

Cleveland County Board of Commissioners

July 9, 2024

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: Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
David Cotton, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Martha Thompson, Chief Deputy County Attorney
Tiffany Hansen, Health Department Director
Chris Martin, Planning Director
Betsy Harnage, Register of Deeds
Sandra Orvig, Shooting Range Director
Clifton Philbeck, Board of Elections Director

ABSENT: Kevin Gordon, Chairman

CALL TO ORDER

Vice-Chairman Hardin called the meeting to order, Cleveland County Sheriff Deputy Danny Howell led the audience in the Pledge of Allegiance, and Commissioner Bridges provided the invocation.

AGENDA ADOPTION

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Bridges and unanimously adopted by the Board to, ***approve the agenda as presented.***

SPECIAL PRESENTATION

FARMER SAFETY AND LOW-HANGING LINES

Vice-Chairman Hardin called Andrew White with ASR Grains to the podium to present information about farmer safety and low-hanging utility wires. Low-hanging utility lines pose a significant hazard to farmers and their equipment, potentially damaging machinery, posing safety risks, and impeding agricultural operations.

Several suggested avenues to prevent future damage and safety hazards include:

- Facilitating open communication and collaboration between utility companies, farmers, and relevant parties to develop and implement effective solutions
- Assess all utility lines within agricultural areas to identify and document locations where lines are low-hanging and pose a risk
- Promote safety and efficiency, ensuring utility lines are to a height that does not interfere with farming equipment and activities
- Establishing a reporting system

Commissioners thanked Mr. White for the information and agreed that collaboration between organizations is important to keep farmers safe while delivering utility services to residents.

PUBLIC COMMENT

Marvin Hutchins, Putnam Street, Waco – is a representative of the Waco Volunteer Fire Department (VFD) and the President of its Board. He thanked the Commissioners on behalf of the Waco VFD for their support in building the Waco VFD satellite substation on Highway 150 between the Town of Waco and the new bypass. The new satellite station will have many positive impacts on the community.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included Minutes from the **October 13, 2023**, Health Department Work Session and the **June 18, 2024**, regular Commissioners’ meetings in Board members’ packets.

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

TAX COLLECTOR’S MONTHLY REPORT

Pursuant to North Carolina General Statute §105-350.7, the Tax Collector shall submit to the governing body, at each of its regular meetings, a report to include the amount collected on each year's taxes with which she is charged, the amount remaining uncollected, and the steps being taking to encourage payment of uncollected taxes. The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during **June 2024.**

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, **approve the June 2024 monthly tax report submitted by the Tax Collector.**

TOTAL TAXES COLLECTED JUNE 2024			
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00
2023	\$168,369.87	\$3,337.60	\$171,707.47
2022	\$57,787.21	\$971.32	\$58,758.53
2021	\$19,783.92	\$1,505.09	\$21,289.01
2020	\$32,288.29	\$361.32	\$32,649.61
2019	\$13,676.54	\$0.00	\$13,676.54
2018	\$12,510.01	\$0.00	\$12,510.01
2017	\$12,955.92	\$0.00	\$12,955.92
2016	\$11,937.64	\$0.00	\$11,937.64
2015	\$3,841.91	\$0.00	\$3,841.91
2014	\$3,465.38	\$0.00	\$3,465.38
2013	\$0.00	\$0.00	\$0.00
			<u>\$342,792.02</u>
TOTALS	\$336,616.89	\$6,175.33	\$342,792.02
DISCOUNT	(\$3.16)		(\$3.16)
INTEREST	\$61,902.28	\$760.70	\$62,662.98
TOLERANCE	(\$1.60)	(\$0.84)	(\$2.44)
ADVERTISING	\$877.39	GAP BILL FEES	DEFERRED GAP
GARNISHMENT	\$6,340.00	\$2,305.13	\$9,070.93
NSF	\$0.02		\$0.20
LEGAL FEES	\$17,153.66		\$0.00
TOTALS	\$422,885.28	\$9,240.32	
MISC FEE	\$0.00		GRAND TOTAL
TAXES COLL	\$422,885.28		\$432,125.60
DEF	\$6,197.54		\$6,888.31
DISC	(\$13.92)		\$9,071.13
TOL	\$0.88		\$447,885.04
INT	\$503.81		
TOTAL TAXES UNCOLLECTED JUNE 2024			
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
2023	\$1,885,391.94	\$128,827.27	\$2,014,219.21
2022	\$980,244.89	\$93,778.47	\$1,074,023.36
2021	\$350,717.14	\$60,543.53	\$411,260.67
2020	\$267,442.88	\$32,123.15	\$299,566.03
2019	\$459,690.57	\$0.00	\$459,690.57
2018	\$222,308.96	\$0.00	\$222,308.96
2017	\$120,652.65	\$0.00	\$120,652.65
2016	\$81,811.59	\$0.00	\$81,811.59
2015	\$87,084.35	\$0.00	\$87,084.35
2014	\$100,906.95	\$0.00	\$100,906.95
2013	\$0.00	\$0.00	\$0.00
			<u>\$0.00</u>
	<u>\$4,556,251.92</u>	<u>\$315,272.42</u>	<u>\$4,871,524.34</u>
DEF REV	\$126,724.58	\$333,743.04	\$460,467.62
TOTAL UNCOLLECTED	\$4,682,976.50	\$649,015.46	\$5,331,991.96

TAX ADMINISTRATION: ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **June 2024**. The monthly grand total for tax abatements was listed as (\$1,787.55), and the monthly grand total for tax supplements was listed as \$80,377.88.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, ***approve the June 2024 tax abatements and supplements submitted by the Tax Assessor.***

FINANCE DEPARTMENT: BUDGET TRANSFER SUMMARY

As required by North Carolina General Statute §159-15, all internal transfers shall be submitted to the Board of Commissioners. The budget transfer summary from June 6 through June 20, 2024, is included in Commissioner packets.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, ***approve the budget transfer summary as presented.***

County of Cleveland, North Carolina
 Manager's Budget Summary
 Presented at the July 9, 2024 Board Meeting
 Time Period Covered : 6/6/24 thru 6/20/2024
 For Fiscal Year Ending June 30, 2024

