

**Cleveland County Board of Commissioners**  
**September 21, 2021**

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

**PRESENT:** Doug Bridges, Chairman  
Deb Hardin, Vice-Chair  
Johnny Hutchins, Commissioner  
Kevin Gordon, Commissioner  
Tim Moore, County Attorney  
Brian Epley, County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Scott Bowman, Maintenance Director  
Tiffany Hansen, Health Department Director  
Allison Mauney, Human Resources Director  
Perry Davis, Emergency Management Director/Fire Marshal

**ABSENT:** Ronnie Whetstine, Commissioner

**CALL TO ORDER**

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

Perry Davis, Emergency Management Director/Fire Marshal, provided the invocation and led the audience in the Pledge of Allegiance.

**AGENDA ADOPTION**

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

**CITIZEN RECOGNITION**

**Robert Johnson, 1502 Lackey Street, Shelby** – spoke about fighting homelessness in Cleveland County and the possibility of reopening a men’s shelter by winter of 2021.

**Gary Leigh, 922 Surry Drive, Shelby** – echoed Mr. Johnson’s comments about homelessness in the community and possible opportunities to help those in need.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

The Clerk to the Board included the Minutes from the *June 15, 2021* in board members packets.

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

**MONTHLY MANAGER’S REPORT**

- The Finance Department continues working though the audit process for FY21 with our external audit firm Thompson Price Scott & Adam’s. The audit evaluates the performance of a unit of local government with regard to compliance with applicable federal and state laws as well as the accuracy and reliance of the financial statement disclosures. This process concludes in October-November with submission to the Local Government Commission for approval.

- The County received the first of two distributions of funds from the American Rescue Plan Act. These federal funds were allocated for the purpose of COVID-19 relief and economic recovery. The U.S. Treasury recently issued its Interim Final Rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act. This latest update outlines allowable uses of these funds and the applicable reporting requirements. Management continues to follow updates from the U.S. Treasury and is working with the NC Pandemic Recovery Office to best support the urgent COVID-19 response needs throughout our community.
- The County reached 5 out of 6 of its Performance Bonus Measurement Goals during the first measurement date on September 15, 2021. All full time employees are set to receive a performance bonus payment equal to 1.25 percent of the employee's current annual salary. The next Performance Bonus Measurement date will be on March 15, 2022.

County of Cleveland, North Carolina  
 Manager's Budget Summary  
 Presented at the Board Meeting  
 Time Period Covered : 7/1/21 to 9/21/21  
 For Fiscal Year Ending June 30, 2022

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT NAME TO	DEPT NAME FROM	EXPLANATION	BUDGET AMOUNT
869	D	7/9/2021	Health-Nurse Family Partnership		Move funds to cover advertising/promotions	\$ 2,000.00
870	D	7/16/2021	Capital Projs-Gen		Move funds to cover equipment purchase	\$ 37,510.00
871	D	7/1/2021	Capital Projs-Gen		Move funds to cover professional services	\$ 60,000.00
872	D	7/1/2021	Manager's Office		Move funds to appropriate accounts for travel	\$ 20,749.00
873	D	7/22/2021	Commissioners		Move funds to appropriate accounts for travel	\$ 53,220.00
874	D	7/8/2021	Planning/Zoning		Moved funds to cover automotive supplies and fuel	\$ 1,250.00
876	D	7/28/2021	Various Health Depts		Transfer funds to appropriate expense line	\$ 62,527.00
883	D	7/30/2021	Health		Move funds to cover contracted services	\$ 2,100.00
884	D	7/30/2021	EMS	Maintenance	Transfer funds to cover paving of EMS Base	\$ 30,800.00
885	D	7/30/2021	Electronic Maint		Move funds to cover professional services	\$ 673.00
886	D	8/2/2021	SW Manned Sites		Move funds to cover site improvements	\$ 46,030.00
887	D	8/2/2021	E911		Move funds to cover contracted services	\$ 3,000.00
888	L	8/2/2021	Communications	Emerg & Contingency	Move funds to cover contracted services	\$ 21,600.00
889	D	7/6/2021	Workers Comp		Move funds to cover insurance fees and professional services	\$ 35,316.00
890	L	7/6/2021	Property/Liability	Workers Comp	Temporary transfer of funds to cover insurance renewals and contracted services	\$ 154,731.00
891	L	8/6/2021	Sheriff's Office	Emerg & Contingency	Transfer to cover additional courtroom equipment costs	\$ 2,495.00
892	D	8/6/2021	Maintenance		Move funds to cover equipment repair	\$ 1,100.00
893	D	8/9/2021	DSS-Child Support		Move funds to cover marriage verifications	\$ 30.00
894	D	8/11/2021	EMS		Move funds to cover contracted services	\$ 28,735.00
895	D	8/19/2021	Environmental Health		Move funds to cover maintenance contract and employee certifications	\$ 3,000.00
895	D	8/19/2021	CODAP		Move funds to cover advertising/promotions	\$ 3,000.00
896	D	8/19/2021	Maintenance		Move funds to cover A/C Unit and future controlled equipment	\$ 4,000.00
897	D	7/2/2021	Health Plan		Move funds to cover professional services and payroll taxes	\$ 17,300.00
898	D	8/23/2021	Property/Liability		Move funds to cover professional services	\$ 50,000.00
899	D	8/23/2021	Family Planning		Move funds to cover advertising/promotions	\$ 2,300.00
900	D	7/7/2021	Planning/Zoning		Move funds to cover appropriate accounts	\$ 2,752.00
902	L	8/27/2021	EMS	Maintenance	Transfer funds to cover EMS Casar Base	\$ 14,931.00
903	D	7/22/2021	Cap Projs-Gen		Move funds to cover various licenses	\$ 44,990.00
904	D	9/7/2021	County Fire		Move funds to cover contracted services	\$ 1,000.00
905	D	9/7/2021	Court Facilities		Move funds to cover dues/subscriptions	\$ 333.00
906	D	8/17/2021	EMS		Move funds to cover capital equipment	\$ 244.00
907	D	9/8/2021	Property/Liability		Move funds to cover professional services	\$ 10,000.00
908	D	7/21/2021	IT		Move funds to cover dues/subscriptions	\$ 6,417.00
909	D	7/9/2021	Tax Admin		Move funds to cover maintenance contracts-equipment	\$ 255.00
910	D	9/7/2021	EMS	Maintenance	Transfer funds to cover EMS Casar Base	\$ 17,000.00
911	D	9/8/2021	Haz-Mat		Move funds to cover insurance/bonding	\$ 65.00
912	D	9/8/2021	Fed Forfeiture Funds		Move funds to cover capital equipment	\$ 11,000.00
913	D	9/8/2021	LeGrand Center		Move funds to cover dues/subscriptions	\$ 1,253.00
914	L	9/9/2021	Title XX	DSS Admin	Transfer funds to cover contracted services	\$ 47,380.00

