

Cleveland County Board of Commissioners
May 3, 2022

The Cleveland County Board of Commissioners met on this date, at the hour of 6:00 p.m. in the Commission Chambers of the Cleveland County Administrative Offices.

PRESENT: Kevin Gordon, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Chris Martin, Planning Director
Martha Thompson, Chief Deputy Attorney
Sherry Lavender, Tax Assessor
Tiffany Hansen, Health Department Director
Perry Davis, Emergency Management Director/Fire Marshal
Sandra Orvig, Shooting Range Director
Scott Bowman, Maintenance Director
Allison Mauney, Human Resources Director
Tommy McNeilly, Emergency Medical Services Director
Lucas Jackson, Finance Director
Jason Falls, Business Development Director
Colt Farrington, Building Codes Administrator

CALL TO ORDER

Chairman Gordon called the meeting to order and invited anyone from the audience to lead the Pledge of Allegiance and provide the invocation.

Business Development Director Jason Falls provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Whetstine and unanimously adopted by the Board to, ***approve the agenda with the following addition to the regular agenda:***

Item 7a. Shelby Recycling Site Closure

SPECIAL RECOGNITION

2022 NORTH CAROLINA GOVERNOR'S VOLUNTEER SERVICE AWARD

The Governor's Volunteer Service Awards program was created by the Office of the Governor in 1979 to recognize North Carolina's most dedicated volunteers. Through the years, the award has been bestowed on thousands of North Carolinians who have shown concern and compassion for their neighbors by volunteering in their local communities. Glen Lashbrook, Brownie Plaster and the Kingstown Community Organization for Citizens Concerns from Cleveland County have been awarded certificates for their outstanding volunteer service. The Commissioners took turns commenting and giving congratulations to the award recipients.



*Governor's Award
for
Volunteer Service*

This is to certify that

Martha "Brownie" Plaster

is hereby awarded the highest designation of appreciation for distinguished volunteer service to the People and the State of North Carolina, and is to be granted and extended all honors and courtesies provided by this Office, entitled thereunto by this certificate of recognition and appreciation.



Roy Cooper
Governor

March 31, 2022
Date



*Governor's Award
for
Volunteer Service*

This is to certify that

**Kingstown Community Organization
for Citizens Concerns**

is hereby awarded the highest designation of appreciation for distinguished volunteer service to the People and the State of North Carolina, and is to be granted and extended all honors and courtesies provided by this Office, entitled thereunto by this certificate of recognition and appreciation.



Roy Cooper
Governor

March 31, 2022
Date



*Governor's Medallion Award
for
Volunteer Service*

This is to certify that

Glen Lashbrook

is hereby awarded the highest designation of appreciation for distinguished volunteer service to the People and the State of North Carolina, and is to be granted and extended all honors and courtesies provided by this Office, entitled thereunto by this certificate of recognition and appreciation.



Roy Cooper
Governor

March 17, 2022
Date

SPECIAL PRESENTATION

MOTORCYCLE AWARENESS MONTH 2022

Chairman Gordon recognized Commissioner Whetstine who spoke about Motorcycle Awareness Month and the importance of being observant and sharing the road with all motorists. He also pleaded for residents not to blow their grass clippings into the roadway. The clippings cause extremely dangerous road conditions for

motorcycle riders. When a rider drives over grass left in the roadway it is equivalent to a car driving over a patch of black ice. Commissioner Whetstine thanked members of the Concerned Biker's Association of Cleveland County who were present to receive the following proclamation which was read by the Clerk:



SCHOOL NURSE DAY 2022

Chairman Gordon recognized School Health Nursing Supervisor Heather Voyles to speak about School Nurse Day 2022. National School Nurse Day is observed on the Wednesday during National Nurses Week in May to recognize the field of school nursing. This event honors the daily efforts of school nurses to ensure all students' well-being, safety, and academic ability. Commissioners thanked Ms. Voyles and other Health Department staff who were present to receive the following proclamation which was read by the Clerk:



Proclamation

04
05-2022

School Nurse Day 2022

Whereas, students are the future, and by investing in them today, we are ensuring our world for tomorrow; families deserve to feel confident that their children will be cared for when they are at school; and

Whereas, all students have a right to have their physical and mental health needs safely met while in the school setting; students today face more complex and life-threatening health problems requiring care in school; the COVID-19 pandemic has emphasized the essential role school nurses play in student health and academic success; and

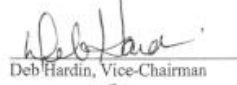
Whereas, school nurses have served a critical role in improving public health and in ensuring student's academic success for more than 100 years; they address the home and community factors (e.g., social determinants) that impact students' health; acts as a liaison to the school community, families, and healthcare providers on behalf of children's health by promoting wellness and improving health outcomes for our nation's children; and

Whereas, school nurses support the health and educational success of children and youth by providing access to care when children's cognitive development is at its peak; they are members of school-based teams (e.g., school health services, 504/IEP, disaster/emergency planning) to address the school population, school nurses understand the link between health and learning and are in a position to make a positive difference for children every day,

Now, Therefore Be It Resolved that the Cleveland County Board of Commissioners hereby proclaims Wednesday, May 11, 2022, as "School Nurse Day" in Cleveland County, celebrating the accomplishments of school nurses and asking all citizens to join in the observance.

Adopted this the 3rd day of May, 2022.


Kevin Gordon, Chairman


Deb Hardin, Vice-Chairman


Johnny Hutchins, Commissioner


J. Ronnie Whetstone, Commissioner


Douglas Bridges, Commissioner



CITIZEN RECOGNITION

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from *April 5 and April 19, 2022 regular meetings* in Board members' packets.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and passed unanimously by the Board to, ***approve the minutes as written.***

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #055)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, ***approve the following budget amendment:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.545.4.540.97		CODAP/Contracted Revenue-COVID19 Relief	\$101,417.00	
012.548.5.121.00		CODAP/Salaries-FT Reg	\$6,991.00	
012.548.5.310.97		CODAP/Travel-Training-COVID19 Relief	\$1,180.00	
012.548.5.311.97		CODAP/Educational-Training-COVID19 Relief	\$2,855.00	
012.548.5.370.97		CODAP/Advertising-Promo-COVID19 Relief	\$25,459.00	
012.548.5.581.97		CODAP/Awards-Appreciation- COVID19 Relief	\$7,446.00	
012.548.5.700.97		CODAP/Grants Expense- COVID19 Relief	\$57,486.00	

Explanation of Revisions: Budget allocation for \$101,417 in additional COVID-19 relief funds from Partners Behavioral Health Management Services for program enhancements of Youth & Parent Education and Environmental Strategies for substance abuse. Funds will be used for advertising, travel and educational expenses.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #056)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, ***approve the following budget amendment:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.519.4.310.00		Public Assistance/Federal Govt Grants	\$62,332.00	
011.519.5.512.08		Public Assistance/Public Asst-LIEAP	\$62,332.00	

Explanation of Revisions: Budget allocation for \$62,332 in a one-time Low Income Energy Assistance Program (LIEAP) Supplemental funds. The supplement will be a flat rate of \$224 per household that received a LIEAP payment during FY 2021 - 2022.

PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, JUNE 7, 2022 FOR CASE 22-13: REQUEST TO REZONE PROPERTY AT 1318 STONY POINT ROAD FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (R)

Parcel 47196 is 15.16 acres, located at 1318 Stony Point Road, and is currently zoned Restricted Residential (RR). The applicant, Dexter Williams, is asking to rezone this to Residential (R). Surrounding zoning is a mix of General Business (GB) along Stony Point, Restricted Residential (RR) to the south, west across Stony Point, and north up to Mary's Grove Church Road. There is also Residential (R) to the immediate west. Surrounding uses are a mix of businesses and residences along Stony Point Road, single-family dwellings to the south along Lizzie Lane and Bottom Road, and mostly vacant tracts to the immediate north along Mary's Grove Church Road. The Land Use Plan calls this area both Future Primary and Future Secondary Growth Area. Residential uses are compatible with surrounding uses.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, ***approve scheduling the public hearing as requested.***


FINANCE DEPARTMENT: 2022 AUDIT CONTRACT

North Carolina General Statute §159-34 requires each unit of local government in North Carolina to have its accounts audited at the close of each fiscal year by a certified public accounting firm. The audit evaluates the performance of a unit of local government regarding compliance with applicable federal and state laws as well as the accuracy and reliance of the financial statement disclosures. Each year Cleveland County's audit contract must be approved first by the County Board of Commissioners and then the North Carolina Local Government Commission. The Finance Department is recommending the renewal of the contract with Thompson, Price, Scott, Adams & Co, P.A. for the 2020-2021 fiscal year audit.

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, ***to approve the audit contract with Thompson, Price, Scott, Adams & Co, P.A. for the 2021-2022 fiscal year audit. (a full copy of the audit contract is on file in the Clerk's Office and the Finance Department).***

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* THOMPSON, PRICE, SCOTT, ADAMS & CO, P.A.	
Authorized Firm Representative (typed or printed)* ALAN W. THOMPSON	Signature* 
Date* 04/20/22	Email Address* alanthompson@tpsacpas.com

GOVERNMENTAL UNIT

Governmental Unit* CLEVELAND COUNTY	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed)* Commissioner Chairman	Signature*  SIGN HERE
Date 05/03/2022	Email Address Kevin.gordon@clevelandcountync.gov
Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed)	Signature*  SIGN HERE
LUCAS JACKSON	Email Address* lucas.jackson@clevelandcounty.com
Date of Pre-Audit Certificate*	

LEGAL DEPARTMENT: LAND TRANSFER – PARCEL 60406

North Carolina General Statute § 160A-274 authorizes the County to convey property to other governmental units any property that the County owns, with or without consideration. Cleveland Community College has requested that the County transfer parcel 60406, located at 831 N. Post Road in Shelby, which the County currently leases to the Community College to use for training purposes.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, ***adopt the resolution authorizing the land transfer of parcel 60406 to Cleveland Community College.***

	<h2>Resolution</h2>
	09-2022
RESOLUTION APPROVING LAND TRANSFER TO CLEVELAND COMMUNITY COLLEGE	
WHEREAS, Cleveland County, North Carolina (the "County") owns real property located at 831 N. Post Road, Shelby, NC 28150, with Cleveland County Parcel Number 60406 and Property Identification Number 2557753781 (the "Property"); and	
WHEREAS, N.C.G.S. § 160A-274 authorizes a governmental unit in this State to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit seems wise, with or without consideration; and	
WHEREAS, the term "governmental unit" as used in N.C.G.S. § 160A-274 is defined as "a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution;" and	
WHEREAS, the County has determined that it is in the best interest of the County to convey the Property to Cleveland Community College, and it deems it wise to do so for no consideration.	
NOW THEREFORE, the Cleveland County Board of Commissioners resolves that:	
<ol style="list-style-type: none"> 1. Cleveland County hereby conveys to Cleveland Community College the Property described above. 2. The Property herein described shall be conveyed for no consideration. 3. The Chairman of the Board of Commissioners and/or the County Manager are authorized to execute all documents necessary to convey the Property in the manner authorized in this Resolution, and the County's attorneys are authorized to prepare such documents. 	
Adopted this 3 rd day of May, 2022.	
	 Kevin Gordon, Chairman Cleveland County Board of Commissioners
ATTEST:	
	 Phyllis Nowlen, Clerk To The Board Cleveland County Board of Commissioners
	

TAX ADMINISTRATION: COUNTY LINE SURVEYING

Burke County has requested Cleveland County allow the Cleveland County line that adjoins with Burke County to be surveyed and re-established to identify and resolve an ambiguous or uncertain boundary. In the past, with outdated paper maps and constantly changing property lines by deed, will, plat or survey, the county line may have become ambiguous. With the prevalence in recent years of better-computerized GIS and tax mapping techniques, staff can be more accurate in assessing property within county jurisdiction. To date, no major discrepancies have been found. If approved, this action would re-establish current county lines and reduce possible future clerical errors regarding properties that may be assessed in multiple jurisdictions.

The North Carolina Geodetic Survey, designated and funded by the North Carolina General Assembly can complete the survey at the invitation of the counties involved at no cost to either local government. Burke County Commissioners have already approved a similar resolution upon the request of former Burke County Tax Administrator, Danny Isenhour, at their February 16, 2021 regular agenda meeting. A re-established county line would ensure that property is being assessed for ad valorem tax purposes by the proper jurisdiction.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, *adopt the resolution authorizing county line surveying.*



Resolution

10-2022

RESOLUTION AUTHORIZING COUNTY LINE SURVEYING

WHEREAS, the North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county boundaries; and

WHEREAS, the work can be done at the invitation of the counties involved at no cost to county government; and

WHEREAS, in order to initiate the process, the county should identify the county's ambiguous or uncertain boundaries and must appoint a "Special Commissioner of Boundaries"; and

WHEREAS, there is uncertainty with the adjoining boundaries between Cleveland County and Burke County; and Burke County has resolved to have the adjoining boundary with Cleveland County be resurveyed; and it is appropriate that Cleveland County likewise resolve that the adjoining boundaries between these two counties be resurveyed in order to determine the correct boundary lines; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Cleveland County that:

1. As a result of the age of the current tax maps and the unavailability of reliable survey data, the Board deems that Cleveland County's boundaries adjoining are uncertain: Burke County.
2. The Board hereby appoints Ms. Sherry Lavender, Cleveland County Tax Administrator, as Cleveland County's Special Commissioner of Boundaries.
3. The Board of Commissioners requests that Cleveland County's lines be surveyed by the North Carolina Geodetic Survey.
4. This resolution shall be in full force and effect upon its adoption this 3RD day of May 2022.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:


Phyllis Nowlen, Clerk To The Board
Cleveland County Board of Commissioners



PUBLIC HEARING

PLANNING DEPARTMENT CASE 22-11: REQUEST TO REZONE PROPERTY AT 132 JIM PATTERSON ROAD FROM RESIDENTIAL MANUFACTURED HOME AND PARKS (RMH) TO GENERAL BUSINESS-CONDITIONAL USE (GB-CU) FOR A WEDDING/EVENT VENUE AND CAMPGROUND