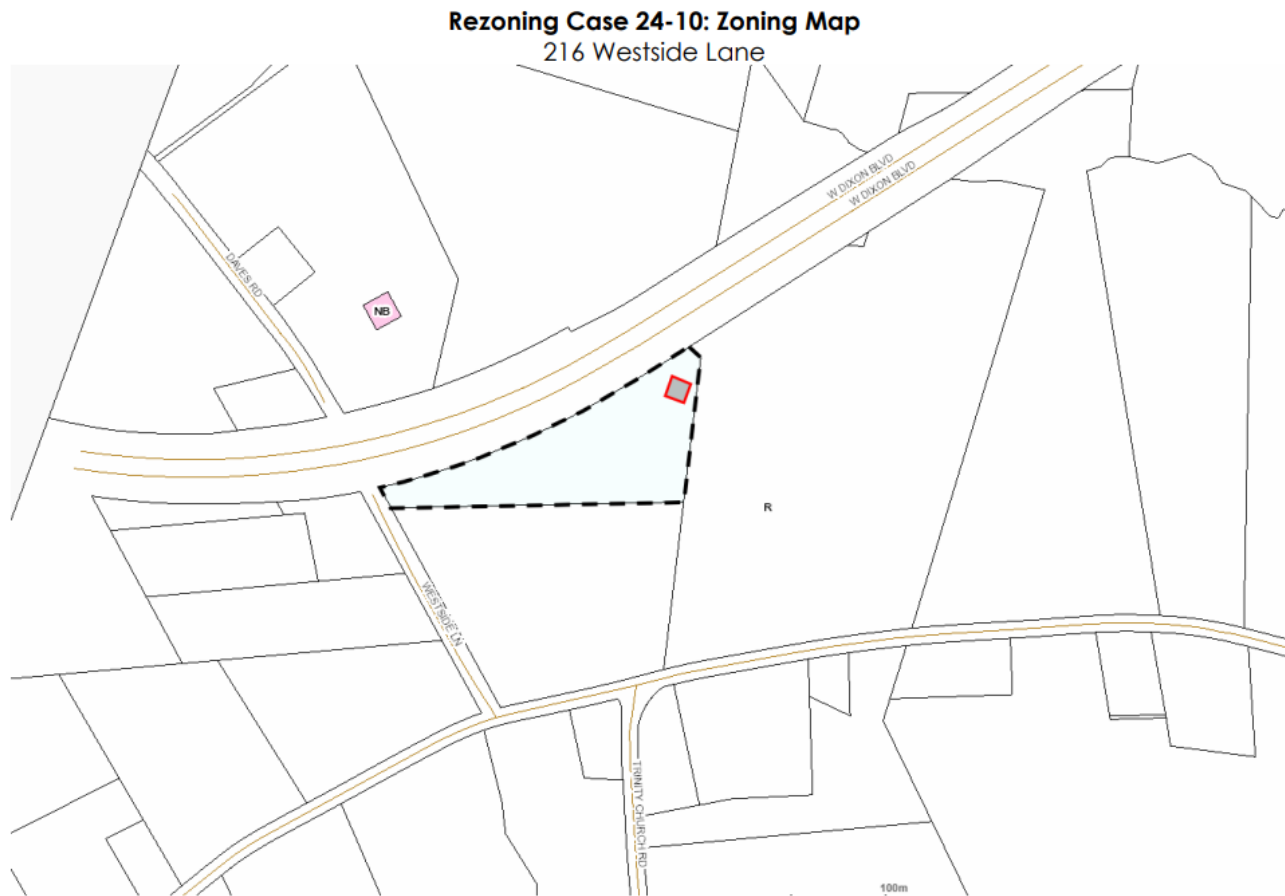
BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT #	DEPT TO NAME	DEPT #	DEPT FROM NAME	EXPLANATION	BUDGET AMOUNT
2011	D	6/11/2024	010.542	Animal Services			Move funds to cover accounts thru EOY	\$ 6,238.00
2012	D	6/12/2024	040.210	Cap Projs-General			Move funds to cover CADM HVAC Sys testing	\$ 1,159.00
2013	L	6/13/2024	011.506	DSS Admin	011.504	DSS Title XX	Transfer funds to cover accounts thru EOY	\$ 45,150.00
2014	D	6/13/2024	010.413	Finance			Move funds to cover accounts thru EOY	\$ 4,500.00
2015	D	6/13/2024	010.435				Move funds to cover fringes thru EOY	\$ 1,137.00
2016	D	6/14/2024	010.441	Sheriff's Office			Move funds to cover advertising	\$ 300.00
2017	D	6/14/2024	010.448	Communications			Move funds to cover uniforms/clothing	\$ 300.00
2018	D	6/14/2024	010.440	SRO			Move funds to cover uniforms/clothing	\$ 600.00
2019	D	6/14/2024	010.418	Board of Elections			Move funds to cover rent of building/licenses	\$ 475.00
2020	D	6/14/2024	010.445	Emergency Mgmt			Move funds to cover maint contracts-equip	\$ 355.00
2021	D	6/14/2024	010.419	Register of Deeds			Move funds to cover contracted services	\$ 1,000.00
2022	D	6/14/2024	010.441	Sheriff's Office			Move funds to cover salaries/fringes thru EOY	\$ 520,064.00
2023	D	6/14/2024	010.439	USDOJ Grant			Move funds to cover salaries/fringes thru EOY	\$ 8,787.00
2024	D	6/14/2024	010.440	SRO			Move funds to cover salaries/fringes thru EOY	\$ 12,603.00
2025	D	6/14/2024	010.444	Detention Center			Move funds to cover salaries/fringes thru EOY	\$ 139,504.00
2026	D	6/14/2024	010.446	EMS			Move funds to cover accounts thru EOY	\$ 790,504.00
2027	D	6/14/2024	010.411	Commissioners			Move funds to cover accounts thru EOY	\$ 4,425.00
2028	D	6/14/2024	010.440/44	SRO/Sheriff's Office			Transfer funds to cover accounts thru EOY	\$ 76,325.00
2029	D	6/17/2024	010.591	Veteran Services			Move funds to cover contracted services	\$ 68.00
2030	D	6/17/2024	010.542	Animal Services			Move funds to cover controlled property exp	\$ 2,874.00
2031	D	6/18/2024	010.415	Tax Admin			Move funds to cover accounts thru EOY	\$ 820.00
2032	D	6/18/2024	065.981	Health Insurance			Move funds to cover ss tax / medicare tax	\$ 22.00
2033	D	6/18/2024	054.474	SW Manned Sites			Move funds to cover part time salaries	\$ 52,257.00
2034	D	6/18/2024	010.440	SRO			Move funds to cover retirement and automotive supplies	\$ 11,270.00
2035	D	6/18/2024	010.439	USDOJ Grant			Move funds to cover motor fuels	\$ 600.00
2036	L	6/18/2024	011.504	DSS Title XX	011.508	Income Maint	Transfer funds to cover travel/training	\$ 100,000.00
2036	D	6/18/2024	011.506	DSS Admin			Move funds to cover automotive supplies	\$ 100.00
2037	L	6/18/2024	010.418	Board of Elections	010.428	Municipal Elections	Transfer funds to cover salaries/fringes	\$ 8,373.00
2038	D	6/18/2024	010.422	Travel & Tourism			Move funds to cover dept supply and advertising	\$ 1,505.00
2039	D	6/13/2024	010.470	Shooting Range			Move funds to cover maint contracts-equip	\$ 100.00
2040	D	6/19/2024	055.480	LeGrand Center			Move funds to cover accounts thru EOY	\$ 6,536.00
2041	D	6/20/2024	014.417	Court Facilities			Move funds to cover professional services	\$ 600.00
2042	D	6/19/2024	010.495	Cooperative Extension			Move funds to cover repairs on equipment	\$ 424.00
2043	L	6/20/2024	060.651/010.981	Property/Liability	040.210/041.209	Capital Projs / Capital Reserve	Transfer funds to cover legal services for YE	\$ 232,500.00

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, AUGUST 6, 2024, FOR REZONING CASE 24-10; REQUEST TO REZONE A PORTION OF PARCEL 48083 FROM RESIDENTIAL (R) TO NEIGHBORHOOD BUSINESS – CONDITIONAL USE (NB-CU) FOR A TELECOMMUNICATIONS TOWER

Network Towers II is requesting to rezone a portion of parcel 48083, containing 0.13 acres, from Residential to Neighborhood Business Conditional District. A site plan has been submitted displaying the proposed property use as a cell tower. This property, a 0.13-acre portion (75'x75') of parcel 66377, lies along Westside Lane off

Belaire Rd. just west of Mooresboro and is zoned Residential. The surrounding uses are mostly rural agricultural, with single-family dwellings on large tracts of land and some forestry. The Land Use Plan designates this area as Secondary Growth.

