Cleveland County Board of Commissioners September 20, 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 Tiffany Hanson, Health Department Director Martha Thompson, Chief Deputy Attorney Allison Mauney, Human Resources Director Sherry Lavender, Tax Assessor Betsy Harnage, Register of Deeds Greg Traywick, Cooperative Extension Director Scott Bowman, Maintenance Director

<u>CALL TO ORDER</u>

Chairman Gordon called the meeting to order, and members of the Cleveland County Veteran's Advisory

Board provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

<u>ACTION:</u> Commissioner Whetstine made the motion, seconded by Commissioner Hutchins and

unanimously adopted by the Board to, *amend the agenda to remove:*

item H. Register of Deeds – Change in Office Hours Resolution

SPECIAL PRESENTATION

AGRICULTURE ECONOMIC DEVELOPMENT INNOVATION AWARD

In partnership with Civic Federal Credit Union, the North Carolina Association of County Commissioners

(NCACC) offers the Excellence in Innovation Award to recognize successful county programs that demonstrate

innovative solutions and cost/resource savings for counties.

Production agriculture contributes \$140MM to Cleveland County's local economy each year.

Commissioners have supported gross roots efforts to protect and preserve farmland and recently established the

goal to include agriculture and agribusiness in the county's economic development efforts, which have been largely

focused on attracting industry and retail. The North Carolina Cooperative Extension, led by County Extension

Director Gregory Trawick, is a partnership between state and local government, was identified to champion this

effort and respond with aggressive resource development efforts to grow and diversify farms and farm-related

businesses.

Commissioners presented Mr. Traywick with the innovation award, giving him congratulations and thanking

him for his continued hard work and leadership with the farmers and agribusiness leaders of Cleveland County.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the *September 6, 2022* regular Commissioners' meeting in Board members' packets.

<u>ACTION:</u> Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and passed unanimously by the Board to, *approve the minutes as written*.

TAX ADMINISTRATION: PENDING REFUNDS & RELEASES

The Tax Administration Office is requesting the release of \$1,209.55 in deferred taxes to Kimberly Schmuecker. Pursuant to North Carolina General Statute 105-277.4(b1) If the owner submits supporting documents after the Assessor has determined a property has lost eligibility, the owner can appeal the deferred taxes within 60 days to the Board of Equalization and Review or the Board of County Commissioners, whichever Board is in session. The owner's appeal was received within 60 days of the bill date for the deferred tax bills. Present use value will be reinstated if Board approves the release of these deferred taxes. The County Tax Assessor has reviewed the request and advised it is in order for approval.

			PENDING REFUND								
		_	-	Spet	ember 20, 2022						
The following reque G.S. 105-381.	sts have be	en reviewed	by the County Assessor and f	found to be in or	der. They are here	by submitt	ted for app	roval by the C	leveland	County Board of Co	mmissioners pe
			•	ORIGINAL	ORIGINAL	REQUESTED				REQUE	STED
NAME	YEAR	RECEIPT	NOTE	VALUE	PAID	REL	EASE	DISTRICT	RATE	RELEASE	REFUND
Kimberly Schmuecker	2018	4889535	Supporting forestry plan rec'd. Release deferred	\$ 99,750	\$0.00	\$	99,750	66	0.8275	\$1,114.35	
Kimberly Schmuecker	2019	4889536	supporting forestry plan rec'd. Release deferred taxes.	\$ 99,750	\$0.00	\$	99,750	66	0.8275	\$1,040.06	
Kimberly Schmuecker	2020	4889537	Supporting forestry plan rec'd. Release deferred	\$ 99,750	\$0.00	\$	99,750	66	0.8275	\$965.77	
Kimberly Schmuecker	2021	4889538	Supporting forestry plan rec'd. Release deferred taxes.	\$ 99,250	\$0.00	\$	99,250	66	0.7950	\$852.15	
Kimberly Schmuecker	2022	4870715	Supporting forestry plan rec'd. Release deferred taxes.	\$ 152,145	\$0.00	\$	152,145	66	0.7950	\$1,209.55	
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ACTION: Commissioner Hardin made the motion, seconded by Commissioner Whetstine, and

unanimously adopted by the Board, to approve the pending refunds and releases as submitted by the Tax

Assessor.

