

Cleveland County Board of Commissioners
October 19, 2021

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

PRESENT: Doug Bridges, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Kevin Gordon, Commissioner
Tim Moore, County Attorney
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Martha Thompson, Deputy County Attorney
Scott Bowman, Maintenance Director
Jason Falls, Business Development Director
Allison Mauney, Human Resources Director
Perry Davis, Emergency Management Director/Fire Marshal
Chris Martin, Planning Director
Sherry Lavender, Tax Assessor
Tommy McNeilly, Emergency Medical Services Director

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.

Chairman Bridges provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

Robert Williams, 814 E. Stagecoach Trl, Fallston – spoke about his public records request and the HVAC Systems in Cleveland County Schools.

CONSENT AGENDA

APPROVAL OF MINUTES

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

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Gordon, 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 2021.*

TOTAL TAXES COLLECTED SEPTEMBER 2021

YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00	\$0.00
2021	\$11,700,914.30	\$0.00	\$3,946.04	\$11,704,860.34
2020	\$58,536.60	\$0.00	\$387.67	\$58,924.27
2019	\$17,036.21	\$0.00	\$0.00	\$17,036.21
2018	\$7,605.78	\$0.00	\$0.00	\$7,605.78
2017	\$3,423.82	\$0.00	\$0.00	\$3,423.82
2016	\$1,264.03	\$0.00	\$0.00	\$1,264.03
2015	\$2,474.89	\$0.00	\$0.00	\$2,474.89
2014	\$481.81	\$0.00	\$0.00	\$481.81
2013	\$601.30	\$13.76	\$0.00	\$615.06
2012	\$686.14	\$62.95	\$0.00	\$749.09
2011	\$337.35	\$0.84	\$0.00	\$338.19
				<u>\$11,797,773.49</u>
TOTALS	\$11,793,362.23	\$77.55	\$4,333.71	\$11,797,773.49
DISCOUNT	(\$46,105.47)			
INTEREST	\$13,335.88	\$30.75	\$39.42	
TOLERANCE	\$1.91	\$0.00	(\$0.37)	
ADVERTISING	\$244.38	VEHICLE FEES	GAP BILL FEES	
GARNISHMENT	\$401.97	\$27.84	\$75.92	
NSF/ATTY	\$0.10			
LEGAL FEES	\$155.73			
TOTALS	\$11,761,396.73	\$136.14	\$4,448.68	
MISC FEE	\$0.00			GRAND TOTAL
TAXES COLL	\$11,761,396.73			\$11,765,981.55
	\$0.00			\$0.00
	\$11,761,396.73			\$11,765,981.55

TOTAL TAXES UNCOLLECTED SEPTEMBER 2021

	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
2021	\$38,799,199.43	\$0.00	\$88,325.26	\$38,887,524.69
2020	\$1,111,077.09	\$0.00	\$59,862.10	\$1,170,939.19
2019	\$844,886.89	\$0.00	\$0.00	\$844,886.89
2018	\$432,186.77	\$0.00	\$0.00	\$432,186.77
2017	\$268,109.32	\$0.00	\$0.00	\$268,109.32
2016	\$186,110.23	\$0.00	\$0.00	\$186,110.23
2015	\$148,903.91	\$0.00	\$0.00	\$148,903.91
2014	\$147,097.42	\$0.00	\$0.00	\$147,097.42
2013	\$109,753.55	\$60,472.18	\$0.00	\$170,225.73
2012	\$85,515.47	\$68,288.89	\$0.00	\$153,804.36
2011	\$64,140.59	\$52,078.67	\$0.00	\$116,219.26
2010	\$0.00	\$37.35	\$0.00	\$37.35
	<u>\$42,196,980.67</u>	<u>\$180,877.09</u>	<u>\$148,187.36</u>	<u>\$42,526,045.12</u>

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *September 2021*. The monthly grand total of tax abatements was listed as (\$66,237.61) and monthly grand total for tax supplements was listed as \$8,461,210.04.