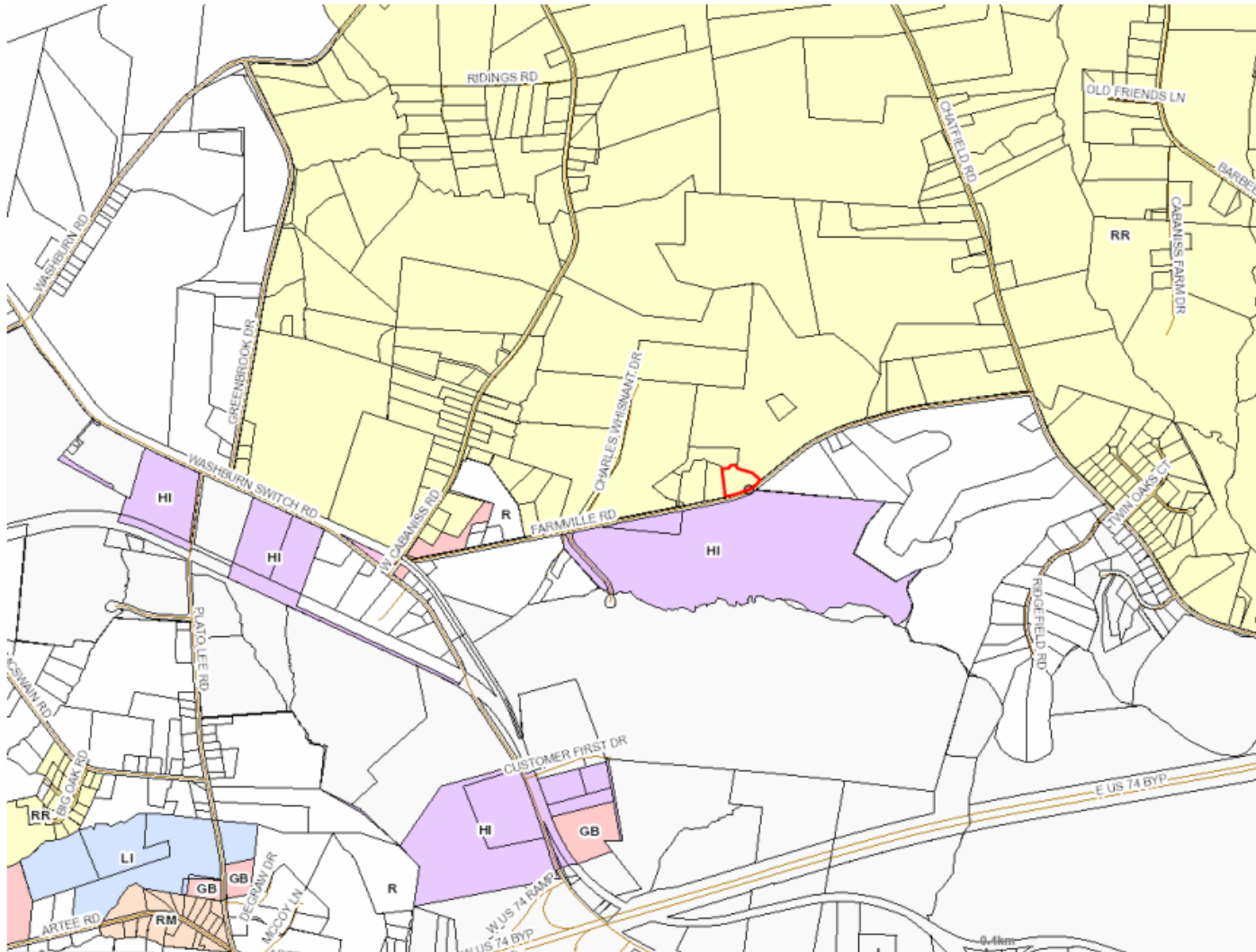


ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and unanimously approved by the Board to, *approve setting the public hearing as requested.*

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, AUGUST 6, 2024, FOR REZONING CASE 24-11; REQUEST TO REZONE PARCEL 66231 FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (R)

Candice Baughman requests to rezone parcel 66231, containing 3.37 acres, located at 1634 Farmville Road, from Restricted Residential (RR) to Residential (R). This property lies north of Shelby and the 74 Bypass, between Chatfield Road and Washburn Switch Road. Surrounding uses are mostly rural agricultural, with single-family dwellings on large tracts of land and some forestry. The Land Use Plan designates this area as Primary Growth. The surrounding zoning districts are mostly Restricted Residential (RR), with the City of Shelby's Heavy Industrial (HI) zoning across the road, General Business (GB) at the corner of Farmville Road and Washburn Switch Road, and Residential (R) across the road further east.

