

CLEVELAND COUNTY BOARD OF COMMISSIONERS

June 15, 2010

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
Johnny Hutchins, Vice-Chairman
Eddie Holbrook, Commissioner
Mary S. Accor, Commissioner
Ronald J. Hawkins, Commissioner
Johnny Hutchins, Commissioner
David C. Dear, County Manager
Robert Yelton, County Attorney
Kerri Melton, County Clerk
April Crotts, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Green, Tax Administrator
Chris Crepps, Finance Director
Alexis Pearson, Human Resources Director
David Allen, *The Star*
Danielle Anzelone, *Cleveland Headline News*
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Boggs called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Commissioner Ronnie Hawkins provided the invocation for the meeting.

AGENDA ADOPTION

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

CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *May 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 *May 2010*. The monthly grand total of tax abatements was listed as (\$7,038.95); and, the monthly grand total for tax supplements was listed as \$61,650.67.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #095)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
012.543.4.350.00/03700-0PAY	Grants/State Gov't Grants	\$ 1,200.	
012.543.5.310.00/03700-0PAY	Grants/Travel/Training	1,200.	

Explanation of Revisions: Budget amendment to add \$1,200 in JCPC funds for Parent & Youth Skills travel/training.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #096)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, 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>
012.548.4.540.00	CODAP/Contracted Revenue	\$3,423.	
012.548.5.311.00	CODAP/Education Exp.		3,423.

Explanation of Revisions: Budget Substance Abuse Prevention Program from Communities in Schools for education exp.

PLANNING DEPARTMENT: ZONING MAP AMENDMENT – (Case 10-17)(approximately 2.5 acres along Sulpher Springs Road) (Schedule a public hearing for July 13, 2010)

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board to *approve scheduling the public hearing as requested.*

REGULAR AGENDA

FOREST RANGER REPORT

Travis Shidal, Cleveland County Forest Ranger, presented Commissioners with a short video showing the different programs in which Mr. Shidal participates in. He then presented Commissioners with a report of activities covering FY 2009-2010 (*copy found on Page _____ of Minute Book _____*).

PERSONNEL ORDINANCE REVISIONS

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

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board to *approve the following Personnel Ordinance Revisions:*

Article VI. Leave of Absence

Section 12. Sick Leave

This section is to be amended by adding the following highlighted areas and defining immediate family member. Immediate family member is defined the same as under the Family Medical Leave Act for item (b) and (d) only.

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Board of Commissioners. An employee may be granted sick leave if the absence is due to:

- (b) Medical/Dental appointments (**for spouse, child or parent of employee**)
- (d) Illness of a member of the employee's immediate family, (**spouse, child or parent of employee**) or exposure to a contagious disease when continuous work might jeopardize the health of others.

Bereavement

- (e) Death in the employee's immediate family, not to exceed three (3) days, for any one occurrence. Additional leave time, (i.e. vacation, holiday or comp time) under exceptional circumstances, may be authorized by the Department Head. Immediate family **for bereavement purposes** is defined as wife, husband, mother, father, brother, sister, children, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Article VI. Leave of Absence

Section 19 A. Leave Entitlements

Insert this new page after Section 19. Family and Medical Leave Act of 1993 Overview.

Military Family Medical Leave Entitlements

Amendments to the FMLA by the National Defense Authorization Act (NDAA), January, 2008 expanded the FMLA to include new sections regarding special FMLA coverage for eligible families of U.S. military service members.

- e) Qualifying Exigency Leave – An eligible employee is entitled to up to 12 weeks of leave for any qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty or has been notified of an impending deployment to a foreign country.
- f) Covered Service Member Leave – An eligible employee who is the spouse, son, daughter, parent or next of kin (closest blood relative of a covered service member who is recovering from a serious illness or injury sustained in the line of active duty is entitled to up to 26 weeks of leave to care for the service member.

(For additional information regarding military leave entitlements contact Human Resources.)

Article IV. Recruitment and Employment

Section 9. Probationary Period of Employment

This section to be amended by removing twenty four (24) months and adding **nine (9) months**. All other highlighted areas are to be added in full or **deleted** as indicated.

