

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**January 18, 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, Chairwoman  
Ronnie Hawkins, Vice-Chairman  
Mary Accor, Commissioner  
Eddie Holbrook, Commissioner  
Jason Falls, Commissioner  
David C. Dear, County Manager  
Bob Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Chris Green, Tax Administrator  
Dorothea Wyant, Health Director  
Alexis Pearson, Human Resources Director  
Olivia Neeley, *The Star*  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairman Johnny Hutchins called the meeting to order. Andrew Hopper led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Reverend Dante Murphy provided the invocation for the meeting.

**AGENDA ADOPTION**

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

**CITIZEN RECOGNITION**

***Wayne Witherspoon*** of Griffin Road in Mooresboro spoke in support of the proposed Gun Range.

***Don Allen*** feels as though this would be a wonderful asset for Cleveland County. This would be an economic boost to the county as well as a place for recreation. "This is a great idea, please look favorably and seriously on this."

***Keith Wherry*** of 196 Northshore Drive highly supports the proposed gun range. He asked Commissioners to consider constructing the range as long as possible (300, 350 or 400 yards). "There are no long ranges anywhere in this area", he said.

***Tim Wright*** owner of American Tactical. Thanked Cleveland County for looking into the proposed Gun range and expressed his support of the project.

***Greswold Gwynette*** of 157 Oak Point Drive spoke in favor of the proposed gun range. "Chairman Hutchins has done a great job in planning this. We need something of this nature to improve the skills of our law enforcement and our citizens. This range could be made available to our off-duty police

officers.” Mr. Gwynette did voice his concern over the noise that may come from this proposed project but stated he felt as though Chairman Hutchins was looking into that.

**Ron Newcomb** of 106 Seminole Court also spoke in favor of the project. “Law enforcement officers travel as far away as two states to practice shooting and compete in competitions.” He felt people would come from out of the county and out of the state to use this facility.

**Leon Leonhardt** of 3730 Fallston/Waco Road commended Commissioners for looking at the gun range issue. “The right to bear arms is part of our constitutional rights. We need to ensure the responsible use of firearms. Any range should be protected by area buffering and bonding.” He suggested that Commissioners take a comprehensive look at this to make sure that it is done right.

**CONSENT AGENDA**

**TAX COLLECTOR’S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during **December 2010** (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 **December 2010**. The monthly grand total of tax abatements was listed as (\$5,637.04); and, the monthly grand total for tax supplements was listed as \$27,317.50.

**DSS: BUDGET AMENDMENT (BNA #042)**

**ACTION:** Jason Falls 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>
011.519.4.310.00/93568-P372	Public Asst./Fed Gov Grants	\$28,806.	
011.519.5.512.05	Public Asst./Crisis	28,806.	

**Explanation of Revisions:** Budget amendment necessary to accept additional federal Crisis funds for FY 2010/2011. The current allocation is more than State Estimates for Crisis Funding for FY 2010-2011. The additional monies are the result of the increased need for services.

**LIBRARY: BUDGET AMENDMENT (BNA #043)**

**ACTION:** Jason Falls 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>
010.611.4.350.00/06600-P611	Library/State Grants	\$ 5,080.	
010.611.4.210.00/06600-P611	Library/Dept. Supply	5,080.	

**Explanation of Revisions:** To align grant funds from NC Department of Cultural Resources. Original budget was estimated to be \$148,043 but actual funding during FY 2010/2011 will be \$153,123.

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #044)**

**ACTION:** Jason Falls 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>
010.438.4.310.00/16738-P438	Law Enforce Grants/Federal Grants	\$3,300.	
010.438.5.210.00/16738-P438	Law Enforce Grants/Dept. Supply	3,300.	

Explanation of Revisions: Request approval to budget 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) that Cleveland County Sheriff's office is sharing with the Shelby Police Department. Grant number is 2010-DJ-BX-1491. The entire amount of the funding will be used to purchase ammunition for the department.

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

The Cleveland County Sheriff's Department would like to present retired Sheriff Raymond Hamrick, after 34 years of law enforcement service, his departmental service revolver. Sheriff Hamrick served with Sheriff McKinney, Sheriff Crawford and served eight years as Sheriff of Cleveland County. As a token of appreciation for his service to Cleveland County Sheriff's Office, we are requesting that his service revolver be removed from county inventory and issued to him.