### **TAX COLLECTOR'S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *August 2021*.

TOTAL TAXES COLLECTED AUGUST 2021				
YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00	\$0.00
2021	\$43,613,736.55	\$0.00	\$4,443.17	\$43,618,179.72
2020	\$67,357.67	\$0.00	\$796.05	\$68,153.72
2019	\$22,961.46	\$0.00	\$0.00	\$22,961.46
2018	\$9,605.05	\$0.00	\$0.00	\$9,605.05
2017	\$3,897.67	\$0.00	\$0.00	\$3,897.67
2016	\$1,702.33	\$0.00	\$0.00	\$1,702.33
2015	\$2,538.55	\$0.00	\$0.00	\$2,538.55
2014	\$1,591.72	\$0.00	\$0.00	\$1,591.72
2013	\$1,621.59	\$0.00	\$0.00	\$1,621.59
2012	\$366.94	\$93.14	\$0.00	\$460.08
2011	\$179.41	\$101.33	\$0.00	\$280.74
				\$43,730,992.63
TOTALS	\$43,725,558.94	\$194.47	\$5,239.22	\$43,730,992.63
DISCOUNT	(\$218,018.49)			
INTEREST	\$18,415.12	\$156.94	\$54.70	
TOLERANCE	\$312.23	\$0.00	(\$0.30)	
ADVERTISING	\$444.00	VEHICLE FEES	GAP BILL FEES	
GARNISHMENT	\$1,206.50	\$52.00	\$37.91	
NSF/ATTY	\$118.51			
LEGAL FEES	\$0.00			
TOTALS	\$43,528,036.81	\$403.41	\$5,331.53	
MISC FEE	\$1,920.59			GRAND TOTAL
TAXES COLL.	\$43,529,957.40			\$43,533,771.75
	\$0.00			\$0.00
	\$43,529,957.40			\$43,533,771.75

TOTAL TAXES UNCOLLECTED AUGUST 2021				
	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
2021	\$42,103,849.04	\$0.00	\$92,365.35	\$42,196,214.39
2020	\$1,170,440.36	\$0.00	\$60,249.77	\$1,230,690.13
2019	\$862,294.64	\$0.00	\$0.00	\$862,294.64
2018	\$439,792.55	\$0.00	\$0.00	\$439,792.55
2017	\$271,533.14	\$0.00	\$0.00	\$271,533.14
2016	\$187,374.26	\$0.00	\$0.00	\$187,374.26
2015	\$151,378.80	\$0.00	\$0.00	\$151,378.80
2014	\$147,579.23	\$0.00	\$0.00	\$147,579.23
2013	\$110,354.85	\$60,485.94	\$0.00	\$170,840.79
2012	\$86,201.61	\$68,351.84	\$0.00	\$154,553.45
2011	\$64,477.94	\$52,079.51	\$0.00	\$116,557.45
2010	\$0.00	\$37.35	\$0.00	\$37.35
	\$45,595,276.42	\$180,954.64	\$152,615.12	\$45,928,846.18

### **TAX ABATEMENTS AND SUPPLEMENTS**

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **August 2021**. The monthly grand total of tax abatements was listed as (\$91,482.92) and monthly grand total for tax supplements was listed as \$22,219.24.

### **PLANNING DEPARTMENT: SET PUBLIC HEARING FOR TUESDAY, OCTOBER 5, 2021 FOR CODE TEXT AMENDMENT ON WATERSHEDS**

Request to set a public hearing on Tuesday, October 5, 2021 to consider changes to Cleveland County's watershed districts.

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

### **ANIMAL SERVICES: CHAPTER 3 TEXT CODE CHANGES**

The Board of County Commissioners were first presented text code changes to the county's animal service ordinance at their August 27th policy work session. Board members approved technical changes to Chapter 3 of the Cleveland County Code of Ordinance, which governs animal services. The Board subsequently authorized staff to draft language making several substantive changes to this chapter.


The change to the animal services licensing ordinance right now is to delay its implementation to January 1, 2023. Staff has not yet proposed the substantive changes to the licensing ordinance yet and is in the process of putting proposed substantive changes into ordinance form. *(a full copy of the Chapter 3 Text Code changes can be found in the Clerk's Office, Legal Department and Animal Services).*

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to approve the Animal Services Chapter 3 Text Code changes.*

**LEGAL: SALE OF COUNTY OWNED PROPERTY**

Parcel 26934 located at 416 East Ross Grove Road in Shelby was acquired by the County in 2012 and was previously approved for upset bid process. The bid was rejected as an insufficient bid now. Since then, the county received a new higher final bid. The County currently has \$1,983.35 invested into this property with taxes owed and fees and has received a bid of \$3,250. Staff recommends approving the offer made on parcel 26934 and authorize county staff to prepare a deed to sell that parcel to the offeree, for the agreed upon price.

