Cleveland County Board of Commissioners October 18, 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
Sherry Lavender, Tax Assessor

Allison Mauney, Human Resources Director

Scott Bowman, Maintenance Director

CALL TO ORDER

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

Director of Business Services Brandon Ruppe 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 Bridges and unanimously adopted by the Board to, *approve the agenda as presented*.

SPECIAL PRESENTATION

<u>RECOGNITION OF THE LONG LEAF PINE AWARD – MARY ACCOR</u>

Members of the Omega Sigma Omega sorority presented Mary Accor with the prestigious Long Leaf Pine Award. They spoke about Mrs. Accor's ongoing work with the youth, church, local non-profits and the community. The Board thanked Mrs. Parker for her continued dedication and contributions to the citizens of Cleveland County. Commissioners presented Mrs. Accor with the following proclamation:



CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the *October 4*, *2022* regular Commissioners' meeting in Board members' packets.

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

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *September 2022*.

TOTAL TAXES	COLLECTED SEPTEMBER 20	022	
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00
2022	\$4,726,572.69	\$6,802.74	\$4,733,375.43
2021	\$64,765.00	\$1,043.48	\$65,808.48
2020	\$10,248.78	\$83.18	\$10,331.96
2019	\$8,776.91	\$0.00	\$8,776.91
2018	\$3,592.55	\$0.00	\$3,592.55
2017	\$1,896.96	\$0.00	\$1,896.96
2016	\$2,658.73	\$0.00	\$2,658.73
2015	\$1,741,35	\$0.00	\$1,741.35
2014	\$2,085.00	\$0.00	\$2,085.00
2013	\$1,072.42	\$0.00	\$1,072.42
2012	\$669.35	\$0.00	\$669.35
			\$4,832,009.14
TOTALS	\$4,824,079.74	\$7,929.40	\$4,832,009.14
DISCOUNT	(\$12,127.47)		
INTEREST	\$17,714.79	\$66.32	
TOLERANCE	. (\$1.17)	(\$3.44)	
ADVERTISING	400000	GAP BILL FEES	DEFFERRED GAP
GARNISHMEN	\$1,043.17	\$52.00	\$0.00
NSF/ATTY	\$53.51		
LEGAL FEES	\$0.00		
TOTALS	\$4,831,088.29	\$8,044.28	
MISC FEE	\$0.00		GRAND TOTAL
TAXES COLL	\$4,831,088.29		\$4,839,132.57
	\$0.00		\$0.00
	\$4,831,088.29		\$4,839,132.57
TOTAL TAYES	UNCOLLECTED SEPTEMBER	2022	
TOTAL TAXES	AMOUNT-REAL		COMPINED AND
2022	\$41,180,511.49	AMOUNT-GAP	COMBINED AMT
2021		\$151,376.49	\$41,331,887.98
2020	\$1,117,783.90	\$92,854.07	\$1,210,637.97
2019	\$685,838.97	\$47,901.97	\$733,740.94
	\$642,120.99	\$0.00	\$642,120.99
2018	\$342,323.10	\$0.00	\$342,323.10
2017	\$214,822.49	\$0.00	\$214,822.49
2016	\$156,702.38	\$0.00	\$156,702.38
2015	\$128,236.49	\$0.00	\$128,236.49
2014	\$129,394.70	\$0.00	\$129,394.70
2013	\$97,402.00	\$0.00	\$97,402.00
2012	\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00
			40.00

TAX ABATEMENTS AND SUPPLEMENTS AND PENDING REFUNDS/RELEASES

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *September 2022*. The monthly grand total of tax abatements was listed as (\$95,670.14) and the monthly grand total for tax supplements was listed as \$8,914,818.49. \$6,551,927,068 in real property value and \$2,282,534,162 business personal property value was added, causing the levy to increase and the collected amount to be lower.

