brutko again took the floor. She explained that she sent a letter to County Manager David Dear on December 7, 2007 asking Commissioners to consider funding \$60,000 per year for three years for a total of \$180,000. Ms. Brutko shared that the project cost for Phase 1 is \$1.8 Million. “We are asking for 10% of that” she said.

Commissioner Holbrook said that this grant required a \$500,000 match and asked Ms. Brutko if she felt comfortable with being able to raise funds for the match. Ms. Brutko said that Kings Mountain Gateway Trails will be using the appraisal price of the land already donated; they have asked the City of Kings Mountain for the same amount of funding as they are asking Commissioners and Martin Marietta has already donated \$40,000 worth of gravel which can be counted as matching funds. Ms. Brutko also shared that the Mountain Bike Volunteer Club has committed to volunteer over five hundred volunteer hours on the mountain bike trail.

Chairwoman Boggs thanks Ms. Brutko for her presentation and explained that Commissioners will be looking at their five year capital needs at a work session on January 22nd. She informed Ms. Brutko that they would have an answer to her request in approximately a week.

PERSONNEL ORDINANCE AMENDMENTS

Alexis Pearson, Human Resources Director, presented several Personnel Ordinance Revisions to Commissioners for approval.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board to *approve the revisions to the Personnel Ordinance as presented by Alexis Pearson. (changes highlighted in yellow)(copy of bloodborne pathogens policy found on Page _____ of Minute Book _____)*

Article I. Organization of Personnel System

Section 2. Coverage

This section is to be changed from Tax Assessor to Tax Administrator

- (3) The following employees shall be subject to all articles except articles IV, VII and VIII.
(a) Tax Administrator

Article III. The Pay Plan

Section 3. Administration of the Pay Plan

On the next page in the 4th paragraph, change Step 9 to Step 10. The maximum rate is step 10.

“Employees at the maximum rate of their salary range ~~Step 9~~ may be considered for a lump sum merit payment in an amount equal to a half step (2.4%) or a full step (4.8%).”

Article IX. Employee Benefits

Section 9. Benefits/Other – Flexible

This section to be amended by removing “~~uncovered health and medical expenses and dependent child care expenses~~” from item (e).

- (e) Section 125 of the Internal Revenue Code provides employees with the opportunity to use pre-tax dollars to spend on insurance premiums and deductibles.

Article X. Personnel Records

Section 1. Personnel Records Maintenance

Add the following item:

- (d) **Contracts (terms, whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession)**

The General Assembly passed, and the Governor signed into law on August 19, 2007, an amendment to the State Personnel Act that requires that local government employees subject to the State Personnel Act must work for 24 consecutive months before they gain a property interest that is protected by due process. The following personnel ordinance changes will reflect this new law.

Article I. Organization of Personnel System

Section 3. Definitions

(5) Competitive Service Employee.

This section to be amended by adding the highlighted sentence in the definition.

An employee of the Department of Social Services, Department of Public Health or Office of Emergency Management receiving Federal grant-in-aid funds and is subject to the State Personnel Act. **These employees are also known as “career state employees”**. Please note that coverages and procedures outlined in the County Personnel Ordinance are identical to those outlined in the State Personnel Act.

(21) Permanent Employee

The definition of a permanent employee will be changed by adding the following statement.

In accordance with State Personnel Guidelines, employees who are “career state employees” will not retain permanent employment status until the satisfactory completion of twenty-four (24) months of service.

Article III. The Pay Plan

Section 3. Administration of the Pay Plan

This section to be amended by removing the following words.

- b.** Upon completion of one (1) year of satisfactory service ~~as a permanent employee~~, the employee will be elevated to the next salary level (half-step) of the pay plan.

Even though ~~all permanent~~ employees at step 4 and above will be considered for merit increases, only those employees who exceed the standard and/or expected performance will receive a merit increase.

Article IV. Recruitment and Employment

Section 9. Probationary Period of Employment

The first paragraph to be amended by adding the following

An employee appointed to a permanent position shall serve a probationary period of six (6) to twenty-four (24) months. In accordance with State Personnel Guidelines, employees who are “career state employees” will not retain permanent employment status until the satisfactory completion of twenty-four (24) months of service.

No employee shall remain on probation for more than nine (9) months, except in the case of employees who are employed as “career state employees” or are serving in a trainee appointment. Employees are required to successfully complete all educational and experience requirements before attaining permanent status. ~~If the period of the trainee appointment equals or exceeds nine months, the employee must be given permanent status or be separated at the completion of the trainee period.~~

If an employee with permanent status in another county position accepts an appointment as a “career state employee”, the employee’s permanent status will be waived until the completion of the twenty-four (24) months probationary period. Transfers between employees in competitive service agencies will not constitute a break in service and will therefore not require an additional probationary period.

- (b) Should have his/her probationary period extended (not to exceed nine 9 months). This extension does not apply to “career state employees” who are required to complete a twenty-four (24) month probationary period;

Section 12. Transfer

This section to be amended by adding the following as the 3rd paragraph.

Career state employees will not retain permanent employment status until the satisfactory completion of twenty-four (24) months of service. Anyone transferring to a competitive service agency from another county department will be required to complete an additional twenty-four (24) months of satisfactory service before receiving permanent employment status.

Article VI. Leave of Absence

Section 17. Sick Leave - Transfer from other Agencies/Entities

This section to be amended by adding the following as sentence two at the end of subsection (b).

- (b) The total number of hours accepted as transferred will be added to the record after completion of the probationary period. “Career state employees” may receive transferred hours after the satisfactory completion of six (6) months of service.

