<u>Cleveland County Board of Commissioners</u> June 16, 2020

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: Susan Allen, Chairman

Ronnie Whetstine, Vice-Chair Johnny Hutchins, Commissioner Doug Bridges, Commissioner Deb Hardin, Commissioner

Tim Moore, County Attorney via Conference Call

Phyllis Nowlen, Clerk to the Board Kerri Melton, Assistant County Manager Elliot Engstrom, Deputy County Attorney

Chris Green, Tax Assessor Allison Mauny, Human Resources Director

Betsy Harnage, Register of Deeds

CALL TO ORDER

Chairman Allen called the meeting to order and Betsy Harnage, Register of Deeds provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

<u>ACTION:</u> Commissioner Hutchins made the motion, seconded by Commissioner Hardin and unanimously approved by the Board to, *approve the agenda as presented*.

CITIZEN RECOGNITION

Benjamin Schaeffer, 1403 Lackey Street, Shelby – spoke about racism and moving public safety fund allocations for the removal of the confederate monument located in uptown Shelby.

Suzan Parris, Shelby – thanked the Commissioners for their support and efforts in celebrating the Cleveland County 2020 graduating seniors.

Noah Terry, 1442 Arlee Drive #32, Shelby – suggested ideas on how to give information, such as town hall meetings, to the members of the community who do not have internet access.

Isabella Yodice, 713 East Martin Street, Chapel Hill - spoke in opposition about the confederate monument located in uptown Shelby.

Marcus Strong, 113 Brooke View Drive, Shelby – spoke in opposition about the confederate statue located in uptown Shelby and possibly renaming Dixon Boulevard.

Keelyn Surratt, 1721 Kings Road, Shelby – spoke about racism in the community and renaming Dixon Boulevard.

CONSENT AGENDA

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *May 2020*.

	TOTAL TAXES COLLECTED MAY 2020					
	YEAR	AMOUNT-REAL	AMOUNT-VEH			
	DEF REV	\$0.00	\$0.00			
	2019	\$350,558.80	\$0.00	\$350,558.80		
	2018	\$36,167.58	\$0.00	\$36,167.58		
	2017	\$9,995.75	\$0.00	\$9,995.75		
	2016	\$3,043.58	\$0.00	\$3,043.58		
	2015	\$5,525.25	\$0.00	\$5,525.25		
	2014	\$3,491.06	\$0.00	\$3,491.06		
	2013	\$283.77	\$64.14	\$347.91		
	2012	\$11.17	\$159.59	\$170.76		
	2011	\$11.76	\$156.06	\$167.82		
	2010	\$117.77	\$110.28	\$228.05		
	2009	\$0.00	\$0.00	\$0.00		
	TOTALS	\$409,206.49	\$490.07	\$409,696.56		
	DISCOUNT	(\$0.27)				
	INTEREST	\$28,935.28	\$377.35	\$0.00		
	TOLERANCE	(\$9.43)	(\$2.42)			
	ADVERTISING	\$1,329.06	\$222.63			
	GARNISHMENT	\$13,537.25				
	NSF/ATTY	\$10.11				
	LEGAL FEES	\$0.00				
	TOTALS	\$453,008.49	\$1,087.63	\$454,096.12		
	MISC FEE	\$0.00	\$0.00			
	TAXES COLL	\$453,008.49	\$1,087.63	\$454,096.12		
DEF	\$11,015.98	\$11,117.26	\$0.00			
DISC	(\$49.77)	\$464,125.75	\$1,087.63	\$465,213.38		
TOL	\$0.04					
INT	\$151.01	TAL TAXES UNCO	LI ECTED MAY O	000		
	2019	\$2,342,342.34	\$0.00	COMBINED AMT		
	2018	\$726,718.80	+	\$2,342,342.34		
	2017	\$390,419.55	\$0.00	\$726,718.80		
	2016	\$251,096.16	\$0.00	\$390,419.55		
	2015		\$0.00	\$251,096.16		
	2014	\$180,666.17 \$170,147.77	\$0.00	\$180,666.17		
	2013		\$0.00	\$170,147.77		
	2012	\$123,644.62	\$62,276.29	\$185,920.91		
	2012	\$95,350.53	\$69,807.86	\$165,158.39		
		\$73,145.90	\$53,006.38	\$126,152.28		
	2010	\$65,976.73	\$52,272.95	\$118,249.68		
	2009	\$0.00	\$0.00	\$0.00		
	_					
		\$4,419,508.57	\$237,363.48	\$4,656,872.05		
DEF REV		\$245,256.06	\$0.00	\$245,256.06		
TOTAL UNCOLLECTED		\$4,664,764.63	\$237,363.48	\$4,902,128.11		