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #017)

<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	Increase	Decrease
495.251.4.980.44	Cap Proj-CCHD	Erosion Con/Contributions fm Reim Resolu	\$400,000.00	
495.251.5.991.00	Cap Proj-CCHD	Erosion Con/Construction in Progress	\$400,000.00	
Explanation of Revisions	s: Budget allocatio	n for \$400,000 in funds received from Reimbu	rsement Resol	ution for
Cleveland County Healt	h Department Eros	sion Control and Repair.		v

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #018)

<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	Increase	Decrease
012.548.5.540.96	v	CODAP-COVID PATH/Contracted Revenue	\$19,897.00	
012.548.5.121.00		CODAP-COVID PATH/Salaries-Reg	\$10,683.00	
012.548.5.410.96		CODAP-COVID PATH/Travel-Training	\$309.00	
012.548.5.490.96		CODAP-COVID PATH/Educ-Train-Cert	\$8,905.00	
Explanation of Revision	s Rudoet alloca	ation for \$19 897 in additional funds received	from the North Co	arolina

<u>Explanation of Revisions:</u> Budget allocation for \$19,897 in additional funds received from the North Carolina Department of Health and Human Services as part of the Substance Abuse Prevention and Treatment Block grant

for FY 2023. These funds will be used to support evidence-based substance abuse prevention education programming for students as well as provide training for employees and community partners.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #019)

<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	Increase	Decrease
012.548.4.310.48		CODAP-DFC/Federal Govt Grant -DFC	\$47,949.00	
012.548.5.210.48		CODAP-DFC/Departmental Supply	\$480.00	
012.548.5.310.48		CODAP-DFC/Travel-Training	\$10,492.00	
012.548.5.311.48		CODAP-DFC/Educ-Train-Cert	\$1,300.00	
012.548.5.370.48		CODAP-DFC/Advertising-Promotions	\$21,973.00	
012.548.5.411.48		CODAP-DFC/Rental of Space/Bldg	\$800.00	
012.548.5.460.48		CODAP-DFC/Subscriptions-Dues	\$504.00	
012.548.5.490.48		CODAP-DFC/Professional Services	\$12,400.00	

Explanation of Revisions: Budget allocation for \$47,949 in grant funds received from the North Carolina Department of Health and Human Services, for 9th-year Drug Free Communities (DFC) activities. These funds will be used towards operating expenses for activities laid out in the grant proposal for FY 22-23.

PLANNING DEPARTMENT: REQUEST TO SETA A PUBLIC HEARING FOR TUESDAY, NOVEMBER 1, 2022 FOR CASE 22-30; REQUEST TO AMEND SECTION 12-161 OF THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE

At the Commissioners' September work session, direction was given to staff to evaluate separation standards for RV Parks to address development density. Staff has drafted a proposed ordinance and will present it to the Planning Board on October 25, 2022. The proposal addresses density, method of measurement, and application of the ordinance. Separation requirements have previously been a standard in the county;s Unified Development Ordinance (UDO) and were eliminated after the zoning districts RV Parks were allowed in were limited to only the business districts.

<u>ACTION:</u> Commissioner Whetstine made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to approve scheduling the public hearing as presented*.

<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 comprises 0.1538072 acres in a residential area and may be too small to construct 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 upset bid process was completed, the offer of \$1801.00 made by Georgia Kee 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.

<u>ACTION:</u> Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously approved by the Board to, approve or deny the offer made on parcel 22052, authorize County staff to prepare a deed to sell this parcel to Georgia Kee to be signed by Chair Gordon and delivered to Georgia Kee upon payment.



