

CLEVELAND COUNTY BOARD OF COMMISSIONERS

April 1, 2014

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.

Jason Falls, Chairman
Eddie Holbrook, Vice-Chairman
Susan Allen, Commissioner
Johnny Hutchins, Commissioner
Jeff Richardson, County Manager
Bob Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Chris Martin, Zoning Administrator
Allison Mauney, Human Resources Director
Karen Ellis, Social Services Director
Jessica Pickens, *The Shelby Star*
Other individual names on file in the Clerk's Office

ABSENT: Ronnie Hawkins, Commissioner

CALL TO ORDER

Chairman Jason Falls called the meeting to order. County Manager Jeff Richardson led the audience in the "Pledge of Allegiance" to the flag of the United States of America and provided the invocation for the meeting.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

Gloria Clark, 532 Forest Ridge Road- "The topic I am addressing tonight is the prospect of bringing a Casino to Cleveland County. My family moved to Shelby when I was a child and I have now been a resident here for nearly 20 years. As I entered my teens, I began to notice the lack of jobs in Shelby and the surrounding towns.

Three years ago, I helplessly watched as my youngest sister- a talented, intelligent, young woman, struggled to even get a fast-food job. She attended job fairs along with hundreds of other unemployed people and also applied at numerous stores. She finally got a job in Gaffney and now lives in SC where she has a good job and is doing very well. The local economy has gotten progressively worse since then.

Many have said that having a casino in this area would bring up to 4,000 new jobs. Is this the solution to the huge unemployment crisis? Would bringing a casino to Cleveland County revive this once humming town?

This past summer, I traveled to the West Coast as part of a touring singing group. I drove through 21 states and got to see some amazing sights (the Grand Canyon, Pikes Peak and the Red Wood Forest). I can still vividly recall driving through a particular state...beautiful rolling green hills. Suddenly, my eyes fell on something that seemed strangely out of place. Painted all over the side of old barns was huge graffiti. As we drove a little further, I saw groups of run down, pitiful houses and trash was strewn around them all. This was introduction to "the rez" as the people in that area referred to the reservation. Throughout the summer, I was able to visit several other Reservations all with casinos and my heart grieved to see the devastating effects that gambling, drinking and drugs had on the lives of people. Children neglected, families destroyed and communities left in shambles. The crime rates are unbelievable in these areas. Gambling usually becomes an addiction.

Would some men and women do well, and yes even prosper should a casino come here? Absolutely. But the average Joe would go from week to week squandering what little he has to help pad another man's pocket. I ask you, Commissioners, is this the future you want for this County, for your children and grandchildren? For my future kids? Is building a casino in this county the answer to the great unemployment here? I say, no, it is not. I believe there is a better way to bring jobs to this area.

In closing, I would like to ask you to have a meeting in the near future where you can hear from the citizens of this county, in which they would have the opportunity to express their opinion and desire regarding this issue.

I have been and will continue to watch carefully how you all support or oppose the casino. Should a casino come to this earl, I could not say I am proud to claim this as my county. Thank you for kindly listening to me. I appreciate you giving me this chance to share my heart."

Cynthia Forcade, 1005 Serenity Wood, Bessemer City- "Thank you for your service and for allowing me the opportunity to speak to you tonight. I am going to talk with you briefly about the proposed casino.

What if you were wrong? What if the promised jobs don't materialize or they do, but cannibalize the existing job market? What if the tourists don't drive to Kings Mountain to eat, shop or spend the night?

Everyone talks about "JOBS". Will the casino create jobs for Cleveland County? Yes and no, but mostly no. The casino will certainly become the largest employer in Kings Mountain, which sounds good on the surface. The negative effect of these jobs is severe and must be considered in the context of the regional economy. The casino jobs cost the economy by way of taxable businesses losing jobs to the tax exempt casino."

Ms. Forcade cited several facts about the effect of casinos on an area.

“Local businesses would lose employees and customers to the casino. Because casino resorts are self-enclosed worlds, local businesses seldom see increased foot traffic, and local restaurants struggle to compete with the low cost casino food. “

“You are taught not to manage to the exception, and as a business person, I agree with that. So you must think, here they come, the 5%. Well the reason we care is because the casino stands to impact 100% of the Kings Mountain community. Think out 5 years from when the casino opens because that is about how long it will take for the casino to steal all available resources from a community. The statistics regarding the negative impact of a casino on the host community are not good. Do you really think that Kings Mountain will be the ONE town to beat the odds.”

Adam Forcade, 1005 Serenity Wood, Bessemer City- “I once again thank you for the opportunity to speak in this forum as well as for your service and sacrifice. With your reluctance so far to discuss a presentation of information regarding the impact of a casino, I feel compelled to appear before you again to present a few factual findings in hopes of convincing you to step up and examine the whole picture. I offer you a few observations from Ledyard Connecticut, a town very much like Kings Mountain in both population and social-economic makeup.

