CLEVELAND COUNTY BOARD OF COMMISSIONERS  

August 20, 2013

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: Ronnie Hawkins, Chairman  
        Jason Falls, Vice-Chairman  
        Susan Allen, Commissioner  
        Johnny Hutchins, Commissioner  
        Jeff Richardson, County Manager as of September 30, 2013  
        Robert Yelton, County Attorney  
        Kerri Melton, County Clerk  
        April Crotts, Deputy Clerk  
        Bill McCarter, Planning Director  
        Jessica Pickens, The Star  
        Other individual names on file in the Clerk’s Office

ABSENT: Eddie Holbrook, Commissioner

CALL TO ORDER

Chairman Hawkins called the meeting to order. Vice-Chairman Jason Falls 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: Jason Falls 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

Michael Chrisawn, Cleveland County Chamber President, introduced Stuart Hair. Mr. Hair has
replaced Ken Mooney as Cleveland County Chamber's Economic Development Partnership’s Manager of Existing Industry Relations. Mr. Hair comes with a strong background in economic development. Most recently he was the Existing Industry Coordinator with the North Carolina Department of Commerce. In this capacity, he worked closely with Mr. Mooney and worked with several of our local companies so he is familiar with Cleveland County and many of our corporate citizens. Prior to that, Mr. Hair worked for the Salisbury-Rowan Economic Development Commission as a project manager where he was involved in the recruiting of new business to the Rowan County area.

Mr. Hair shared his excitement about his new position.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of the August 6, 2013, motion was made by Johnny Hutchins, seconded by Jason Falls, and unanimously adopted by the Board, to approve the minutes as written.
TAX COLLECTOR’S MONTHLY REPORT

The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during July 2013 (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 July 2013. The monthly grand total of tax abatements was listed as ($20,555.69); and, the monthly grand total for tax supplements was listed as $6,157.69

COMMUNICATIONS (E911): BUDGET AMENDMENT (BNA #006)

ACTION: Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, to approve the following budget amendment:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>026.454.4.991.00</td>
<td>E911 Telephone Sys/Fund Bal Approp</td>
<td>$204,573.00</td>
<td></td>
</tr>
<tr>
<td>026.454.5.911.00</td>
<td>E911 Telephone Sys/CIP Equipment</td>
<td>322,905.00</td>
<td></td>
</tr>
<tr>
<td>026.454.4.460.00</td>
<td>E911 Telephone Sys/Other Units Share</td>
<td>118,332.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: To budget initial contract execution costs to enter into agreement for 800 mhz trunking system upgrade.

ROCKTENN LAND SALE CONTRACT

County Manager David Dear recommended Commissioners purchase a 1.172 acre parcel of land from RockTenn Corporation for $17,580. This property is necessary to gain rail access to the Washburn Switch Industrial Park Site. The property will be served by CSX Railroad.

ACTION: Motion was made by Johnny Hutchins, seconded by Jason Falls, and unanimously adopted by the Board to approve purchase of property from RockTenn for $17,580 (copy of agreement found on Page ___ of Minute Book ___).

ELEVATED STORAGE TANK SITE FOR CITY OF SHELBY

The City of Shelby has requested a property swap to facilitate the construction of an elevated storage tank to serve Cleveland Community College and the surrounding area. The City currently owns a 50’ x 50’ site (Parcel Number 53643) that they are willing to exchange for a 0.53 acre portion of a property located at the intersection of Marion Street and Kemper road currently owned by the county.

ACTION: Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, to approve the property exchange (copy of maps found on Page ___ of Minute Book ___).

DUKE ENERGY RIGHT OF WAY- KSM CASTINGS

Commissioners were presented with a right-of-way agreement that would allow Duke Energy to construct an overhead electric line across the front of county property on Plato Lee Road. This overhead electric line will serve KSM Castings.
**ACTION:** Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, *to approve the right-of-way agreement as presented* (copy found on Page ___ of Minute Book ___).

**REGULAR AGENDA**

**ABUSE PREVENTION COUNCIL WOMEN'S SHELTER UPDATE**

Betsy Wells, Chairwoman of the Abuse Prevention Council (APC), introduced several members of the APC Board who were in attendance as well as Cathy Robertson, Executive Director.

On March 1, 2011, the Abuse Prevention Council spoke with Commissioners about the need to build a new shelter. They presented a plan for a $3.2 Million Shelter which would be funded through a capital campaign which would be held over five years. At that meeting, Commissioners explained there was no money in the budget to assist them, however, they agreed to help the Abuse Prevention Council identify and survey a parcel on the old Doran Mill Property for possible donation by the county. This property, if donated, would take approximately one year to prepare before building could begin.