TAX ABATEMENTS AND SUPPLEMENTS AND PENDING REFUNDS/RELEASES

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *May 2020*. The monthly grand total of tax abatements was listed as (\$1,781.82) and monthly grand total for tax supplements was listed as \$4,375.00.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #066)

<u>ACTION:</u> Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *approve the following budget amendment:*

Account Number	Project Code	Department/Account Name	Increase	Decrease		
012.533.4.810.00	- -	Adult Health/Contribution Donations	\$2,000.00			
012.533.5.790.00		Adult Health/Contribution Donations	\$2,000.00			
Explanation of Revisions: Budget allocation \$2,000 in donations received from High Point University for						
Pharmacy Student Internship Stipend affiliation agreement with the Cleveland County Health Department						
Pharmacy to cover phar	rmacy expenses.					

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #067)

<u>ACTION:</u> Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *approve the following budget amendment:*

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.441.4.741.01	•	Sheriff's Dept/Sale of Scrap Metal	\$1,047.00	
010.441.5.340.00		Sheriff's Dept/Maint Bldg - Grounds	\$1,047.00	
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<u>Explanation of Revisions:</u> Budget allocation for \$1,047 in funds received from Morris Scrap Metal for the brass shells from the Sheriff's Office firing range. These funds will be used to add gravel to the parking lot and firing lines erosion issues at the Sheriff's Office firing range.

TAX ADMINISTRATION: RE-SET PUBLIC HEARING FOR SMALL BUSINESS GRANT (Re-Schedule Public Hearing for July 7, 2020)

AC Indigo Properties, LLC has made application for participation in the Small Business Investment Grant Program. Under the Program, a qualifying net new investment of \$50,000 to \$1,000,000 would be eligible for a grant equal to 50% of taxes paid on the new taxable investment for three years. Grant amount will be calculated on \$0.57 per \$100 of net new taxable investment. The applicant has met the listing and investment requirements. Taxes have been paid and there are no unresolved appeals. The deadline to publish the legal advertisement was missed and the public hearing needs to be rescheduled.

<u>ACTION:</u> Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *approve re-scheduling the public hearing for July 7, 2020.*

LEGAL: PERSONNEL ACTIONS DURING COVID-19 RESOLUTION

On May 5, 2020, the County authorized employees to take leave from whichever source and in any order, they choose during the COVID-19 pandemic. Staff is requesting the Board rescind that action via resolution and all relevant provisions Cleveland County Personnel Ordinance as written will therefore govern the absences for county employees as everyone is back to duty full time.

<u>ACTION:</u> Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, approve the Resolution modifying certain personnel actions in response to the COVID-19 pandemic.



Resolution

10-2020

Resolution Modifying Certain Personnel Actions in Response to the COVID-19 Pandemic

WHEREAS, N.C.G.S. § 153A-94 authorizes the Board of Commissioners to "adopt or provide for rules and regulations or ordinances concerning but not limited to" sick leave;

WHEREAS, on May 5, 2020, this Board passed a resolution taking certain personnel actions in response to the COVID-19 pandemic;

WHEREAS, one of the actions taken by the Board as part of its May 5, 2020 was to approve the County Manager's authorization for employees to take leave from whatever source they choose in whatever order they choose, whether it be vacation, sick, or compensatory time;

WHEREAS, as part of its May 5, 2020 resolution, this Board resolved that the authorization for employees to take leave from whatever source they choose in whatever order they choose shall remain in effect until this Board retracts the State of Emergency that it declared on March 17, 2020; and

WHEREAS, this Board may amend its own resolutions by adopting subsequent resolutions:

NOW THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

 The May 5, 2020 authorization for employees to take leave from whatever source they choose in whatever order they choose is hereby rescinded. The relevant provisions of the Cleveland County Personnel Ordinance therefore govern employee leave of absence. This resolution has the effect of an ordinance and must be approved as provided for in N.C.G.S. § 153A-45.