TRAVEL AND TOURISM: BUDGET AMENDMENT (BNA #013)

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Gordon, and unanimously adopted by the Board to, *approve the following budget amendment:*

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.422.4.409.00		Travel & Tourism/Local Revenues	\$15,000.00	
010.422.5.420.00		Travel & Tourism/Contracted Services	\$13,500.00	
010.422.5.510.00		Travel & Tourism/Travel & Tourism Events	\$1,500.00	

Explanation of Revisions: Budget allocation for \$15,000 in awarded grant funds received from the City of Shelby Tourism Grant to be used for contracted services and events.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #014)

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Gordon, and unanimously adopted by the Board to, *approve the following budget amendment:*

Account Number	Project Code	Department/Account Name	Increase	Decrease
011.507.4.310.00		Outside Poor/Federal Govt Grants	\$4,250.00	
011.507.5.700.00		Outside Poor/Grants	\$4,250.00	

Explanation of Revisions: Budget allocation for \$4,250 in awarded grant funds received from the Emergency Food & Shelter Federal Grant to pay for hotel lodging for people who are homeless or clients that need COVID-19 isolation.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #015)

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Gordon, and unanimously adopted by the Board to, ***approve the following budget amendment:***

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.441.4.741.01		Sheriff's Office/Sale of Scrap Metal	\$2,142.00	
010.441.5.340.00		Sheriff's Office/Maint Bldg-Grounds	\$2,142.00	

Explanation of Revisions: Budget allocation for \$2,142 in funds received from brass off firing range to cover the cost of building shooting platform on the range and for additional range and classroom maintenance.

PLANNING DEPARTMENT: CASE 21-22 REQUEST TO SET PUBLIC HEARING FOR TUESDAY, NOVEMBER 2, 2021 TO REZONE PROPERTY AT 640 WASHBURN SWITCH ROAD FROM HEAVY INDUSTRIAL (HI) TO GENERAL BUSINESS (GB)

Parcel 32642 is a 10.56 parcel tract, belonging to Seal Wire Company and is located at 640 Washburn Switch Road. The applicant is asking to rezone the parcel from Heavy Industrial (HI) to General Business (GB). Surrounding zoning is a mixture of Heavy Industrial (HI) to the North and West, with City of Shelby zoned Light Industrial (LI) to the East and South, along with some R20 Residential to the East. Surrounding uses are mostly Industrial with some Residential (R) south along Washburn Switch. The current Land Use Plan shows the area as Future Industrial and the proposed Land Use Plan states the area is Primary Growth area, which would support high intensity commercial, industrial, and residential uses.

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

CLEVELAND COUNTY SCHOOLS: SURPLUS PROPERTY

Cleveland County Schools has two properties to declare as surplus. Cleveland County Board of Education Policy and North Carolina General Statute 115C requires the School Board to offer the Board of County Commissioners the first opportunity to obtain the property. The first property is located at 105 E Ridge Street in Kings Mountain and the second property is a house with surrounding land located behind Grover Elementary. If the County Commissioners have no interest in the property, the Cleveland County Board of Education plans to consider disposing of the property as provided by its policy and state law. Staff has evaluated both properties and recommends declining the offer as the county has no need for the properties.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, ***to decline the first opportunity from Cleveland County Schools to obtain both properties.***

LEGAL: REPORT OF TWO SETTLEMENTS

The Board of Commissioners provided the first settlement authority following mediation where the Administrator of the Estate of Jeffery Dunn agreed to a settlement, and the settlement was thereafter consummated and a Dismissal with Prejudice has now been filed with the court, ending this litigation. At their April 6, 2021 meeting, the Board of Commissioners approved the settlement of \$347,500 in closed session. The plaintiff took a full dismissal on September 7, 2021, concluding the lawsuit.