**ACTION:** Jason Falls made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to award his service revolver (Glock, Model 30, .45 caliber, serial number DGE-900) to retired Sheriff Raymond Hamrick after thirty-four years of service with the Cleveland County Sheriff's Office.*

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

The Cleveland County Sheriff's Department would like to present retired Captain William B. Hardin, after nine years of full-time law enforcement service and 28 years as a Special Deputy Sheriff, his departmental service weapon. Captain Hardin will be retiring effective 2/1/11. As a token of appreciation for his service to the Cleveland County Sheriff's Office and the citizens of Cleveland County, we are requesting that his service weapon be removed from county inventory and issued to him.

**ACTION:** Jason Falls made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to award his service revolver (Glock, Model 21, .45 caliber, serial number FLU-929) to William B. Hardin after his years of service with the Cleveland County Sheriff's Office.*

**PUBLIC HEARINGS**

**PARTF GRANT APPLICATION- UPPER CLEVELAND SPORTS COMPLEX**

Ellen McKinnon of McGill & Associates was hired by the Upper Cleveland County Sports Commission to write a grant requesting funding for a sports complex from the North Carolina Parks and Recreation Trust Fund (PARTF). Ms. McKinnon presented a site plan for the proposed sports complex. The purpose of this project is to provide services for those who may not have had service otherwise.

Ms. McKinnon explained the first phase of the complex will include two baseball fields, one soccer field, a playground, picnic shelter and walking track. The Phase I budget totals approximately \$1 Million. The grant request is for \$500,000 which is the maximum grant award under the PARTF grant program. A \$500,000 match will be required should the grant be awarded. These matching funds will

be raised locally.

Chairman Hutchins opened the public hearing (*notice of this hearing was accomplished in accordance with the General Statutes in The Shelby Star on January 7, 2011*).

Leon Leonhardt strongly supports the efforts to build this complex. Mr. Leonhardt has the privilege of being a charter member of the Upper Cleveland Sports Commission Board of Directors. He supports the organization with his time, professional services and money. Mr. Leonhardt said, "We don't have any place for our kids to go after school now. This is very important for Upper Cleveland residents." He thanked Commissioners for their support and asked for their continued support.

Denese Stallings got involved in this process about 2 ½ years ago through the Cleveland County Sports Commission. The people of Upper Cleveland asked the Sports Commission to help try and find a place for the children of Upper Cleveland County to play baseball and soccer. Ms. Stallings and the late John Henry Moss drove all over Upper Cleveland looking for a suitable place. Once a location was found, the Upper Cleveland Sports Commission was formed. Their total mission is to build this sports complex. "With help from you (the Commissioners), we have the land. With local money, we have been able to develop the Master Plan. We need your support in applying for a grant and your political support in lobbying for this effort." Ms. Stalling said they will continue to work to raise the matching funds. She hopes to have them raised by June, 2011.

Willie McIntosh is 100 percent in favor of this project. "The children of Cleveland County need a place to play ball. The fields are overcrowded. We have the support of eight municipalities being involved in this project."

Rhonda Branch of 2941 Stagecoach Trail is 100 percent in favor of this sports complex. She is so thankful for the land that they received with the help of Commissioners. Ms. Branch was the president of the Upper Cleveland Baseball program for two years. They had so many children wanting to play that they would have to beg area churches to use their fields to get the season completed. As a parent of a baseball player who travels all over the region to play, Ms. Branch would like to spend that money here in Cleveland County.

All Upper Cleveland soccer players must travel to Boiling Springs or Kings Mountain to participate as Upper Cleveland does not have fields to host soccer games.

Mark Jolley also spoke in favor of the project. "It is a pleasure and an honor to be on the Sports Commission Board. Without your help, we would be so far behind." Mr. Jolley has coached and participated in baseball and softball for many years. He believes that a sports complex in Upper Cleveland will make Cleveland County a more "balanced" place. "This will effect everybody," he said.

Hearing no other comments, Chairman Hutchins closed the public hearing at 6:32 p.m.

