

CLEVELAND COUNTY BOARD OF COMMISSIONERS

August 3, 2004

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: Mary S. Accor, Chairwoman
Ronald J. Hawkins, Vice-Chair
Tom Bridges, Commissioner
Willie B. McIntosh, Commissioner
Jerry L. Self, Commissioner
R. L. Alexander, County Manager
David Dear, Assistant County Manager/Finance Director
Les Farfour, Deputy County Attorney
Wanda Crotts, CMC, County Clerk
Patricia D. Spangler, Deputy Clerk
Bill McCarter, Planning Director
Joy Scott, The Star
Jennipher Hammerstein, Cleveland Headline News
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairwoman Accor called the meeting to order and led the audience in the "Pledge of Allegiance" to the flag of the United States of America. Vice-Chairman Hawkins provided the invocation for the meeting.

AGENDA ADOPTION

ACTION: Ronnie Hawkins made the motion, seconded by Tom Bridges, and adopted by a unanimous vote of the Board, to ***adopt the agenda as presented by the County Clerk with the following amendments:***

- 1. Recess Meeting:** Request to recess meeting to reconvene on August 9, 2004 at 6:00 p.m. regarding economic development incentive policy (*R. L. Alexander*)
- 2. Delete Agenda Item #4:** North Carolina Expanded Foods and Nutrition Program (*Members of this program provided dinner for Commissioners prior to this meeting*) (*Mary Accor*)
- 3. Add Agenda Item #4: Pathways Report** (*Mary Accor*)
- 4. Add Agenda Item #11: 800 MHZ Communications System** (*Willie McIntosh*)

CITIZENS RECOGNITION

SCHOOL MERGER

Michael S. Smith, Carl DeVane, Jonathan Merrill, Ella Leach and Roger Boheler expressed their concern over the recent action of the Cleveland County Board of Education which increases the fee for students who are not Cleveland County residents. Their concerns are specifically for the Gaston County children who are residents of the City of Kings Mountain and have previously attended Kings Mountain City Schools. They encouraged Commissioners to address their concerns with the Board of Education and have them revisit this policy.

SHERIFF'S OFFICE

Tommy Pruett addressed his concerns over what he classified "police brutality, false arrest and harassment." He said deputies entered his home on July 30, 2004 and "abused him" to the point that he "ended up in Rutherford Hospital." He requested Commissioners appoint a group of citizens "to police the police like they have in other areas." He also asked Commissioner McIntosh if his and his family members names' were on a "hit list"? Commissioner McIntosh said no.

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the minutes of ***May 6, 2004, May 7, 2004, June 2, 2004, July 20, 2004***, motion was made by Ronnie Hawkins, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***approve the minutes as written.***

HAZMAT: BUDGET AMENDMENT (BNA #010)

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously

adopted by the Board, to **approve the following budget amendments.**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.453.4.310.00	HAZMAT/Federal Government Grants	\$21,739.	
010.453.5.210.00	HAZMAT/Departmental Supply	7,910.	
010.453.5.910.00	HAZMAT/Capital Equipment	13,829.	

(Project Code: 16007-5803)

Explanation: To budget funds to be received for the 2003 Hazmat Equipment Grant Program. Funds will be used to purchase equipment to aid in conducting training for chemical, biological, radiological, nuclear and explosive terrorism events.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #007)

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously

adopted by the Board, to **approve the following budget amendments.**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.533.4.991.00	ADULT HEALTH/Fund Balance Approp.	\$ 4,000.	
012.533.5.513.00	ADULT HEALTH/Hospital & Drs. Fees	4,000.	
<i>(Note: Move from Fund Balance Account 012.000.3.991.09)</i>			
012.534.4.991.00	SCHOOL HEALTH/Fund Balance Approp.	12,800.	
012.534.5.513.00	SCHOOL HEALTH/Hospital & Drs. Fees	12,800.	
<i>(Note: Move from Fund Balance Account 012.000.3.991.11)</i>			
012.539.4.991.00	MATERNAL HEALTH/Fund Balance Approp.	6,050.	
012.539.5.513.00	MATERNAL HEALTH/Hospital & Dr. Fees	6,050.	
<i>(Note: Move from Fund Balance Account 012.000.3.991.14)</i>			
012.544.4.991.00	DENTAL CLINIC/Fund Balance Approp.	13,010.	
012.544.5.122.00	DENTAL CLINIC/Salary Part-time	12,084.	
012.544.5.131.00	DENTAL CLINIC/FICA	750.	
012.544.5.136.00	DENTAL CLINIC/Medicare Ins.	176.	

