

CLEVELAND COUNTY BOARD OF COMMISSIONERS

January 3, 2006

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, County Clerk
Kerri Melton, Deputy Clerk
Eddie Bailes, Assistant County Manager
Chris Crepps, Finance Director
Chris Green, Tax Administrator
Bill McCarter, Planning Director
Debra Blanton, Director of Election
Luther Baker, Electronic Maintenance
Alan Jenkins, *The Star*
Joy Scott, *The Star*
Lindsey Allen, Cleveland Headline News
Other individual names on file in the Clerk's Office

CALL TO ORDER

Chairman Ronald J. Hawkins 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: Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to *adopt the agenda as presented by the County Clerk, with the following addition:*

(1) *B&W Fiber Glass – Incentive Grant (schedule public hearing). (David Dear)*

CONSENT AGENDA

APPROVAL OF MINUTES

There being no corrections, additions, or deletions to the Minutes of *December 6, 2005*, motion was made by Johnny Hutchins, seconded by Mary Accor, and unanimously adopted by the Board, to *approve the minutes as written.*

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #023)

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

<i>Account Number</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.542.4.460.00	Rabies Control/Other Units Shared Budget	\$20,000.	
012.542.5.910.00	Rabies Control/CO Equipment	20,000.	

(Note: Need to move funds from Deferred Revenue Account #012.2.508.00)

Explanation of Revisions: Budget funds that have accrued from City of Shelby and City of Kings Mountain to purchase a replacement truck for Animal Shelter. Will replace 1996 Ford-150XL with over 162,000 miles in need of transmission/front-end repair and new shocks.

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENTS (BNA #024)

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, 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>
010.446.4.810.00	EMS/Donations-contributions	\$1,500.	
010.446.5.790.00	EMS/Donations-contributions	\$1,500.	

Explanation of Revisions: To budget donations from Wal-Mart Corporation.

HEALTH DEPARTMENT: BUDGET AMENDMENTS (BNA #025)

ACTION: Johnny Hutchins made the motion, seconded by Mary Accor, 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>
012.546.4.660.37	Carolina Access/Medicaid-CA	\$38,588.	
012.546.5.121.00	Carolina Access/Salaries-Reg.	16,389.	
012.546.5.131.00	Carolina Access/FICA	1,016.	
012.546.5.132.00	Carolina Access/Retirement	802.	
012.546.5.133.00	Carolina Access/Hospital Insurance	1,866.	
012.546.5.134.00	Carolina Access/Dental Insurance	78.	
012.546.5.135.00	Carolina Access/Employer 401K	819.	
012.546.5.136.00	Carolina Access/Medicare Insurance	238.	
012.546.5.210.00	Carolina Access/Department Supplies	700.	
012.546.5.211.00	Carolina Access/Controlled Prop. Exp.	2,300.	
012.546.5.220.00	Carolina Access/Food	700.	
012.546.5.310.00	Carolina Access/Travel	500.	
012.546.5.321.00	Carolina Access/Telephone	180.	
012.546.5.420.00	Carolina Access/Contracted Services	9,000.	
012.546.5.513.00	Carolina Access/Hospital & Doctor fees	4,000.	

Explanation of Revisions: State Legislature has requested more disease management initiatives to be developed through Carolina Access Program. In order to meet this demand, we request permission to establish a full-time PHN I position effective 1/1/06 and budget operating expenses necessary for the completion of these duties. Also, budget funds for a medical director to support the Carolina Access Program in the Rutherford County area.

BOARD OF ELECTIONS: VOTING MACHINES

Debra Blanton, Director of Elections, accompanied by Board members Steve Wells, Ovella Jones and Ruth Wilson, and Luther Baker, Electronic Maintenance, reviewed the current situation regarding the recent decertification of North Carolina's voting machines, due to the Help America Vote Act (HAVA).