Resolution

26-2022

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 September 20, 2022 Resolution as to a certain property it owns identified, as follows:

Parcel # Location **Highest Offeree** Current Offer 281 Light Oak Circle, Shelby 22052 Georgia Kee \$1,801.00

WHEREAS, the time is ripe for the County to review and determine whether to accept or reject the highest bids by analyzing the bids 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 #	2022 Tax Value	Current Offer	TOTAL Owed (Taxes + FC cost)	Gains/(Loss es)	Would be 2022 Tax payment
22052	\$1,697.00	\$1,801.00	\$4,158.79	\$2,386.00	\$13.49

WHEREAS, the County expects offers to cover the indebtedness of any property through this bid process, with the intention to sell property for a sum that is equal to or in excess of the amount owed to the County when reasonable and that takes into consideration a rational relationship to the tax value of the property at issue; and

WHEREAS, the bid on parcel 22052 does not cover the outstanding indebtedness on the property but is over the current tax value.

WHEREAS, notice of this Board's intention to accept the offer and instructions for the upset bid process were published in The Shelby Star on September 23, 2022; and

WHEREAS, the County received no other offers for the property during the upset bid

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners approves the sale to Georgia Kee of the property identified as parcel # 22052 located at 281 Light Oak Circle Street, Shelby, NC for the sum of \$1,801.00 in cash, money order or cashier's check; and authorizes Chair Kevin Gordon to sign a quitclaim deed for parcel # 22052 to Georgia Kee upon payment; and instructs County staff to prepare the quitclaim deed to be delivered to Georgia Kee upon payment.

Adopted this 18th day of October, 2022.





nty North Carolina

NORTH CAROLINA QUITCLAIM DEED NO TITLE SEARCH REQUESTED OR PERFORMED

Parcel Identifier No. 22052 Verified by	County on the day of, 20
Mail/Box to: Georgia Kee, 343 Holmes Street, Shelby, North C This instrument was prepared by: Martha R. Thompson, Attorn Brief description for the Index:	ey
THIS DEED made this 20th day of October	
GRANTOR	GRANTEE
CLEVELAND COUNTY, NORTH CAROLINA A political subdivision of the State of North Carolina 311 E. Marion Street, Suite 121 Shelby, North Carolina 28150	GEORGIA KEE 343 Holmes Street Shelby, North Carolina 28152 Property Address: 281 Light Oak Circle Shelby, North Carolina 28152

Enter in appropriate block for each Granter and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnersh The designation Granter 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 One Thousand Eight Hundred One Dollars and No/100 dollars and other consideration to them in hand paid, the receipt of which is hereby acknowledged, have remised and released a by these presents do remise, release, and forever quitelaim into the Grantee and her 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, and more particularly described as follows:

Being the Southeastern portion of Lot No. 5 as shown on Plat Book 3, Page 73, of the Cleveland County Registry and

BEGINNING at a stake in the West edge of Park Drive, the Northeast corner of the sale from M.A. Spangler and C.F. Spangler to Odus Hopper and wife, Ethel Hopper, and tuns thence with Park Drive South 5 degrees West 50 feet to a stake, coroner of Lot No. 6, thence with line of same North 75 degrees 30 minutes West 135 feet to a stake in line of Lot No. 6, a new corner; thence North 5 degrees East 50 feet to a stake; thence South 75 degrees 30 minutes East 135 feet to the BEGINNING. The ame being the Eastern portion of the Spangler purchase as shown in Deed Book 6-C, Page 438, of the Cleveland County Registry NC Bar Association Form No. 3 @ 1976, Revised @ 1/1/2010

Being the same lot or parcel as conveyed by J. A. Howell and wife, Alberteen C. Howell to the parties heroto. See Deed Book 8-1, Page 301, of the Public Registry for Cleveland County, North Carolina.

Title Reference: Deed of Record Book 1045, Page 246 of the Cleveland County Registry.

Less and Except any property that was conveyed out of the above property.

No title search was requested or performed on these parcels.