Ledyard is home to the Pequot tribes Foxwoods Casino. The gambling compact that was negotiated between the tribe and the state allowed for a disbursement of 25% of slot machine revenues to a state “Pequot Fund”. The state, of course, then distributes this to all communities in the state using their own unique formulas. During the year of the study I am citing, Ledyard received \$689,000 from this fund. That sounds like a great economic boom doesn’t it? In fact, that sounds so good that any leader should want one in their town right?

I ask that you follow along as I do something unconventional and pick up the gold coin and see what lies beneath. During that same year, the Town of Ledyard incurred \$2.25 million of costs that were quantifiable to the presence of the casino in the town. Two of the larger ticket items were crime at \$336,000 and public safety and traffic at \$260,000. I stress that these are quantifiable expenditures that would not have occurred if the casino was not in Ledyard.

We are already on the wrong side of the economic equation here but , I have unfortunately not told you the bad news yet. You may not be aware of this but, if a Federally recognized Tribe owns land in a town, they can attempt to have the land annexed into the tribal reservation designation. That same year, Ledyard spent \$370,000 in legal fees fighting off attempts by the tribe to annex profitable business areas of Ledyard. They were not successful in warding off all of these attempts and therefore lost that sales and property tax revenue, as well as sovereignty over some of what was once Ledyard.

It does not take a financial expert to quickly see that in this case the town that thought they were receiving an economic boom for the year, actually paid out \$1.5 Million for the privilege of destroying their quality of life, as well as creating immeasurable harm to the community at large. Does a casino still sound like such a good deal that you as an elected body are unwilling to look at the rest of the story? I will be available after regular business ends and will leave my contact information with the Clerk.”

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of **March 11, 2014**, motion was made by Eddie Holbrook, seconded by Susan Allen, and unanimously adopted by the Board, **to approve the minutes as written.**

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

ACTION: Eddie Holbrook made the motion, seconded by Susan Allen, 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>
010.444.4.357.02	Sheriff’s Office/ST Grant/Inmate SSA	\$ 5,000.	
010.444.5.581.00	Sheriff’s Office/Awards Appreciation	5,000.	

Explanation of Revisions: Request to budget SSA funds received for the annual Jail Ministry Volunteers Appreciation Banquet expenses and to cover the purchase of books for second grade elementary students for a joint program with the Sheriff’s Office and the schools served.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #043)

ACTION: Eddie Holbrook made the motion, seconded by Susan Allen, 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>
011.519.4.310.00/93568-P372	Public Asst./Fed Govt Grants	\$ 5,026.	
011.519.5.512.05	Public Asst./Crisis	5,026.	

Explanation of Revisions: Budget Amendment necessary to accept additional crisis funds for FY 2013/2013. The additional monies are the result of the increased need for services.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #044)

ACTION: Eddie Holbrook made the motion, seconded by Susan Allen, 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>
011.504.4.310.00/93556-P96	Title XX/Fed Govt Grants	\$ 15,259.	
011.504.5.490.00	Title XX/Professional Services	15,259.	

Explanation of Revisions: Budget Amendment necessary to accept additional Federal funds to help provide additional relative custody FY 2013/2014.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #045)

ACTION: Eddie Holbrook made the motion, seconded by Susan Allen, 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>
011.504.4.310.00/93667-P036	Title XX/Fed Govt Grants	\$ 2,821.	

011.504.4.350.00/93667-P036	Title XX/State Govt Grants	3,236.
011.504.4.980.10	Title XX/Transfers from FD 10	812.
011.504.5.420.00	Contracted Services/Adult Daycare	6,869.

Explanation of Revisions: Budget amendment necessary to accept additional funds for Adult Day for FY 2013/2014. The ADC Funding Authorization for Federal and State was \$6,057 and the County match was \$812 more than the estimates used in the budget. The allocation for the year is \$27,494 plus \$1,447 county offset giving a total of \$28,941. The new breakdown is \$12,586 Federal funds, \$11,471 state funds; \$3,437 county match and \$1,447 county offset.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #046)

ACTION: Eddie Holbrook made the motion, seconded by Susan Allen, 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>
011.508.4.310.00/93568-P372	Income Maintenance/Fed Gov Grants	\$ 4,376.	
011.508.5.406.00	Income Maintenance/LIEAP	4,376.	

Explanation of Revisions: Budget amendment necessary to accept additional federal LIEAP admin funds for FY 2013/2014. The additional monies are the result of the increased need for services.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #047)

ACTION: Eddie Holbrook made the motion, seconded by Susan Allen, 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>
011.519.4.310.00/93568-P372	Public Asst./Fed Gov Grants	\$21,929.	
011.519.5.512.05	Public Asst./Crisis	21,929.	