On December 1, 2005, the North Carolina State Board of Elections (SBOE) took action which both decertified the existing voting equipment and certified new voting systems for the 2006 primary, effective January 1, 2006. New equipment can only be obtained from the state certified list, which consists of one vendor – Elections Systems and Software (ES&S).

Ms. Blanton and Mr. Baker described the two types of voting machines – optical scan and direct record, advising a recent public hearing held at the Board of Elections, indicated a majority of those

testing the machines preferred the “optical scan” machines. Ms. Blanton said these machines are also “more cost effective” for Cleveland County and she would have a cost estimate for Commissioners at their January 17th meeting. She said each county would make their own decision as to which machine is used and the fact that Cleveland County has a May primary “causes some urgency.”

Mr. Baker, who oversees maintenance of the voting equipment, discussed the equipment operation; reimbursement from the state and federal governments for the estimated \$395,000 expense (*if direct record machines were used Mr. Baker estimated the expense would be \$1 million*); maintenance of the machines; delivery dates (*estimated to be one-half of the order delivered in 30-days and the remainder within 60-days*); the fact that Cleveland County has had a good working relationship with ES&S for over ten years; and, the January 20 state deadline for a decision.

Ms. Blanton stated the Board of Elections will prepare a resolution authorizing the purchase to be considered by the Commission, including a “shopping list” and price estimate, at their January 17th meeting.

RESOLUTION: SUPPORT OF DUKE POWER’S POTENTIAL MODERNIZATION OF CLIFFSIDE STEAM STATION

ACTION: Ronnie Hawkins made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to approve the following resolution.*

Commissioners commended Dave Hart, District Manager for Duke Power, for his “efforts to assist Cleveland County” stating “we are glad to be partners with Duke Power.”

NUMBER 18-2005

WHEREAS, Duke Power adds between 40,000 and 60,000 new customers annually and the company has not built a new “base load” power plant since 1986;

WHEREAS, Duke Power’s potential \$2 billion modernization of Cliffside Steam Station will increase the retirement of units 1 – 4, the construction of a state-of-the-art 800-megawatt coal unit by 2011 and a second 800-megawatt unit based on the level of customer growth and the company’s schedule for bringing a new nuclear power plant online;

WHEREAS, in addition to considering modernizing Cliffside Steam Station and constructing a new nuclear plant to meet its customers growing demand, Duke Power is also evaluating power from the wholesale power market and evaluating additional conservation measures and renewable energy options;

WHEREAS, the modernization of Cliffside Steam Station in Rutherford and Cleveland counties is an environmentally-sound and cost effective way for Duke Power to keep power rates low;

WHEREAS, as outlined in an air permit filed with North Carolina’s Department of Environment and Natural Resources, the two modern coal units feature emissions control equipment that will remove more than:

- 99.9% of the fly ash emissions
- 96% of the sulfur dioxide emissions
- 92% of the sulfate emissions
- 87% of the nitrogen oxide emissions, and
- 84 percent of the mercury emissions
- Actual emissions will be lower than the permitted levels

WHEREAS, Duke Power's power plant carbon dioxide emissions are 38% below the national average and a modernized Cliffside Steam Station will further reduce the Duke Power system's carbon dioxide emissions on a pounds per megawatt-hour basis;

WHEREAS, Duke Power will continue to comply with North Carolina's stringent "Clean Smokestacks" legislation and reduce its sulfur dioxide and nitrogen oxide emissions in the state by 70 and 30 percent respectively – to ensure the state's air quality continues to improve;

WHEREAS, the modernization of Cliffside Steam Station will reduce water withdrawal rates from the Broad River by 90%; and,

WHEREAS, the economic benefits of the Cliffside Steam Station modernization will be substantial to Rutherford and Cleveland counties, including a construction payroll of more than \$100 million for each unit, a significant increase in each county's property taxes and the use of local vendors during the construction and operation of the plant whenever possible.