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to approve the offer made on parcel 26934 and authorize county staff to prepare a deed to sell that parcel to the offeree, for the agreed upon price.*



**Resolution**

14-2021

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

WHEREAS, Cleveland County received an offer to sell and adhered to the upset bid procedures pursuant to N.C.G.S. § 153A-176 and N.C.G.S. § 160A-269 and of its June 1, 2021 and August 3, 2021 Resolutions as to a certain property it owns identified, as follows:

Parcel #	Location	Current Offer
26934	416 E. Ross Grove Rd	\$3,250.00

and

WHEREAS, the time is ripe for the County to review and determine whether to accept or reject the highest bid by analyzing the bid and the property; and

WHEREAS, the County has incurred expenses and has outstanding property taxes due on the property identified above reflected as follows:

Parcel #	2021 Tax Value	Current Offer	TOTAL Owed (Taxes + FC cost)	Gain	Would be 2021 Tax payment
26934	\$11,880.00	\$925.00	\$1,983.35	\$1,266.65	\$115.50

and

WHEREAS, the offer covers of the indebtedness of the property through this bid process, and represents a bid that represents a price in excess of the amount owed to the County and takes into consideration a rational relationship to the tax value of the property at issue; and


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

- The Board of Commissioners approves the sale of the property identified as parcel #29634 located at 416 E. Ross Grove Rd, Shelby NC for the sum of \$3,250.00 in cash, money order or cashiers check to be presented within thirty days; and authorizes Chair Doug Bridges to sign a quitclaim deed for parcel #29634 to the offeree upon payment.

Adopted this 21<sup>st</sup> day of September, 2021.

  
 Douglas G. Bridges, Chairman  
 Cleveland County Board of Commissioners

ATTEST:

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



**NORTH CAROLINA QUITCLAIM DEED  
NO TITLE SEARCH REQUESTED OR PERFORMED**

Excise Tax: \$0

Parcel Identifier No. 26934 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

Mail/Box to: \_\_\_\_\_

This instrument was prepared by: Martha R. Thompson, Attorney

Brief description for the Index: 416 E. Ross Grove Rd

THIS DEED made this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between

GRANTOR

GRANTEE

CLEVELAND COUNTY, NORTH CAROLINA

SOUTHEASTERN SOLUTIONS, LLC  
1137 E. MARION ST, STE 120  
SHELBY, NORTH CAROLINA 28150

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 Grantors, for and in consideration of the sum of ten dollars and other consideration to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release, and forever quitclaim into the Grantee and his heirs and assigns all right, title, claim, and interest of the said Grantors in and to a certain tract or parcel of land lying and being in the County of Cleveland and State of North Carolina, in the City of Shelby, and more particularly described as follows:

Located North of Shelby NC on the Ross Grove and R. A. Spangler Road and being all of Lot No. 2 of the D.L. Houser property as shown on Book of Plats 2 at Page 38 in the Office of the Register of Deeds of Cleveland County, North Carolina and being described by metes and bounds as follows:

BEGINNING at a stake in the South edge of the R.A. Spangler-Ross Grove Road the same being the Northwest corner of Lot No. 3 of the D.L. Houser property as aforesaid, and runs thence with the West line of Lot No. 3, South 16-25 East 206 feet to a stake in the North edge of the Ross Grove Road; and runs thence South 45-35 West 27.5 feet to a stake in A.J. Dedmon's line; and runs thence with his line, North 85-40 West 81.5 feet to a

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stake, the same being the Southeast corner of Lot No. 1, and runs thence with the East line of Lot No. 1, North 16-25 West 191 feet to a stake in the south edge of R.A. Spangler-Ross Grove Road, the same being the Northeast edge of Lot No. 1; and thence with the South edge of said road, North 73-35 East 100 feet to the place of BEGINNING.

No title search was requested or performed on this parcel.

\_\_\_\_\_ If checked, the property includes the primary residence of the Grantor (N.C.G.S. § 105-317.2)

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1637, Page 1619, Cleveland County Registry.

A map showing the above-described property is recorded in Map/Cabinet \_\_\_\_\_ at Page \_\_\_\_\_

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to him the said Grantee and his heirs and assigns free and discharged from all right, title, claim or interest of the said grantors or anyone claiming by, and through or under them.

Title to the property hereinabove described is subject to the following exceptions if any:

Rights of way and easements of record  
Municipal liens

**GRANTOR makes no warranty, express or implied, as to title to the Property.**

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

CLERK TO THE BOARD:

CLEVELAND COUNTY, NORTH CAROLINA

Phyllis Nowlen (SEAL) By: Douglas R. Bridges (SEAL)  
ATTEST Douglas R. Bridges, Chair

State of North Carolina- County of Cleveland

I, the undersigned Notary Public of the State aforesaid, certify that Douglas R. Bridges personally came before me this day and acknowledged that he is the Chair of the Cleveland County Board of Commissions, a State of North Carolina Governmental Body and that by authority duly given and as the act of this entity he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 21<sup>st</sup> day of September, 2021.

My Commission Expires: 5-7-2022  
(Affix Seal)

April N. Crofts  
April N. Crofts Notary Public  
Notary's Printed or Typed Name



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**FOOTHILLS WORKFORCE DEVELOPMENT: RESOLUTION IN SUPPORT OF NAME CHANGE**

The Foothills Regional Work Force seeks adoption of a joint resolution between Cleveland, McDowell, Polk, and Rutherford to authorize the official name change of the Region C Workforce Development Board to the Foothills Workforce Development Board.