Explanation of Revisions: Budget amendment necessary to accept additional federal crisis funds for FY 2013/2014. The additional monies are the result of the increased need for services.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #048)

ACTION: Eddie Holbrook made the motion, seconded by Susan Allen, 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>
012.546.4.350.00/ORHCC-CCNC	Carolina Access/State Govt Grants	\$57,129.	
012.546.5.121.00	Carolina Access/Salaries/Wages-Reg	6,491.	
012.546.5.131.00	Carolina Access/Social Security Taxes	402.	
012.546.5.132.00	Carolina Access/Retirement	459.	
012.546.5.133.00	Carolina Access/Hospital Insurance	879.	
012.546.5.134.00	Carolina Access/Dental Insurance	26.	
012.546.5.135.00	Carolina Access/Employer 401K	325.	
012.546.5.136.00	Carolina Access/Medicare Taxes	94.	
012.546.5.310.00/ORHCC-CCNC	Carolina Access/Travel/Training	1,000.	
012.546.5.461.00/ORHCC-CCNC	Carolina Access/License/Permits/Cert	4,900.	
012.546.5.490.00/ORHCC-CCNC	Carolina Access/Professional Serv.	8,100.	
012.546.5.581.00/ORHCC-CCNC	Carolina Access/Awards/Appreciation	600.	
012.546.5.891.00/ORHCC-CCNC	Carolina Access/Emerg & Conting	33,853.	

Explanation of Revisions: To budget Health Net funds received from the Office of Rural Health & Community Care to sustain the community-based indigent care program. To strengthen health care delivery systems in rural and underserved communities, enhance quality and coordination of care and help contain healthcare expenditures.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #049)

ACTION: Eddie Holbrook made the motion, seconded by Susan Allen, 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>
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012.546.4.310.00/93767-1551 Carolina Access/Fed Govt Grants \$ 5,767.
 012.546.5.122.00 Carolina Access/Salaries-PT 5,767.
Explanation of Revisions: Budget CHIRPRA funds for part-time salaries to support project objectives.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #050)

ACTION: Eddie Holbrook made the motion, seconded by Susan Allen, 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>
012.539.4.800.00/93994-5151	Family Planning/Fed Govt Grants	\$11,631.	
012.539.5.210.00	Family Planning/Dept. Supplies	3,877.	
012.539.5.230.00	Family Planning/Prescription Drugs	3,877.	
012.539.5.513.00	Family Planning/Hosp & Dr. Fees	3,877.	
012.539.4.800.00	Family Planning/Misc. Revenues	338.	
012.539.5.310.00	Family Planning/Travel/Training	338.	

Explanation of Revisions: Budget family planning TANF Out-of-Wedlock funds for departmental supplies, prescription drugs and doctor fees. Budget revenue to be received for student preceptorship to enhance staff training.

MANAGERS OFFICE: CORPORATE AUTHORIZING RESOLUTION

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

CORPORATE AUTHORIZATION RESOLUTION

Bank of the Ozarks
 Shelby-Main
 106 S Lafayette St
 Shelby, NC 28150

By: Cleveland County
PO Box 1210
Shelby, NC 28151

Referred to in this document as "Financial Institution"

Referred to in this document as "Corporation"

I, Kerri Melton, certify that I am Secretary (clerk) of the above named corporation organized under the laws of North Carolina, Federal Employer I.D. Number 56-6000288, engaged in business under the trade name of Cleveland County, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Directors of the Corporation duly and properly called and held on April 1, 2014 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature (if used)
A. <u>Jeff Richardson, County Manager</u>	X _____	X _____
B. <u>Sherrie Geer, Interim Finance Director</u>	X _____	X _____
C. _____	X _____	X _____
D. _____	X _____	X _____
E. _____	X _____	X _____
F. _____	X _____	X _____

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
<u>A, B</u>	(1) Exercise all of the powers listed in this resolution.	<u>2</u>
_____	(2) Open any deposit or share account(s) in the name of the Corporation.	_____
_____	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	_____
_____	(4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences of indebtedness.	_____
_____	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	_____
_____	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	_____
_____	(7) Other _____	_____

LIMITATIONS ON POWERS The following are the Corporation's express limitations on the powers granted under this resolution.

RESOLUTIONS

The Corporation named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.
(2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution.
(3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation.
(4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
(5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation.
(6) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution.
(7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution.

Pennsylvania. The designation of an Agent does not create a power of attorney; therefore, Agents are not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code) unless the agency was created by a separate power of attorney.

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated April 1, 2014. If not completed, all resolutions remain in effect.

CERTIFICATION OF AUTHORITY

I further certify that the Board of Directors of the Corporation has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same.