In 2012, the Abuse Prevention Council had a site visit from one of their major funding sources. They expressed concern with the current facility and waiting five years to build a new one. At that time, the Abuse Prevention Council changed their plans and scaled down the size of the project. APC currently owns land across from Hospice in Shelby which the new facility will be built on. The proposed project is expected to cost $1.65 Million.

Ms. Wells introduced Executive Director, Cathy Robertson, who showed a brief video previewing the current conditions at the shelter. The Abuse Prevention Council has received $600,000 deferred loan from the North Carolina Housing Finance as well as a $625,000 loan and $75,000 grant from the USDA. They have raised $107,000 towards the project but still need approximately $230,000 to break ground. The Council is hoping to break ground by October 1st.

Commissioners praised the Abuse Prevention Council for all they have done for the community and their hard work in raising funds for their new facility.

**MEMORANDUM OF UNDERSTANDING TO CONSOLIDATE LAKE NORMAN RPO AND GASTON MPO**

Bill McCarter began by thanking Commissioner Hutchins for being a “ring leader” for this project. Meetings were held and it was determined that a new Metropolitan Planning Organization would be established which would include Gaston, Lincoln and Cleveland Counties. He presented a Memorandum of Understanding to Commissioners for approval.

“We have had our ups and downs but I believe this will be good for all three counties. This will keep our county under one planning jurisdiction, which was our intention.”
ACTION: Johnny Hutchins made the motion, seconded by Susan Allen, and unanimously adopted by the Board, to adopt the following Memorandum of Understanding:

MEMORANDUM OF UNDERSTANDING

for

CONTINUING, COOPERATIVE, AND COMPREHENSIVE TRANSPORTATION PLANNING

including


WITNESSETH THAT

WHEREAS, each MPO is required to develop a Metropolitan Transportation Plan in cooperation with NCDOT and in accordance with 23 U.S.C. § 134, any subsequent amendments to that statute, and any implementing regulations; and a Metropolitan Transportation Plan as per Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina; and

WHEREAS, the Metropolitan Transportation Plan, once adopted shall serve as the basis for future transportation improvements within the MPO; and

WHEREAS, it is the desire of these parties that all prior Memoranda of Understanding between the parties be superseded and replaced by this Memorandum of Understanding;

NOW THEREFORE the following Memorandum of Understanding is made:

SECTION 1

It is hereby agreed that the Municipalities, the Counties and the State in cooperation with the United States Department of Transportation will participate in a continuing, cooperative, and comprehensive transportation planning process, with responsibilities and undertakings as related in the following paragraphs.

1. The Gaston - Cleveland - Lincoln Metropolitan Planning Organization shall include the governing boards of the Municipalities, the Counties, an MPO Transportation Policy Board hereinafter defined as the MPO Board, and a Technical Coordinating Committee hereinafter defined.

2. The area involved shall be comprised of the Gastonia, NC-SC Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing Urbanized Area boundary that is expected to become urbanized within a twenty-year planning period (pursuant to agreements with surrounding Metropolitan Planning Organizations and local governments). This planning area is hereinafter referred to as the Metropolitan Planning Area (MPA).

3. The Urbanized Area Boundary and the MPA shall be periodically reviewed and revised in light of new developments and basic data projections for the current planning period.

4. The continuing transportation planning process shall be a cooperative one, and all planning discussions shall be reflective of and responsive to the programs of the North Carolina Department of Transportation and to the comprehensive plans for growth and development of the municipalities and the counties.

5. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.

6. Transportation policy decisions within the Gaston - Cleveland - Lincoln MPO are the responsibility of the Municipalities and the Counties and the State.

7. Transportation plans and programs and land-use policies and programs for the MPO which have regional impacts will be coordinated with contiguous MPO’s and RPO’s.
8. The MPO Board is hereby established with the responsibility for serving as a forum for cooperative transportation planning and decision making for the Metropolitan Planning Organization. The MPO Board shall consist of representatives of the Municipalities, Counties and State as set forth below. Representatives of voting member Municipalities and Counties shall be elected officials appointed by their respective governing bodies. Non voting members of the MPO Board need not be elected officials. The MPO Board members shall have the responsibility for keeping their respective policy boards informed of the status and requirements of the transportation planning process, assisting in the dissemination and clarification of the decisions, inclinations, and policies of their respective policy boards; and ensuring meaningful citizen participation in the transportation planning process. The MPO Board shall be responsible for carrying out the provisions of 23 U.S.C. 134; Sections 5 (1) and 8 (a) and 8 (c) of the Federal Transit Act of 1964, as amended; and 49 U.S.C. 1604 (1) and 1607 (a) and 1607 (c); including:

A. Review and approval of a Prospectus for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;

B. Review and approval of the transportation Unified Planning Work Program;

C. Review and approval of the State Transportation Improvement Program (STIP) and the local Transportation Improvement Program (TIP) for multimodal capital and operating expenditures to ensure coordination between local and State capital and operating improvement programs;

D. Review, approval and endorsement of changes to the Federal-Aid Functional Classification System and Metropolitan Planning Area Boundary;

E. Review and approval of changes to the Metropolitan Transportation Plan (MTP) and Comprehensive Transportation Plan (CTP). As required by North Carolina General Statute 136-66.2(d), revisions to the CTP must be jointly approved by the MPO and the North Carolina Department of Transportation;

F. Establishment of goals and objectives for the transportation planning process reflective of and responsive to comprehensive plans for growth and development in the Gaston - Cleveland - Lincoln MPO;

G. The MPO Board shall review and approve related transportation planning products for the non-attainment area in conformance with federal regulations;

H. Development and approval of MPO Board Bylaws for the purpose of establishing a quorum, officers, and operating policies and procedures.

The voting membership of the MPO Board shall be composed of the following 19 representatives:

a. One member from the City of Belmont
b. One member from the City of Bessemer City
c. One member from the Town of Boiling Springs
d. One member from the City of Cherryville
e. One member from the Town of Cramerton
f. One member from the Town of Dallas
g. Two members from the City of Gastonia
h. One member from the City of Kings Mountain
i. One member from the City of Lincolnton
j. One member from the City of Lowell
k. One member from the City of Mount Holly
l. One member from the Town of Ranlo
m. One member from the City of Shelby
n. One member from the Town of Stanley
o. One member from the County of Cleveland
p. One member from the County of Gaston
q. One member from the County of Lincoln
r. One member from the North Carolina Board of Transportation

In addition, one representative from each of the following bodies may serve as non-voting members:

a. Town of Belwood
b. Town of Casar
c. Town of Dellview
d. Town of Earl
e. Town of Fallston
f. Town of Grover
g. Town of High Shoals
h. Town of Kingstown
i. Town of Lattimore
j. Town of Lawndale
k. Town of Maiden
l. Town of McAdenville
m. Town of Mooresboro
n. Town of Patterson Springs
o. Town of Polkville
p. Town of Spencer Mountain
q. Town of Waco
r. Chambers of Commerce
s. North Carolina Turnpike Authority
t. Federal Highway Administration, North Carolina Division
u. Federal Transit Administration, Region IV

The MPO Board shall meet as often as deemed appropriate and advisable. Meetings shall be regulated within the Board Bylaws. On the basis of a majority vote of its membership, the Board may appoint a member of the Board to act as Chair with the responsibility for coordination of the Board’s activities and a member to act as a Vice-Chair to fulfill Chair duties in the absence of the Chair. A member of the staff of the Lead Planning Agency shall serve as Secretary to the Board. The BoardTPB shall appoint, from time to time, such subcommittees as needed for the efficient operation of that body.

9. A TECHNICAL COORDINATING COMMITTEE (TCC) shall be established with the responsibility for general review, guidance, and coordination of the transportation planning process for the MPO and for making recommendations to the respective local and State governmental agencies and to the MPO Board regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for the development, review, and recommendations for the Prospectus, Unified Planning Work Program, STIP, MTIP, Urbanized Area Boundary, MPA, Federal-Aid Urban System, CTP, and MTP. The TCC shall also be responsible for promoting citizen participation in the planning process and preparing documentation reports for transportation studies.

Membership of the TCC shall include technical representation from local and State agencies directly related to and concerned with the transportation planning process for the MPO. Voting membership shall be comprised of the following 28 representatives:

A. City of Belmont (1 Representative)
B. City of Bessemer City (1 Representative)
C. Town of Boiling Springs (1 Representative)
D. City of Cherryville (1 Representative)
E. Town of Cramerton (1 Representative)
F. Town of Dallas (1 Representative)
G. City of Gastonia (3 Representatives)
H. City of Kings Mountain (1 Representative)
I. City of Lincolnton (1 Representative)
J. Lincoln County (1 Representative)
K. City of Lowell (1 Representative)
L. City of Mount Holly (1 Representative)
M. Town of Ranlo (1 Representative)
N. Town of Stanley (1 Representative)
O. City of Shelby (1 Representative)
P. County of Cleveland (1 Representative)
Q. County of Gaston (1 Representative)
R. County of Lincoln (1 Representative)
S. Gastonia Transit (1 Representative)
T. Gaston County ACCESS (1 Representative)
U. Cleveland County Economic Development Partnership (1 Representative)
V. Gaston Economic Development Commission (1 Representative)
W. Lincoln Economic Development Association (1 Representative)
X. NCDOT, Transportation Planning Branch (1 Representative)
Y. NCDOT, Division 12 (1 Representative)
Z. NCDOT, Public Transportation Division (1 Representative)
AA. Transportation Administration of Cleveland County (1 Representative)
BB. Transportation Lincoln County (1 Representative)

In addition, one representative from each of the following bodies may serve as non-voting members:

a. Town of Belwood
b. Town of Casar
c. Town of Delview
d. Town of Earl
e. Town of Fallston
f. Town of Grover
g. Town of High Shoals
h. Town of Kingstown
i. Town of Lattimore
j. Town of Lawndale
k. Town of Maiden
l. Town of McAdenville
m. Town of Mooresboro
n. Town of Patterson Springs
o. Town of Polkville
p. Town of Spencer Mountain
q. Town of Waco
t. Gaston College
s. Cleveland Community College
t. Belmont Abbey College
u. Gardner Webb University
v. Centralina Council of Governments
w. NCDOT, Rail Division
x. NCDOT, Bicycle/Pedestrian Division
y. NCDOT, Aviation Division
z. NCDOT, Public Transportation Division
aa. Federal Highway Administration, North Carolina Division
bb. Federal Transit Administration, Region IV

Municipalities with less than 1,000 residents in the MPA according to the most recent decennial Census are represented by their respective County member representatives in voting procedures and per capita cost share allocation payments.

The TCC shall meet as often as deemed appropriate and advisable. Meetings procedures shall be regulated within the TCC Bylaws. The TCC shall serve as the primary means for citizen input to the continuing transportation planning process. During transportation plan re-evaluation, citizen involvement in the planning process shall be encouraged in the goals and objectives and in the plan formation stages. This citizen involvement shall be obtained through goals-and-objectives surveys, neighborhood forums, public hearings, or other procedures deemed appropriate and advisable.

10. The MPO Board shall develop and maintain a process of public input in compliance with Federal and State laws and regulations. The process shall be periodically reviewed to ensure the maximum participation from the public. The method of public participation shall assure appropriate participation from the disabled and minority communities.

SECTION 2

It is further agreed that the subscribing agencies shall have the following responsibilities:

1. CITY OF GASTONIA
   The City of Gastonia shall serve as the LEAD PLANNING AGENCY for the transportation planning process in the MPO and shall assist in this transportation planning process by providing the other participants to this agreement with transportation planning assistance. The Lead Planning Agency shall coordinate highway, public transportation, and alternative systems planning to maximize the utilization of federal, state, and local resources. In this role, the Lead Planning Agency shall encourage the maximum participation from the public and governmental agencies to ensure ongoing, cooperative transportation programs. The Lead Planning Agency shall provide staff assistance in a fair and uniform manner through the annual Unified Planning Work Program, and all federal-aid planning grant funds available shall be expended in accordance with the Unified Planning Work Program. Additionally, the Lead Planning Agency shall review and advise zoning and subdivision approvals within the MPA, in accordance with the adopted MTP and CTP.

2. MUNICIPALITIES AND COUNTIES
   Municipalities and counties shall assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Additionally, they shall coordinate zoning and subdivision approval within their jurisdictions in accordance with the adopted MTP.

3. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
   The Department shall assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. The Department, to the fullest extent possible and as permitted by existing State and Federal regulations, shall provide assistance in the protection of necessary rights-of-way for those thoroughfares designated on the adopted MTP.

SECTION 3

The Municipalities and counties that serve as voting members of the MPO Board and TCC shall participate in funding the local match portion of the cost of the annual Unified Planning Work Program, as approved by the MPO Board. The local match portion is that which is not covered by federal or state funding. The local match portion share to be paid by each voting member government will be based upon its pro rata share of population within the MPO utilizing the most recent U.S. decennial census data. In addition to the population of unincorporated areas, County populations shall also include the population of all incorporated areas of jurisdictions under 1,000. This local match portion share shall be invoiced in arrears on a quarterly basis by the City of Gastonia, acting as Lead Planning Agency, and as recipient of the federal planning funds distributed by the North Carolina Department of Transportation.