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to approve the joint resolution to authorize the official name change of the Region C Workforce Development Board to the Foothills Workforce Development Board.*



## Resolution

15-2021

**RESOLUTION AUTHORIZING AND ENDORSING THE NAME CHANGE OF THE REGION C WORKFORCE DEVELOPMENT BOARD TO FOOTHILLS WORKFORCE DEVELOPMENT BOARD**

**WHEREAS**, the contiguous units of general purpose of local government County of Cleveland, County of McDowell, County of Polk, and County of Rutherford have established a consortium to act jointly as a local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014, known as the Region C Workforce Development Consortium:

**WHEREAS**, this consortium, has the authority to establish and name the local workforce development board, currently known as Region C Workforce Development Board;

**WHEREAS**, the original consortium agreement may be amended at any time upon the consent of all of the parties as evidenced by resolution of the governing bodies of each member government and as approved by the State:

**WHEREAS**, the Region C Workforce Development Board voted on a recommendation provided by their staff to change the name of the Local Workforce Development Area from Region C Workforce Development Board to Foothills Workforce Development Board on May 6, 2021; and

**NOW THEREFORE, BE IT RESOLVED BY THE COUNTY OF CLEVELAND, THE COUNTY OF MCDOWELL, THE COUNTY OF POLK, AND THE COUNTY OF RUTHERFORD** that in consideration of this vote and of the need for consistent branding across our local area, the member units of the Region C Workforce Development Consortium authorize and support this name change, authorize the amendment of the consortium agreement to reflect this, and recommend that the North Carolina Division of Workforce Solution approve this name change.

**Adopted this 21st day of September, 2021.**

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

Douglas R. Bridges  
Douglas G. Bridges, Chairman  
Cleveland County Board of Commissioners

ATTEST:



**PUBLIC HEARINGS**

**CLEVELAND COUNTY PLANNING BOARD AND BOARD OF ADJUSTMENT REVISIONS**

Chairman Bridges recognized Assistant County Manager Kerri Melton to present the Cleveland County Planning Board and Board of Adjustment Revisions. The Board was reminded, at their August 27, 2021 policy work session, they adopted a policy governing appointed boards and commissions. Commissioners appoint over 100 citizens to 17 advisory boards. The adopted policy ensures all boards are subject to quality controls and ethical standards. Included in the policy are rules of procedure including quorums, minutes, appointment of Chairman, code of conduct and conflicts of interest. Other items included in the policy are membership and purpose requirements for specific boards.

Several provisions of the policy pertain to the Board of Adjustment, Planning Board, and Historic Preservation Commission. Pursuant to Chapter 160D of the North Carolina General Statutes, the County’s rules governing these boards must be enacted by ordinance following a public hearing that has been duly noticed. Staff has drafted an ordinance that aligns the County’s code of ordinances with the recently enacted policy.

Chairman Bridges opened the Public Hearing at 6:16 pm for anyone wanting to speak for or against Cleveland County Planning Board and Board of Adjustment Revisions. (*Legal Notice was published in the Shelby Star on Friday, August 28, 2021 and Friday, September 3, 2021*).

Hearing no comments, Chairman Bridges closed the Public Hearing at 6:17pm.

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins commented on the benefits and positive affects the new policy will have on citizen advisory boards.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, ***to approve the Cleveland County Planning Board and Board of Adjustment Revisions.***

**AN ORDINANCE EFFECTUATING PROVISIONS OF THE CLEVELAND COUNTY POLICY GOVERNING APPOINTED BOARDS & COMMISSIONS**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLEVELAND IN REGULAR SESSION ASSEMBLED:

WHEREAS, N.C.G.S. §§ 153A-76 and 153A-77 authorize the Board of Commissioners to organize County government, which includes creating and governing the County’s various commissioners and advisory boards;

WHEREAS, N.C.G.S. §§ 160D-301, 160D-302, and 160D-303 authorize the Board of Commissioners to provide for the appointment of a planning board, board of adjustment, and historic preservation commission, respectively;

WHEREAS, at its August 27, 2021 work session, the Board of Commissioners adopted the Cleveland County Policy Governing Appointed Boards & Commissions (the “Policy”);

WHEREAS, this Policy contains provisions related to the Cleveland County Board of Adjustment, Cleveland County Planning Board, and Cleveland County Historic Preservation Commission; and

WHEREAS, the Policy’s provisions regarding these boards must be effectuated by ordinance;

NOW, THEREFORE:

The Cleveland County Board of Commissioners enacts the following ordinance.

**Section 1. Amendment to Chapter 8 Article II of the Cleveland County Code of Ordinances.**

Additions are underlined in blue, and deletions are ~~struck through in red~~.

Sec. 8-26. Appointment and terms of planning board members.

(a) There shall be a planning board consisting of seven (7) members. The board of commissioners shall endeavor to appoint a representative from diverse areas of the planning jurisdiction. Each seat on the planning board shall meet the following qualifications:

- 1. Seat 1 – A real estate developer, a licensed general contractor, or a subcontractor who frequently works for general contractors.
- 2. Seat 2 – A person who is engaged in the production of agriculture.
- 3. Seat 3 – A licensed realtor.

4. Seat 4 – An engineer, an architect, an appraiser, a surveyor, or a person of a similar profession or background.

5. Seat 5 – A business owner or a business professional.

6. Seat 6 – At-large.

7. Seat 7 – At-large.

If there are no applicants that meet the criteria for a given seat, that seat may be filled with an at-large applicant for board membership, unless prohibited by state law or County ordinance. An applicant qualifies as “at-large” if he or she resides in Cleveland County.

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Sec. 8-30. Powers and duties of the planning board.