<u>SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #014)</u>

<u>ACTION</u>: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously

adopted by the Board to, *approve the following budget amendment:*

Account Number Project Code Department/Account Name Decrease Increase 010.443.4.991.00 State Forf Prop/FD Balance Approp \$8,700.00 State Forf Prop/Capital Equipment 010.443.5.910.00 \$8,700.00 Explanation of Revisions: Budget allocation for \$8,700 in funds to assist in payment of a Long Range Acoustic Device (LRAD) speaker system for the Sheriff's Office Negotiators/SERT Team to use during a call out/standoff.

TRAVEL AND TOURISM: BUDGET AMENDMENT (BNA #015)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously

adopted by the Board to, *approve the following budget amendment:*

Account Number Project Code Department/Account Name Decrease Increase 010.422.4.991.00 Travel & Tourism/Fund Balance Appropriated \$500.00 Travel & Tourism/Travel & Tourism Events \$500.00 010.422.5.510.00 Explanation of Revisions: Budget allocation for \$500 in funds received from Home Trust Bank for sponsoring the 2022 Liver Mush festival Children's Pumpkin Painting.

CLEVELAND COUNTY SCHOOLS: BUDGET AMENDMENT (BNA #016)

<u>ACTION:</u> Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously

adopted by the Board to, *approve the following budget amendment:*

Department/Account Name Account Number Project Code Increase Decrease 494.602.4.358.00 Public School Building Off/St Grant – Pub Sch Cap \$28,500,000.00 Public School Building Off/Grants \$28,500,000.00 494.602.5.700.00 Explanation of Revisions: Budget allocation for \$28,500,000 in funds received from the Needs-Based Public-School Capital Fund through the North Carolina Education Lottery. These funds were awarded for Auditorium construction at Crest and Burns High School.

<u>REMOVAL OF SERVICE WEAPON FOR RETIRED DEPUTY ROY DYER</u>

Sheriff Alan Norman requested retiring Deputy Roy Dyer be presented with his departmental service

weapon. Deputy Dyer will retire on October 1, 2022, after 32 years of full-time law enforcement service with the

Cleveland County Sheriff's Office. The service weapon requested to be removed from inventory is a Glock 9mm,

Model 17, serial number BDKT-910 and County asset number 201185.

<u>ACTION</u>: Commissioner Hardin made the motion, seconded by Commissioner Whetstine, and

unanimously adopted by the Board, to approve the request to remove the service weapon from County inventory

and issue it to Deputy Roy Dyer.

<u>LEGAL DEPARTMENT: SALE OF COUNTY OWNED PROPERTY PARCEL 22052</u>

Parcel 22052 is county owned property located at 281 Light Oak Circle, Shelby. The vacant tract is

comprised of 0.1538072 acres in a residential area and may be too small for the construction of a dwelling.

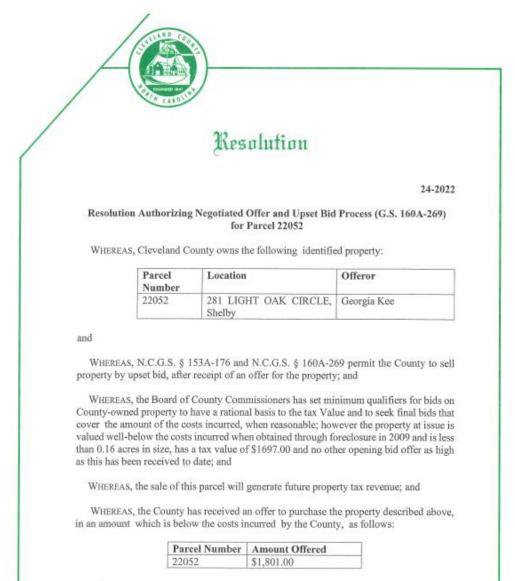
Cleveland County acquired this property through foreclosure proceedings in 2009 and incurred fees in the amount

of \$4158.79 for accrued unpaid taxes, interest and county costs. The offer of \$1801.00 is \$2,386.00 less than the