Rezoning Case 24-14: Zoning Map
1634 Farmville Rd. RR to R

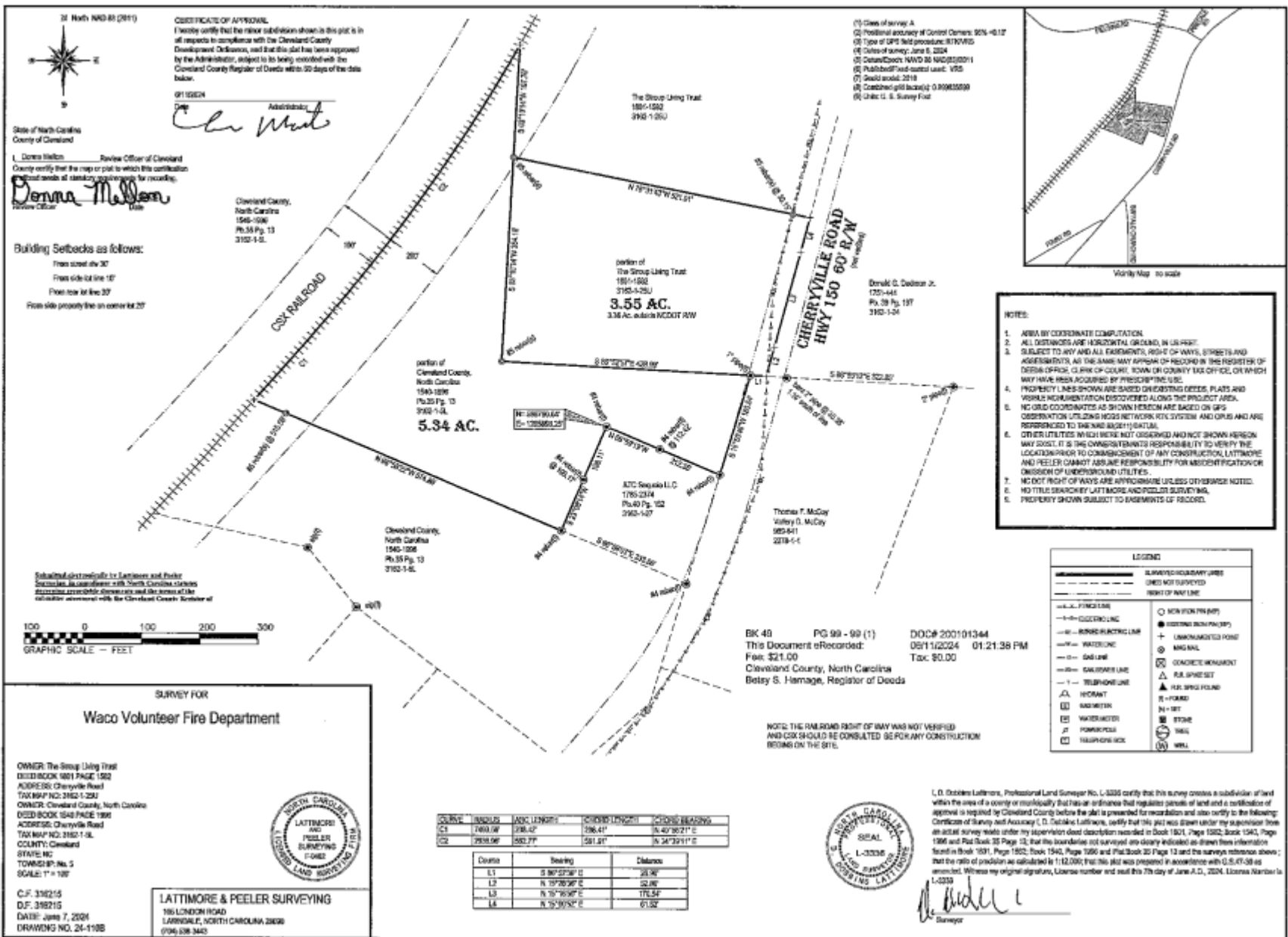


ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and unanimously approved by the Board to, *approve setting the public hearing as requested.*

LEGAL DEPARTMENT: CONVEYANCE OF COUNTY OWNED PROPERTY

Cleveland County owns parcel 16732, a 5.34-acre tract of land along Cherryville Road, a/k/a NC Highway 150, between Fielding and Buffalo Church Roads. The vacant property has a current value of \$26,000-\$29,000. Waco Volunteer Fire Department (VFD) seeks County-owned land for the construction of a new fire station. Waco VFD is a nonprofit, incorporated fire department that provides fire protection services to the residents of Cleveland County and needs the property to construct a structure to house a fire department on the property and adjacent property, which Waco VFD is also acquiring, and upon completion of construction to open a fire station. The operation of a fire department at this location will benefit the citizens of Cleveland County by providing better fire protection and related services with a state-of-the-art facility and a better location along Highway 150.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and unanimously approved by the Board to, *adopt the resolution authorizing the conveyance of land to Waco Volunteer Fire Department.*



Resolution

13-2024

Resolution Approving Conveyance of Property to Waco Community Volunteer Fire Department, Inc., Pursuant to G.S. 160A-277

WHEREAS, Cleveland County, North Carolina (County) owns a 5.34-acre tract of land along Cherryville Road a/k/a NC Highway 150 between Fielding and Buffalo Church Roads, as described by way of recorded plat shown in Exhibit A (attached); and

WHEREAS, North Carolina General Statute § 160A-277 (applicable to counties by NCGS § 153A-176) authorizes a county to convey real property by private conveyance to a volunteer fire department upon such terms and conditions as it deems wise, with or without monetary consideration any land or interest in land, for the purpose of constructing or expanding its fire department, if the volunteer fire department provides fire protection services to the county; and

WHEREAS, the Commissioners may so convey by Resolution at a regular meeting, upon 10 days' public notice describing the property to be conveyed, stating the value of the properties, the proposed monetary consideration or lack thereof, and the intent to authorize the conveyance; and

WHEREAS, Waco Community Volunteer Fire Department, Inc., (Waco VFD) is a nonprofit incorporated fire department which provides fire protection services to the residents of Cleveland County and is in need of the property to construct a structure to house a fire department on the property, and adjacent property which Waco VFD is also acquiring, and upon completion of construction to open a fire station; and

WHEREAS, the operation of a fire department at this location will benefit the citizens of Cleveland County in providing better fire protection and related services with a state-of-the-art facility and a better location along Highway 150; and

WHEREAS, the requisite notice has been duly published; and

WHEREAS, the construction and operation of a fire department facility is important to the residents of the County and the County-owned property is vacant and available, with a value in the range of \$26,000-\$29,000; and

WHEREAS, it would be in the best interests of the citizens of Cleveland County for the property to be donated to Waco VFD so long as the property is used for the stated purpose of constructing and operating a fire station for the benefit of the citizens of the county.

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

- The County-owned 5.34 acres of land on Cherryville Road between Fielding and Buffalo Church Roads, and more particularly described in survey plat attached hereto as Exhibit A, and recorded in Book 49, page 99-99(1) in the Cleveland County Registry of Deeds, shall be conveyed to the Waco Community Volunteer Fire Department, Inc., without monetary consideration for the purpose of building a fire station and other structures necessary for fire protection and related activities, as permitted by G.S. 160A-277, in fee simple;
- The consideration for the conveyance is the following set of conditions, covenants, and restrictions, which shall be incorporated in the deed given by the county to Waco VFD:
 - Waco VFD is to construct improvements on the land being conveyed to include a fire station and other such structures as are necessary to run a fire department to benefit the citizens of Cleveland County, and more particularly the citizens in the designated fire district, and will complete this work by July 1, 2027.
 - Once the construction project is complete, the Waco VFD will operate a Volunteer Fire Department, for the purposes of fire protection and related services for the benefit of citizens of the county.
 - The deed given by the county to the 5.34-acre tract of land shall convey a title in fee simple determinable. The fee simple interest of Waco VFD in the property shall terminate and revert back to the County if at any time during the next 25 years, Waco VFD shall cease to use the property to operate a fire station; and
- Staff is directed to prepare, and the vice chair is authorized to execute, all documents necessary to convey fee simple defeasible title under the above-stated conditions to Waco Community Volunteer Fire Department, Inc., in keeping with G.S. 160A-277.

Adopted this the 9th day of July, 2024.

Deb Hardin
Deb Hardin, Vice Chair
Cleveland County Board of Commissioners

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



RECORDING FEE \$ 26 REVENUES 0

3

* Marvin Hutchinson

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ _____
Parcel Identifier No. 16732 Verified by _____ County on the _____ day of _____, 20____
By: _____
Mail/Box to: _____
This instrument was prepared by: Martha R. Thompson, Chief Deputy County Attorney, PO Box 1210, Shelby, NC 28151-1210
Brief description for the Index: _____
THIS DEED made this _____ day of _____, 2024 by and between
GRANTOR GRANTEE
CLEVELAND COUNTY, NORTH CAROLINA **WACO VOLUNTEER FIRE DEPARTMENT, INC.**
A political subdivision of the State of North Carolina **PO Box 370**
311 E. Marion Street, Suite 121 **Waco, NC 28169**
Shelby, NC 28151

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as may be required by context.

WITNESSETH, that said Grantor, have remised and released and by these presents do remise, release, grant, bargain and convey unto the Grantee and successors and assigns pursuant to North Carolina General Statute § 160A-277 all right, title, claim, and interest of the said Grantor in and to a certain tract or parcel of land lying and being in the County of Cleveland and State of North Carolina, and more particularly described as follows:

The 5.34 acre portion of parcel 16732, recorded in Plat Book 49, Page 99, attached "Exhibit A," together with the tenements, hereditaments, and appurtenances belonging to the property.

Restrictions: Waco VFD is to construct improvements on the land being conveyed to include a fire station and other such structures as are necessary to run a fire department to benefit the citizens of Cleveland County, and more particularly the citizens in the designated fire district and will complete this work by July 1, 2027.