(Note: Move from Fund Balance Account 012.000.3.991.71)

Explanation of Revisions:

533/534/5390 Budget funds for increase of payment for preceptor contracts. Physician have had a significant increase in the cost of operating expenses and malpractice insurance. Preceptor contracts have had an increase in contract amounts since 1988.

544) Budget funds for part-time salary for Processing Assistant III position. Current dental clinic staff are unable to answer phone calls and schedule appointments in a timely manner.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #008)

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously

adopted by the Board, to **approve the following budget amendments.**

<u>Account Number</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.516.4.410.00	SMART START/ Local & Other Grants	\$ 2,495.	
012.516.5.230.01	SMART START/Prescription Meds.	1,500.	
012.516.5.311.00	SMART START/Education Expense	995.	
012.530.4.810.00	GENERAL/Donations-Contributions	150.	
012.530.5.790.00	GENERAL/Donations-Contributions	150.	
012.534.4.350.00	SCHOOL HEALTH/State Government Grants	22,586.	
012.534.5.121.00	SCHOOL HEALTH/Salary-Reg.	16,780.	
012.534.5.131.00	SCHOOL HEALTH/FICA	1,041.	
012.534.5.132.00	SCHOOL HEALTH/Retirement	329.	
012.534.5.133.00	SCHOOL HEALTH/Hospitalization Ins.	2,637.	
012.534.5.134.00	SCHOOL HEALTH/Dental Ins.	117.	
012.534.5.135.00	SCHOOL HEALTH/Employer 401K	336.	
012.534.5.136.00	SCHOOL HEALTH/Medicare Ins.	244.	
012.534.5.213.00	SCHOOL HEALTH/Office Supplies	1,102.	

Explanation of Revisions:

516) Budget United Way funds for medication assistance and educational materials.

530) Budget donation from Shelby Lions Club for eye exams.

534) Budget State Grant funds (Hep B Administration) for Processing Assistant position (10 months) and office supplies to support the position.

PATHWAYS REPORT

Rhett Melton, Pathways Area Director, spoke to Commissioners regarding “Pathways as it relates to our divestiture process and where we are with our local business planning.” He said, “In speaking last week with Chairwoman Accor, there was some information needed as it relates to the providers. As you’ll recall, about the divestiture process that Pathways is undergoing as required by the State Mental Health Reform Act, Pathways is transferring its direct operation of programs from its employees to providers in the community. As we started the process we employed about 700 employees, most of which were directly connected to service provision and as we’ve gone through this process, we have transferred that direct care responsibility to providers in the community. When we started the process, Pathways had in place many contract providers and other contract providers have come in as part of this process and we’re about at the end of the first phase of this transition process.”

Mr. Melton provided Commissioners with the following summary of provider information, which he reviewed.

I. PATHWAYS PROVIDERS

1. How many providers does Pathways have? 265
2. Where are providers’ corporate offices located?

Cleveland County	45
Gaston County	80
Lincoln County	9
3. How many providers serve residents of Cleveland County? 165
4. What consumers are served by providers with Cleveland County headquarters?

Cleveland County	45
Gaston County	25
Lincoln County	24

II. CONSUMER CHOICE

1. How many providers have consumers chosen from 3/04 - 6/04? 115
2. What is the corporate location for the providers chosen by consumers?

Cleveland County	21
Gaston County	37
Lincoln County	4
3. Of the providers chosen, how many offer services to Cleveland County residents? 104

III. RFP AND SELECTION PROCESS RESULTS

1. How many services have been contracted through recent RFP’s and related selection process? 24
2. How many proposals have been reviewed? 107 from 51 different providers
3. Where are the corporate offices of the providers responding to the RFP’s?