County costs and \$104.00 more than the tax value. This bid is the highest received in 13 years and would place the

property back on the tax rolls. Accepting this as an opening bid will permit the County to advertise and seek upset bids, and then bring them before the Board for consideration.

<u>ACTION:</u> Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously approved by the Board to, adopt the resolution authorizing county staff to advertise and begin the upset bid process.



and

WHEREAS, the required five percent (5%) deposit has been received from offeror;

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

- 1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of N.C.G.S. § 160A-269.
- 2. The County paralegal will notify the offeror of the Commissioners' authorization and the amount required of them for advertising costs to be paid by cash, money order or cashier's check to payable to the County and delivered to the County paralegal at 311 E. Marion Street, Suite 121, Shelby, North Carolina 28150.
- 3. Following receipt of payment of the advertising cost by the offeror, the Clerk to the Board will cause a notice of the proposed sale to be published. (In the event offeror declines prepayment of the advertising cost, the property will not be advertised.) The notice will contain a general description of the property, the amount and terms of the offer, and a notice that within ten (10) days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder.
- 4. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to Christie Wooten, paralegal, Cleveland County Administrative Office Building, 311 E. Marion Street, Suite 121, Shelby, NC, 28150 for hand delivery or PO Box 1210 Shelby, NC 28151 for receipt of mail delivery on or before 3:00 p.m. on or before the 10th day following publication of said notice. Use of the mail or any means of delivery is at the bidder's risk and any bids received after the deadline will not be considered. Any bid with conditions or terms will not be accepted or considered. Use of the mail or any means of delivery is at the bidder's risk and any bids received after the deadline will not be considered. Any bid with conditions or terms will not be accepted or considered.
- 5. At 3:00 p.m. on said date (or the next following business date if the 10th day is a weekend or holiday), the County Attorney/Deputy County Attorney will 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
- 6. If a qualifying higher bid is received, the County Clerk will cause a new notice of upset bid to be published and will continue to do so until a 10-day period has passed without any qualifying upset bid having been received.
- 7. A qualifying higher bid must also be accompanied by a deposit in the amount of EITHER the higher of
 - (a) a minimum of Seven Hundred Fifty Dollars (\$750.00); or (b) five percent (5%) of the bid and accompanying One Hundred Twenty-Five Dollars (\$125.00), or higher in the event of an increase,

for advertising costs. The greater amount of either (a) or (b) may be made in cash, money order, or cashier's check.

- The County will apply the deposit of the final high bidder first to the costs of the bidding process, including but not limited to the cost of advertising the notice of the proposed sale, then the remaining balances 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. The County will also refund any deposit, excluding costs, made by bidders other than the final high bidder within two (2) weeks of the delivery of the deed to the final high bidder.
- 9. The terms of the final sale are that:
 - The Board of Commissioners must review and decide whether or not to 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, money order, or cashier's check at the time of closing, and

- The County will transfer its interest in the property via quitclaim deed.

10. The County reserves the right to withdraw any property from sale at any time before the final high bid is accepted and the right to reject at any time any bids. In no event shall the costs of advertising any proposed sale or upset bid be returned to an offeror.