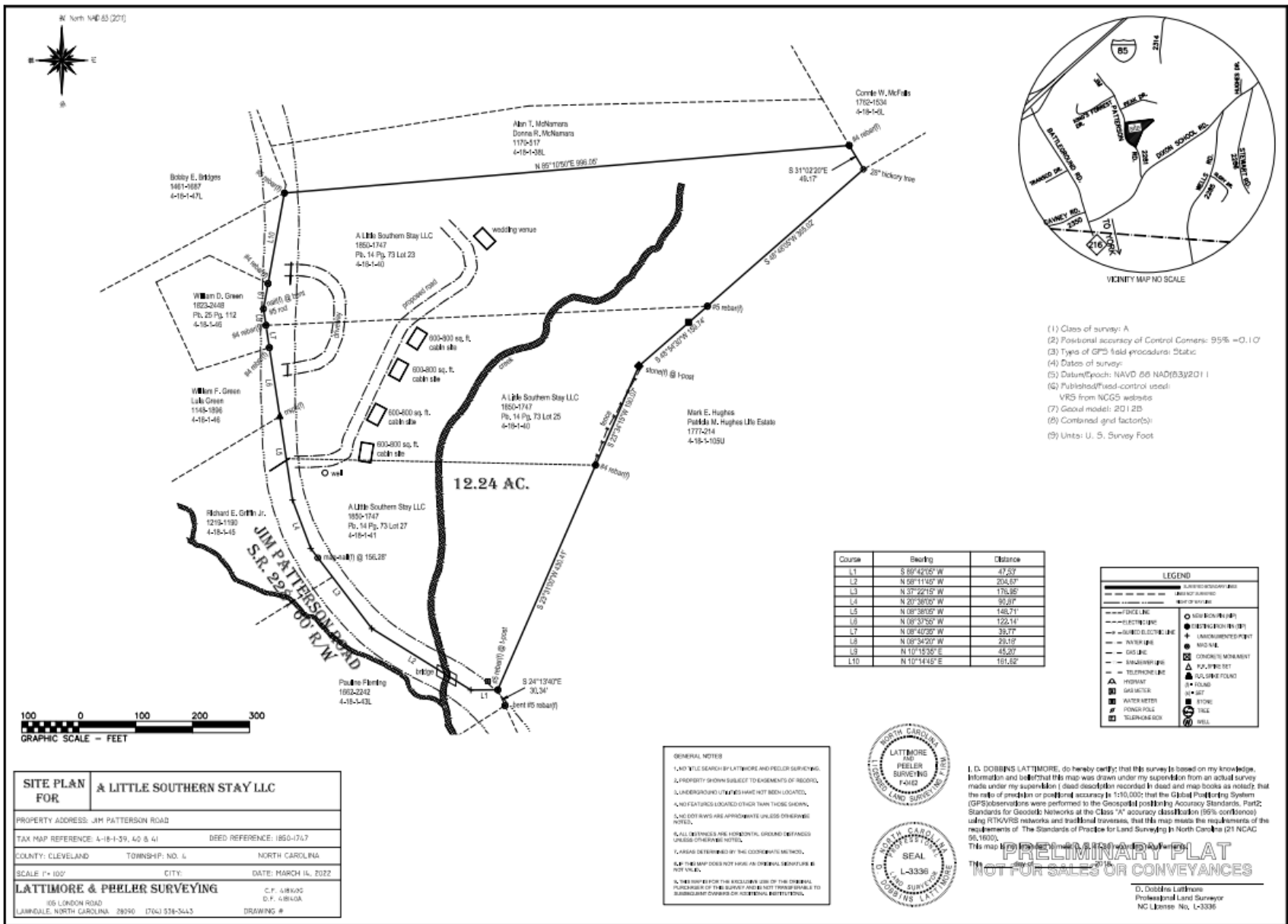
Chairman Gordon called Planning Director Chris Martin to the podium to present Planning Case 22-11: request to rezone property at 132 Jim Patterson Road from Residential Manufactured Home and Parks (RMH) to General Business – Conditional Use (GB-CU) for a Wedding Venue and Campground. Parcels 10557, 10558 and 10559 are a combined 12.24 acres, located at 132 Jim Patterson Road, and are currently zoned Residential Manufactured Homes and Parks (RMH). The applicants, Ray and Kelli Little, with A Little Southern Stay, LLC, are requesting to rezone these three parcels, which they intend to combine, to General-Business Conditional Use (GB-CU) for a wedding/event venue and a campground. Both of those uses are allowed in the General Business (GB) zoning district. Surrounding zoning is a mix of Residential Manufactured Homes and Parks (RMH), Residential (R), Restricted Residential (RR), General Business (GB) and Light and Heavy Industrial (LI & HI) along south I-85 and Battleground Avenue. Surrounding uses are a mix of single-family residences and a manufactured home park north on Jim Patterson Road. The Land Use Plan calls this area Future Primary Growth Area, and the proposed use is compatible with surrounding uses.

The Planning Board voted unanimously to recommend approval of the rezoning request. The Board felt that this requested change was low impact and was compatible with existing uses. They also felt the requested zoning district of General Business (GB) was in conformity with the Land Use Plan's designation of Future Primary Growth Area.

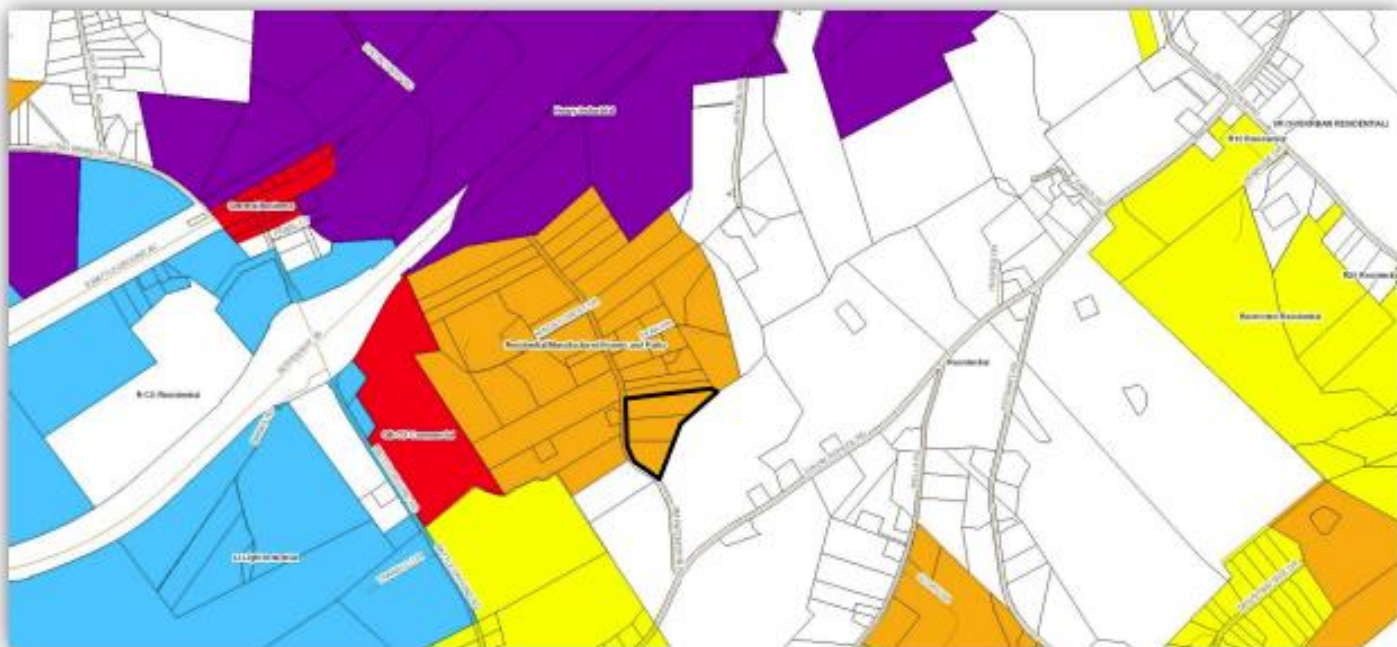
Chairman Gordon opened the Public Hearing at 6:35 pm for anyone wanting to speak for or against Planning Case 22-11: request to rezone property at 132 Jim Patterson Road from Residential Manufactured Home and Parks (RMH) to General Business – Conditional Use (GB-CU) for a Wedding Venue and Campground. (*Legal Notice was published in the Shelby Star on Friday, April 22 and Friday, April 29, 2022*).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:36 pm.