Adopted this the 16th day of June, 2020.

Susan Allen, Chairman
Cleveland County Board of Commissioners

ATTEST:

Phyllis Moulen
Phyllis Flowlen, Clerk
Cleveland County Board of Commissioners



PUBLIC HEARINGS

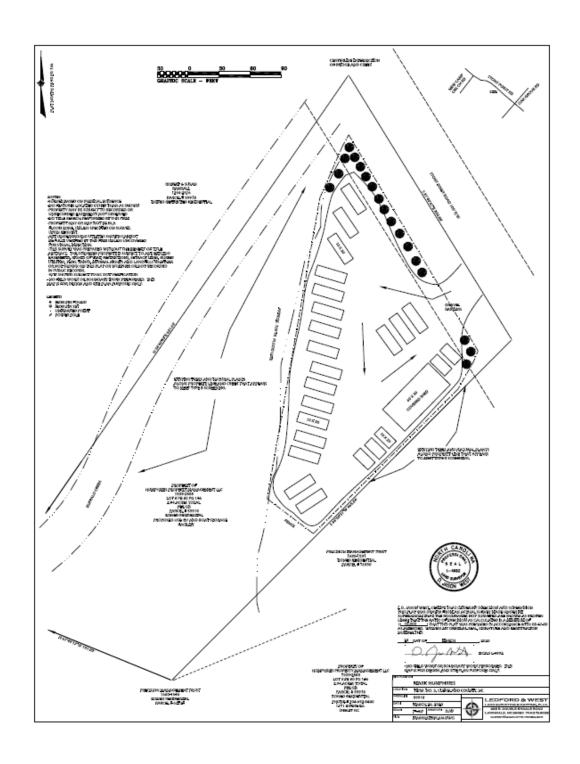
<u>PLANNING DEPARTMENT CASE 20-04: REQUEST TO REZONE PROPERTY AT 863 STONY</u> POINT ROAD FROM RESIDENTIAL (R) TO GENERAL BUSINESS – CONDITIONAL USE (GB - CU)

Chairman Allen called Henry Earle, Zoning Administrator, to the podium to present Planning Department Case 20-04: Request to Rezone Property at 863 Stony Point Road from Residential (R) to General Business Conditional Use (GB-CU). Conditional Use rezoning allows boards to set terms and conditions on a particular use on a property, not a general rezoning that would allow any uses on that property. An applicant submits a rezoning application stating their specific intentions and plans with the property.

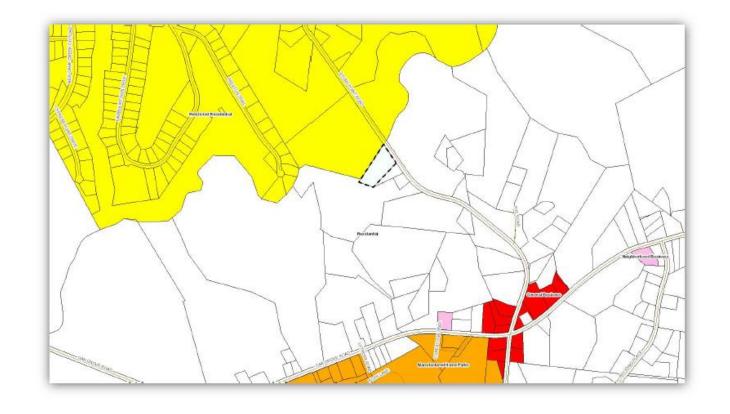
Humphries Property Management LLC is requesting to rezone property at 863 Stony Point Road from Residential (R) to General Business Conditional Use (GB-CU). The property is 2.94 acres and is zoned as Residential (R) from east and south. To the west and north, the property is zoned Restricted Residential (RR). The area has mostly residential uses except for several businesses located along the intersection of Stony Point and Oak Grove Road to the South. Mr. Humphries is requesting to rezone this property to establish an RV and boat storage facility on the property. He is **not** requesting to establish an RV park. In accordance with the Cleveland County Unified Development Ordinance 12-34, Mr. Humphries has submitted a site plan showing the number and location of RV storage sites he plans to install on the property. His plan includes twenty-four RV pads with several having a cover. When a piece of property is zoned General Business (GB) and abuts residential property, the County's ordinance states type B screening is required against the residential property. Planning staff has surveyed the property and there is natural screening already in place that would satisfy the type B screening requirement. Mr. Humphries has also proposed to place trees in the front of the property even though the County's ordinance does not require it. Part of the property is in the flood plain and Mr. Humphries will have all of his construction above the plain. Included in his application are signatures from surrounding property owners supporting his application.