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
 ASHEVILLE DIVISION
 Case No. 1:21-CV-063-MOC-WCM

CERTIFICATE OF SERVICE

I, S. Luke Largess, hereby certify that I have this day electronically served the foregoing **NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE** using the CM/ECF system, which will send notification of the filing to all counsel of record.

Respectfully submitted, this 7th day of September, 2021.

FREIDA K. WINTERS, Administrator of the
 Estate of JEFFREY TODD DUNN,

Plaintiff,

v.

ALAN NORMAN, et al,

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL
 WITH PREJUDICE**

/s/ S. Luke Largess
 S. Luke Largess
 Attorney for the Plaintiff

NOW COMES the Plaintiff, by and through counsel, and pursuant to Rule 41 of the Federal Rules of Civil Procedure, hereby submits a Voluntary Dismissal With Prejudice as to all the defendants in the above-captioned matter.

This is the 7th day of September, 2021.

/s/ S. Luke Largess
 S. Luke Largess (N.C. Bar No. 17486)
 TIN, FULTON, WALKER & OWEN, PLLC
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 Charlotte, NC 28203
 Tel.: 704-338-1220
 Fax: 704-338-1312
 llargess@tinfulton.com

/s/ Abraham Rubert-Schewel
 Abraham Rubert-Schewel (NC Bar #56863)
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 Tel.: 919-451-9216
 Fax: 718-709-7612
 schewel@tinfulton.com

Attorneys for the Plaintiff

The Board of Commissioners provided a second settlement authority following mediation where the plaintiffs agreed to a settlement, and the settlement was thereafter consummated and a Dismissal with Prejudice has now been filed with the court, ending this litigation. At their April 6, 2021 meeting, the Board of Commissioners approved the settlement of \$100,000 in closed session. The plaintiffs dismissed their lawsuit.

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
 ASHEVILLE DIVISION

Leslie E. Kline, on her own behalf and on)
 behalf of B.A.W. and J.T.W., minors)
 under the age of eighteen,)
)
 and)
)
 Jeffery A. Kline, on his own behalf,)
)
 Plaintiffs,)
)
 Vs.)
)
 Cleveland County, a Local)
 Government Entity, et al.)
)
 Defendants.)
 _____)

STIPULATION OF DISMISSAL

FILE NO. 1:19-CV-197

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, the Parties file this voluntary stipulation of dismissal of the above-captioned action with prejudice. All claims raised in the Amended Complaint, or which were required by law to be raised in the Amended Complaint, and all claims raised in any Counterclaims, or which were required by law to be raised as Counterclaims, are hereby dismissed with prejudice.

Respectfully submitted,

This the 11th day of May, 2021.

/s/ Rebecca T. McNerney
 Rebecca T. McNerney
 Attorney for Plaintiffs
 NC Bar # 42296
 200 S. Broome Street

LEGAL: SALE OF COUNTY OWNED PROPERTY – PARCELS 10462 & 10490

The County purchased parcels 10462 and 10490 in 2009 and in 2017 respectively to market to potential Economic Development clients. Since that time, the County has done due diligence on the property including surveying and environmental assessments. After marketing the property for several years, it was determined there is no interest in this property for large commercial development. The county has received an offer for parcels 10462 and 10490 of \$1.1 Million. At their September 21, 2021 regular meeting, Commissioners approved authorizing staff to begin the upset bid process on Parcel 10462 and 10490. Staff has done market research and determined \$1.1M to be a fair price.