NOW, THEREFORE, BE IT RESOLVED, that the Cleveland County Board of Commissioners fully supports Duke Power's efforts to permit, construct and operate a modernized Cliffside Steam Station.

ADOPTED THIS THE 3rd DAY OF JANUARY 2006.

PLANNING DEPARTMENT: MINIMUM HOUSING CODE VIOLATION 313-321 KELLOM DRIVE; OWNER – MOAYYA AL-NASRA

Bill McCarter, Planning Director, reviewed that during their regular meeting of November 1, 2005, Commissioners adopted an ordinance to demolish five houses along Kellom Drive in the Light Oak community. He advised Mr. Al-Nasra has requested to appear before the Board of Commissioners concerning the demolition of these houses.

Mr. McCarter stated, "The initial public hearing was held on February 28, 2002, and the owner was allowed 90-days to repair or demolish each dwelling. In an effort to work with this owner, I have continued to postpone any further action for over three years. After recent complaints from neighbors, I decided to proceed with the request for demolition. I have met with the property owner and re-inspected each structure. Numerous violations (*between 15 - 30 for each house*) continue to exist, and each structure is classified as dilapidated and must be demolished. Perry Davis, Assistant Fire Marshal, has scheduled these homes to be burned this month."

Mr. Al-Nasra told Commissioners the homes are owned by an "investment group" who purchased these houses as rental property when "the stock market went bad." He said they have "already invested lots of money in these properties" and are "fixing them now" but they are "vandalized" each time they are repaired. He said they have "no problem with the code, it's just the area is bad." Mr. Al-Nasra advised he lives in Gaston County.

Commissioners noted Mr. Al-Nasra has had ample time to repair the homes and that the people in this area who are trying to clean up their community deserve better. They also noted this is now a safety issue and they feel they have a responsibility to the people in this community. Commissioner Accor

stated she feels Commissioners should be “consistent with these ordinances” and “after four years the circumstances should have been improved.”

Commissioner Hutchins suggested requiring Mr. Al-Nasra to post a cash bond which would be forfeited in six months if the situation was not resolved. Bob Yelton, County Attorney, advised the Commission could request, but not require, such a bond.

CONSENSUS: *It was the unanimous consensus of the Board to uphold the previous ordinance and proceed with demolition.*

B & W FIBER GLASS INCENTIVE AGREEMENT

ACTION: Mary Accor made the motion, seconded by Johnny Hutchins, and unanimously adopted by the Board, *to schedule a public hearing for B & W Fiber Glass incentive grants for January 17, 2006 at 6:00 p.m. as requested.*

COMMISSIONER REPORTS

Commissioner Accor thanked Joe Lord, EMS Director, and Alexis Pearson, Human Resources Director, for their willingness to participate in the NAACP meeting on New Year’s Eve. Commissioner McIntosh encouraged county employees to participate in organizations such as this in order to get feedback from citizens. Chairman Hawkins agreed, stating “we need to hear from citizens in 2006, they need to let us know what they need.”

ZONING: VIDEO POKER

Commissioner Hutchins reported he has received several emails regarding video poker machines. He said “apparently some don’t know of the actions of the Board” to put the regulation of these machines under the Board of Adjustment through the issuance of conditional use permits, which “gives the community a voice” during the public hearing process.

MENTAL HEALTH ASSOCIATION

Commissioner Hutchins asked about this organization in regard to the recent newspaper article about Pathways. It was explained this is a non-profit group and is not a county board.

ADJOURN

There being no further business to come before the Board at this time, Willie McIntosh made the motion, seconded by Jerry Self, and unanimously adopted by the Board, to adjourn the meeting (*at 7:20 p.m.*). The next regular meeting of the Commission is scheduled for ***Tuesday, January 17, 2006 at 6:00 p.m.*** in this Commission Chamber.

*Ronald J. Hawkins, Chairman
Cleveland County Board of Commissioners*

*Wanda Crotts, CMC, Clerk
Cleveland County Board of Commissioners*