Vice-Chair Hawkins thanked Mayor Jack Shytle and the Town of Polkville for allowing the Upper Cleveland Sports Commission to use land owned by the Town of Polkville for this project. “It is sad that we have inconvenienced these kids for many years. The county has always tried to give small grants to communities for the purpose of recreation but none to accomplish something like this. We ask Cleveland County to support the grant and ask the citizens of Upper Cleveland County to monetarily support this project with matching funds.”

County Manager David Dear explained the PARTF program only gives grants to government agencies. This is the reason Cleveland County must be the applicant.

Commissioner Accor noted that the board has always showed favor on this project. “We know that this is a much needed project. It takes a vision for anything to happen. By coming together, I think this could happen not for us but for the next generation. Children are our future.”

Commissioner Holbrook is wholeheartedly in support of this project. He congratulated the Upper Cleveland Sports Commission for the organization that they put together. He also congratulated them for choosing a top notch firm to put their grant application together. He encouraged citizens to contact anyone on the Parks & Recreation Trust Fund Board they may know and our local legislators for support.

As a former coach, Jason Falls knows the impact that sports has not only on the children, but the parents and the coaches too. “I think this is the right thing to do.”

Chairman Hutchins concluded, “Upper Cleveland has been neglected for a while. With this, we will have the opportunity to change that.”

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook and unanimously adopted by the board, *to adopt the Park Master Plan, the revision to the Comprehensive Recreation Plan and approve filing of the PARTF grant application for the Upper Cleveland Sports Complex (copies found on Page \_\_\_\_\_ of Minute Book \_\_\_\_\_).*

## **REGULAR AGENDA**

### **PROPOSED CLEVELAND COUNTY GUN RANGE GENERAL DISCUSSION**

Chairman Hutchins introduced Assistant County Manager Eddie Bailes to discuss the proposed Gun Range.

“Over the past several months, a committee of interested citizens has participated in discussions of a proposed public gun range. During this time, there have been many public comments from individuals about this project. Based on the interest that we have seen, a state of the art public gun range will draw gun enthusiasts from all over the region positively affecting the economy of our county. Drawings were created that would show some of the options which include a rifle and pistol range, skeet and trap

shooting, cowboy shooting area, and a training facility. While it would be a benefit to hunters and gun owners to have a place to sight in their rifles or shoot clay targets for sport, a training facility would be very beneficial to this community. Individuals of all ages could be taught the safe use and handling of firearms. This evening, the primary reason for this presentation is to update you on the project and request your permission to locate a piece of property within the buffer area of the county landfill to build a public gun range and training facility. We will continue to identify grants that could be used to construct the facility likely to be built in phases.”

Chairman Hutchins explained, engineering studies would need to be completed. It is the goal of the group to meet all criteria required for a gun-range and look at the impact of noise on the surrounding area and the environmental impact of this project. His team has visited several locations and has contacted the National Rifle Association (NRA) and the Cleveland County Sheriff’s office regarding this project. Chairman Hutchins said, “This is just a baseline but I know we have more homework to do.” He made note, the buffer area at the landfill would not be able to be used for anything else.

“In attending the gun shows, it is evident that the county has support from the county residents and the surrounding region”, said Commissioner Holbrook. Should this proposed gun range be constructed, Commissioner Holbrook would like to make sure that this is a first-class, state-of-the-art facility.

Vice-Chair Hawkins asked when the site is defined that it be expandable.

Health Services Director Sam Lockridge will present some information regarding a sound study to Commissioners at their work session on February 24, 2011. “It is imperative for those people opposing the gun range.”

Commissioners discussed funding and their quest to secure grants for this project. Commissioner Accor thanked the citizens for emailing their ideas and concerns. “Keep them coming”, she said. Commissioner Falls expressed his support for the project noting that it would bring Economic Development, recreation activities for citizens and a suitable training facility for officers. He also expressed his eagerness to hear more about funding for the project.

Former Commissioner Willie McIntosh echoed the sentiments of the Commissioners. “As an ex-Army sniper, the most important thing about firearms is safety.” He mentioned that the children of Cleveland County could benefit by possibly being part of NRA teams and the hunting companies would certainly benefit from this project.