__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 Deed Book 1576, Page 1897, Cleveland County Registry.

A map showing the above-described property is recorded in Map 6-6, BLK: 2, Lot: 9.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to her/him the said Grantee and her/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:

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

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

CLERK TO THE BOARD: TOURTY WORK WORK

CLEVELAND COUNTY, NORTH CAROLINA (SEAL)

I, the undersigned Notary Public of the State aforesaid, certify that Kevin Gordon personally came before me this day acknowledged that he is the Chairman of the Cleveland County Board of Commissions, a State of North Cerolina Governmental Bod 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

Witness my hand and Notarial stamp or seal, this 20th day of 00 tober

My Commission Expires: 5-7-2027

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LEGAL DEPARTMENT: REPEAL OF ANIMAL LICENSING FEES (2nd READING)

At their September 2022 work session, the Board of Commissioners directed staff to repeal the fees for the registration of animals enacted by the Board at its February 2022 work session. The proposed ordinance would accomplish the repeal. At its October 4, 2022, regular meeting, only four commissioners were in attendance, and therefore the ordinance could not pass on the first reading.

adopted by the Board to, approve the second reading of the repeal of animal licensing fees.

AN ORDINANCE REPEALING THE FEE PROVISIONS OF CLEVELAND COUNTY'S REGISTRATION REQUIREMENTS FOR COMPANION ANIMALS

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

The following changes are hereby made to Chapter 3 of the Cleveland County Code of Ordinances. These changes shall be considered effective on the date that this ordinance is approved by the Cleveland County Board of Commissioners. Additions are indicated by underlined blue text, and deletion are indicated by strike-through blue text. struck through text County staff are also directed to update the County's fee schedule to reflect the repeal of the registration fees enacted herein.

Sec. 3-136. Definitions.

The following definitions apply in this section:

- (1) Adoption center is the Cleveland County Animal Services Adoption Center.
- (2) Board is the Cleveland County Board of Commissioners.
- (3) Companion animals are tamed and domesticated dogs and cats that are kept by a person for company and enjoyment.
- (4) *Director* is the Director of Cleveland County Animal Services.
- (5) *Department* is the Cleveland County Animal Services Department.
- (6) *Nonresident* or *nonresidents* means visiting animal owners who remain temporarily within Cleveland County for a period of thirty (30) days or less who do not intend to reside within the County permanently.
- (7) Registration fee or registration fees means annual privilege license tax, as authorized by G.S. § 153A-153. Reserved.
- (8) Registration tags are tags obtained from Cleveland County for the purpose of companion animal identification.

Sec. 3-137. Registration requirement for companion animals.

- (a) Any owner who owns or keeps, in Cleveland County, a dog or cat four (4) months of age or older shall have such dog or cat registered by and in Cleveland County and shall obtain and keep a current registration tag. Each owner of a dog or cat shall obtain a Cleveland County registration tag within thirty (30) days after the dog or cat has been vaccinated against rabies. A separate registration tag shall be issued for each dog or cat. Failure to obtain the registration tag within the time frame provided herein shall be a violation of this article, and the owner of the dog or cat shall be subject to civil citation as described in section 3-29(a)(1).
 - A registration tag for a dog or cat shall consist of a tag suitable for attachment to the animal's collar or harness. The director shall design an appropriate registration tag and shall issue the tag through authorized representatives.
- (b) Any nonresident who brings a dog or cat four (4) months of age or older into Cleveland County with the intent to reside within the county permanently shall have such dog or cat registered by and in Cleveland County within thirty (30) days after arrival.
- (c) The registration tag required by this section shall be renewed annually by the owner of the dog or cat by paying the registration fee and providing documentation that said dog or cat has a current rabies vaccination. If an animal has received a rabies vaccination that is valid for three (3) years, a three (3) year registration tag may be purchased obtained. The cost to purchase a tag shall be five dollars (\$5.00) for a one year registration and ten dollars (\$10.00) for a three year registration.
- (d) The board shall include the registration fees to be charged for registration tags on its schedule of fees adopted pursuant to section 3-82. Registration fees collected that exceed the cost to maintain the registration program shall be deposited in the animal services trust fund to be used for sterilization and other life-saving programs, as determined by the director. Reserved.
- (e) The cost of an animal's first registration tag will be included in the adoption fee for animals adopted from the adoption center. Reserved.
- (f) In the event a registration tag is lost, stolen, or destroyed, a replacement tag shall be distributed by the director or designee upon presentation of the corresponding registration license and payment of the appropriate fee.
- (g) The Cleveland County registration tag shall be worn by the dog or cat at all times, subject to the exceptions in this subsection (g). It shall be a violation of this chapter for any person to remove the tag of any registered dog or cat within Cleveland County except:
 - (1) When the dog or cat is participating in an organized exhibition, field trial, or competition, or is in training for these events, or is engaged in a legal sport under supervision of its owner, or is undergoing grooming; or
 - (2) When the dog or cat is confined in a licensed kennel, grooming facility, or a veterinary hospital, in which case the registration tag number shall be recorded and readily identifiable with the dog or cat to which it belongs. If the animal is not registered, the facility shall clearly indicate such on its records; or
 - (3) When a licensed veterinarian orders in writing that the registration tag, collar, or harness be removed for the dog's or cat's health, in which case the dog or cat shall be confined in a building, kennel, or secure enclosure until the veterinarian permits the collar, harness, or registration tag to be placed on the dog or cat; or
 - (4) When an outdoor cat has a microchip that is registered through the microchip manufacturer and the department indicating the owner's current name, address, and phone number.
- (h) It shall be a violation of this chapter for any person to use or possess a stolen, counterfeit, or forged registration tag, rabies vaccination certificate, or any other documentation required by or issued pursuant to this section.