Once the construction project is complete, the Waco VFD will operate a Volunteer Fire Department, for the purposes of fire protection and related services for the benefit of citizens of the county.

The deed given by the county to the 5.34-acre tract of land shall convey a title in fee simple determinable. The fee simple interest of Waco VFD in the property shall terminate and revert back to the County if at any time during the next 25 years

Waco VFD shall cease to use the property to operate a fire station.

No title search was requested or performed on this parcel.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1540, Page 1996, Cleveland County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

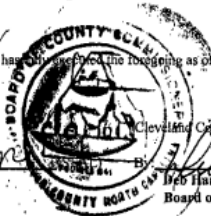
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Rights of way and Easements of record
Municipal liens

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and the date as of the day and year first above written.

CLERK TO THE BOARD:

Phyllis Nader
ATTEST



State of North Carolina- County of Cleveland

I, the undersigned Notary Public of the State aforesaid, certify that Deb Hardin personally came before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal, this 9th day of July, 2024.

Christie Harper Wooten
Notary Public

My Commission Expires: 4-24-26
(Affix Seal)



Christie Harper Wooten Notary Public
Notary's Printed or Typed Name

FOOTHILLS PUBLIC SHOOTING COMPLEX: SHOOTING RANGE UPDATED POLICIES AND PROCEDURES

Cleveland County operates the Foothills Public Shooting Complex located at 283 Fielding Rd. Since its inception, the range has expanded. The policy and procedures have been updated to reflect the additions of new ranges, where to find fees, clarification on rules and regulations, and updated definitions. Updates and edits were presented to the Advisory Board for the Range to include the North Carolina Wildlife Commission on May 22, 2024. The proposed changes include:

- Updated Term: Volunteer
- Updated Policy on Rental of Ranges to Groups/Individuals
- Safety Training, Operational Hours and Fee Schedule(s)
- Updated number of ranges to include division of Ranges 5 and 6, 3-D Archery and Clay Fields

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, ***approve the updated Foothills Public Shooting Complex policies and procedures as presented.*** (a full copy of the updated Foothills Public Shooting Complex policies and procedures are on file in the Clerk's Office and the Foothills Public Shooting Complex.

PARTNERS BEHAVIORAL HEALTH: MODIFIED BOARD APPOINTMENT

The current vacancy on the Partners Behavioral Health Board has been created by the resignation of one of the current Partners Consumer and Family Advisory Committee (CFAC) members. CFAC has recommended that Patty Schaeffer complete the resigned member's current term from July 1, 2024, to June 30, 2026. As Ms. Schaeffer resides in Cleveland County, her appointment to the Partners Board is subject to approval by the Cleveland County Board of County Commissioners.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *appoint Patty Schaeffer to the Partners Behavioral Health Board.*

PUBLIC HEARINGS

PLANNING DEPARTMENT: PLANNING CASE 23-08; TEXT AMENDMENT TO SECTION 12-21 AND 12-124 FOR PRIVATE STORAGE BUILDINGS

Vice-Chairman Hardin recognized Planning Director Chris Martin to present Planning Department Case 23-08, text amendment to sections 12-21 and 12-124 for private storage buildings. Currently, private storage buildings are not permitted as a principal use on a property; instead, they must be used as a supporting use. For example, they can be on the same lot as a residence but not as a standalone use. This standard planning tool helps maintain the character of neighborhoods, preserves the residential use of lots, and prevents the misuse of buildings in residential areas.

The Board was reminded at their March 19, 2024, regular meeting that staff presented a draft ordinance permitting storage buildings as a principal use for lots of three acres or greater in the Rural Agricultural (RA) and Rural Residential (RU) zoning districts. Staff believes the larger lot sizes will help to preserve the area for future residents and help to maintain a community's residential character. Staff also presented the Planning Board's recommendation to the Board of Commissioners, including private storage buildings on lots of one acre or greater, and recommended that the permitted building size be based on lot size. After much discussion, Commissioners requested staff re-evaluate the proposed storage building amendments and seek options that may assist in preserving lots for future residences and prevent potential misuse of buildings. Their concerns include:

- Residential preservation: Commissioners stated that the residential districts were intended for residences and that the residential character needed to be preserved. The Board requested staff and the Planning Board evaluate setbacks so that space would be preserved for future residences.

- Commercial use: Commissioners expressed concern that these private storage buildings could potentially become commercial, creating non-compatible uses in residential areas. The Board asked staff and the Planning Board to evaluate additional standards that could curtail these structures' use for business purposes in residential communities.

Mr. Martin presented three options to the Commissioners for consideration:

Option 1 – Planning Staff Recommendation

- Rural Agriculture and Rural Residential districts
- 3 acres
- 50' setback (standard)
- Agriculture use exempt

Option 2 - Planning Board Recommendation

- Rural Agriculture and Rural Residential districts
- Maximum building size based on lot size
 - One acre is limited to a 1500-square-foot structure
 - Two acres are limited to a 2500-square-foot structure
 - Three acres + limited to 4000 square foot structure
- Setbacks: 100' front, 20' sides, 30' rear
- Require residential septic evaluation and site plan if the property is under 3 acres
- No bathrooms


Option 3 – Staff and Planning Board Combination

- Rural Agriculture and Rural Residential districts
- Maximum building size based on lot size
 - One acre is limited to 750 square feet of structure
 - Two acres limited to 1250 square foot structure

- Three acres + limited to 2000 square foot structure
- Setbacks: 50' front (standard)
- No bathrooms
- Site drawing displaying compliance

After re-evaluating, the Planning Board recommends approving the use of storage buildings as a principle use on a lot with standards to achieve the Commissioners' goals, including lot size and building sizes, setbacks, septic evaluation requirements, and bathroom limitations. The Planning Board believes these standards will allow flexibility while preserving character and future residential space. The following information and PowerPoint were presented to the Commissioners.


Case 23-08 Private Storage -Text Amendment



Examples





Current Ordinance



- In Residential – Permitted as an accessory use
- Why?
 - Maintains residential character
 - Preserve lots for residential use
 - Prevents incompatible uses of buildings

Board Direction




- Evaluate options for personal storage buildings as a principal use, while;
 - Preserving future residential space
 - Maintain residential character

Different Approaches



- Lot size
- Building size
- Development Standards

Option 1



Sec. 12-21. Definitions of Basic Terms

Private Storage Building. A building considered as a principal use for the purpose of private non-commercial storage for personal use only. Minimum three (3+) acres required on the parcel where this is to be placed. Please see Section 12-124 for zoning district allowance.


- Rural Agriculture and Rural Residential districts
- 3 acres
- 50' setback (standard)
- Agriculture use exempt

Option 2 - Planning Board Recommendation



- Rural Agriculture and Rural Residential districts
- Maximum building size based on lot size
 - One acre limited to 1500 square foot structure.
 - Two acres limited to 2500 square foot structure.
 - Three acres + limited to 4000 square foot structure.
- Setbacks: 100' front, 20' sides, 30' rear
- Require residential septic evaluation and site plan if property is under 3 acres
- No bathrooms

Option 3 - Combination



- Rural Agriculture and Rural Residential districts
- Maximum building size based on lot size
 - One acre limited to 750 square foot structure.
 - Two acres limited to 1250 square foot structure.
 - Three acres + limited to 2000 square foot structure.
- Setbacks: 50' front (standard)
- No bathrooms
- Site drawing displaying compliance

- PUBLIC HEARING
- APPROVE
 - Option 1 (3 acre)
 - Option 2 (1 acre Planning Board's recommendation)
 - Option 3 (1 acre combination)
- DENY

QUESTIONS

Vice-Chairman Hardin opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired if the Board could modify the presented options; Mr. Martin stated they could. Commissioner Whetstine asked for clarification that the proposed text amendment only applies to vacant properties. Mr. Martin advised that was correct. If a property owner already has a home, the current standards still apply, such as the storage building must be located to the side or behind the residence, not in front of it. Commissioner Hutchins expressed his concerns about clutter and junk surrounding the lone storage buildings, suggesting it needs to be included in the amendment that all materials must be in the storage building and not around it.

