

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**November 17, 2009**

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  
Mary S. Accor, Commissioner  
Ronald J. Hawkins, Commissioner  
Eddie Holbrook, Commissioner  
David C. Dear, County Manager  
Robert Yelton, County Attorney  
Kerri Melton, County Clerk  
April Crotts, Deputy Clerk  
Eddie Bailes, Assistant County Manager  
Chris Crepps, Finance Director  
Denese Stallings, Health Director  
Debra Blanton, Elections Director  
Alexis Pearson, Human Resource Director  
Danielle Anzelone, Cleveland Headline News  
David Allen, The Star  
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. Commissioner Mary Accor provided the invocation for the meeting.

**AGENDA ADOPTION**

**ACTION:** Johnny Hutchins 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**

***Paul Lancaster*** spoke to Commissioners regarding setback restrictions on Poultry Farms. Mr. Lancaster listed several other states that have specific setbacks that range from 600 to 1,000 feet. He noted that he was not against poultry farms only the placement of these farms and the importance of setbacks. A poultry farm is currently under construction in his community. The building will be located 50 feet from the property line making it 100 feet from his house. Mr. Lancaster was concerned with the health risk of laying tons of chicken manure over a period of time. He was also concerned with the loss of property value.

County Attorney Bob Yelton explained that the Board sympathizes with Mr. Lancaster and other property owners who have had this similar problem. However, the state regulates restrictions for Poultry Farms and there is nothing that Commissioners do. He suggested that the property owners contact their local legislative delegation.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

**ACTION:** There being no other corrections, additions or deletions to the minutes of *October 28, 2009 Worksession*, motion was made by Mary Accor, seconded by Eddie Holbrook, 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 *October 2009* (copy found on Page \_\_\_\_\_ of Minute Book 31).

**TAX ABATEMENTS AND SUPPLEMENTS**

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *October 2009*. The monthly grand total of tax abatements was listed as (\$57,667.60) and the monthly grand total for tax supplements was listed as \$1,813,736.62.

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #030)**

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to ***approve the following budget amendments:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.416.5.971.00	Legal/C/O Foreclosure Prop	\$56,750.	
010.410.4.991.00	General/Fd Bal Appropriated	56,750.	

*Explanation of Revisions: To budget for the purchased of foreclosed properties (Parcel #'s: 8460, 8450, 44093, 13347, 71366, 7189) No upset bids were received on these properties.*

**HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #031)**

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, to ***approve the following budget amendments:***

<u>Account Number/Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.432.4.310.00/93044-IPDC	3 <sup>rd</sup> Party Pass/Federal Govt Grt	\$37,199.	
010.432.5.700.00/93044-IPDC	3 <sup>rd</sup> Party Pass/Grants	37,199.	

*Explanation of Revisions: Budget increase in Federal ARRA FDS pass through county to council on aging.*

**SPECIAL RECOGNITION**

**DARLENE HAMRICK – CLEVELAND COUNTY SCHOOLS TEACHER OF THE YEAR**

Commissioners presented Ms. Hamrick a first grade teacher at Boiling Springs Elementary School, with a certificate of appreciation for her years of dedicated service to the children of Cleveland County having served Cleveland County Schools as an educator for seven years and for having been named Cleveland County Schools Teacher of the Year.

**GLORIA SHERMAN – CLEVELAND COUNTY SCHOOLS PRINCIPAL OF THE YEAR**

Commissioners presented Ms. Sherman, Principal at Springmore Elementary School, with a certificate of appreciation for her 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. Ms. Sherman has worked for 29 years as an educator and has also been named as Teacher of the Year two times. Commissioner Accor read quotes about Ms. Sherman from several of the staff members at Springmore Elementary School.