Cleveland County	5 providers submitted 10 proposals
Gaston County	21 providers submitted 54 proposals
Lincoln County	0 proposals submitted
4. Where are the corporate offices of the providers selected to contract for the services?

Cleveland County	2 providers awarded 2 contracts
Gaston County	12 providers awarded 18 contracts
Lincoln County	0 proposals submitted

Chairwoman Accor requested he address the selection process. He stated, “When we first started the process we developed the request for proposal document itself, which is standardized for all the services that we divested of and then it’s individualized for the particular service. In other words, the document itself in terms of what we require and what we want to see is consistent for every service provider and then in addition to those general elements, there are specific elements that they are required to submit if its outpatient therapy or an inpatient program or a different service so an RFP document itself was developed about a year ago and when we have a service that is ready to be divested we publish that RFP, post it on our website and publish it in the newspapers and then we have a question and answer session for all those interested bidders to come and hear more specifically about what it is that we are looking for in a provider . . . and given an opportunity to ask

questions. After the question and answer process, there are a couple of weeks period where the providers have to actually compile their proposal and submit it back to Pathways. Those are received and distributed to a committee that is made of about 10-12 people, it varies depending on the service and how many people we can commit to doing the review for us . . . they have a standardized scoring sheet that they go through ranking them in terms of their corporate qualifications, best practices, history, financial stability, commitment to quality improvement, various aspects that we are interested in knowing about them before we award a contract.” He said this initial ranking process is done individually by the committee members before they meet as a group to tally the score sheets . . . then a decision is made and the bidder is awarded the contract. He advised the committee is made up of “seven different disciplines.” There was discussion regarding the percentage of minority providers and the formula for State funding.

Mr. Melton stated he felt the formula for State is unfair because “our three county area, if you look at the demographics, we serve a greater proportion of severely in need consumers than other programs.” He said, “Our population has a higher percentage of some of those same citizens than when compared to other area programs around the State. Historically, Pathways and the three counties working together have done well and served a lot of people so when it was a percentage of the service dollars that gave Pathways more administrative cost to do the related administrative work. If you serve twice as many people as you’re expected to serve, that means you authorize twice as many services and you pay twice as many claims and your billing twice as much, so there are a lot of labor costs that go up based on the volume of your services. This model does not take into account that phenomenon.” He said this continues to be addressed with the State in an effort to correct this error in methodology. He also spoke of the necessity of local credentialing and monitoring stating he felt “in order to be a strong LME you must do that locally.”

VIDEO POKER AND GAMING MACHINES: RECOMMENDATIONS OF TASK FORCE

Commissioner Willie McIntosh reviewed the minutes from the Task Force meetings held on May 27, 2004 and July 21, 2004 (*copy found on Pages _____ of Minute Book 28*). He reviewed the following recommendation of the task force:

The Community Task Force on Video Poker met this date (July 22, 2004) and from our findings, submit the following recommendations to the Cleveland County Board of Commissioners regarding video poker and gaming machines:

1. It is the finding of this task force that the three-month moratorium addressing video poker and gaming machines, set by County Commissioners on April 20, 2004, and extended on July 20, 2004, be allowed to expire on August 17, 2004.
2. That Section 12-124 of the Cleveland County Code of Ordinances be enforced.
3. Section 12-124 of the Cleveland County Code list arcades as a permitted use only in the General Business (GB) zoning district. Our Federal Industrial Classification System (NAICS) list video gaming under “arcade”, therefore these machines are limited to GB zoning districts. Approximately 39 machines are located in residential zoning districts and considered “illegal.” After the expiration of the moratorium, the Planning Department will begin enforcement action to remove these machines.
4. That such action will eliminate 39 machines in 14 locations within Cleveland County.
5. That each Mayor be notified immediately in writing (*letter was mailed to mayors on July 22, 2004*) that this is the intended recommendation of the Task Force, thereby allowing each municipality ample and adequate time to develop and enact a moratorium or a police power ordinance to regulate the location of new video poker and gaming machines within their jurisdiction.
6. We request that each municipality notify Steve Smith with the Cleveland County Sheriff’s Department once action is taken and the date it will become effective.
7. If municipalities need assistance with this planning, they should contact Commissioner Willie B. McIntosh at the County Manager’s Office.