- (i) It shall be a violation of this chapter for owners to fail to register an implanted microchip with the manufacturer of the microchip and the department. The owner shall have thirty (30) days to cure and register the microchip without penalty after notice by the Department.
- (j) Unless otherwise provided, any provision of this subsection shall be punishable by civil citation as described in section 3-29(a)(l).
- (k) The requirements of this article shall take effect on January 1, 2023.

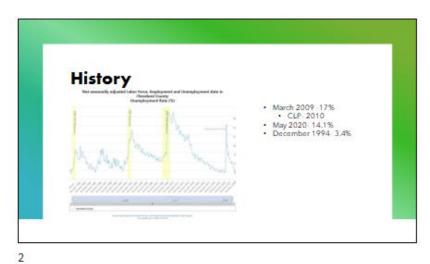
REGULAR AGENDA

CLEVELAND COUNTY LABOR MARKET

Chairman Gordon recognized the Cleveland County Economic Development Partnership Business Services

Director Brandon Ruppe to present information regarding the labor market in Cleveland County. Mr. Ruppe
reviewed the county's labor force including key considerations of who is and isn't included in the labor market
statistics such as retirees, caretakers and stay-at-home parents/guardians. The following information and
PowerPoint were presented to the Commissioners.





Current Workforce
Jun 2022 Labor Force Breakdown

Population

100,218

100,218

100,218

100,018

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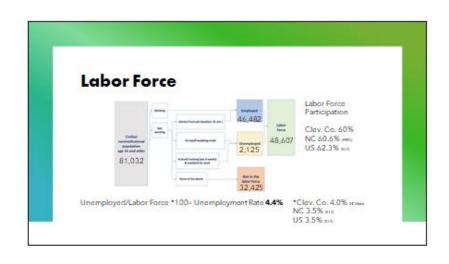
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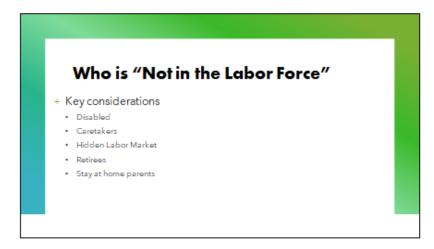
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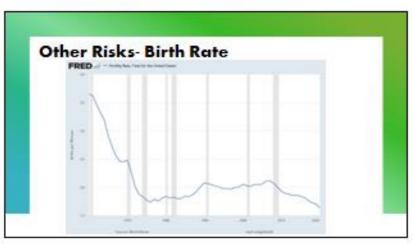
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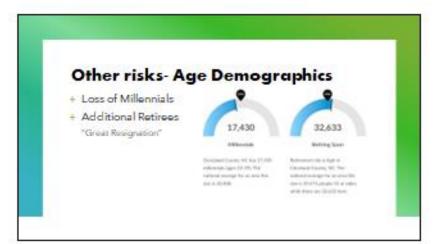