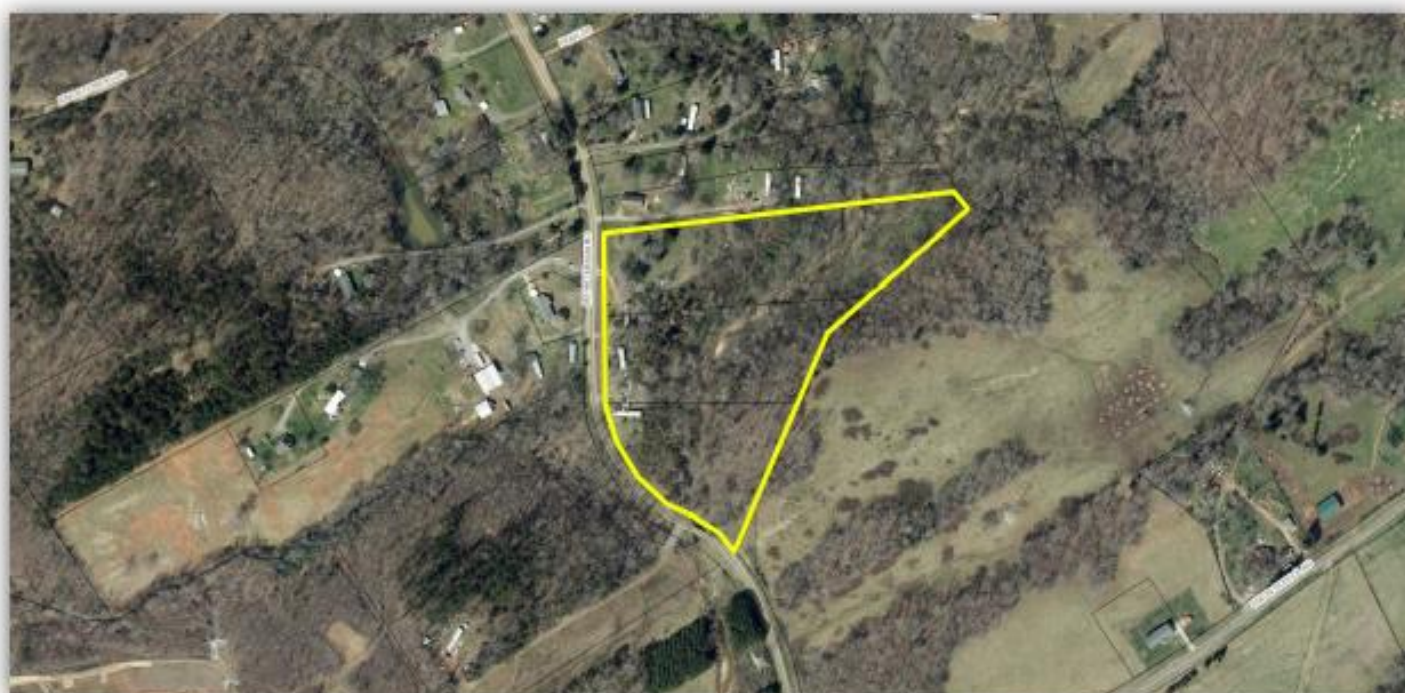
ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***approve the request to rezone property at 132 Jim Patterson Road from Residential Manufactured Home and Parks (RMH) to General Business – Conditional Use (GB-CU) for a Wedding Venue and Campground as it is consistent with the Land Use Plan and compatible with existing surrounding uses.***



Case # 22-11 Zoning Map
132 Jim Patterson Road
Parcels 10557, 10558, 10559 12.24 Acres



Case # 22-11 Zoning Map
132 Jim Patterson Road
Parcels 10557, 10558, 10559 12.24 Acres



REGULAR AGENDA

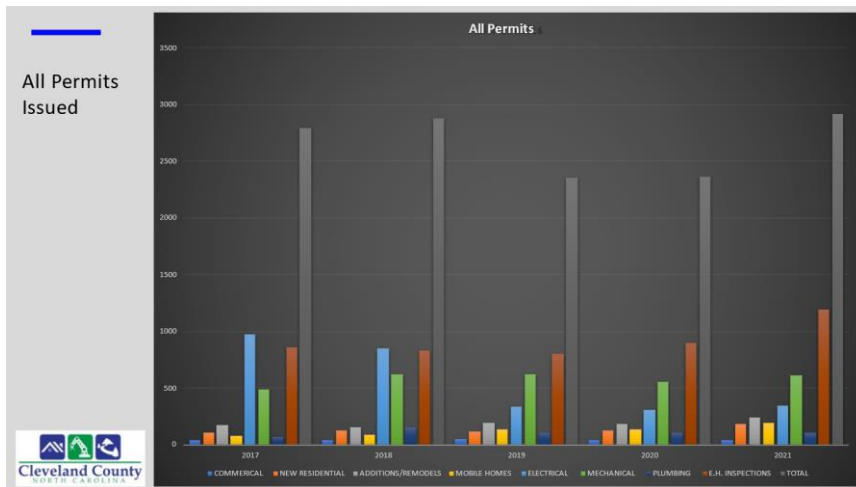
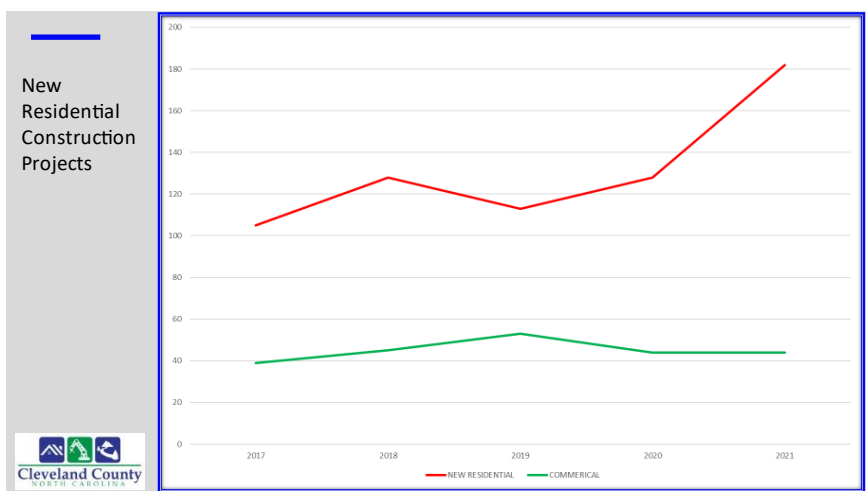
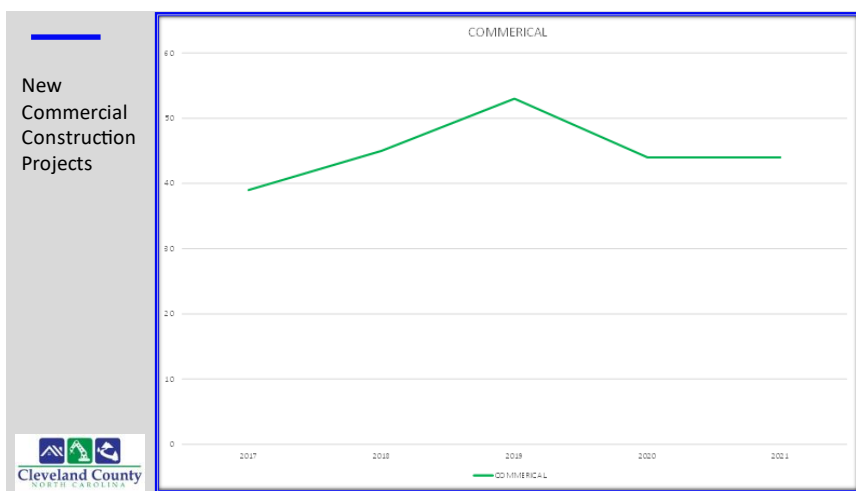
BUILDING INSPECTIONS UPDATE