- (a) It shall be the duty of the planning board, in general, to:
  - (1) Acquire and maintain in current form such basic information as necessary to understand past trends, present conditions and forces at work to cause changes in these conditions.
  - (2) Prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical development of the area.
  - (3) Establish principles and policies for guiding action in the development of the area.
  - (4) Prepare and recommend to the board of commissioners, ordinances promoting orderly development along the lines indicated in the comprehensive plan.
  - (5) Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area.
  - (6) Keep the board of commissioners and the general public informed and advised as to these matters.
  - (7) Name or re-name any road or street and assign or re-assign address numbers within the county's planning jurisdiction, in accordance with G.S. 153A-240, local modification.
  - (8) Perform any other duties which may lawfully be assigned to it.
  - (9) To review and approve major subdivisions and manufactured home parks.

- (10) Planning board members shall not vote on any legislative decision regarding a development regulation adopted pursuant to the Cleveland County Unified Development Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on said member. The planning board member shall also not vote on any amendment if the petitioner has a close familial, business, or other associational relationship to the board member.

(b) The planning board shall be subject to the Cleveland County Policy Governing Appointed Boards & Commissions (the "Policy"), as amended, except to the extent that the Policy conflicts with this Chapter or any state or federal law or regulation. The planning board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this section or the Policy.

**Section 2. Amendments to Chapter 8 Article III of the Cleveland County Code of Ordinances.**

Additions are underlined in blue, and deletions are ~~struck through in red~~.

Sec. 8-51. Appointment and terms.

- (a) There shall be a board of adjustment consisting of five (5) members appointed by the board of commissioners, and the board of commissioners may, at its discretion, appoint not more than two (2) alternate members to serve in the absence, for any cause, of any regular member. Each seat on the planning board shall meet the following qualifications:

1. Seat 1 – An engineer, an architect, an appraiser, a surveyor, or a person of a similar profession or background.
2. Seat 2 – An attorney, paralegal, or other legal professional.
3. Seat 3 – A business owner or a business professional.
4. Seat 4 – At-large.
5. Seat 5 – At-large.

Any appointed alternate members shall be at-large. If there are no applicants that meet the criteria for a given seat, that seat may be filled with an at-large applicant for board membership, unless prohibited by state law or County ordinance. An applicant qualifies as "at-large" if he or she resides in Cleveland County.

- (11) Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

Prior to any official action, the commission shall adopt rules of procedure governing its meetings and the conduct of official business and bylaws governing the appointment of members, terms of office, the election of officers and related matters. A public record shall be kept of the commission's resolutions, proceedings and actions. The commission shall also prepare and adopt principles and guidelines for altering, restoring, moving, or demolishing properties designated as landmarks or new construction on properties designated as landmarks. The commission shall be subject to the Cleveland County Policy Governing Appointed Boards & Commissions (the "Policy"), as amended, except to the extent that the Policy conflicts with this Chapter or any state or federal law or regulation.

**Section 4. Implementation of Ordinance.**

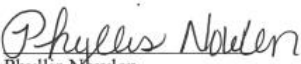
This ordinance shall take effect immediately. However, all persons occupying seats on these boards may serve out their current terms, regardless of whether they qualify for membership. As terms expire or vacancies otherwise occur, the Board of Commissioners shall fill vacant seats based on the criteria listed in this ordinance. The Board of Commissioners may designate new seat numbers as vacancies occur, in any order that it deems appropriate.

This the 21<sup>st</sup> day of September, 2021.

  
Doug Bridges  
Chairman  
Cleveland County Board of Commissioners



ATTEST:

  
Phyllis Nowlen  
Cleveland County Clerk

**REGULAR AGENDA**

**SALE OF COUNTY OWNED PROPERTY – PARCELS 10462 AND 10490**

Chairman Bridges recognized County Manager Brian Epley to present the sale of county owned property for parcels 10462 and 10490. To sell county owned property, the county must go through an upset bid process. Most properties are inherited through tax foreclosures and other tax liens; parcels 10462 and 10490 do not fall into that

- (b) Board of adjustment regular members shall serve terms of three (3) years or until succeeded. Both regular members and alternates may continue to serve until their successors have been appointed.
- (c) Membership shall be limited to no more than two (2) consecutive terms.
- (d) If a regular or alternate member moves outside the county, that shall constitute a resignation from the board, effective upon the date a replacement is appointed.

....

Sec. 8-55. Powers and duties.

- (a) The board of adjustment shall hear and decide:
- (1) Appeals from any order, decision, requirement or interpretation made by the administrator, as provided in section 12-61;
  - (2) Applications for special-use permits, as provided in section 12-33;
  - (3) Applications for variances, as provided in section 12-62;
  - (4) Questions, involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in section 12-63; and
  - (5) Any other matter the board is required to act upon by any other county ordinance.

(b) The board of adjustment shall be subject to the Cleveland County Policy Governing Appointed Boards & Commissions (the "Policy"), as amended, except to the extent that the Policy conflicts with this Chapter or any state or federal law or regulation. The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter or the Policy.

**Section 3. Amendments to Chapter 12 Article XVIII of the Cleveland County Code of Ordinances.**

Additions are underlined in blue, and deletions are ~~struck through in red~~.

Sec. 12-403. Historic preservation commission.

...