**2009 GLAXOSMITHKLINE CHILD HEALTH RECOGNITION AWARD**

Commissioner Hawkins recognized Health Director Denese Stallings to discuss the Cleveland County Health Departments recent receipt of the 2009 GlaxoSmithKline Child Health Recognition Award. The Health Department received this award for its, "Making Vaccination a Family Affair" program. The purpose of this program is to take a proactive approach to address and bring more awareness for the need to have more children, families and pets vaccinated. Ms. Stallings introduced staff members: Dorothea Wyant, Kim Crane, Sam Lockridge and Sherry Yocum for their outstanding work on this program. Ms. Stallings noted that Jimmy Hines was also part of the team but was unavailable for the meeting. Commissioners presented the Cleveland County Health Department with a certificate of recognition as follows:

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

**PRESENTED TO**

**THE CLEVELAND COUNTY HEALTH DEPARTMENT**

**FOR RECEIVING THE 2009 GLAXOSMITHKLINE CHILD HEALTH RECOGNITION  
AWARD ~ FOR BEING INNOVATIVE IN ESTABLISHING THE "MAKING  
VACCINATION A FAMILY AFFAIR" PROGRAM ~ FOR TAKING A PROACTIVE  
APPROACH TO ADDRESSING AND BRINGING AWARENESS TO THE NEED TO  
HAVE MORE CHILDREN AND FAMILIES VACCINATED AND FOR PETS TO BE  
VACCINATED FOR RABIES ~FOR BEING COMMITTED TO DISEASE  
PROTECTION AND SAFETY OF CLEVELAND COUNTY CHILDREN AND THEIR  
FAMILIES ~ WE COMMEND YOU!**

***Presented this the 17<sup>th</sup> day of November 2009.***

**PUBLIC HEARINGS**

**INDUSTRIAL INCENTIVE GRANT- PROJECT CATALYST**

Kristin Fletcher, Assistant Vice-President of Economic Development, presented an incentive grant contract to Commissioners. The project being discussed, Project Catalyst, will be located on a 30 acre parcel of land located at the Cleveland County Industrial Park. Ms. Fletcher shared the details of the agreement some of which included:

- **Purchaser shall purchase the Property from Seller and pay the Seller the sum of Zero Dollars.**
- **Purchaser will construct and operate a 150,000 square foot, single-story building to be used as an industrial facility.**
- **Property must be usable within 120 days of Effective Date of Contract.**

- **In the event that Purchaser does not complete construction within 36 months of the Closing, the Purchaser shall pay the Seller \$20,000 per acre for the property.**

Chairwoman Boggs opened the public hearing at 6:37 p.m. (*public notice was accomplished in accordance with the mandates of NCGS 158-7.1, with an advertisement published in The Star on November 5, 2009.*)

**Michael Chrisawn, Cleveland Chamber President**, spoke of this project as being “one stop closer to bringing more jobs, capital investment and tax base to Cleveland County.” He thanked Commissioners for support of Economic Development Projects and for urging this company to be part of our community.

Chairwoman Boggs closed the public hearing at 6:40 p.m. and asked Commissioners for comments.

**ACTION:** Ronnie Hawkins made the motion, seconded by Eddie Holbrook, and unanimously adopted by the board, to ***approve the incentive contract for Project Catalyst (copy found on Page \_\_\_\_\_ of Minute Book 31).***

#### **ANIMAL CONTROL ORDINANCE AMENDMENT**

At their October 13, 2009 meeting, the Cleveland County Board of Health voted unanimously to recommend that the Cleveland County Board of Commissioners consider adoption of an amendment to the Cleveland County Animal Control Ordinance.

Health Director Denese Stallings recommended that the Code of Ordinances be amended to delete any reference to “five (5) days and substitute “72 hours”. She also recommended that a new section 3-21 be added to comply with the North Carolina General Statute 130A-192(a2) concerning viewing of animals.