Chairman Gordon recognized Building Codes Administrator Colt Farrington to present a Building Inspections Update. Mr. Farrington gave a progress report on the 2021 building permits issued in the county, rising costs of construction and the potential for more development growth. The following information and PowerPoint were presented to Commissioners.



2021 Permit Totals

44 New Commercial Building Permits
182 New Residential Building Permits
1731 Total Permits Issued for 2021



ICC Building Valuation Data Chart

February 2022

Group (2021 International Building Code)	IA	IB	IIA	IB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	309.06	298.66	291.64	280.58	263.98	255.82	272.02	244.80	237.02
A-1 Assembly, theaters, without stage	282.85	272.45	265.42	254.37	237.77	229.81	245.81	218.59	210.80
A-2 Assembly, nightclubs	237.31	230.23	224.56	215.36	202.99	197.40	207.69	183.68	177.40
A-2 Assembly, restaurants, bars, banquet halls	236.31	229.23	222.56	214.36	200.99	196.40	206.69	181.68	176.40
A-3 Assembly, churches	286.90	276.49	269.47	258.42	242.23	234.07	249.86	223.05	215.26
A-3 Assembly, general, community halls, libraries, schools	244.77	234.37	226.34	218.29	198.94	191.79	207.73	179.77	172.98
A-4 Assembly, arenas	281.85	271.45	263.42	253.37	235.77	228.61	244.81	216.59	209.80
B Business	240.90	232.07	223.51	214.08	194.91	187.36	205.68	172.02	164.34
E Educational	257.70	248.89	242.35	231.90	216.47	205.54	223.92	189.21	183.31
F-1 Factory and industrial, moderate hazard	144.93	138.11	130.39	125.40	112.49	107.10	120.02	92.69	86.88
F-2 Factory and industrial, low hazard	143.93	137.11	130.39	124.40	112.49	106.10	119.02	92.69	85.88
H-1 High Hazard, explosives	135.29	128.47	121.75	115.76	104.14	97.75	110.39	84.34	N.P.
H234 High Hazard	135.29	128.47	121.75	115.76	104.14	97.75	110.39	84.34	77.53
H-3 HPM	240.90	232.07	223.51	214.08	194.91	187.36	205.68	172.02	164.34
I-1 Institutional, supervised environment	244.45	236.08	229.06	219.82	202.16	196.58	220.10	181.25	175.81
I-2 Institutional, hospitals	401.22	392.40	383.83	374.40	354.29	N.P.	366.00	331.40	N.P.
I-2 Institutional, nursing homes	279.15	270.32	261.76	252.33	234.64	N.P.	243.93	211.75	N.P.
I-3 Institutional, restrained	273.40	264.57	256.00	246.57	229.13	220.58	238.17	206.24	198.56
I-4 Institutional, day care facilities	244.45	236.08	229.06	219.82	202.16	196.58	220.10	181.25	175.81
M Mercantile	177.02	169.94	163.27	155.07	142.48	137.88	147.40	123.17	117.89
R-1 Residential, hotels	246.94	238.56	231.54	222.30	204.35	198.77	222.58	183.44	178.00
R-2 Residential, multiple family	206.81	198.43	191.41	182.17	165.41	159.83	182.46	144.50	139.06
R-3 Residential, one- and two-family ^a	192.58	187.37	182.53	178.04	172.85	166.59	175.01	160.35	150.87
R-4 Residential, care assisted living facilities	244.45	236.08	229.06	219.82	202.16	196.58	220.10	181.25	175.81
S-1 Storage, moderate hazard	134.29	127.47	119.75	114.76	102.14	95.75	109.39	82.34	76.53
S-2 Storage, low hazard	133.29	126.47	119.75	113.76	102.14	95.75	108.39	82.34	75.53
U Utility, miscellaneous	104.98	99.04	93.31	89.21	80.44	74.45	85.33	63.42	60.43

a. Private Garages use Utility, miscellaneous
b. For shell only buildings deduct 20 percent
N.P. = not permitted
c. Unfinished basements (Group R-3) = \$23.20 per sq. ft.

How Much Does It Cost to Build A House?

2017

1600 square feet heated w/ a garage

2176 x \$112psf = \$243,712

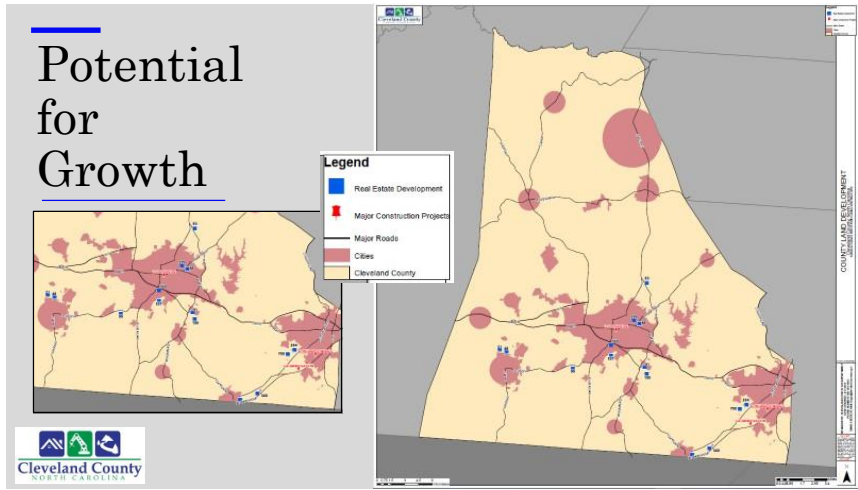
2022

The exact same house today

\$326,400

Despite rising costs, starts are increasing

3000 square feet x \$215 = \$645,000



Questions

The Board thanked Mr. Farrington for the information and the hard work he and his department does.