Vice-Chairman Hardin opened the Public Hearing at 6:29 p.m. for anyone wanting to speak for or against Planning Department Case 23-08, text amendment to sections 12-21 and 12-124 for private storage buildings.

(Legal Notice was published in the Shelby Star on Friday, June 28, 2024, and Friday, July 3, 2024).

Danny Blanton, no address given – spoke in opposition to the proposed storage building text amendment, citing landowners should have the freedom to do what they want to their property.

Hearing no further comments, Vice-Chairman Hardin closed the Public Hearing at 6:32 pm.

Vice-Chairman Hardin opened the floor to the Board for questions and discussion. Commissioner Hutchins spoke about the importance of implementing and enforcing the standards, stating that nothing should be done if there wasn't a way to enforce the ordinance. Commissioner Whetstine stressed the importance of being fair to all citizens, recommending approval of the Planning Board's recommendation of option two. Vice-Chairman Hardin expressed her concerns regarding the ordinance and its implementation. She agreed with the importance of having standards and land preservations, stating that is why ordinances are in place. She added that if enforcement was not possible, enforcement options must be reviewed.

Vice-Chairman Hardin asked Mr. Martin about option two: why a septic requirement is needed if no bathrooms are allowed? Mr. Martin explained that the Planning Board thought the evaluation would identify a housing site. Commissioners discussed the options presented at length, citing zoning districts, allowable uses, septic requirements, and setbacks.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and approved unanimously adopted by the Board to, ***approve the Planning Board's option two recommendation with the modification of removing the residential septic requirement.***

REGULAR AGENDA

OPIOID SETTLEMENT

Vice-Chairman Hardin called Health Department Director Tiffany Hansen to the podium to present the Opioid Settlement update. The Board was reminded of the Opioid Settlement Memorandum of Agreement (MOA) initiated in 2021. Since then, staff has collected data, held several public meetings, and begun implementing the approved opioid combat strategies. All 100 North Carolina counties and 47 municipalities have signed the MOA. Cleveland County is expected to receive \$13,042,660 over the next sixteen years. After receiving the initial funding, the remaining funds will be dispensed around \$320,000 annually. Fund requirements include a special revenue account, compliance auditing, spending resolution, and an annual impact report. There are two strategy options outlined explicitly in the MOA. Mrs. Hansen reviewed these options with the Board, explaining exhibit C refers to the strategic planning process.

Option A- High Impact Abatement Strategy	Option B- Additional Opioid Remediation Activities
Overdose Response Team	Opioid Use Disorder Treatment
Naloxone Distribution	Connections to Care
Early Intervention	Criminal Justice Involved Persons of Need
Addiction Treatment	Prevent Over-Prescribing
Syringe Service Program	Opioid Misuse Prevention
Recovery Support	Harm Reduction
Employment Services	Pregnant or Parenting Women & their families in need
Re-entry Programs	Support for people in treatment & recovery

*Must complete Exhibit C to utilize these activities

Mrs. Hansen presented an overview of the 2023-2024 Opioid Settlement community impact strategies:

1. Community Care Navigator/Case Manager
 - a. A request for quote (RFQ) was posted in January 2024 and received bids for the project. After reviewing credentials and applications, Integrated Care of Greater Hickory was awarded the project. Staff worked with them from March – to June 2024 on finalizing the contract, obtaining the infrastructure (space, phone number, website, etc.) to support this position, and hiring the individual who will be the Community Navigator. The position was filled in June 2024 and started in this work's early stages. Staff is developing marketing/messaging to begin promoting the availability of this service among the community and partners.
2. Provider Education
 - a. The Health Department offered two training courses for local providers through Area Health Education Centers (AHEC). There were 40 participants in the SUD 101 training and 27 participants in the MAT 101 training.
3. Community Education-Narcan Distribution
 - a. Staff began promoting and distributing free naloxone to the community through the Cleveland County Health Department (CCHD) pharmacy in August 2023 and have dispensed 1105 units (2210 doses) of naloxone this year.
4. Expansion of Addiction Treatment/Workforce Development
 - a. Staff promoted the availability of this resource in Fall 2023 and had three individuals request stipends to support four trainings/certifications.

The updated Authorizing Resolution Proposals for the 2024-2025 year include the continuation of the following strategies:

1. Community Navigator for Mental/Behavioral/Substance Use – \$200,000--Contract for a person to be available to community members and partner organizations to assist with case navigation, reducing barriers, and assisting those impacted by opioid use.
2. Naloxone Distribution—\$10,000--Promotion and availability of naloxone for free to community members through the CCHD pharmacy.

3. Workforce Development/Expansion—\$15,000--Support the expansion of the existing Mental and Behavioral Health providers by offering a stipend for completing additional opioid-supporting training, such as becoming a Licensed Clinical Additional Specialist (LCAS) or Certified Alcohol and Drug Counselor (CADC), through existing providers that expand and offer MAT services.

New strategy proposals for the 2024-2025 year:

4. Opioid Settlement Coordinator Position-\$95,000—this position is currently hired, but this allows to utilize this funding to support this work
5. Collaborative Strategic Planning process outlined by the Department of Justice (DOJ)-\$5000, outlines in the MOA the steps for completing a collaborative strategic planning process to expand strategies into approved Exhibit B strategies. Staff proposes to fund this process for the 2024-2025 year and utilize the Drug-Free Cleveland County Coalition by adding some member representatives as outlined by DOJ. This will allow in future years the ability to do more prevention-focused work with the Coalition and this funding.
6. Expansion of our Community Paramedicine Program--\$120,000—Emergency Medical Services (EMS) has recently launched a Post-Overdose Response Program that administers a bridge dose of medication, similar to an MAT program, to patients who have recently overdosed. They then make a referral to a partner agency for continuation of care for that patient. Current operations have two community paramedics providing these services, and Health Department staff would work with EMS to expand one full-time employee (FTE) and potentially increase coverage to some nights/weekend availability.

Total Allocation in the Authorizing Resolution: \$445,000.00 for the 2024 – 2025 strategies.

The following information and PowerPoint were presented to the Commissioners.

OPIOID SETTLEMENT STRATEGY UPDATE
TIFFANY HANSEN

Our Journey to date....