- (f) Duties. The commission may:

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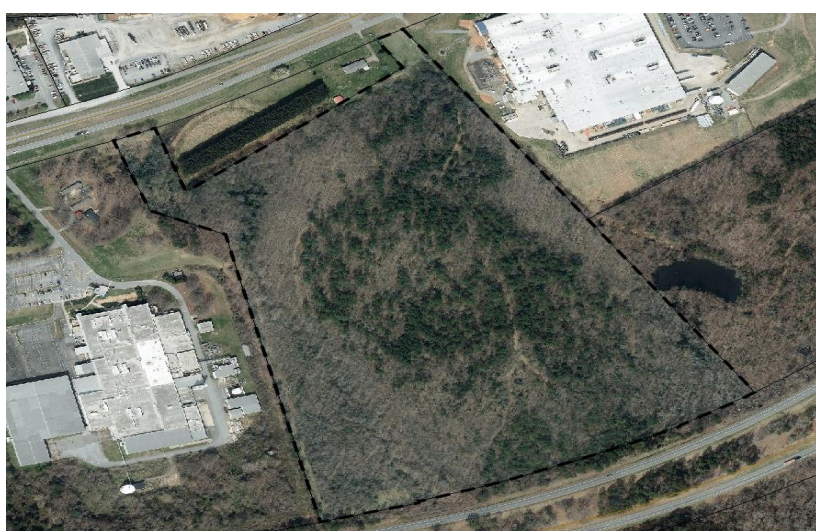
category. North Carolina General Statute 158-7 is the Local Development Act which was originally passed by the General Assembly in 1925. This statute allows counties and municipal governments in North Carolina to speculatively purchase land for the purpose of industrial development, job creation and tax base creation. These properties were purchased for that purpose. The county has been highly successful for the last decade and continues to be with economic development.

The property has two parcels totaling about 60 acres. The county bought those two pieces of property in 2009 and 2012 for the purpose of industrial development. Over the last seven years, staff has been working on prepping the property for an industrial development site. Geotechnical reports, delineation and environmental reports have been completed on the property. The topography towards the back half of the property, which was the most attractive side, is exceptionally steep and would create a tremendous amount of work to build a pad suitable for industrial development, which is typically 100,000 square feet building expandable to 200,000 square feet.

A conceptual plan was designed using those dimensions. The county was able to get those dimensions, but on 60-acres, only having one building is a low utilization rate for acreage utilization and turnout. After due diligence was completed, staff was not sure this property is best suitable for industrial development. With the Board's approval, staff has marketed the property more broadly and has received a bid for \$1.1MM. The next step would for the Board to authorize staff to begin the upset bid process. The county will advertise this bid to the public for a period of at least 10 days gathering bids that may be higher as North Carolina General Statute requires a 10% or higher upset bid. Staff would bring that back to the Board, whether an offer higher is received or not for consideration.

The county paid approximately \$784,000 for the property. The \$1.1MM offer represents about a 40% return on investment. The tax value, in recognizing a revaluation was completed January 1, 2021, is \$942,000. Staff looked at some comparable parcels around the property. There's an adjacent property that was recently rezoned by the Commissioners which sold for \$7,000 an acre. Staff looked around at several other parcels that would be considered favorable comps and found the average price for an acre is between \$5,000 and \$9,000. The proposed bid is \$18,000 per acre. It seems to be an advantageous offer. The proposed request is simply to recognize the offer and begin the upset bid process allowing staff to solicit a possible higher offer. The following PowerPoint was presented to Commissioners.

## Land Sell – Negotiated Offer & Upset Bid



## DUE DILIGENCE

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- 10462.....54.47 acres
- 10490.....5.81 acres