Parcel #	Year Acquired	Acreage	Purchase Price	Tax Value
Parcel 10462	2009	54.47 Acres	\$599,000	\$691,640
Parcel 10490	2017	5.81 Acres	\$185,000	\$250,405

North Carolina General Statute §160A-269 states the county may receive an offer to purchase property and advertise it for upset bids. Staff used this procedure by placing an advertisement in the Shelby Star on October 5, 2021. The deadline for upset bids was Friday, October 15, 2021 and no upset bids were received.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, *to accept the offer of \$1,100,000 and authorize County staff to proceed with transfer of the property.*

HUMAN RESOURCES: PERSONNEL ADVISORY COMMITTEE

The Cleveland County Personnel Ordinance established policies and procedures in employment and personnel management by providing an adequate and fair hearing of grievances for employees without regard to race, color, age, national origin, disability, sex, or religion. Commissioners shall appoint a Personnel Advisory Committee consisting of five employees of the county and two alternates, serving staggered terms for periods of one or two years. The Human Resources Director shall serve as ex-officio member of this committee. A member of the advisory committee shall disqualify himself/herself when he/she has a conflicting interest in the situation leading to the complaint, or if the complainant is in the same department as the member of the advisory committee. The advisory committee shall elect one member as chairman. The hearing shall be instituted and conducted by the chairman within sixty calendar days from the date the hearing is requested, during regular working hours of the county. Attendance at the hearing shall be at the invitation of the chairman, in consultation with the complainant. The Personnel Advisory Committee, the complainant, and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross-examine witnesses and offer other evidence.

Members

Tony Beaver	911	2 years
Greg Grier	DSS	2 years
Sybil Walker	Finance	2 years
Tabatha Floyd	Health	1 year
Rebecca Johnson	DSS	1 year

Alternatives

Dashe' Lawton	Health	1 year
Duane Brown	Tax	1 year

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, *to approve the recommended board members to the Personnel Advisory Committee.*

BROADBAND IN CLEVELAND COUNTY

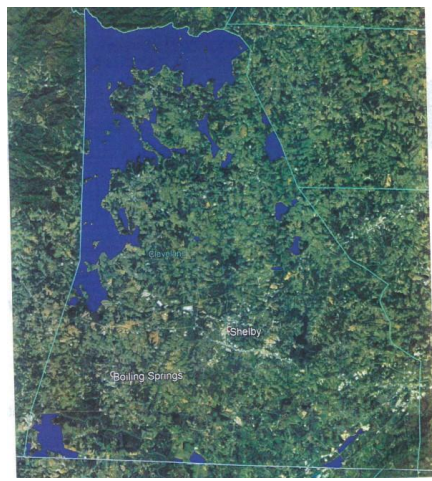
Chairman Bridges called Assistant County Manager Kerri Melton to the podium to present Broadband in Cleveland County. Broadband has been a priority to Commissioners. The demand and necessity for reliable internet has steadily increased as more and more citizens are working from home and attending school remotely due to the COVID-19 pandemic. Staff had previously reached out to many local internet service providers to expand broadband to the citizens who are in the rural parts of the county, but those providers were not able to provide adequate coverage. Cleveland County has since developed a relationship with Charter Communications, a strong financial organization that's been in business for a long time and will expand broadband services to county residents, who have no high-speed internet service. In the coming five years, Cleveland County is going to see some great strides in high-speed internet service.

Mrs. Melton introduced Michael Tanck, Director of Government Affairs, Charter Communications. Mr. Tanck reviewed, in detail, to Commissioners the plans, grant money opportunities and timeline for Charter Communications to grow reliable broadband in rural counties such as Cleveland County. The following information and PowerPoint were presented to Commissioners.



Background

Spectrum RDOF Grant Projects



Next Steps

Underserved Analysis

- Enhanced desk top analysis
- Looked at areas with 25/3 Mbps or less broadband speeds
- Based upon FCC 477 reports and census bureau data