If checked, the Corporation is a non-profit corporation. In Witness Whereof, I have subscribed my name to this document and affixed the seal of the Corporation on (date). Attest by One Other Officer Secretary

FOR FINANCIAL INSTITUTION USE ONLY

Acknowledged and received on (date) by (initials) This resolution is superseded by resolution dated .

Comments:

SPECIAL RECOGNITION

PROCLAMATION RECOGNIZING CHILD ABUSE PREVENTION MONTH

DSS Director Karen Ellis thanked Commissioners for recognizing Child Abuse Prevention Month. There are currently 215 children in DSS custody due to abuse and neglect. Karen introduced Dawn Stover with the Guardian Ad Litem program. Ms. Stover encouraged citizens to participate in the program.

Commissioners presented Ms. Ellis and staff with the following proclamation:

Number 01-2014

CLEVELAND COUNTY COMMISSIONERS CHILD ABUSE PREVENTION MONTH

WHEREAS, children are vital to our state's future success, prosperity, and quality of life as well as being our most vulnerable assets;

WHEREAS, all children deserve to have safe, stable, nurturing, and healthy homes and communities that foster their well-being;

WHEREAS, child abuse and neglect is a public responsibility affecting both the current and future quality of life of a state;

WHEREAS, parents need support and resources to cope with stress and nurture their children to grow to their full potential;

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

Therefore, we, the Cleveland County Board of Commissioners, do hereby proclaim **APRIL** as **CHILD ABUSE PREVENTION MONTH** and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

ADOPTED THIS THE 1st DAY OF APRIL, 2014.

PLANNING DEPARTMENT- CODE TEXT AMENDMENT- SECTION 12-124 TABLE OF PERMITTED USES- OTHER AMUSEMENT & RECREATION NAICS 71399

Chris Martin, Zoning Administrator presented a recommendation from the Cleveland County Planning Department requesting a text amendment to amend the Sections 12-21, 12-124, and 12-159 of the Cleveland County Code. These amendments will create development standards for telecommunications towers (*Copy of recommended text amendment found on Page ____ of Minute Book ____*).

Telecommunication towers are currently permitted only in commercial and industrial zoning districts. The current demand is for towers in rural areas to provide more uniform coverage across the county. New towers in residential areas require Conditional District rezoning. This text amendment will permit towers in residential areas with a conditional use permit from the Board of Adjustment. The Planning Department recommended adding definitions and development standards recommended by the League of Municipalities and HB 664. In accordance with NCGS 153A-343, legal ads were published in the newspaper on March 7, 2014 and March 14, 2014.

Also included in the recommendation is language that would require a third-party review for new towers within three miles of an existing tower or those that would require a substantial modification that are also within three miles of an existing tower. By statute, Cleveland County can only charge the applicant \$1,000 for the review fee of a substantial modification of an existing tower. Per our research, the cost could be between \$1,000 and \$2,500. Commissioners could consider only requiring the review process for construction of new towers. The County Building Inspections Department does not require a building permit for any modifications to existing towers.

The only fiscal impact would be on substantial modification reviews: Since by statute, Cleveland County can only charge the applicant \$1,000 for the review fee of a substantial modification of an existing tower the county would be responsible for costs if over \$1,000.

Chairman Falls opened the public hearing and asked anyone speaking for or against the proposed zoning map amendment to come forward

Hearing no comments, Chairman Falls closed the public hearing.

Commissioner Hutchins was concerned with regulating towers. “Why regulate the number of towers if we are not going to regulate things such as Dollar General.”

ACTION: Johnny Hutchins made a motion, which failed due to lack of a second, *to deny any change to the ordinance.*

Planning Director Bill McCarter reminded Commissioners that approving the text amendment without the review process is an option.

Commissioner Hutchins mentioned his concern with passing the decision to the Board of Adjustment and allowing them to add conditions.

ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to deny approval of the code text amendment.*

COMMISSIONERS REPORTS

Commissioner Allen thanked the Department of Social Services for the work they do and for Karen Ellis’s leadership.

Commissioner Hutchins attended the MPO meeting. They discussed three regional projects:

1. Highway 74 Bypass
2. Widening of 85 from Belmont to Highway 74
3. Garden Parkway

Commissioner Hutchins explained all information regarding the MPO can be found on the internet. The public shooting range project is still underway. Very little tax dollars will be spent on this project.

Chairman Falls noted a retail task force has been created. The first meeting will be held the week after the meeting. He also encouraged those interested in serving on boards and committees to get in touch with the Clerk.

ADJOURN

There being no further business to come before the Board at this time, Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, *to adjourn.* The next regular meeting will be held on April 15, 2014 at 6:00pm in the Commissioners Chamber.

*Jason Falls, Chairman
Cleveland County Board of Commissioners*

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