Chairwoman Boggs opened the public hearing. (*Notice of this hearing was accomplished by legal advertisement in the Shelby Star on November 6, 2009*)

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

**ACTION:** Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, ***to approve the code text amendment as requested (Amended sections as follows).***

#### **Sec. 3-5. Animal shelter and disposition of impounded dogs or cats.**

The Board of Commissioners of the County has heretofore established and now maintains a county animal shelter. Such animal shelter is to be under the supervision and control of the county animal control officer, and shall be used for the purpose of impounding lost and stray dogs, cats and other animals for a period of not less than 72 hours. The county animal control officer shall make every effort to locate and give notice to owners of such dogs, cats or other animals of the impoundment of such dog or dogs, cat or cats, or other animals. The animal control officer will keep a permanent bound record of the date on which each dog, cat or other animal is impounded and at the end of the holding period of not less than 72 hours, if such dogs, cats or other animals remain unclaimed by their owners, such dogs or cats may be sold under the guidelines as established by the County Board of Health, or such

dogs, cats or other animals, may be destroyed or disposed of in a humane manner, as set forth in section 130A-192 of the General Statutes, under the direct supervision of the county animal control officer.

**Sec. 3-19. Procedure for redemption of impounded dogs or cats.**

A complete registry shall be maintained on the breed, color, sex and size of all dogs and cats impounded. If the ownership of the dog or cat impounded can be determined, the owner shall be notified within 72 hours after impoundment and the dog or cat returned to such owner upon payment of fees and expenses as may from time to time be set by the County Board of Health. All fees and expenses must be paid in full before any such dog or cat may be released to its owner. After notification to the owner of any dog or cat, impoundment of such dog or cat will not exceed 72 hours. If, after the expiration of said 72 hours, such dog or dogs, cat or cats, have not been redeemed, they may be sold or destroyed as provided in section 3-5 above.

**Sec. 3-21. Viewing of impounded animals.**

Any person who comes to the county animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject to rules providing for such viewing during at least four (4) hours a day, three (3) days a week. If the county animal control officer determines that certain animals must be kept apart from the general public for health reasons, public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter shall make reasonable arrangements that allow pet owners to determine whether their lost pets are among those animals.

**REGULAR AGENDA**

**PROPERTY ACQUISITION~ CLEVELAND COUNTY LANDFILL**

At their September 8, 2009 meeting, the Cleveland County Board of Health voted unanimously to recommend that the Cleveland County Board of Commissioners pursue acquisition of eighty four acres of property adjacent to the Self-McNeeley Solid Waste Facility. Health Director Denese Stallings explained that the use of this property is estimated to add an additional twenty years of life to the existing landfill for future expansion (per Wayne Sullivan, Municipal Engineering, Inc.). Ms. Stallings praised the board and previous boards for their foresight in acquiring land for the landfill.

**ACTION:** Eddie Holbrook made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to direct County Attorney Bob Yelton to seeks ways to purchase the property (copy of map found on Page \_\_\_\_ of Minute Book 31).*

**SHELBY/CLEVELAND COUNTY 10-YEAR PLAN TO END HOMELESSNESS**

Shelby Mayor Ted Alexander thanked Commissioners for the opportunity to present the Shelby/Cleveland County 10-year plan to end homelessness. The purpose of the plan is a call to action: to seek the key ingredients that will ultimately break the cycle of homelessness in the City of Shelby in Cleveland County. Mayor Alexander briefly discussed the strategies included in the plan (*copy of plan found on Page \_\_\_\_ of Minute Book 31*) and asked Commissioners for endorsement.

Mayor Alexander made note that the City of Shelby has received a \$700,000 grant which will be administered by Isothermal Planning and Development Commission. This grant will be used to put strategies developed from the plan into place.

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously

adopted by the Board, *to endorse the Shelby/Cleveland County 10-year plan to end homelessness.*

**DELAWARE DRIVE DISCRETIONARY TRANSPORTATION MONEY**

Representative Tim Moore has requested \$78,000 from Speaker of the House Joe Hackney in discretionary transportation money to bring Delaware Drive off Highway 18 near Fallston up to minimal unpaved standards in order to add it to the state highway system. As part of the process for obtaining discretionary funding, the Board of Commissioners must adopt a resolution of support for the project. The road is three tenths of a mile with eleven households and two churches. The NCDOT estimates the cost of the improvements to be \$100,000. The NCDOT currently has a program which allows \$2,000 per home to bring the road up to standards. The remaining \$78,000 will be requested by Representative Moore to Speaker of the House.