Adopted this 20TH day of September, 2022.

evin Gordon, Chairman

Cleveland County Board of Commissioners

ATTEST:

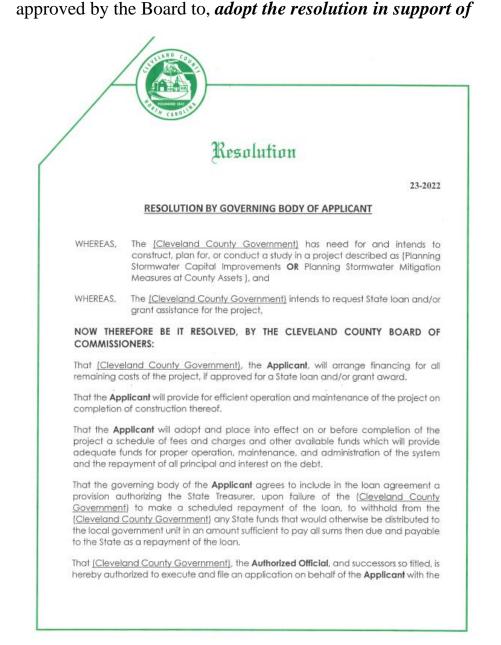
Phyllis Nowlen, Clerk to the Board Cleveland County Board of Commissioners



ECONOMIC DEVELOPMENT: PROJECT SAFE BUILDING REUSE GRANT

A local government resolution is required for the process and consideration of a \$90,000 planning grant application for stormwater management in Cleveland County. There is no match required from the county.

<u>ACTION</u>: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously



State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 20th day of September, 2022.

kevin Gordon, Chairman Cleveland County Board of Commissioners

ATTEST:

<u>Phyllis Nowlen</u>, Clerk to the Board veland County Board of Commissioners

<u>REGULAR AGENDA</u>

END OF THE YEAR REPORT

Chairman Gordon recognized County Manager Brian Epley to present the End of the Year report. The

county's fiscal year operates from July 1 – June 30. Staff is working on completing the county's external audit, as

required by the North Carolina Fiscal Control Act, and will be submitted to the Local Government Commission

(LGC) by October 31 of each year.

One of the Board's focus areas of their strategic plan is fiscal sustainability; to be a high-performing

organization that effectively uses resources and services and has identifiable measurable goals. These goals

include:

- Continued Focus on being an Employer of Choice
- Partner with Cleveland County Schools with the goal of the advancement of Teacher Supplements and Out Year Capital
- Maintain accelerated funding ladder for Cleveland Community College
- Increase Fund Balance to at least 20%
- Use and Implement the Facility Master Plan
- Identify lean principles with a focus on automation and operational efficiencies

Cleveland County's revenue for the year concluded at \$140.2MM collected. The property tax percentage was 98.58% collected, the highest in the county's history. Ad Valorem taxes make up 53% of the county's total revenue portfolio. Sales tax and restricted governmental continue to be the county's second and third largest revenue sources. The state of North Carolina continues to see growth and expansion in sales tax, which is a good indication of how the economy performing. Sales tax comes back to Cleveland County in two ways; point of sale and state collects all and then redistributes on a per capita basis. Another tax revenue for the county is occupancy taxes. The occupancy tax rate in Cleveland County is 6% for hotels and motels located outside of municipal boundaries and 3% for those inside a municipality. The county concluded the year with the highest occupancy tax revenue to date of \$600,000.

The Board was reminded, in 2016, the county, which was paying \$150,000 per year in contract fees, ended its long-term agreement with third-party billing agency ComStar which was collecting about 51% of the county's Emergency Medical Services (EMS) bills. EMS billing was brought in-house and since that time, the county has seen steady growth with \$4.2 MM in collected revenue this year which is significantly higher than in previous years.

Mr. Epley transitioned to the expenditure side of the county's fiscal year, reviewing in detail how county funds are spent by function and department. Expenditures include Human Services, Education, Public Safety and General Government. Cleveland County is in a favorable position, maintaining a constant and flat budget when benchmarked with other similarly sized North Carolina counties. Other organization expenditures reviewed include utility consumption, property and liability risk, and county employee health insurance claims. He continued by outlining the steps the organization continues to make to achieve another focus area of the Board which is making Cleveland County an employer of choice. Staff is managing the tremendous amount of grants already received equaling almost \$73MM. These grants will be allocated to help fund county projects without putting a burden on local taxpayers.