An employee appointed to a permanent position shall serve a probationary period of six (6) to **twenty-four (24) months** **nine (9) 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. Any employee serving a probationary period following initial appoint may be dismissed at any time during the probationary period if found to be performing assigned duties unsatisfactorily and will not have coverage under Article III, Grievance Procedures. The employee must be given notice of dismissal, including reasons. A permanent employee serving a probationary period following a promotion shall be demoted as provided in Section 11 of this Article if unable to perform assigned duties of the new job satisfactorily. **Career state employees must serve a probationary period of not less than three months (3), nor more than nine months (9) as established by the director of the county SPA agency.**

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. Permanent appointments do not confer career status.**

See Career Status Definitions (Addendum).

- (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.**

For additional information regarding state career status contact Human Resources.

Article III. Pay Plan

Section 3. Administration of the Pay Plan

This section to be amended by removing half and changing to **full** step and adding **ending at step 3**.

- (b) Progression to the Standard Job Rate. Upon completion of one (1) year of satisfactory service, the employee will be elevated to the next ~~half~~ **full** step of the pay plan **ending at step 3**. Thereafter, each year upon completion of satisfactory service, the employee will be elevated to the next half-step until he/she reaches the Standard Job Rate (Step 4) of the assigned salary range.
- (c) Failure to Perform Satisfactorily. An employee failing to perform satisfactorily, whether during the probationary period or advancement from one salary level or half-step to the next salary level, will be denied his/her scheduled salary increase. Appropriate disciplinary action will be taken by the Department Head in accordance with Article VII of this Ordinance. Employees who have advanced to the Standard Job Rate (Step 4) will be required to perform at a level no less than satisfactory or will be subject to disciplinary action.

Bloodborne Pathogen Exposure Determination

Health Department

Add **Pharmacy Technician** to the list of positions under the Health Department category who are at a degree of risk of exposure to bloodborne pathogens.

Appendix L. Employee Assistance Program (EAP)

This section to be amended by removing and adding the following highlighted areas.

3. Critical Incident Referral

Critical incidents are those situations in which employees are subjected to trauma in the line of duty. Examples include, but are not limited to a worker involved in a serious injury or the accidental death of a coworker. In such situations, management shall notify the EAP staff immediately, ~~and give them the employee's names.~~ **who will in collaboration with management, develop an appropriate response.** It will become the responsibility of the EAP staff to contact, inform, and counsel those employees. The EAP staff will notify management of the contact and follow up verbally and in writing.

RESOLUTION: CHANGE IN REGULAR MEETING SCHEDULE

In recognition of Independence Day, Commissioners have found it necessary to cancel their regular meeting of July 6, 2010. Several Commissioners as well as the County Manager will be attending the NACo Annual Conference July 18-21st. Because of this, Commissioners find it necessary to also cancel their July 20, 2010 regular meeting. Commissioners find it appropriate to schedule a regular meeting for July 13, 2010 at 6:00 p.m. in the Commissioners Chambers. Per General Statute 153A-40, any change in meeting date must be approved by resolution.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, *to adopt the following resolution:*

NUMBER 13-2010

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

WHEREAS, the Cleveland County Board of Commissioners have decided that it is appropriate to cancel their regular meetings of **Tuesday, July 6, 2010 and Tuesday July 20, 2010** in recognition of Independence Day and so that Commissioners can attend the NACo Annual Conference and to schedule a regular meeting for **Tuesday, July 13, 2010 at 6:00 pm in the Commission Chamber at 311 East Marion Street in Shelby.**

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

ADOPTED THIS 15th DAY OF JUNE, 2010.

NACo ANNUAL CONFERENCE VOTING DELEGATE

The NACo Annual Conference will be held July 17-21, 2010.

ACTION: Ronnie Hawkins made the motion which was seconded by Eddie Holbrook, *to appoint Commissioner Mary Accor as the NACo Voting Delegate.*

As president of NCACC and a member of the NACo Board, Commissioner Accor did not feel it appropriate to serve as the voting delegate.