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

**NUMBER 28-2009**

**In Support of Road Work on  
Delaware Drive**

**WHEREAS,** Delaware Drive is located off of Fallston Road just south of the town of Fallston; and

**WHEREAS,** Delaware Drive is approximately three-tenths of a mile with eleven households and two churches; and

**WHEREAS,** Delaware Drive is an unpaved road; and

**WHEREAS,** the proposed project would include bringing Delaware Drive up to minimal unpaved standards and adding it to the state highway system; and

**WHEREAS,** NCDOT will only allow \$2,000 per home for the requested project totaling \$22,000; and

**WHEREAS,** the proposed project is expected to cost \$100,000;

**NOW, THEREFORE, BE IT RESOLVED,** that the Cleveland County Board of Commissioners hereby request \$78,000 from the North Carolina Office of the Speaker of the House, Joe Hackney, for funding the recommended upgrades on Delaware Drive.

**ADOPTED THIS THE 17th DAY OF NOVEMBER 2009.**

**SUGGESTED RULES OF PROCEDURE FOR PUBLIC HEARINGS**

At their October 28, 2009 Worksession, Commissioners discussed problems with procedures for public hearings. During the meeting, Commissioners directed County Attorney Bob Yelton to develop procedures for Commissioners to follow during public hearings. Attorney Yelton presented the procedures explaining that they were a culmination of items heard during the worksession and recommendations from the UNC School of Government. Commissioners discussed the procedures and made note that they would like several changes made to Item 4 regarding rebuttal (*copy of Public Hearing Procedures found on Page \_\_\_\_\_ of Minute Book 31*).

**ACTION:** Ronnie Hawkins made the motion, seconded by Mary Accor, and unanimously adopted by the Board, *to table discussion on Public Hearing Procedures until the December 1, 2009 meeting when County Attorney Bob Yelton presents a new document including changes discussed.*

**CITY OF SHELBY PLANNING AND ZONING BOARD**

Due to a recent resignation on the City of Shelby Planning and Zoning Board, the City of Shelby requested that Commissioners appoint Will Rucker to serve on this very important board. Commissioner Boggs opened it up to the citizens in attendance to see if anyone was interested in serving. Hearing no interest, Chairwoman Boggs called for the vote.

**ACTION:** Mary Accor made the motion, seconded by Eddie Holbrook, and unanimously adopted by the Board, *to appoint Will Rucker to fill an unexpired three-year term as an ETJ member of the City of Shelby Planning and Zoning Board. The term will expire in June, 2011.*

**COMMISSIONER REPORTS**

Commissioners discussed events that took place since the last meeting including; Kings Mountain Gateway Trails Grand Opening, John Harris Studio Dedication, Hog Happenin, Fly-in at Shelby airport, Cooperative Extension Achievement Banquet and several participated in Teaching Fellow interviews,

Commissioner Accor met with EMS Director Joe Lord who currently serves as president of the NC EMS Association about the possibility of partnering with the North Carolina Association of County Commissioners.

Commissioner Hawkins thanked Shirley Brutko, Bill McCarter and David Ozmore for their work on the Gateway Trails project. He noted that Patsy Rose has been named as Vice-Chair of the Cleveland Community College Board of Trustees replacing the late David Banks.

Commissioner Hawkins also discussed an issue regarding distance from fire stations and insurance ratings. He explained that some citizens will be affected by a new ruling which makes some ineligible to be covered by a Fire District. They will be served by the Fire Department, however, for insurance purposes, they will not be covered under the district.

**ADJOURN**

There being no further business to come before the Board at this time, Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to adjourn.* Next regular scheduled meeting will be held on *Tuesday, December 1, 2009 in the Commission Chamber.*

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

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