Next, Mr. Epley reviewed the county's Capital Improvement Plan (CIP) which included the completion of fully staffed EMS bases in the northern part of the county, Casar, Belwood and Lawndale and the relocation of the Information Technology department. Other CIP projects in progress include:

- Justice Center Campus
- Health / DSS Co-Location
- Board of Elections
- Shell Building IV
- Shooting Complex Expansion

Other Commissioner goals for fiscal sustainability include continued acceleration to Cleveland Community

College and education focusing on public schools, ensuring there is adequate funding for classroom teacher

supplements and facility project planning and management. Mr. Epley concluded by reviewing the county's fund

balance, debt balance and debt service performance analysis. The following information and PowerPoint were

presented to Commissioners.











Social Services — Public Health ……… Linear (Social Services)

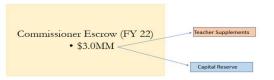
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FT 22 (+) \$400,000 (17;

• FY 23 (+) \$250,000 (9%)





Fund Balance:

PEER COMPARISON - UN-RESERVED FUND BALANCE



MOODY'S INVESTORS SERVICE							
ISSUER COMMENT 11 October 2021	Cleveland County, NC Annual Comment on Cleveland County						
Ceneral Obligation (or CO Related) 1	Issuer Profile Cleveland County is located in the Hedmons area of southwestern North Carolina, bounded by the South Carolina state line on the south. The county said of Shafby is appressimately 40 makes west of Charlotter. The County loca a population of 97,782 and a moderate population						
Contacts Januar Kallay +1.415.276.3716 Associate Lawl Availab	mass well of Chartotta. The county has a population of tri_cites are a moderatal population density of 209 populp per quare mile. The country's mediate finality income is 552,389 (44) quartel) and the August 2022 unemployment rate was 45% (and quartie) –. The largest industry accord that drives the local accompany are maintacturing, realit trada, and local						

+1212353.7762 Credit O

Gregory W. Upits Mr. Sr. Credit Officer property hydrollerece

veland County has a very good credit position. Its Aa2 rating matches the US counties clan of Aa2. Key credit factors include a robust financial position, on exceptionally light is burlen, a few persion liability, a considerable tax base and a somewhat unfavorable does used to exceed acades.

III-3535-3077 Finances: The financial position of the county is solid and is related as a set of the county is solid as a set of

20-772-5454 Just short of the US median. Additionally, fund balance as a percent of operating revenue (33.2%) approximates the US median.

> Debt and Pensions: The debt and pension liabilities of the county are unall overall and are slightly favorable in relation to its Au2 rating. Not direct debt to full value (0.6%) is roughly equivalent to the US median. Moreover, the Moody's educated net pension liability to operating revenue (0.60k) in materially lower than the US median.

Economy and Tax Base: The county has a solid economy and tax bas, but this factor is slighty unfavorable compared to its Aa2 rating position. Full value (953 billion) is consist with the US mession while full value ger capits [35755] is stronger than other Moody's rated countes nationalde. However, median family income equals a low 678% of the US level.

men. Managument and Governance: North Casolita: countsic have an institutional humawork score 10² Mart² or way storing. Hopery taxes, counter² main memory access are help between all into do countes mension and main behaviorus model to sopa (spendance, which are length for personnel, an helphy productable and table and counties have a high about backace expenditures given models. These cata builders and countes have a high about backace expenditures given models. These cata builders and to countes have a high about the source of the source of

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Commissioners thanked Mr. Epley for the information and commended him and staff for the continued hard work and

RECESS TO RECONVENE

There being no further business to come before the Board at this time, Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to recess to reconvene*. The next meeting of the Commission is scheduled for *Friday, September 23, 2022 at 8:30 a.m. at the Cleveland County Public Health Department located at 200 S. Post Road, Shelby for a Commissioners' work session.*

Kevin Gordon, Chairman Cleveland County Board of Commissioners

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