Case # 20-04 Re-Zoning for 863 Stony Point Road R to GB-CU Aerial Map, Parcel #59918 2.94 acres





Case # 20-04 Re-Zoning for 863 Stony Point Road R to GB-CU Zoning Map, Parcel #59918 2.94 acres



Case # 20-04 Re-Zoning for 863 Stony Point Road R to GB-CU Land Use Map, Parcel #59918 2.94 acres



The Planning Board voted unanimously to recommend approving the rezoning request from Residential (R) to General Business-Conditional Use (GB-CU). They felt the proposed use was low impact and would be compatible with the surrounding area. Also, the applicant had signatures of support from surrounding neighbors. North Carolina General Statute 160D-605 states, "governing boards shall approve a statement describing whether its action is consistent or inconsistent with the adopted Land Use Plan."

Chairman Allen opened the Public Hearing at 6:28 pm for anyone wanting to speak for or against Planning Department Case 20-04: Request to Rezone Property at 863 Stony Point Road from Residential (R) to General Business Conditional Use (GB-CU). (*Legal Notice was published in the Shelby Star on Friday, June 5 and Friday, June 12*, 2020).

Hearing no comments, Chairman Allen closed the Public Hearing at 6:29 pm.

Chairman Allen opened the floor to the Board for discussion and questions. Commissioner Hutchins stated for clarification, the proposed twenty-four storage sites would be for RV storage only. He wanted to clarify that no one would be living in in the RVs. Mr. Earle advised that was correct, "it is only for RV and boat storage."

Commissioner Hutchins added this RV and boat storage would be good for the area and the community.

Commissioner Whetstine commented on the difficult limitations of storing recreational vehicles in Home Owner Association neighborhoods and the demand is high for storage space for things like boats and RVs. Although the proposed General Business (GB) district is not consistent with the 2005 Land Use Map, the proposed use of recreational vehicle storage can be a benefit and will serve a need for the community and is reasonable.