- GeoTechnical Report
- Delineation
- Phase 1 Report





## Negotiated Offer – Upset Bid

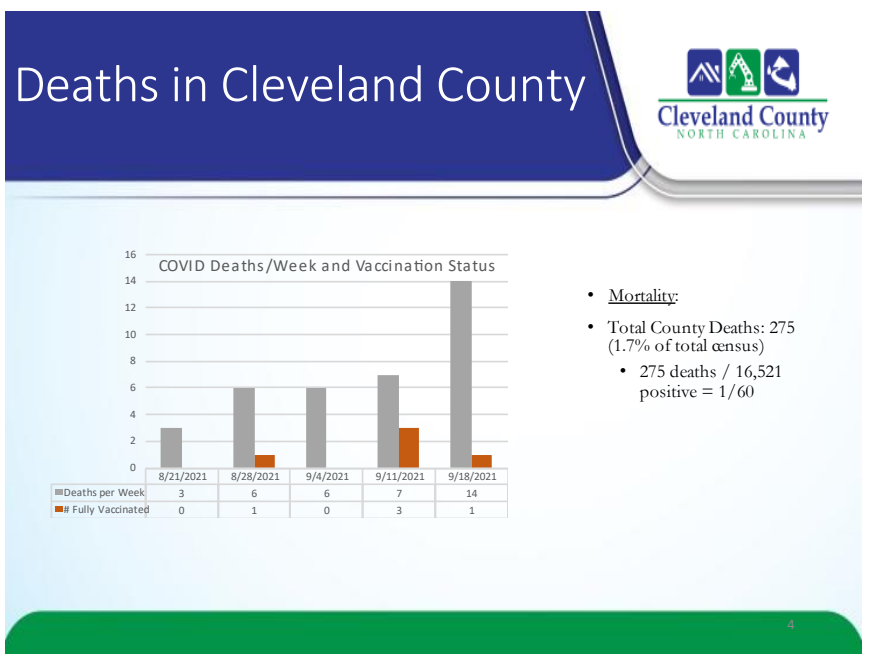
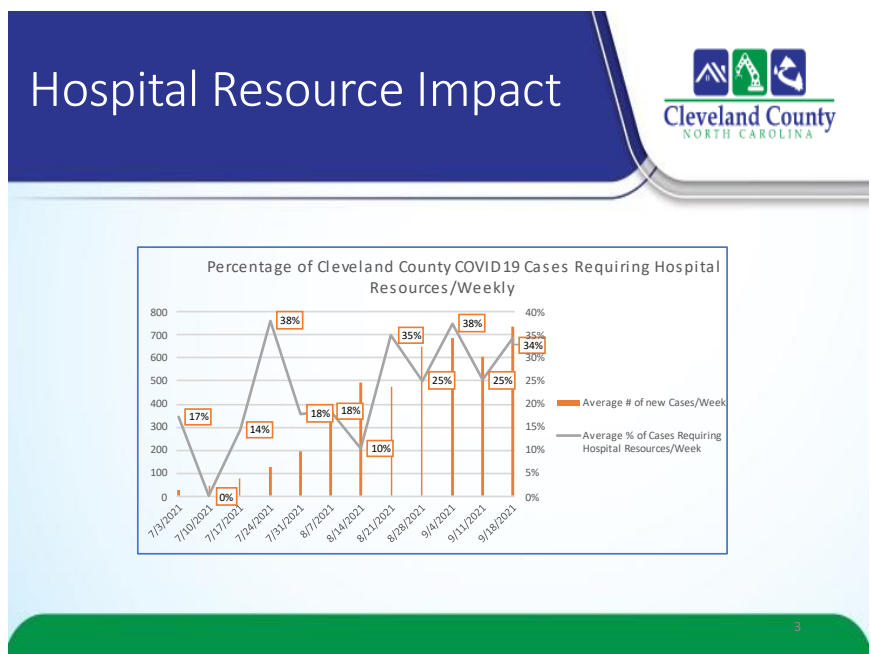
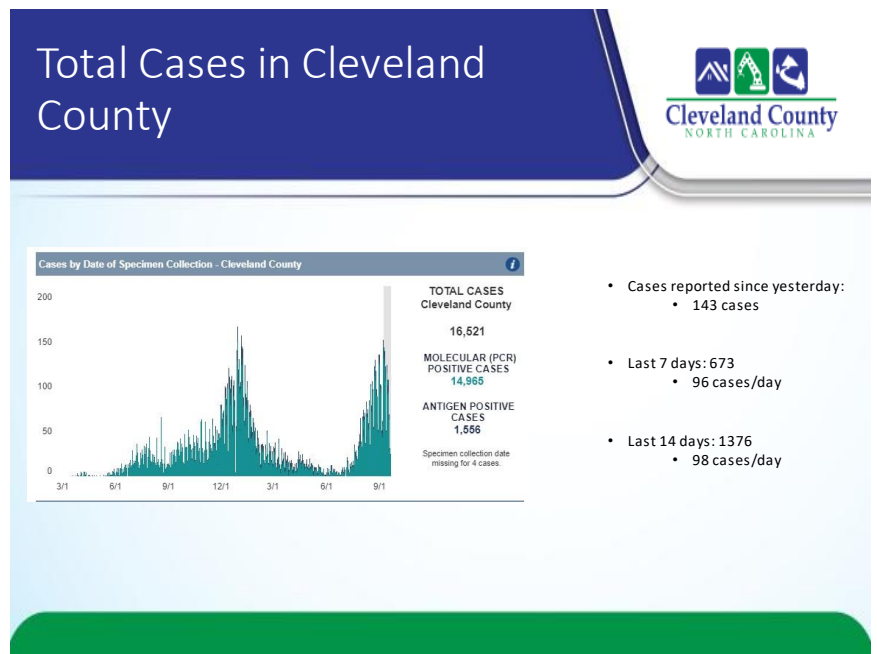
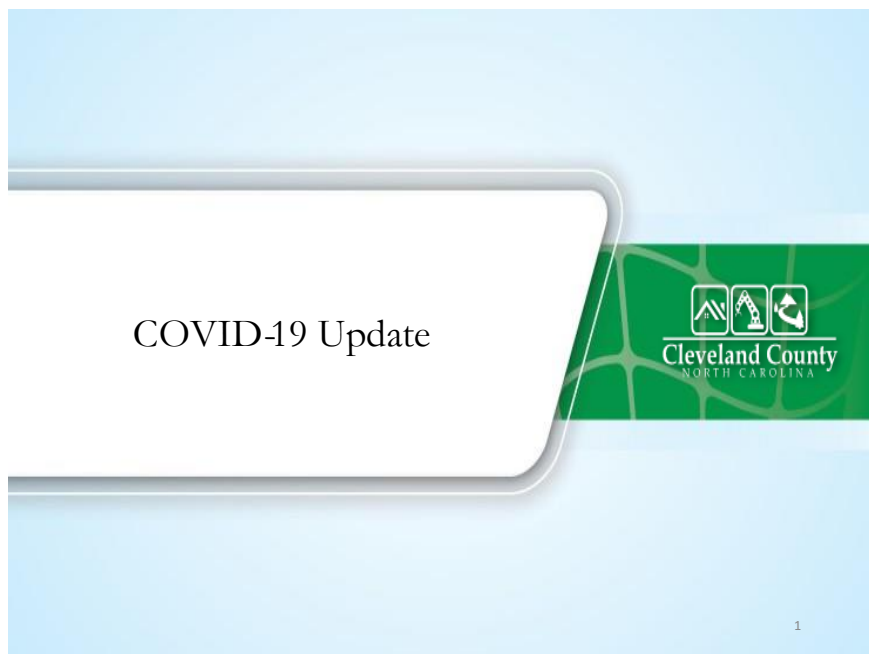
- Purchased Price.....\$ 784,000
- Tax Value.....\$ 942,045
  
- Current Offer - \$1,100,000
  - 40% Above Investment Cost

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins echoed Mr. Epley’s comments regarding industrial development and future best uses for the property.