- Board signs Opioid Settlement MOA
- Hold 2023 Public Meeting and discuss data, trends and get community input on strategies
- Sept-June 2024: Begin implementation of approved strategies
- July 2024: Present to Board the opioid strategies for the upcoming year
- September 2023: Present to Board the aligned opioid strategies
 - Begin gathering local data from providers, hospital and other resources
 - Develop trends identified
- May 2024: Host annual public meeting to discuss data, trends, current strategies and next steps

Opioid Settlement Overview MOA & Allocation of Funding

- Memorandum of Agreement
 - 100 NC Counties
 - 47 municipalities
- Cleveland County
 - \$13,042,660 to Cleveland County
 - Annually around \$320,000 after first implementation years
- Special Requirements of the funds
 - Special Revenue Fund
 - Finance & Compliance Audits
 - Special Budget or Resolution
 - Annual Impact Report

18 Year Payment to Cleveland during 2022-2038: \$13,042,660

Payments Over Time - Cleveland

MOA outlined Options

Option A - High Impact Abatement Strategy	Option B - Additional Opioid Remediation Activities
Overdose Response Team	Opioid Use Disorder Treatment
Naloxone Distribution	Connections to Care
Early Intervention	Criminal Justice Involved Persons of Need
Addiction Treatment	Prevent Over-Prescribing
Syringe Service Program	Opioid Misuse Prevention
Recovery Support	Harm Reduction
Employment Services	Pregnant or Parenting Women & their families in need
Re-entry Programs	Support for people in treatment & recovery

*Must complete Exhibit C to utilize these activities

2023-2024 Opioid Community Impact Strategies

1. Community Care Navigator/Case Manager
2. Provider Education
3. Community Education-Narcan Distribution
4. Expansion of Addiction Treatment/Workforce Development

Opioid Strategy 2023-2024 Impact

Strategy	Budget Approved	Performance Measurement	Which MOA Option does this fit in?	Results
Community Navigation/Care Manager	\$200,000.00	# of patient successfully connected to BH/MH resources What services and for how longlients engaged?	A- A3	RFO awarded to ICGH Feb 2024 Staff hired June 2024 Developing marketing and promotional material now
Community Naloxone Distribution	\$10,000.00	# of Narcan dispensed to Community	A- A3, A6, A7	Dispensed 1105 units (2210 doses)
Provider Education	\$15,000.00	# of participants who complete each learning session	A- A2, A3, A6	2 trainings conducted 67 participants
Workforce Expansion/Development	\$25,000.00	# of people completing additional licensures	A- A2, A3, A9, A10 and A12	3 individuals utilized the stipend
TOTAL	\$250,000.00			

Proposed Strategies for 2024-2025



1. Community Care Navigator/Case Manager
2. Naloxone Distribution
3. Expansion of Evidence Based Addiction Treatment- Workforce Development
4. Opioid Settlement Coordinator
5. Collaborative Strategic Planning Process (Exhibit C of MOA)
6. Post Overdose Response Team

7

2024-2025 Strategies



Strategy	Budget Requested	Performance Measurement	Which MOA Option does this fit in?	Timeline
Community Navigation/Care Manager	\$200,000.00	<ul style="list-style-type: none"> • # of patient successfully connected to BH/MH resources • What services and for how long/clients engaged? 	• A- A3	• Annually
Community Naloxone Distribution	\$10,000.00	<ul style="list-style-type: none"> • # of Narcan dispensed to Community 	• A- A7	• Annually
Expansion of Addiction Treatment/Workforce Development	\$15,000.00	<ul style="list-style-type: none"> • # of people completing additional licensures 	• A- A2	• Annually
Opioid Settlement Coordinator	\$95,000.00	<ul style="list-style-type: none"> • Completion of the Collaborative Strategic Planning process • Implementation of Strategies 	• A- A1	• Annually
Collaborative Strategic Planning Process (Exhibit C of MOA)	\$5,000.00	<ul style="list-style-type: none"> • Completion 	• A- A1	• Annually
Post Overdose Response Team	\$120,000.00	<ul style="list-style-type: none"> • # of post overdose patients connected 	• A- A8	• Annually
TOTAL	\$445,000.00			

8

Action Requested



- Approve Opioid Strategies Authorization Resolution as presented
- Deny Opioid Strategies Authorization Resolution as presented

9

Questions?



10

Vice-Chairman Hardin opened the floor to the Board for questions and discussion. Commissioner Whetstine asked if the county is required to continue the programs once the opioid funds are depleted. Mrs. Hansen explained that the Health Department already has a Community Navigator position, and these funds will help offset the costs of that existing salary. The duties of the Community Navigator are currently assigned to the Health Services Coordinator, who was operating under the federal drug-free communities funding. The responsibilities of the Community Navigator were incorporated into the Health Services Coordinator position.

Commissioner Hutchins inquired about the requested funds and its approval process. Mrs. Hansen outlined the process required to receive and spend the opioid funding, including an approved resolution. Commissioner Whetstine stated for clarification that these funds would come from the opioid settlement and not county funds; Mrs. Hansen replied that was correct. Vice-Chairman Hardin asked how much funding Cleveland County would receive yearly. Mrs. Hansen explained that the county currently has \$2MM in a special revenue account, and after 2026, the funds will drop to \$320,000. She stated that the county must work through the most effective and impactful strategies. The county will not lose the funding if it isn't all used, and as there is no deadline for spending, the funds will remain in the special revenue account.

ACTION: Commissioner Hutchins made a motion to defer the topic until the August 6, 2024, Commissioner meeting. This would allow the County Manager to study the budget requests and make a recommendation before the Commissioners vote.

The motion died due to lack of a second.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *approve the Opioid Strategies Authorization Resolution as presented.*



Resolution

14-2024

A RESOLUTION BY THE COUNTY OF CLEVELAND TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS

WHEREAS, Cleveland County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids.

WHEREAS, the allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA") and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation ("SAAF");

WHEREAS, Cleveland County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

WHEREAS, section E.6 of the MOA states that, before spending opioid settlement funds, the local government's governing body must adopt a resolution that:

- (i) indicates that it is an authorization for expenditure of opioid settlement funds; and
- (ii) states the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy; and,
- (iii) states the amount dedicated to each strategy for a specific period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA and SAAF, Cleveland County authorizes the expenditure of opioid settlement funds as follows:

1. First strategy authorized

- a. Name of strategy: Recovery Support Services- Community Care Coordination
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A3
- d. Amount authorized for this strategy: \$200,000.00
- e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30, 2025

- d. Amount authorized for this strategy: \$5,000.00
- e. Period of time during which expenditure may take place:
Start date July 1, 2024, through End date June 30, 2025
- f. Description of the program, project, or activity: Support collaborative strategic planning to address opioid misuse, addiction, overdose, or related issues, including staff support, facilitation services, or any activity or combination of activities listed in Exhibit C to the MOA.
- g. Provider: Cleveland County Health Department

6. Sixth authorized strategy

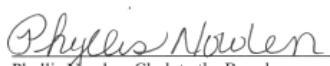
- a. Name of strategy: Post Overdose Response Team
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A8
- d. Amount authorized for this strategy: \$120,000.00
- e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30, 2025
- f. Description of the program, project, or activity: Support EMS post-overdose response teams that connect persons who have experienced non-fatal drug overdoses to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.
- g. Provider: Cleveland County Health Department and Cleveland County Emergency Medical Services (EMS)

The total dollar amount of Opioid Settlement Funds appropriated across the above-named and authorized strategies is \$445,000.00

Adopted this the 9th day of July, 2024.