SHELBY COLLECTION SITE CLOSURE

Chairman Gordon recognized County Manager Brian Epley to present the Shelby Collection Site closure update. The Board was reminded at their February 2022 work session. After much discussion, evaluation and analyzing data, the Commissioners took action to close the Shelby Recycling Center. This site is the only one located in a municipal jurisdiction. The Board gave direction to staff to accomplish site closure by April 1, 2022. The action also included the option for the City of Shelby the opportunity to take over the operations of the recycling site.

Mr. Epley explained contact was made to City of Shelby management advising them of the Board's decision in the weeks following the work session. Cleveland County worked to try and achieve the April 1, 2022 deadline however due to budget season and other factors, that deadline was not met. County staff requested and was granted a 30-day extension from Commissioners. Mr. Epley again reached out to City of Shelby management advising them of the imminent deadline and offered the same previous options of either permanent closure with reallocation of county resources or for the city to assume operation of the site.

Closure of the recycling site began fundamentally because it is the only county resource within a municipal jurisdiction and is an underutilized asset. The City of Shelby owns the land where the site is located which stemmed from a non-written agreement from several years ago for the county to operate the site on city property. The county has moved forward with closure of the site. The following information and PowerPoint were reviewed to Commissioners.



Background

- **February 25th, 2022:**
 - Board voted to offer the sale and operation of the Shelby Convenience Site to the City of Shelby, or close site on April 1st.
- **Originally to Close: April 1, 2022**
- **Extended closure: May 1, 2022**
 - Marketing and communicating closure

2

Funded Services



Fee Type	Fee Amount
Recycling Fee- All residents	\$ 25.00
Solid Waste Fee- Unincorporated Areas without curbside collection	\$ 53.03
Total	\$ 78.03

TAXING DISTRICT	RATE PER \$100	AMOUNT DUE	TAXING DISTRICT	RATE PER \$100	AMOUNT DUE
COUNTY GENERAL TAX	.54750	728.81	COUNTY GENERAL TAX	.54750	1,046.44
CONSOLIDATED SCHOOL DIST	.14000	196.36	CONSOLIDATED SCHOOL DIST	.14000	267.59
COUNTY FIRE	.08750	116.48	COUNTY FIRE	.08750	167.24
CLEV CO WATER DISTRICT	.02000	26.62	CLEV CO WATER DISTRICT	.02000	38.23
LATE LIST PENALTY			LATE LIST PENALTY		
SOLID WASTE LAUNCH FEE	1	25.00	SOLID WASTE LAUNCH FEE	1	78.03
EARLY PAY DISCOUNT (VALID ONLY THRU AUG. 31)			EARLY PAY DISCOUNT (VALID ONLY THRU AUG. 31)		
TOTAL DUE (SEPTEMBER 1ST THROUGH JULY 5)		\$ 1,077.85	TOTAL DUE (SEPTEMBER 1ST THROUGH JULY 5)		\$ 1,589.53
TOTAL DUE (SEPTEMBER 1ST THROUGH JANUARY 31ST)		\$ 1,083.27	TOTAL DUE (SEPTEMBER 1ST THROUGH JANUARY 31ST)		\$ 1,597.52

3

Convenience Centers



- 9 Convenience Centers in the County
- 8 Sites
 - Accept solid waste & recycling
 - Unincorporated areas
- 1 municipal site - Shelby
 - Only one in municipal limits
 - Only accepts recycling



4

Cost of Operations

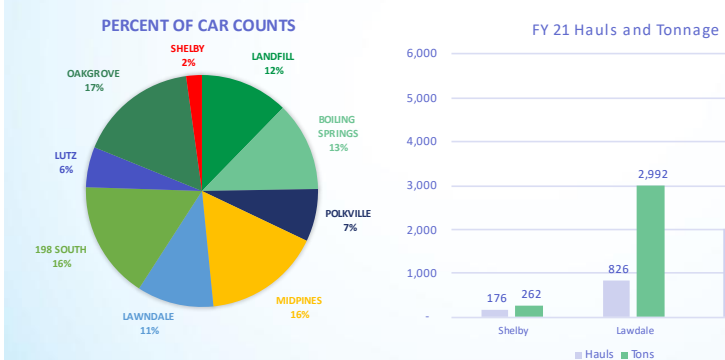


Shelby Site Cost of Operations	
Salaries and Wages	\$ 46,667
Utilities	\$ 2,000
Transportation	\$ 2,135
TOTAL	\$ 50,802

5

Shelby Site

COLLECTIONS



6

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired about fees to county residents. Mr. Epley reviewed the services, costs and fees associated with recycling centers and solid waste pick up. Chairman Gordon stated, for clarification, *“The Landfill and its operations are an enterprise fund, paid totally by user fees, regardless of the type of fee. There is not one county general fund tax that goes to the operation of the landfill. Regardless of where a county resident lives, all citizens are treated equally in relationship to county tax and the operation of the landfill and any of the convenience sites associated with that.”* Mr. Epley advised that was correct. Staff regularly works with an engineering company to ensure the county is charging adequately to properly maintain and dispose of waste while keeping the fees fair and equitable.

Chairman Gordon asked Mr. Epley, *“Is it true multiple conversations were had with City of Shelby Management regarding the closure of the recycling site and timeline after the decision was made at the February 2022 Commissioners’ work session?”* Mr. Epley replied, *“Nothing formal was given to the city, but there were several conversations with City of Shelby leadership regarding the intent of site closure and the opportunity to take over operation of the recycling site at an approximate cost of \$50,000 annually. There was more than one conversation.”*

JUSTICE CENTER CONSTRUCTION MANAGER AT RISK

County Manager Brian Epley remained at the podium to present the Justice Center Construction Manager at Risk (CMAR). Chairman Gordon and Commissioner Whetstine worked with staff through CMAR selection for the project. This is the first time in history in Cleveland County, that the county will follow this procurement method.

North Carolina General Statute 143 governs all construction activity in North Carolina, outlining multiple models. The construction manager at-risk model is a different model that brings on a construction consultant early in the process to work with the design team. It is a cost-plus spending model that will aid in offsetting some of the supply chain and labor shortages. The design-bid-build model previously used often requires contractors to submit a bid when it's too expensive, at a significant premium to cover the risk that they're ensuring by promising cost at maybe two or three years out.

The Justice Center will be about 400,000 square foot facility with a centrally co-located 450-bed jail, which helps cut down transportation costs and increases security. The projected total project budget is estimated at \$140MM with \$59MM of the funds from a state grant. Mr. Epley reviewed the background, budget, schedule, conceptual plans and the CMAR evaluation process to Board members. The following information and PowerPoint were presented to Commissioners.