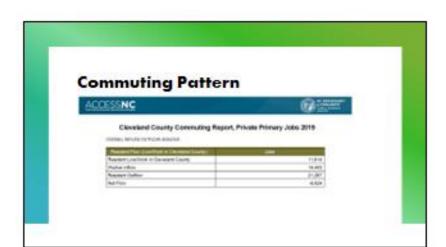


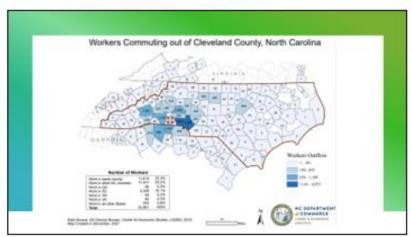


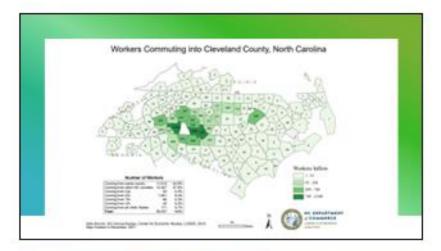
Who is "Not in the Labor Force" **Stay at Home Parents** Market Rate Annual Cost Age Number Infants/Toddlers \$ 0-5 6,521 Two Year Olds \$ 9,012 6,009 5-9 3-5 Year Olds \$ 9,120 Total 12,530 School Age \$ 7,452 \$12/hr 52 weeks/year 20x12x52= \$12,480



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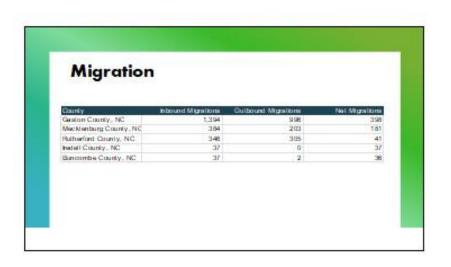








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CLEVELAND COUNTY CONSTRUCTION UPDATES

Chairman Gordon called Facilities Project Manager Blake Myers to the podium to present updates on the county's current capital projects. One of the first projects reviewed was the Health Department and Social Services colocation. Phase I has been completed and child support services are expected to move to their new offices in November 2022. Project completion with full department move-in is expected in early 2023.

The second capital update included several public safety locations including the Justice Center and the Communications Center. Other projects reviewed included the Board of Elections, Shell Building IV, the Doran Mill site and the Foothills Shooting Complex. The following information and PowerPoint were presented to the Commissioners.

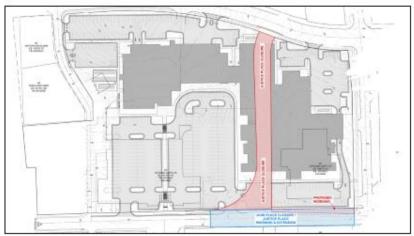




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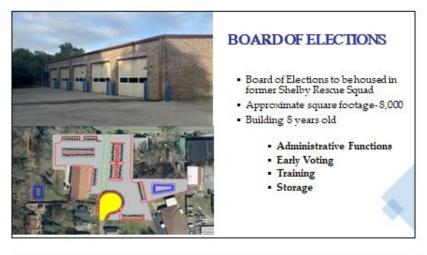


























<u>ADJOURN</u>

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, *to adjourn*. The next meeting of the Commission is scheduled for *Tuesday, November 1, 2022 at 6:00 p.m.* in the *Commissioners Chambers*.

Kevin Gordon, Chairman Cleveland County Board of Commissioners