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins and unanimously adopted by the Board, *to appoint Ronnie Hawkins to serve as voting delegate at the 2010 Annual NACo conference and Mary Accor to serve as the alternate.*

BOARD APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to re-appoint Irene Camp as a member of the Adult Care Home Advisory committee to serve a three year term to conclude June 30, 2013 and to appoint Johnny White, Danita Chaplin, David Titus, Irvin Chadwick, Curtis Pressley and Meranda Hendrick as members of the Adult Care Home Advisory Committee to serve a one-year term to conclude on June 30, 2011.*

CLEVELAND COUNTY CHILD FATALITY PREVENTION & PROTECTION TEAM

Commissioners received a letter from Dr. Leslie Richardson requesting Cathy Robertson be appointed to the Cleveland County Child Fatality Prevention and Protection Team. Currently, there are two vacancies on the board.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and adopted by a majority vote *to appoint only Cathy Robertson to the Cleveland County Child Fatality Prevention & Protection Team.* (Votes were recorded as Commissioners Hutchins, Hawkins and Holbrook voting yes and Commissioner Accor and Chair Boggs voting no)

Commissioners discussed confusion with the word only in the motion regarding the appointment of Ms. Robertson. Chairwoman Boggs asked that a new motion be made to replace the previous one removing the word only from the motion.

ACTION: Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to appoint Cathy Robertson and Janice Morton to serve as members of this team.* This appointment is for a period of three-years, scheduled to conclude on June 30, 2013.

INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint Mitchell Chaplin and Meranda Hendrick to serve as members of this authority.* Each appointment is for a period of six-years, scheduled to conclude June 30, 2016.

CLEVELAND COUNTY MEMORIAL LIBRARY ADVISORY BOARD

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to re-appoint Ken Miller and appoint Connie Savell to serve as members of this board.* Each appointment is for a period of three-years, scheduled to conclude June 30, 2013.

NURSING HOME ADVISORY COMMITTEE

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to re-appoint John Allen and Irene Camp to serve as members of this Board.*

These appointments are for a period of three-years, scheduled to conclude on June 30, 2013.

CLEVELAND COUNTY CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

ACTION: Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to re-appoint Ali Paksoy- District Court Judge, Richard Shaffer- District Attorney and Stephanie Newcomb- Community Service Coordinator and to appoint Diane Stanley- Service Area Member and Derrick Haynes- At-large to serve as members of this board.* This reappointment is for a period of three-years, scheduled to conclude June 30, 2013.

RURAL FIRE COMMISSION

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to re-appoint William Davis, Thomas Glenn Hartis, Marvin Hutchinson, Chris Poole, Floyd Queen and Johnny Hutchins to serve as members of this board,* for a period of one-year, scheduled to conclude June 30, 2011 .

REGION C WORKFORCE DEVELOPMENT

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to appoint Mitchell Chaplin and to re-appoint David Pharr to serve as members of this board,* for a period of three-years, scheduled to conclude June 30, 2013.

JUVENILE CRIME PREVENTION COUNCIL

ACTION: Mary Accor made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the board, *to reappoint/appoint the following to serve on this council:*

*Bill McCullough- School Superintendent Designee
Maurice Jamerson- Sheriff Designee
Sara Brunner- Court Counselor
Andrew Hopper- DSS Director Designee
Sherrie Geer- County Manager Designee
Von McGee- Substance Abuse Professional
Mary Accor- Commissioner Representative
Olivia Brooks- Person Under 18
Joni Smith- Juvenile Defense Attorney
Dina Foster- District Court Judge
Jamey Davis- Member of the Business Community
Amanda Boutammy- Health Director Designee
Margie Christopher- Non-Profit Agency Representative
Phil Weathers- At-Large*

Each reappointment/appointment is for a period of two-years, scheduled to conclude on June 30, 2012.

ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION BOARD OF DIRECTORS

ACTION: Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to appoint Larry Dooley to serve as a member of this board.* This term is for a period of three-years, scheduled to conclude on June 30, 2013.