- **May 2018**
Cleveland County completes in all-inclusive detention center study by Moseley Architects
- **June 2018 – November 2019**
Court Space Needs Study Completed
Jail Space Needs Plan
- **February 2020**
Cleveland County issues RFQ for architect for jail expansion
- **March 2020–December 2020**
County Freezes Capital Projects, COVID decreases jail numbers substantially, reevaluate jail capacity needs
- **February 2021**– Commissioners approve Justice Center Campus master planning
- **August 2021**– Evaluation of three (3) independent/objective architectural conceptual renderings of Justice Center Campus Layout
- **October 2021**– Justice Center Campus RFQ release for planning, design, and engineering
- **December 2021**– Selection of Moseley Architects

Spring 2017
Facilitation and completion of comprehensive Cleveland County facility master plan.

Fall 2017
Detention and Court identified as top two key long term facility challenges.

January 2018
Board of Commissioners prioritize "jail expansion"

May 2018
Cleveland County completes in all-inclusive detention center study by Moseley Architects



JUSTICE CENTER | CLEVELAND COUNTY

April 28, 2022

AGENDA

1. BACKGROUND
2. BUDGET
2. SCHEDULE
3. CONCEPTUAL SITE PLAN/RENDERINGS
4. CMAR SELECTION




JUSTICE CENTER | CLEVELAND COUNTY

April 28, 2022

BUDGET

Total Project Budget: \$140,000,000

- State Grant \$59,000,000
- Pay as you go \$18,000,000
- Debt Proceeds \$63,000,000

Project scope: Construct new Justice Center on 8.3 acres around the existing Cleveland County Courthouse to include Courts, Sheriff's Office and a 450-bed jail with a shell for future expansion.




JUSTICE CENTER | CLEVELAND COUNTY

April 28, 2022

SCHEDULE

MILESTONE DATES

SCHEMATIC DESIGN PHASE <i>(CMAR will join the team near the end of SD Phase)</i>	May/ June 2022
DESIGN DEVELOPMENT PHASE	September 2022
CONSTRUCTION DOCUMENTS PHASE	February 2023
AGENCY REVIEW/ APPROVAL	May 2023
BIDDING/ AWARD	July - August 2023
SUBSTANTIAL COMPLETION	December 2025

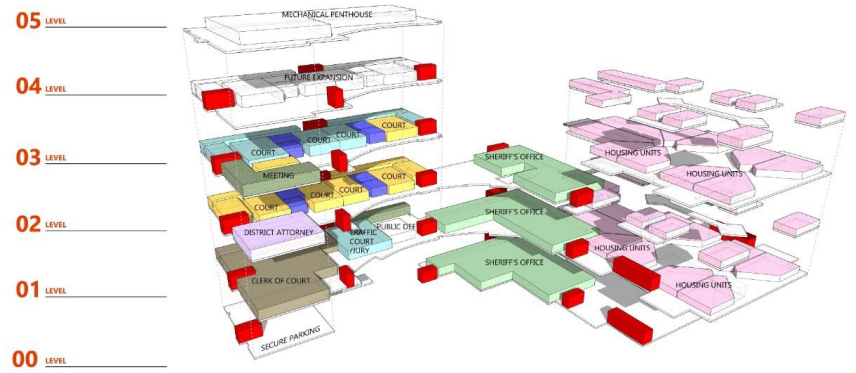
CONCEPTUAL SITE PLAN

CONCEPTUAL SITE PLAN



FLOOR PLANS & CONCEPTUAL RENDERINGS

STACKING DIAGRAM



CMAR EVALUATION PROCESS

CMAR Selection

- The County must determine that CMAR services are in the best interest of the project, G.S. 143-128.1(e).
- The County must make a good faith effort to solicit minority participation, historically underutilized businesses, and small business entities -- G.S. 143-128.1(b); 143-64-31(a).
- The County must announce all requirements for CMAR contracts to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information – G.S. 143-64.31(a).
- After identifying the best qualified firm, the County must negotiate a contract for CMAR services with that firm at a fair and reasonable fee – G.S. 143-64.31(a).

CMAR Selection

- If the County cannot negotiate a contract with the best qualified firm, negotiations with that firm shall be terminated, and the County must initiate negotiations with the next best qualified firm – G.S. 143-64.31(a). **(This is why it is important that the firms be RANKED).**
- Statute does not authorize the County to give preference to firms located in the County – G.S. 143-64.31(a1).
- No work product or design may be solicited, submitted, or considered; no cost information other than unit price may be solicited, submitted, or considered – G.S. 143-64.31(f).
- Examples of prior work may be solicited, submitted, and considered when determining demonstrated competence and qualification of CMAR services, and discussion of concepts or approaches to the project, including impact on project schedules, is encouraged – G.S. 143-64.31(f).

CMAR Selection

Reporting

•After selecting a CMAR, and no later than 12 months after the County takes occupancy of the project, the County must submit to the North Carolina Secretary of Administration:

- o A detailed explanation of why the CMAR was selected;
- o The terms of the contract with the CMAR;
- o A list of all other firms considered but not selected as CMAR;
- o A report on the form of bidding utilized by the CMAR during the project;
- o A detailed explanation of why the County used a CMAR instead of separate prime bidding, single prime bidding, or dual bidding.

•If the County fails to submit this report, it shall be prohibited from using CMAR services again until submitting this report-- G.S. 143-128.1B(c).

Non-Compliance

•Contracts entered into in violation of these requirements are voidable.
 •N.C.G.S. 14-234 contains criminal penalties for misconduct related to the awarding of public contracts. Contracts entered into in violation of that statute are void unless immediate termination would harm the public health or welfare and the contract's continuation is approved by the Local Government Commission.



ACTION

Selection of Yates/ Metcon as the CMAR for the Justice Center Campus Project and authorize the Board Chair and County Manager to negotiate and finalize all documents with CMAR retainment



CMAR Selection



EVALUATION CRITERIA	BARNHILL BEAM	YATES METCON	EDIFICE
Joint Venture	Yes (60/40)	Yes (60/40)	No
Bonding Capacity	> 1B	> 1B	
Reference Checks	Lincoln County Town of Apex City of Morganton	Catawba Indian Nation Hoke County Robeson County	City of Hendersonville Town of Harrisburg Town of Belmont
Annual Revenue	2021 – Barnhill : \$ 326MM Beam : \$ 39MM	2021 – Yates : \$ 1.8 B Metcon : \$ 147MM	Edifice – \$289.4MM
Average Project Budget:	2021– Barnhill : \$ 2.3 MM Beam : \$ 1.9 MM	2021 –Yates : \$ 13.3 MM Metcon : \$ 9.2 MM	2021-\$4.6MM
% Project Budget	41 %	8 %	51 %
Total Phase CMAR Score	1090/200 1290	1099/247 1346	855/159 1014

QUESTIONS

Chairman Gordon opened the floor to the Board for questions and discussion. He and Commissioner Whetstine spoke positively about the selection process.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, *approve the selection of Yates/Metcon as the CMAR for the Justice Center Campus Project and authorize the Board Chair and County Manager to negotiate and finalize all documents with CMAR retainment.*

EMS TRANSITION PLAN

County Manager Brian Epley remained at the podium to present the Emergency Medical Services (EMS) Transition Plan. About a year ago, the county engaged in a public safety strategic plan. At the February 2022 work session Commissioners heard recommendations on how to enhance the existing system which included a centrally administered EMS system for Cleveland County. After Commissioners made the decision to move to a centrally administered EMS system, staff was tasked to begin a transition plan with a phased approach with a focus on improving patient care, response time and training. Mr. Epley reviewed the background, phased transition and operational enhancements to Commissioners focusing on the transition plan with the implementation of the following phases:

- Phase I – Communication: all Boards were notified of the transition, communicated the message of a commitment to hire eligible rescue squad personnel and the intent to purchase needed capital and partnership for a seamless transition.

