

**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

**December 7, 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:** Ronald J. Hawkins, Chairman  
Jerry L. Self, Vice-Chairman  
Mary S. Accor, Commissioner  
Johnny Hutchins, Commissioner  
Willie B. McIntosh, Commissioner  
David C. Dear, County Manager  
Robert Yelton, County Attorney  
Wanda Crotts, CMC, County Clerk  
Patricia D. Spangler, Deputy Clerk  
Sherry Evans, County Manager's Office  
Gregg Tillman, Cleveland Headline News  
Robert Williams, Citizens for Good Government  
Other individual names on file in the Clerk's Office

**CALL TO ORDER**

Chairman Hawkins called the meeting to order, 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:** Mary Accor made the motion, seconded by Jerry Self, and adopted by a unanimous vote of the Board, to ***adopt the agenda as presented by the County Clerk, with the following additions:***  
(1) **800 MHZ COMMUNICATIONS SYSTEM** (Willie B. McIntosh)

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

There being no corrections, additions, or deletions to the minutes of ***November 16, 2004***, motion was made by Mary Accor, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the minutes as written.***

**SHERIFF'S DEPARTMENT: REMOVE SERVICE REVOLVER FROM COUNTY INVENTORY - ISSUE TO RETIRING OFFICER MICHAEL BROWN**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the request of the Sheriff to remove service revolver serial number FLU-885 (Glock, model 21, .45 caliber) from county inventory and present it to Crime Scene Lieutenant Michael Brown who is retiring after 21-years of service to the department.***

**SHERIFF'S DEPARTMENT: REQUEST FOR ADDITIONAL DEPUTY - CIVIL PROCESS SERVICE**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve allowing the Sheriff to hire an additional deputy sheriff to be used primarily for the service of Civil Process papers (reference House Bill 918).***

**HEALTH DEPARTMENT: BAD DEBT WRITE-OFF (through June 30, 2001)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***approve the bad debt write-off of uncollectible fees through June 30, 2001 of \$17,148.34 (Medicaid - \$315.57; private pay - \$16,832.77).***

**SHERIFF'S DEPARTMENT: BUDGET AMENDMENT (BNA #026)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, 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>
310.441.4.810.16	SHERIFF/K-9 Fundraiser	\$ 1,183.	
310.441.5.790.16	SHERIFF/K-9 Fundraiser	1,183.	
310.441.4.810.00	SHERIFF/Contributions-Donations	4,000.	
310.441.5.790.00	SHERIFF/Donations-Contributions	4,000.	

**Explanation of Revisions:**

790.16) Budgeting remaining funds earned at 2004 Cleveland County Fair.

790.00) Budgeting \$2,000 received from calendar sales, Caywood Publications; and, \$2,000 donation from German Stein (Stein Services of America).

**CAPITAL PROJECTS: BUDGET AMENDMENTS (BNA #028)**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board,

to **approve following budget amendments.**

<u>Account Number</u>	<u>Project Code/Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
040.210.4.310.00	97004-5807/Capital projects/Federal Gov't Grants	\$1,054,920.	
040.210.5.990.00	97004-5807/Capital projects/C/O-Other improve	\$1,054,920.	

**Explanation of Revisions:** To budget funds from the Department of Crime Control and Public Safety, Division of Emergency Management. The funds shall be used for infrastructure and towers for the 800mhz system.

**LANDFILL INTERSECTION REALIGNMENT: FIELDING ROAD**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board,

to **approve following resolution, which was mailed to the local legislative delegation.**

**RESOLUTION**  
**LANDFILL INTERSECTION REALIGNMENTS**  
**APPEAL FOR FUNDING ASSISTANCE**

**WHEREAS**, in order to comply with state and federal mandates regarding landfills, Cleveland County must expand their existing landfill on Fielding Drive; and,

**WHEREAS**, because of this expansion, it is imperative that there be a realignment and expansion of the intersection at Fielding Drive and Highway 150; and,

**WHEREAS**, in order to accomplish the necessary expansion, numerous expensive right-of-way acquisitions will be required; and,

**WHEREAS**, the installation of these turn lanes and the realignment of these heavily traveled highways will provide safer means of ingress and egress to the landfill, as well as help to safely facilitate traffic through this extremely congested intersection.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Cleveland County Board of Commissioners hereby request that \$50,000.00 be appropriated from the legislative discretionary funds to assist Cleveland County with financing this project.

***Adopted this 7th day of December 2004.***

**RURAL FIRE COMMISSION: ANNUAL REPORT AND FIRE COMMISSION APPOINTMENTS**

DeLane Davis, Chair of the Rural Fire Commission, reported that the Fire Commission conducted their annual inspection of the rural fire departments (*Bethlehem, Boiling Springs Rural, Casar, Cleveland, Fallston, Polkville, Shanghai, Waco, Number Three, Oak Grove, Number Seven and Old Yellow*) on November 27, 2004 and found them to be in excellent condition. He stated that all commission members agreed that the "tax money is well spent" and commended the volunteer firemen for their dedication and commitment to training. Mr. Davis reported the Commission has requested that Dewey Cook,

Emergency Management Director, compile a list of equipment and value for each department.

**ACTION:** Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***(1) reappoint the members of the Commission: Bill Ross, DeLane Davis, J. B. Blanton, Kenneth Meade; (2) to appoint Kevin Gordon and Jimmy Hensley as the Firefighters Association representatives; and, (3) to appoint Johnny Hutchins as the Board of Commissioners representative to the Commission.*** Each appointment/reappointment is for a period of one-year, scheduled to conclude on December 31, 2005.