CLEVELAND COMMUNITY COLLEGE BOARD OF TRUSTEES

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to appoint Jim Gold to serve as a member of this board.* This term is for a period of four-years, scheduled to conclude June 30, 2014.

PATHWAYS

ACTION: Johnny Hutchins made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, *to re-appoint Carol Ledbetter and Kris Thompson to serve as members of this board.* This term is for a period of three-years, scheduled to conclude June 30, 2013.

CLEVELAND COUNTY ZONING BOARD OF ADJUSTMENT

ACTION: Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to appoint Jeff Ames to serve as an alternate member of this board.* There is no term expiration for this appointment.

NUMBER THREE VOLUNTEER FIRE DEPARTMENT

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to re-appoint Thomas Austell, Bobby Biggers and Neal Stroup to serve as members of this board.* Each re-appointment is for a period of three-years, scheduled to conclude June 30, 2013.

CITY OF SHELBY ZONING BOARD OF ADJUSTMENT

ACTION: Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to appoint Noel MacArthur to serve as a member of this board.* This term is scheduled to conclude June 30, 2012.

INVOLUNTARY ANNEXATION

At a meeting earlier this year, Commissioners asked that a resolution be adopted stating their views on involuntary annexation. County Clerk, Kerri Melton, prepared a draft resolution for review by Commissioners. Commissioners shared their comments. Commissioner Hawkins voiced his opinion stating that he believes services should be provided before an area can be annexed. He also believes that residents along newly constructed utility lines should not be required to tap on. Commissioner Hutchins believes that a vote shall be taken and a majority of those residents in the proposed annexation area be in

agreement with the annexation before the area can be annexed. He also stated that, residents should not be expected to pay for the cost of running utility lines in newly annexed areas.

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

NUMBER 14-2010

RESOLUTION SUPPORTING LEGISLATION MODERNIZING ANNEXATION LAWS

WHEREAS, Cleveland County fully supports NCACC's Intergovernmental Relations goal regarding modernization of annexation laws; and

WHEREAS, the North Carolina General Statutes allow municipalities to annex properties meeting statutory standards without involvement of the affected property owners or the affected County; and

WHEREAS, residents under consideration for involuntary annexation are not allowed to vote on this issue nor do they have representation on the governing body making the final decision; and

WHEREAS, residents affected by involuntary annexation have no appeal process short of pursuing legal action through the court system; and

WHEREAS, Cleveland County strongly supports residents right to vote whether or not their property will be annexed; and

WHEREAS, Cleveland County supports requiring a direct provision of municipal water and sewer services to newly annexed areas; and

NOW, THEREFORE, BE IT RESOLVED, THAT, the Cleveland County Board of Commissioners expresses strong opposition to the current state laws allowing involuntary annexation, supports the requirement of a majority vote of residents in the proposed annexation area, supports no taxation of annexation area until services are provided and fully supports NCACC's efforts to modernize these annexation laws.

ADOPTED THIS 15th DAY OF JUNE, 2010.

COMMISSIONER REPORTS

NCACC is currently in support of a Puppy Mill Bill. Commissioner Hawkins expressed his interest in this bill and his hope that NCACC will continue to support it. The bill has received criticism from Breeders. Margarite Mebane, Cleveland County Humane Society, has developed a food bank for animals. Due to the current economic conditions, pet owners are sometimes unable to feed their pets. This food bank will provide food for the animals of those in need.

Commissioner Accor shared the success of the second meeting of the Cleveland County Youth Council explaining that the children were willing to talk and developed the top ten issues for youth in Cleveland County.

Commissioners congratulated Commissioner Eddie Holbrook for receiving the Order of the Long Leaf Pine.

ADJOURN

There being no further business to come before the Board at this time, Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to adjourn the meeting.

The next regular meeting of the Commission is scheduled for **Tuesday, July 13, 2009 at 6:00 p.m.** in the

Commission Chamber. (*Note: The regular meeting of July 6th was cancelled in observance of Independence Day.*)

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

*Kerri Melton, Clerk
Cleveland County Board of Commissioners*