- Phase II – Personnel: four separate hiring events were held in March and April 2022 at the American Red Cross Building. All employees of the rescue squads were invited, and those employees hired by Cleveland County received equivalent or higher pay.
- Phase III – Capital and Equipment: the county is working with Upper Cleveland and Kings Mountain rescue squads to conduct a market analysis on their capital and equipment. The county has worked with Shelby Rescue Squad to determine an agreed upon price for capital equipment. The current negotiated price is \$1,250,000. The purchase will need to be approved by Commissioners.
- Phase IV – System Enhancement: the county is committed to coverage with peak shaving units anticipated to begin in the summer or fall of 2022 and will complete ongoing system analysis.

Regarding phase IV, Mr. Epley spoke about the data and proposed plans that were presented at the Commissioner’s February 2022 work session noting a top concern identified is that only about 75% of Cleveland County is reachable from current EMS base locations within the best practice of an eight-minute response time. Staff is working on improving that number to 90%. The county is starting to shift towards peak shaving 12-hour daytime coverage and other areas for improvement. The county will measure the levels of effectiveness and implementation to achieve the Board’s goals for EMS which will have a significant impact on response time and coverage. This transition will be cost-neutral to taxpayers. The following information and PowerPoint were presented to Board members.



Transition Goals



1. Continued service to Cleveland County citizens
2. Communicate transition partnership with rescue squads
3. Hire 12 FTE for interfacility transports
4. Acquire needed capital for additional staffing
5. Begin system enhancement

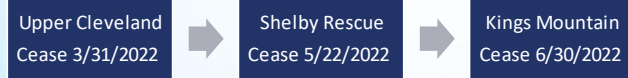
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Phase I

COMMUNICATION



- **Personally notified all boards of the transition**
 - Official press released issued - March 10, 2022
- **Communicated Message:**
 - Commitment to hiring eligible personnel
 - Intent to purchase needed capital
 - Partnership for seamless transition



6

Phase II

PERSONNEL



- Held at American Red Cross building
- All employees of squads invited
- Employees hired received equivalent or more pay when hired by Cleveland County

Squad	Hiring Event	Full-Time	Part-Time
Upper Cleveland	3/23/2022	4	1
Shelby Rescue	4/1/2022 & 4/8/2022	13	9
Kings Mountain	4/15/2022	1	5
Total Staff		18	15

7

Phase III

CAPITAL



Shelby Rescue	Quantity	Value	Negotiated Price	Value %
Building & Land	1	\$ 968,259	43%	
Ambulances	7	\$626,000	28%	
Radios	20	\$ 65,800	3%	
Stretchers	7	\$ 304,500	14%	
Life-packs	12	\$ 260,000	12%	
Other Equipment		\$ 26,350	1%	
Total		\$ 2,250,910	<= \$1,250,000	55%

Upper Cleveland & Kings Mountain- Conducting Market Analysis

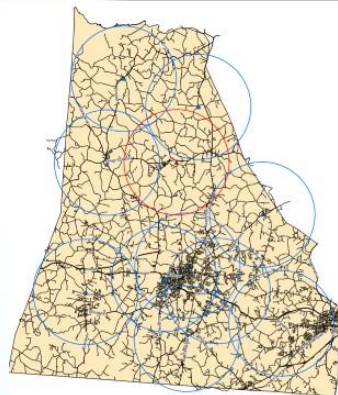
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Phase IV

SYSTEM ENHANCEMENT



- **Commitment to coverage**
 - Casar Base
 - Full transport unit
 - Lawndale Base
 - Open mid May, 2022
 - QRV
- **Peak Shaving Units**
 - Anticipated Summer/Fall 2022
- **System Analysis**
 - On-going



9

Transition Goals

PHASES II & III



1. Continued service to Cleveland County citizens ✓
2. Communicate transition partnership with rescue squads ✓
3. Hire 12 FTE for interfacility transports ✓
4. Acquire needed capital for additional staffing ✓
5. Begin system enhancement ✓

10

Action



Finalize all transaction and closing documents at an amount equal to or less than \$1,250,000.

11

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hardin asked Mr. Epley to review the different types of response vehicles. Mr. Epley outlined the different models which include:

- full transport – advanced life saving (ALS) ambulance with two paramedics
- difficult transport – only one paramedic
- unable to transport – fully equipped SUV or Pickup Truck with an EMS Administrator (paramedic)

Commissioners discussed with Mr. Epley and EMS Director Tommy McNeilly base station plans, patient care, and time frame for the upper area of the county. Mr. Epley advised the Board over the weekend that the two remaining rescue squads, Shelby Rescue and Kings Mountain Rescue, did not staff any of their ambulances so Cleveland County EMS handled the entire system seamlessly. Commissioners thanked staff for the work and due diligence that continues to go into this project.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *finalize all transaction and closing documents with Shelby Rescue Squad in an amount equal to or less than \$1,250,000.*



- EXHIBIT A**
- The Property to be purchased for the Consideration is as follows:
1. **Real Property.** Cleveland County Parcel No. 20300, with PIN 2537712054 and PIN 2537714140, located at 827 W. Marion Street in Shelby, NC (the "Real Property"), including but not limited to:
 - a. All land on the Real Property.
 - b. All improvements, structures, and fixtures situated on the Real Property including, but not limited to, those certain buildings, structures, fixtures, and other improvements of every kind and nature presently situated on, in, or under or hereafter erected, installed, or used on the Real Property (the "Improvements").
 - c. All right, title, and interest in and to adjacent streets, alleys, and rights-of-way, as well as any adjacent strips or gores of real estate.
 2. **Personal Property.**
 - a. **Vehicles.**
All ambulances owned by Shelby Rescue.
 - b. **Other personal property.**
 - i. All of Shelby Rescue's right, title, and interest in the furniture, fixtures, equipment, and other personal property of every kind and nature now installed, located, situated, or used in, on, or about, or in connection with the operation, use, and enjoyment of the Real Property or Improvements.
 - ii. All personal property of every kind and nature owned by Shelby Rescue, including radios, heart monitors, vehicles, and stretchers.

BOARD APPOINTMENTS

CLEVELAND COUNTY HISTORIC PRESERVATION

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to appoint David Stone to serve as a member of this board, for a period of four years, scheduled to conclude June 30, 2026.*

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, *to adjourn*. The next meeting of the Commission is scheduled for *Tuesday, May 17, 2022 at 6:00 p.m.* in the *Commissioners Chambers*.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

*Phyllis Nowlen, Clerk to the Board
Cleveland County Board of Commissioners*