Next Steps

Future Opportunities

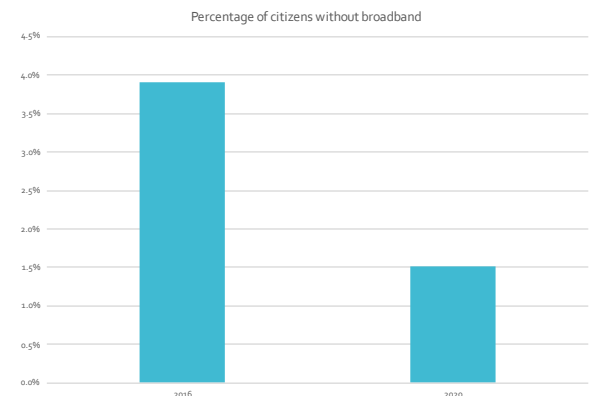
County Funded Projects

- Charter and the County can discuss any projects the County would be interested in subsidizing to buildout to areas otherwise not feasible (at the discretion of the County)

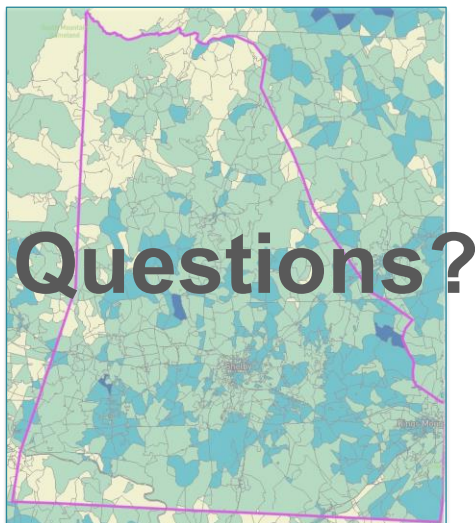
NC State GREAT Grant Program (Growing Rural Economies with Access to Technology)

- Charter and the County can partner together to extend service to eligible unserved/underserved areas of the County (per NCDIT/BIO requirements)

Progress



Questions?



Board members thanked Mrs. Melton and Mr. Tanck for the information presented and commented on the demand and need for reliable high-speed internet in all areas of Cleveland County.

END OF THE YEAR REPORT

Chairman Bridges recognized County Manager Brian Epley to give the End of the Year Report. The county’s fiscal year ended June 30, 2021. During the first quarter of FY 2022, staff is working through the finalization of strategic goals, deliverables, finances, accruals, etc. to keep the strategic momentum to further organizational development. It is staff’s job to recognize and define high performance, then work towards measurable outcomes that support the performance. Organizational development has been a part of the county’s plan for the last three years and is used to define the organization’s purpose and direction. Since 2018, staff and Department Heads have been collaboratively working together through a variety of team building exercises and projects, intentionally focusing on the county’s purpose of Making Our Community Better.

Mr. Epley reviewed the impacts COVID-19 had on the county and organization, talking about the effects and intentional reinvention of the organization, economy, industry leaders and local governments. He referenced the county’s ReAct/ReBuild/ReThink plan and the intention of making the organization better by keeping forward in direction. Other areas highlighted include organizational development focus, operational performance,

measurements of performance and revenue performance. The following information and PowerPoint were presented to Board members.

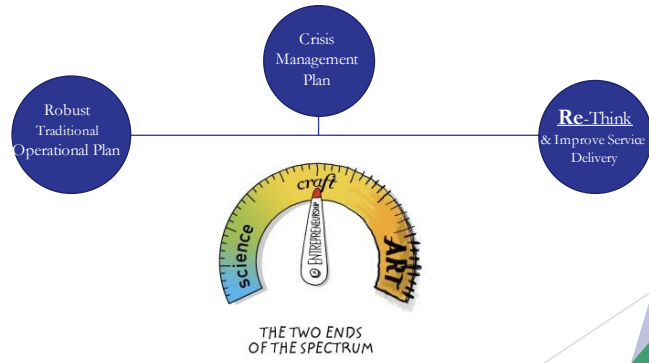
Who Are We & Where are We Going?