Commissioner McIntosh reported that mayors' Bobby Biggers (*Patterson Springs*), Ben Privett (*Belwood*), and Clarence Withrow (*Kingstown*) have called to follow-up on this notification.

Commissioner McIntosh noted that it is also the recommendation of the task force to monitor the situation and meet again in six months to review the progress and make further recommendations if necessary. Commissioner Self suggested that future planning may need to address conditional use permits. Task force members present advised they felt the members fairly represented all concerned parties throughout the county and that dialogue was "refreshingly open."

ACTION: Ronnie Hawkins made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***accept the recommendations of the task force.***

PLANNING DEPARTMENT: PRELIMINARY ROAD PAVING ASSESSMENT RESOLUTION - DILLARD CIRCLE

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

NUMBER 17-2004

RESOLUTION
PRELIMINARY PAVING ASSESSMENT
DILLARD CIRCLE

WHEREAS, the Cleveland County Board of Commissioners have the authority to make special assessments for the purpose of paving streets as set forth and described in NCGS 153A-185;

WHEREAS, property owners abutting Dillard Circle have presented a petition requesting the County of Cleveland, North Carolina, to assess said property owners for the purpose of paving;

WHEREAS, the County of Cleveland shall assess each lot abutting said street(s) as shown on Plat Book 16, Pages 10, 66, and 67, at an equal rate per lot, plus an administrative fee of one dollar (\$1.00) per linear foot, one hundred percent (100%) of the total project costs shall be assessed against each lot, and assessments may be financed at an annual interest rate of eight percent (8%) payable in annual installments and collected in the same manner as property taxes.

NOW, THEREFORE, BE IT RESOLVED that the Cleveland County Board of Commissioners hereby intend to assess said project as described in this resolution and hereby orders that **a public hearing on this matter be held at 6:00 p.m. on Tuesday, August 17, 2004** in the Cleveland County Administrative Building, 311 East Marion Street, Shelby, North Carolina. Notice of this public hearing will be conducted in accordance with the mandates of NCGS 153A-191.

ADOPTED THIS THE 3 DAY OF AUGUST 2004.

ECONOMIC DEVELOPMENT: INDUSTRIAL INDUCEMENT PROGRAM

Mr. Alexander reviewed the two recommended changes to the current Inducement Program as on Page 4 of the General Guidelines under Proposed Net New Investment Level and Inducement Percentage the "County Commissioners discretion" would be amended to read: "To award any percentage, from zero % up to **1.90%** (changing from 1.75%) for purposes of calculating the basic industrial incentive grant." And in that same section, "To reduce the threshold factor to 0% (zero percent) for those companies creating at

lease **400** (*changing from 400*) new full-time jobs paying in excess of the average weekly wage in Cleveland County as determined by the North Carolina Department of Commerce at the time the inducement agreement is executed.”

Mr. Alexander reported the Economic Development Commission board had met earlier today and unanimously approved the changes.

ACTION: Ronnie Hawkins made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***approve the recommended changes (copy found on Pages _____ of Minute Book 28).***

**CLEVELAND COUNTY ADULT CARE HOME ADVISORY COMMITTEE:
COMMITTEE REAPPOINTMENTS**

ACTION: Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board to make the following appointment/reappointments to the Committee: ***(1) reappoint Dot Bridges, Kris Thompson, Carol Ledbetter and Donald Schenck for a period of three years, scheduled to conclude on August 31, 2007; and, (2) appoint Charles Heath for a period of one year, scheduled to conclude on August 31, 2005.***

**CLEVELAND COUNTY NURSING HOME ADVISORY COMMITTEE:
COMMITTEE REAPPOINTMENT**

ACTION: Jerry Self made the motion, seconded by Tom Bridges, and unanimously adopted by the Board, to ***reappoint June Ruff to serve as a member of the Committee. This reappointment is for a three-year term, scheduled to conclude on August 31, 2007.***

**CLEVELAND COUNTY ECONOMIC DEVELOPMENT COMMISSION: BOARD
REAPPOINTMENTS**

ACTION: Ronnie Hawkins made the motion to nominate John Harris and Carl DeBrue. The ***nominations died from lack of a second. (Note – This portion of the Minutes was amended during the August 17, 2004.)***