Article IX. Employee Benefits

Section 9. Benefits/Other – Flexible

This section to be amended by removing “FlexPlan—provided by” from item (e).

- (e) Cafeteria Plan - Section 125 of the Internal Revenue Code provides employees with the opportunity to use pre-tax dollars to spend on dependent insurance premiums, deductibles*, uncovered health expenses* and medical expenses*.

*(HSA) – Health Savings Account Participants only.

Appendix I. Voluntary Shared Leave

IV. Eligibility Guidelines of the Recipient

This section to be amended by adding the following sentence as item #2.

1. The employee must be of permanent appointment status, satisfactorily completing the probationary period of employment and must have most recently received a satisfactory rating in his/her annual performance evaluation. In addition, participation in this program shall also be based on the employee’s past compliance with leave rules. The employee’s department head may be asked to provide information to the Human Resources Department to aid in determining eligibility.

2. Career state employees may participate in shared leave after the satisfactory completion of six (6) months of service. Other requirements to participate as described in this leave policy also apply.

Appendix K. Bloodborne Pathogens Compliance Program

This policy has been updated to comply with state standards. Please replace entire policy.

RE-APPOINTMENT OF COUNTY TAX ASSESSOR AND ASSISTANT TAX ASSESSOR

ACTION: Johnny Hutchins 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 Mayes 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 January 15, 2012. (Reference Minutes of January 11, 2002 for record of initial appointment.)

CLEVELAND COUNTY PLANNING BOARD

ACTION: Eddie Holbrook made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *appoint Mike Putnum* represent **Township 1** on this board, for a term of three-years, scheduled to conclude December 31, 2010.

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *appoint Paul Ditz* represent **Township 2** on this board, for a term of three-years, scheduled to conclude December 31, 2010.

ACTION: Johnny Hutchins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to *appoint Jeff Ward* represent **Township 4** on this board, for a term of three-years, scheduled to conclude December 31, 2010.

ACTION: Jo Boggs made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *appoint David Crow* represent **Township 7** on this board, for a term of three-years, scheduled to conclude December 31, 2010.

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *appoint Thomas Covington* represent **Township 8** on this board, for a term of three-years, scheduled to conclude December 31, 2010.

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to *appoint Willie McIntosh* represent **Township 9** on this board, for a term of three-years, scheduled to conclude December 31, 2010.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to *appoint Raymond Walker* represent **Township 11** on this board, for a term of three-years, scheduled to conclude December 31, 2010.

CLEVELAND COUNTY ZONING BOARD OF ADJUSTMENT

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to *re-appoint Ernie Baldwin and Leon Leonhardt to this board and to appoint Joseph Bieker and Bob Cabiness to become regular members of the Cleveland County Zoning Board of Adjustment*, for a term of three-years, scheduled to conclude December 31, 2010.

ACTION: Mary Accor made the motion to appoint Jeff Ward and Meloni McGraw Wray as alternate members of the Cleveland County Zoning Board of Adjustment but then withdrew her motion due to the fact that Jeff Ward had just been appointed to the Cleveland County Planning Board and Meloni McGraw Wray is a county employee.

Commissioner Hutchins recommended that Commissioners not appoint alternate members at this time due to the lack of qualified applicants.

CLEVELAND CHAMBER ATHENA AWARD RECIPIENT

Commissioner Hawkins was a member of the committee who chose the recipient for this years Cleveland Chamber Athena Award. He said that he was very impressed with the role that the women of Cleveland County play in our community and the fact that there were a lot of good applicants. This year, the recipient was “one of our own.” Cleveland County Health Director Denese Stallings was recognized with this very prestigious award.

NORTH CAROLINA WILDLIFE HUNTING SEASON

Commissioner Hawkins received a request from concerned citizens regarding the hunting season in Cleveland County. The North Carolina Wildlife Commission has proposed that the hunting season in Cleveland County be cut short by one week to be consistent with the other counties in North Carolina. Commissioner Hawkins was asked to make fellow Commissioners aware that the group was meeting in Morganton to fight this proposal. Commissioner Hawkins suggested that a discussion about this subject be added to the Commission Work Session.

COMMISSIONER REPORTS

Commissioner Hawkins spoke with the Cleveland County Hotel Association. This is a newly organized group with this meeting being only their second. The purpose of this association is to work toward communicating with hotels through one central location.

Commissioner Hawkins also talked about the Cleveland County Sports Commission. This group sponsored a basketball tournament December 27-29. This event raised approximately \$2,000 for each of the four high schools. Most teams who participated thought it was the best tournament that they had been in.

Commissioner Hutchins told Commissioners that Dr. John Young has been appointed as the Chairman of the Cleveland County 20/20 Economic Development Partnership Board.

Commissioner Accor attended the Renaissance Club presentation at Kings Mountain High School where Ron Feemster (former student) donated \$10,000 to the school and gave several other awards to students as part of their success. Commissioner Accor also received a plaque from Kings Mountain High School for her community service.

Commissioner Holbrook said that the renovations to Keeter Stadium (Shelby High School) are underway in preparation for the 2008 American Legion World Series.

Chairwoman Boggs and Commissioner Accor attended the NCACC Leadership Academy in Charlotte.

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Jo Boggs recessed to reconvene for a work session of the Commission on *Tuesday, January 22, 2008, at 3:00 p.m.* in this Commission Chamber.

*Rebecca Jo Powell Boggs, Chairwoman
Cleveland County Board of Commissioners*

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*