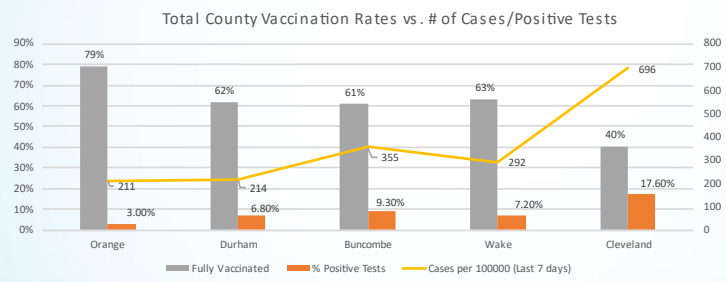
**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to approve the authorization of staff to begin the upset bid process.*

### COVID-19 MEDICAL UPDATE

Chairman Bridges called Health Department Director Tiffany Hansen to the podium to present the COVID-19 Medical Update. Cleveland County has a low vaccination rate based on the county’s total population. Although the vaccination rate is low, Health Department staff are continuing to see an increase in the amount of people getting vaccinated. Mrs. Hansen detailed information regarding COVID-19 variants, testing resources and prevention strategies. The following information and PowerPoint were presented to Board members.



## County Comparisons



5

## Vaccination Updates



- Monday-Thursday
  - In Person at the Health Department
  - Any Dose (1, 2, or additional dose)
- All Manufacturers (Moderna, Pfizer, J&J ; as supplies available)



### Get your COVID-19 shot at these spots:

- Cleveland County Health Department
- Kings Mountain Medical Center
- Shelby Family Practice
- CarolMont Family Medicine-Shelby
- CLECO Medical Center of Shelby
- Kirtessa Family Medicine-Kings Mountain
- Kirtessa Family Medicine-Boiling Springs
- Upper Cleveland Medical Center
- Mountain Street Pharmacy
- Shelby Drugstore
- Highline Pharmacy
- CVS Pharmacy
- Walmart Pharmacy
- Walgreens Pharmacy

For more information on vaccine locations please visit:

[MySp0Lnc.gov](https://MySp0Lnc.gov)



6

## Booster Update



August 25, 2021: Pfizer submits data to FDA regarding Booster doses (3<sup>rd</sup> dose)

September 22, 2021: CDC/Advisory Committee on Immunization Practice is scheduled to meet to make clinical recommendations

September 17, 2021: FDA Advisory Panel reviews data and recommends EUA for 3<sup>rd</sup> dose Pfizer

- 65 and older
- At risk of serious disease (including occupational hazards)

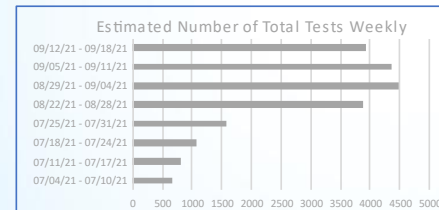
September 27, 2021: CCHD prepared to begin administering 3<sup>rd</sup> dose to ACIP recommended eligible Pfizer recipients

7

## Testing in Cleveland County



- At-Home Test Kits for Screening (Ellume Test Kits)
- StarMed Contract Testing
- Increasing Internal Capacity



### COVID-19 TESTING

CLEVELAND COUNTY  
SATURDAY  
Oct 9th / Oct. 23rd / Nov. 6th  
Nov. 20th / Dec. 4th / Dec. 18th  
TESTING EACH DAY FROM 9am - 2pm

Cleveland County Health Department  
200 South Fourth St., Shelby, NC 28152

Test the word "COVID" to 704-850-8888 to pre-register

TESTING & RESULTS

StarMed logo

8

## QUESTIONS

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hardin inquired what the treatment plan is for citizens, including children, who test positive for COVID-19 to stay out of the hospital. Mrs. Hansen advised, *“There is not a number of preventative measures clinicians can prescribe for the treatment of COVID-19, they can only treat the symptoms patients are having. It is up to that individual’s provider on what their treatment plan will be. There are many tools in the clinician’s toolbox for them to use, such as monoclonal antibodies, to treat their patients.”* Commissioner Hardin asked about vaccines and hospitalizations for the youth in the community. Mrs. Hansen replied, there have been no youth hospitalizations to date. Chairman Bridges questioned if there is a plan in place to administer vaccines in the schools. Mrs. Hansen stated, *“In school*

*vaccinations started today at Crest High School and Crest Middle School. Health Department staff will be visiting all the middle and high schools in the county starting this week and continuing into next.”*

Commissioner Hardin inquired, *“If an individual is fully vaccinated but still contracts COVID-19, how contagious is that person compared to a nonvaccinated individual?”* Mrs. Hansen responded, *“Research shows people who are vaccinated and catch COVID again do have a lower level of transmission that it is substantially less than an unvaccinated person.”* County Attorney Tim Moore asked how many medical providers in Cleveland County are providing the monoclonal antibodies treatment and are citizens aware this treatment is available? Mrs. Hansen responded, at this time, there are two providers who offer the treatment. Staff is sharing with people the resources available to them regarding the monoclonal antibodies treatment facilities. She also reviewed the best strategies to mitigate and reduce the spread of COVID-19. Commissioners thanked Mrs. Hansen for the information and for the ongoing hard work and dedication the Health Department staff continues to do through the pandemic and vaccination distribution.

### **BOARD APPOINTMENTS**

#### **GASTON COMMUNITY ACTION BOARD OF DIRECTORS**

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to appoint Phyllis Williams to serve as a member of this board*, for a period of three-years, scheduled to conclude June 30, 2024.

### **RECESS TO RECONVENE**

There being no further business to come before the Board at this time, Commissioner Gordon made a motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, *to recess to reconvene until Friday, September 24, 2021 at 9:00am at the American Red Cross Building located at 1333 Fallston Road, Shelby for a Commissioners Work Session.*

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*Doug Bridges, Chairman  
Cleveland County Board of Commissioners*

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