If any voting member government does not pay its full share of the local match portion of the Unified Planning Work Program as calculated above, the City of Gastonia, acting as Lead Planning Agency, shall cover the balance of this member’s share in addition to its own. Voting member governments not paying their full local match portion share for
three (3) quarters, (consecutive or non-consecutive) shall lose voting privileges until the three outstanding payments and current quarter’s payment are received in full. Once a delinquent voting member government remits its outstanding local match portion share, the City of Gastonia shall be reimbursed.

In addition to the local match portion share, MPO member governments may also voluntarily contribute additional funds for other purposes such as to participate in funding the costs of special studies, or other specialized services as mutually agreed upon.

SECTION 4

This agreement remains in effect until the Gaston - Cleveland - Lincoln MPO is re-designated under 23 U.S.C. 134(d) (5), or the agreement is voided by mutual consent. Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving written notice to the other parties thirty (30) days prior to the date of termination.

SECTION 5

This Memorandum of Understanding supersedes and replaces any prior Memorandum(s) of Understanding between the parties regarding the Gaston - Cleveland - Lincoln MPO.

SECTION 6

In witness thereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, Mayors of voting member municipalities County Commission Chairs and the North Carolina Department of Transportation Secretary, this the ______ day of ________, 2013.

APPENDIX A

<table>
<thead>
<tr>
<th>Member Jurisdiction</th>
<th>MPA Population (2010)</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belmont</td>
<td>10,076</td>
<td>2.6%</td>
</tr>
<tr>
<td>Bessemer City</td>
<td>5,340</td>
<td>1.4%</td>
</tr>
<tr>
<td>Boiling Springs</td>
<td>4,647</td>
<td>1.2%</td>
</tr>
<tr>
<td>Cherryville</td>
<td>5,760</td>
<td>1.5%</td>
</tr>
<tr>
<td>Cleveland County</td>
<td>63,866</td>
<td>16.7%</td>
</tr>
<tr>
<td>Cramerton</td>
<td>4,165</td>
<td>1.2%</td>
</tr>
<tr>
<td>Dallas</td>
<td>4,488</td>
<td>1.2%</td>
</tr>
<tr>
<td>Gaston County</td>
<td>79,290</td>
<td>20.7%</td>
</tr>
<tr>
<td>Gastonia</td>
<td>71,741</td>
<td>18.8%</td>
</tr>
<tr>
<td>Kings Mountain</td>
<td>10,296</td>
<td>2.7%</td>
</tr>
<tr>
<td>Lincoln County</td>
<td>67,779</td>
<td>17.7%</td>
</tr>
<tr>
<td>Lincolnton</td>
<td>10,486</td>
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<tr>
<td>Lowell</td>
<td>3,526</td>
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</tr>
<tr>
<td>Mount Holly</td>
<td>13,656</td>
<td>3.6%</td>
</tr>
<tr>
<td>Ranlo</td>
<td>3,434</td>
<td>0.9%</td>
</tr>
<tr>
<td>Shelby</td>
<td>20,323</td>
<td>5.3%</td>
</tr>
<tr>
<td>Stanley</td>
<td>3,556</td>
<td>0.9%</td>
</tr>
<tr>
<td>Total</td>
<td>382,429</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, 2010 Census

TAX FORECLOSURE PROPERTY- GASTON STREET

Kerri Melton, Clerk to the Board, presented Parcel #71366, a vacant lot located on Gaston Street, for approval of sale. The county has owned this parcel since 2009. Commissioners received a bid of $5,980 from Willie Tyrone Ferguson. The county investment is $10,020 which includes a $4,085.36 lien from the City of Kings Mountain. The County Clerk spoke with the City of Kings Mountain and they are willing to satisfy the lien for less than the total amount owed. The current tax value is $5,967.

ACTION: Johnny Hutchins made the motion, seconded by Jason Falls, and unanimously adopted by the Board, to approve sale of Parcel #71366 to Tyrone Willie Ferguson for $5,980.
**ADJOURN**

There being no further business before the board at this time, Johnny Hutchins made the motion, seconded by Susan Allen and unanimously adopted by the Board, to adjourn the meeting. The next regular meeting of the Commission is scheduled for **Tuesday, September 3, 2013 at 6:00 p.m.** in the Commission Chamber.

Ronald J. Hawkins, Chairman  
Cleveland County Board of Commissioners

__________________________
Kerri Melton, Clerk  
Cleveland County Board of Commissioners