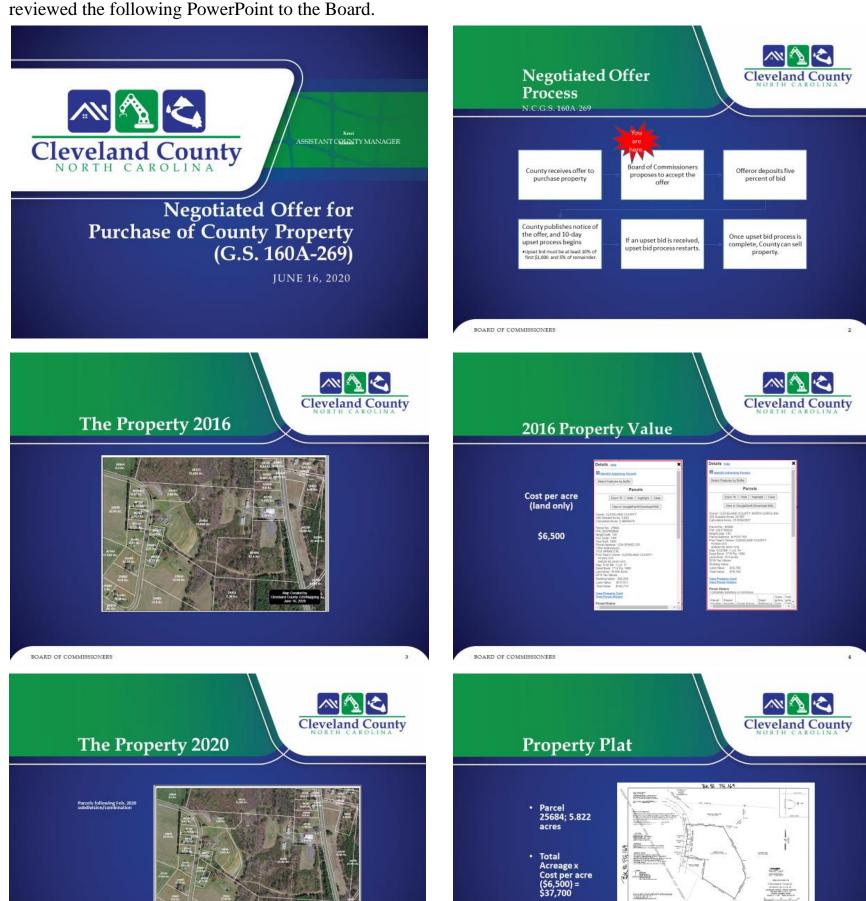
<u>ACTION:</u> Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the Request to Rezone Property at 863 Stony Point Road from Residential (R) to General Business Conditional Use (GB-CU).

REGULAR AGENDA

BOARD OF COMMISSIONERS

SALE OF COUNTY PROPERTY – PARCEL 25684

Chairman Allen recognized Assistant County Manager Kerri Melton to present the sale of county property – parcel 25684. The County owns parcel 25684, located on at 1334 Spake Circle. The County has subdivided out a portion of this property that it would be willing to sell. Michael R. Spake has offered to purchase this subdivided portion, amounting to 5.822 acres, for Thirty Thousand and No/100 Dollars (\$30,000.00). North Carolina General Statute § 153A-176 authorizes the County to dispose of property according to the procedures proscribed in Chapter 160A, Article 12 of the General Statutes. Under North Carolina General Statute § 160A-269, the County may "receive an offer to purchase property and advertise it for upset bids." Staff proposes using this procedure to carry out the sale of this property. As the County currently owns parcel 25684, it is not taxable, it costs the County money to maintain the property and the County is held liable should anything happen on the property. Mrs. Melton reviewed the following PowerPoint to the Board.



BOARD OF COMMISSIONERS





Chairman Allen opened the floor to the Board for questions and discussion. Commissioner Hutchins stated parcel 25684 has no benefit to the County for economic development and it is a good idea to sell the property. The sale of the property would help cut costs to the County and it could go back on the tax books. Commissioner Hardin clarified if anyone else was interested in purchasing the property, the proposed process would be fair and allow for others to offer a bid. Mrs. Melton stated that was correct. Commissioner Whetstine echoed Commissioner Hutchins comments regarding Parcel 25684.

<u>ACTION:</u> Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to approve the offer made on the subdivided portion of parcel 25684 and authorize County staff to begin the upset bid processes.



Resolution

11-2020

Resolution Authorizing Negotiated Offer and Upset Bid (G.S. 160A-269)

WHEREAS, Cleveland County owns certain property, that being 5.822 acres shown on Page 169 of Book 42 of the Cleveland County Registry; and

WHEREAS, N.C.G.S. § 153A-176 and N.C.G.S. § 160A-269 permit the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above in the amount of thirty thousand dollars (\$30,000), submitted by Michael R. Spake; and