**NCACC: LEGISLATIVE GOALS CONFERENCE (JANUARY 13-14, 2005)**  
**DESIGNATION OF VOTING DELEGATE**

**ACTION:** Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, to ***appoint Vice-Chairman Self to serve as voting delegate.***

**BOARD OF HEALTH: APPOINTMENTS**

**ACTION:** Jerry Self made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***reappoint Jack Hunt (public citizen representative), Philip F. Jiamachello (dentist), and David R. McDaniel (optometrist).*** Each term is for a period of three years, scheduled to conclude on December 31, 2007.

**COMMUNITY CHANNEL ADVISORY BOARD APPOINTMENT**

**ACTION:** Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***appoint (1) Mary Accor as Commissioner representative; and, (2) the County Manager or his designee***

***to serve as member of this oversight board for the Community Channel***

*(reference Page 216 of Minute Book 28).*

**LAKE NORMAN RURAL TRANSPORTATION PLANNING ORGANIZATION:  
RURAL TRANSPORTATION ADVISORY COMMITTEE APPOINTMENT**

**ACTION:** Mary Accor made the motion, seconded by Willie McIntosh, and unanimously adopted by the Board, to ***(1) appoint Jerry Self as Commission representative; and, (2) appoint Johnny Hutchins to serve as alternate representative.*** Each term is for a period of two-years, scheduled to conclude December 31, 2006.

**CLEVELAND COUNTY BOARD OF ADJUSTMENT APPOINTMENTS**

**ACTION:** Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to ***reappoint Ernie Baldwin and Jesse Lackey to serve as members of the Board of Adjustment.*** Both reappointments are for a period of three-years, scheduled to conclude on December 31, 2007.

**CLEVELAND COUNTY PLANNING BOARD**

**ACTION:** Willie McIntosh made the motion, seconded by Mary Accor, and unanimously adopted by the Board, to ***reappoint Ray Fuentes, John R. McCulloch III, Bill Carswell, Pete Moore, Andy Elmore, and Michael Greene to serve as members of the Planning Board.*** Each reappointment is for a term of three-years, scheduled to conclude on December 31, 2007.

**CITIZEN RECOGNITION**

**SOLID WASTE ORDINANCE VIOLATION**

***Hearold Register*** (2728 Toney Road, Lawndale) expressed concern regarding his neighbor's yard being littered with junked cars, a bus and other

items. He requested assistance in having this area cleaned up. Commissioner McIntosh stated he would visit the residence to access the situation.

### **CLEVELAND COUNTY PERSONNEL ADVISORY COMMITTEE**

**ACTION:** Mary Accor made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to **(1) reappoint Jan Deviney (Tax Listing Department) and Angela Bridges (Health Department) as members of the Personnel Advisory Board** for a term of two-years, scheduled to conclude on December 31, 2006; and, **(2) appoint Jackie McCurry (EMS) to serve as an alternate member** for a term of two-years, scheduled to conclude on December 31, 2006.

### **800 MHZ COMMUNICATION SYSTEM**

David Dear, County Manager, reported that he and Commissioner McIntosh and Joe Cherry, attended the Shelby City Council meeting last night to discuss locating a 400-foot tower behind the Law Enforcement Center. Mr. Dear advised the towers currently at that location are rapidly nearing the state of needing to be replaced, since both have been in place for approximately 40-years. He stated the plan is to remove the old towers and replace them with the new one, but feels there has been some misunderstanding as to the County's proposal.

Mr. Dear reviewed detailed maps showing the level of "penetration" a radio signal would have dependent upon where the tower is constructed. If the tower is located at the Law Enforcement Center, the coverage would be 95% or better; however, if located at the landfill, penetration of a signal inside buildings would be "considerable less." Mr. Dear stated, "In the event we are unable to locate the tower within the City of Shelby, our alternate plan is to go outside the City of Shelby's zoning jurisdiction and locate a tower at our current landfill site." He estimated a tower at that location would cost the county approximately

\$100,000 to \$150,000, possibly more. If located at the Law Enforcement Center, direct connect with fiber optic cables between the tower and Communications Center could be accomplished. He said if the tower is located outside the City of Shelby, the City would need to have an additional 1-3 sites inside the City in order to boost the signal. The estimated cost for each site would be approximately \$1.5 - \$2 million. He added that the county would not be responsible for funding those towers since the county's jurisdiction is outside the city limits. He noted that the Highway Patrol will also co-locate their Viper System on these towers.

There was discussion regarding equipment and the fact that rural fire departments and rescue squads would be faced with updating their equipment to be compatible with the new system. Mr. Dear noted there will be a "phase-in period" of between three to five years.

Mr. Dear stated that under the current City ordinance, the County must be granted a variance in order to locate the tower behind the Law Enforcement Center. This process has been initiated by the County, with a decision expected by the end of January 2005.

### **ADJOURN**

There being no further business to come before the Board at this time (6:55 p.m.), 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 Board is scheduled for ***Tuesday, December 21, 2004, at 6:00 p.m.***

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*Ronald J. Hawkins, Chairman*  
**CLEVELAND COUNTY BOARD OF COMMISSIONERS**

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*Wanda Crotts, CMC, Clerk*  
**CLEVELAND COUNTY BOARD OF COMMISSIONERS**