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to give permission to staff to seek out a suitable site in the buffer area of the landfill to develop a proposed gun range. Once all information is obtained, another vote will need to be taken to move forward with the project.*

**MUNICIPAL SOLID WASTE LANDFILL CAP**

On December 9, 2010 bids were taken to cap the existing landfill. J.T. Russell and Sons, Inc. submitted the lowest responsive bid in the amount of \$2,735,591. They have a General Contractor's Unlimited Highway and Public Utilities License which allows them to complete this project. Three of their references were contacted and positive feedback was received. Health Director Dorothea Wyant recommended Commissioners award the bid to J.T. Russell and Sons, Inc. in the amount of \$2,735,591.

Chairman Hutchins asked about the progress on the Methane Gas Project. Health Services Director Sam Lockridge made note they were hoping to cap the landfill and install the methane gas wells in harmony. However, once the facility has been closed, the county has 180 days to cap it. Cleveland County has already received one extension. It will not be a problem to install the wells after the landfill has been capped.

**ACTION:** Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to award the Landfill Cap Project to J.T. Russell and Sons, Inc. in the amount of \$2,735,591.*

**2010 LATE APPLICATIONS FOR EXEMPTIONS AND EXCLUSIONS**

Chris Green, Tax Administrator presented Commissioners with a list of properties which represent those who have submitted applications after the June 1, 2010 deadline for the Religious/Charitable/Historic exemption, Elderly/Disabled/ Veteran/ exemption and the Present Use Value exemption. All applications received, however untimely, do meet the requirements for eligibility.

NAME	PARCEL	TYPE	ELIGIBLE
Cornelia S. Barnett	23049	ELD	YES
Nancy Phillips	22455	ELD	YES
Willie A. Wray	25127	ELD	YES
Lawrence C. Wren	71313	DV	YES
Valerie D. Short	26086	ELD	YES
Nellie R.Mitchell	24491	ELD	YES
Ralph Lee Mellon	58711/M47855	ELD	YES
Joe S. Murray	M13694/42444	DV	YES
Stanley Leonard	45372	DV	YES
Ann Ward	22428	ELD	YES
Roy D. Suggs	46628	DV	YES
Mary L. Beasley	23262	ELD	YES
Clarence H. Davis	25393	ELD	YES
Bernard Easler	M196	ELD	YES
Deborah A. Stone	42841	ELD	YES
Richard D. Weaver	21296	ELD	YES
Gladys B Robinson	27723	ELD	YES
Greene Family Trust	19551	ELD	YES
Rafael Narvaez	7006	ELD	YES
Sathel Richards	36273	ELD	YES
Eddie Sledge Jr	7874	DV	YES
Clara B. Lowe	51392	ELD	YES
Jimmy Wayne Stewart	15903	ELD	YES
Rebecca B Anthony	913	DV	YES
Karen Parrott Gibson	M50918	ELD	YES
Latha Robert Morgan	21748	DV	YES

Barbara Harris	1819	ELD	YES
Pauline Bickley	9677	ELD	YES
Michael Newton	3585	ELD	YES
Joan Davis	28699	ELD	YES
Larry Gene McCraw	29947	ELD	YES
Earsie Wood	8411	ELD	YES
Margaret L. Ghant	42525	ELD	YES
Steve Howell Hudson	51609	ELD	YES
Darrick Ross	48451	ELD	YES
Thelma M Hughes	23204	ELD	YES
Brenda Jenkins	11447	ELD	YES
Mary Adams Page	11619	PUV (AG)	YES
Evonik Clayton King Ministries, Inc.	(Personal Property) 2472	Pol./Recy. Rel	YES YES

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to approve and accept the late applications as presented by Tax Administrator Chris Green.*

### **COMMISSIONER REPORTS**

Several Commissioners attended an event at Malcolm Brown Auditorium in honor of Martin Luther King. Commissioner Hutchins welcomed those in attendance.

A Legislative breakfast was held at Cleveland Community College where state budget issues were discussed.

Vice-Chairman Hawkins thanked Jack Hunt for his years of service on the Cleveland County Board of Health.

### **ADJOURN**

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to adjourn.* The next regular meeting will be held on *Tuesday, February 1, 2011, at 6:00 p.m.* in this Commission Chamber.

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*Johnny Hutchins, Chairman  
Cleveland County Board of Commissioners*

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*Kerri Melton, Clerk  
Cleveland County Board of Commissioners*