WHEREAS, Michael R. Spake has paid the required five percent (5%) deposit on his

NOW THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES

- The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of N.C.G.S. § 160A-269.
- The County Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer and shall state the terms under which the offer may be upset.
- 3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the County Clerk within ten (10) days after the notice of sale is published. At the conclusion of the ten (10) day period, the County Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
- 4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a ten (10) day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.
- 5. A qualifying higher bid is one that raises the existing offer by not less than ten

percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

- 6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will apply the deposit of the final high bidder to the purchase price at closing, unless the County withdraws the property from sale, at which time the deposit of the final high bidder will be returned.
- 7. The terms of the final sale are that:
- —The Board of Commissioners must approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed,
- —The buyer must pay with cash, a cashier's check, or a certified check at the time of closing, and
- The County will transfer its interest in the property via quitclaim deed.
- The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
- If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to Michael R. Spake.

Adopted this the 16th day of June, 2020.

By: Susan Allen, Chairman
Cleveland County Board of Commissioners

ATTEST:

Phyllis Mowlen, Clerk to the Board Cleveland County Board of Commissioners

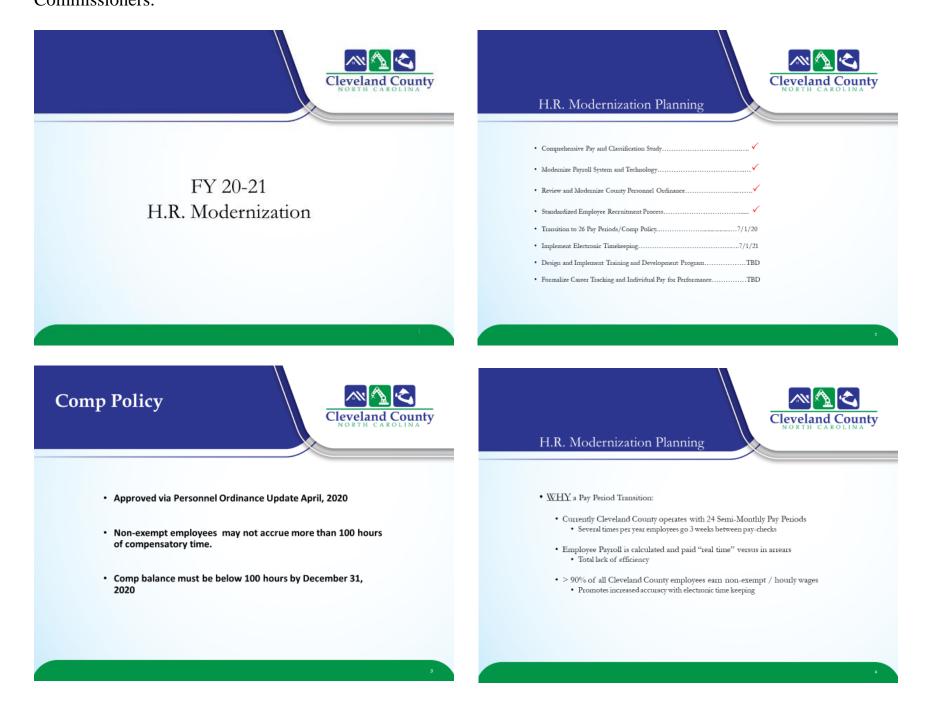


HUMAN RESOURCES MODERNIZATION

Chairman Allen called Allison Mauny, Human Resources Director, to the podium to discuss Human Resources Modernization strategies the County has been working on over the last several years. She began by giving information about what work has already been completed including a Comprehensive Pay and Classification Study, modernizing the payroll system and technology, and updates to the County Personnel Ordinance and the Standard Employee Recruitment Process.

One policy currently being addressed is the compensation time policy. This applies to non-exempt employees. The law allows compensatory time in leu of overtime pay with a requirement that comp time if over two and forty hours or four hundred eighty hours for law enforcement personnel be paid out. The new policy requires non-exempt employees to accrue no more than one hundred hours of compensatory time. All employees must have their comp balance below one hundred hours by December 31, 2020.