Deb Hardin, Vice-Chairman
Cleveland County Board of Commissioners

ATTEST:


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

- f. Description of the program, project, or activity: Provide Care navigation within the community to support people in recovery, people who use drugs, in accessing addiction treatment, recovery, support harm reduction services, primary care, and other services that promote their health.
- g. Provider: Cleveland County Health Department and Integrated Care of Greater Hickory (ICGH)

2. Second strategy authorized

- a. Name of strategy: Community Naloxone Distribution
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A7
- d. Amount authorized for this strategy: \$10,000.00
- e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30, 2025
- f. Description of the program, project, or activity: Support the availability of community naloxone distribution.
- g. Provider: Cleveland County Health Department

3. Third authorized strategy

- a. Name of strategy: Expansion of Evidence Based Addiction Treatment
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A2
- d. Amount authorized for this strategy: \$15,000.00
- e. Period of time during which expenditure may take place:
Start date July 1, 2024, through End date June 30, 2025
- f. Description of the program, project, or activity: Support evidence-based addiction treatment consistent with the American Society of Addiction Medicine's national practice guidelines for the treatment of opioid use disorder – including Medication-Assisted Treatment (MAT).
- g. Provider: Cleveland County Health Department and local MAT providers

4. Fourth authorized strategy

- a. Name of strategy: Opioid Settlement Coordinator
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A1
- d. Amount authorized for this strategy: \$95,000.00
- e. Period of time during which expenditure may take place:
Start date July 1, 2024, through End date: June 30, 2025
- f. Description of the program, project, or activity: Support personnel for the strategic planning process as well as implementation of strategies developed to address opioid misuse, addiction, overdose or related issues.
- g. Provider: Cleveland County Health Department

5. Fifth authorized strategy

- a. Name of strategy: Collaborative Strategic Planning Process
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A1

BROAD RIVER GREENWAY

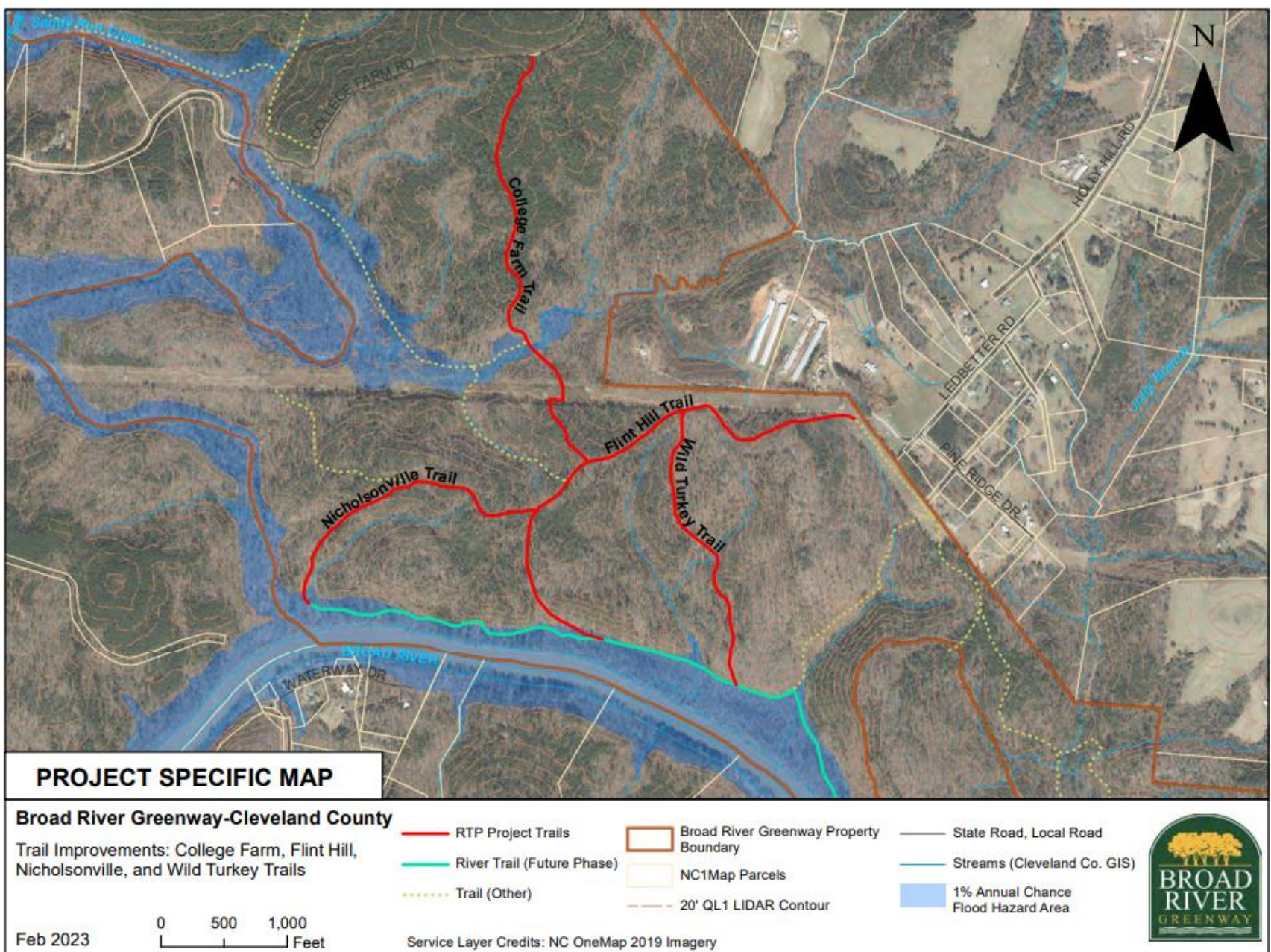
Vice-Chairman Hardin called Facilities Project Manager Blake Myers to the front to present the Broad River Greenway construction bid award. The county received a \$400,000 General Assembly appropriation in 2022 through Senator Ted Alexander, with \$275,000 of the \$400,000 designated for the Broad River Greenway. The designation of \$100,000 with a \$25,000 local match via budget amendment only was approved on November 11, 2023, by the Commissioners. The County executed the grant contract on June 15, 2023, with an expiration date of

June 15, 2026. The project scope includes +/- 2.5 miles of trail renovations and expansion of the existing 3' - 4' width to 8'. Other perimeters of the project include:

- Approximately 2.5 miles of trail renovations. The exact distance will be determined based on final construction costs. However, the project will not exceed the total grant budget.
- Renovations include widening to 8' wide trails instead of existing 3' to 4' trails. One of the primary purposes is for emergency vehicles to be able to access additional areas of the Greenway.
- RFQ advertised.
- Hoke Construction identified as the most qualified bidder
- Project completion due date – December 31, 2025
- Some work can only occur during November 2024 and April 2025 (environmental indicators).

Budget:

- \$125,000.00 total budget
 - \$100,000.00 Grant funded
 - \$25,000.00 county match as required by the 25% match per the grant. Match is from a state grant the county received in 2022.



Vice-Chairman Hardin opened the floor to the Board for questions and discussion. Commissioner Hutchins asked if the widening of the trails would allow senior citizens to enjoy the Greenway via golf cart. Mr. Myers stated that this would be something that needed to be worked on moving forward. More study of the trails would need to be completed, as the topography may not allow golf carts.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Whetstine, and adopted unanimously by the Board to, *approve the award to Hoke Construction for a not to exceed cost of \$125,000.*

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hutchins made a motion, seconded by Commissioner Bridges and unanimously adopted by the Board, *to adjourn*. The next meeting of the Commission is scheduled for *Tuesday, August 6, 2024, at 6:00 pm* in the Commissioners' Chambers.

*Deb Hardin, Vice-Chairman
Cleveland County Board of Commissioners*

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