ACTION: Willie McIntosh made the motion, seconded by Tom Bridges, and adopted by a majority vote (*all Commissioners voting “aye” except for Vice-Chairman Hawkins who voted “no”*) of the Board, to **appoint John Harris, Huey Webb and Richard Hord to serve as members of the Economic Development Commission Board. Each appointments are for a term of three-years, scheduled to conclude on June 30, 2007.**
800 MHZ COMMUNICATION SYSTEM

Mr. Alexander reviewed the following written report:

On May 27, 2004, the following individuals met to discuss Cleveland County's 800 MHZ trunked radio project:

Melvin Proctor, Kings Mountain Police Chief
Tandy Carter, Shelby Police Chief
Ted Phillips, Shelby Finance Director
Brian Hawkins, Cleveland County Sheriff's Department
Dewey Cook, Emergency Management
Joe Cherry, Cleveland County Electronic Maintenance
David Dear, Cleveland County Finance Director
Lane Alexander, County Manager

The purpose of the meeting was to discuss a grant application for Homeland Security monies for Cleveland County. Mr. Hawkins prepared the grant application and had discussed the application with the appropriate State officials. Based on his conversation, a decision had to be made on whether to partner with the State and utilize their VIPER System or to design our own system utilizing Project 25 equipment. Our dilemma was that our chances of receiving the grant diminished if we chose to go with the Project 25 equipment. Our rational for not wanting to go with the State's VIPER System was based on our desire to utilize the latest technology available thereby allowing us to amortize our investment over a longer period of time. This was because Motorola will provide parts and technical support for the Project 25 equipment well beyond the expected life of the VIPER System.

After much discussion, the group agreed to ask the State to allow Cleveland County to have the funds to construct three towers and for the county to own these towers and control their location. In exchange, the State, at no

charge could hang their VIPER equipment from our towers and utilize the balance of funds for their equipment.

This win, win situation resulted in Cleveland County receiving a grant of approximately \$1.9 million. Of the \$1.9 million total, Cleveland will benefit by approximately \$700,000.00. This strategy coupled with our negotiations with the City of Charlotte will enable Cleveland County to put five (5) additional channels into operation in the very near future. Previously we were able to acquire fifty-two 800 MHZ mobiles and walkie talkies' to assign to emergency responders. This will then allow us to have some communication with everyone involved in any disaster that occurs on a county wide basis. This action will also enable us to communicate with the Charlotte Regional Response Team. This multi-jurisdictional approach to communications will ultimately save taxpayers dollars by avoiding the duplication of each entity investing in multiple communication systems. This funding will give us an excellent starting point for a very large project that will take approximately four years to implement completely. The overall goal is to have interoperable communication with the state, and all local agencies.

The concept of the 800 MHZ system has been championed by Commissioner Willie B. McIntosh and the other Commissioners. Commissioner McIntosh was instrumental in forging a partnership with the City of Shelby and has been instrumental in supporting a county wide 800 MHZ communications system since 2000.

MISCELLANEOUS BUSINESS

Chairwoman Accor reported that Cleveland County Schools employees had met this week at Gardner-Webb University for their first full staff meeting to kick-up the new school year. She congratulated Tina Thomas who was honored as Cleveland County Schools' "Teacher of the Year."

Chairwoman Accor also thanked the members of the North Carolina Expanded Foods and Nutrition Program and the North Carolina Cooperative Extension Services staff for preparing and serving dinner to Commissioners prior to this meeting.

RECESS TO RECONVENE AT TIME AND PLACE CERTAIN

ACTION: Willie McIntosh made the motion, seconded by Ronnie Hawkins, and unanimously adopted by the Board, to ***recess this meeting (at 7:14 p.m.) to reconvene on Monday, August 9, 2004 at 6:00 p.m. in this Chamber for the purpose of conducting a public hearing regarding an economic development client.***

Mary S. Accor, Chairwoman
CLEVELAND COUNTY BOARD OF COMMISSIONERS

Wanda Crotts, CMC, Clerk
CLEVELAND COUNTY BOARD OF COMMISSIONERS