Currently, Cleveland County operates with twenty-four semi-monthly pay periods. This causes several times per year where employees go three weeks between pay-checks. Employee payroll is calculated and paid "real time" versus in arrears. Paying in arrears is a more common practice and allows for greater efficiency. Ninety percent of all Cleveland County employees earn non-exempt / hourly wages and this will allow for increased accuracy when the county moves to electronic time keeping in 2021. Mrs. Mauny reviewed the following PowerPoint to Commissioners.







Chairman Allen opened the floor to the Board for questions and discussion. Commissioner Hutchins commented on the proposed pay period changes stating this plan falls in line with how other companies pay their employees. Mrs. Mauny agreed. She advised the proposed plan is a much more common practice and it will better align with other employers should an employee decide to transition to another place of employment. Commissioner Whetstine inquired if the new pay period will have any effect on employee taxes. Mrs. Mauny replied, the new plan would have no bearing on employee taxes. Commissioners had an open discussion regarding the proposed plan and the positive benefits it will have for County employees.

<u>ACTION:</u> Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to approve the HR Modernization strategies as presented*.

BOARD APPOINTMENTS

CLEVELAND COUNTY ADULT HOME CARE ADVISORY BOARD

<u>ACTION:</u> Commissioner Bridges made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to re-appoint Tina McNeilly to serve as a member of this board*, for a period of two-years, scheduled to conclude June 30, 2022.

<u>CLEVELAND COMMUNITY COLLEGE BOARD OF TRUSTEES</u>

<u>ACTION:</u> Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to re-appoint Dr. Lamont Littlejohn Jr. to serve as a member of this board*, for a period of four-years, scheduled to conclude June 30, 2024.

CLEVELAND COUNTY MEMORIAL LIBRARY BOARD OF TRUSTEES

<u>ACTION:</u> Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to re-appoint Mark Hudson and Miranda Hyland to serve as members of this board*, for a period of three-years, scheduled to conclude June 30, 2023.

CLEVELAND COUNTY SOCIAL SERVICES ADVISORY BOARD

<u>ACTION:</u> Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to re-appoint Lendra Phillips* and *appoint Allison Gragg to serve as members of this board*, for a period of four-years, scheduled to conclude June 30, 2024.

NO. 3 VOLUNTEER FIRE DEPARTMENT FIRE PROTECTION DISTRICT COMMISSION

<u>ACTION:</u> Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to re-appoint David Austin, James Gibson and Neal Stroup to serve as members of this board, for a period of two-years, scheduled to conclude June 30, 2022.

RURAL FIRE COMMISSION

<u>ACTION:</u> Commissioner Bridges made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to re-appoint Chris Poole, Floyd Queen, Marvin Hutchinson, Thomas Hartis and William Davis to serve as members of this board, for a period of three-years, scheduled to conclude June 30, 2023.

<u>COMMISSIONER REPRESENTATIVE APPOINTMENTS</u>

ACTION: Chairman Allen made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to re-appoint Commissioner Hutchins to serve on the Cleveland Community College Board of Trustees, to re-appoint Commissioner Hardin to serve on the Juvenile Crime Prevention Council and re-appoint Commissioner Hutchins and Commissioner Whetstine to serve on the Metropolitan Planning Organization (MPO) Board.

COMMISSIONER REPORTS

Commissioner Hardin – thanked everyone who attended the meeting.

Commissioner Hutchins – has attended several board meetings in which he serves virtually. He thanked all the county staff for what they do and the hard work they have put in since COVID-19.

Commissioner Whetstine – attended the Board of Health meeting virtually. He thanked all the healthcare workers and everyone at the Health Department who have been working every day since the COVID-19 pandemic started.

Commissioner Bridges – went to the traditional graduation held for Burns High School. He echoed Commissioner Whetstine and Commissioner Hutchins comments about the hard work put in by county staff.

Chairman Allen- thanked everyone who attended the Commissioner's Meeting and encouraged everyone to get involved in their community. She reviewed several avenues of how to get involved and points of contact.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to adjourn the meeting*. The next meeting of the Commission is scheduled for *Tuesday*, *July 7*, *2020 at 6:00 p.m. in the Commissioners Chamber*.

Susan Allen, Chairman Cleveland County Board of Commissioners

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