Cleveland County Values

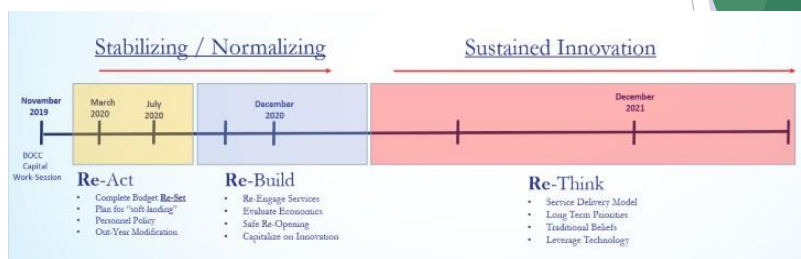
- High Performance:** We provide high quality, solution-focused customer services.
- Courage:** We demonstrate strength and commitment to preserve and withstand opposition or difficulty.
- Teamwork:** We believe in the power of working together and we create an environment that is diverse and inclusive of all.
- Integrity:** We do what is right by being open, honest, and transparent and take responsibility for our actions.
- Innovation:** We learn from outcomes, welcome change and are committed to continuous improvement.

MAKING OUR COMMUNITY BETTER

2019-2021



ReAct, ReBuild, ReThink



High Performance

Our Progress	Past	Today
Our Organizational Purpose	Unclear / Undefined / Siloed	Customer Focused / Shared Buy-In
Our People	Undervalued / Disengaged	Acknowledged & Invested Asset
Our Technology	Underprioritized	Improving
Our Physical Infrastructure	Overlooked	Programmed Progress

ORGANIZATIONAL DEVELOPMENT FOCUS

FY 20-21

Operational High Performance

1. Priority Based Direction
2. Data Driven Decisions
3. Outcome Focused



End of Year Performance Summary

Human Capital

- Pay and Market Study
- Transition to 26 Pay Periods & in Arrears
- Electronic Timekeeping
- Substantial Equivalency
- Department Head Onboarding

Operations

- Board of Commissioners Strategic Planning WorkSessions – Operational, Policy and Capital Plan
- Revaluation Management
- CRF & ARF Grant Management
- Shooting Range Expansion
- FY 22 Budget Draft
- Catawba Resort Management
- Shell Building III – Construction & Marketing
- Operational Efficiency Improvements- More with Less
- Employee Wellness Savings
- Animal Services Ordinance Development
- Solid Waste Single Franchise Hauler Ordinance
- Citizens Recognition System
- COVID-19 Management
- Performance Measurements System
- Travel / Tourism Impact Analysis
- Initiate Public Safety Strategic Plan

Measuring High Performance



FY 20-21

Financial High Performance

LEAN Fiscal Principles

1. Revenue Maximization Strategies
2. Measured & Outcome Based Spend Policies

FY 19-20 Revenue Summary

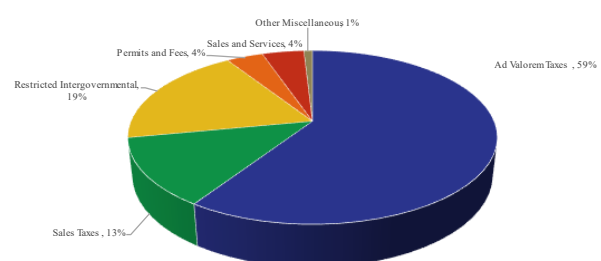
Total County Revenue \$ 127.8 M

1. Key Indicators (General Fund)

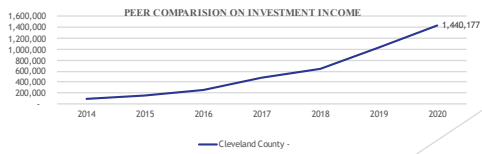
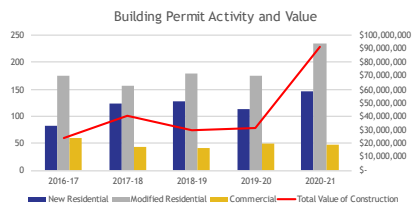
- Property Tax.....\$ 55.5 M (98.5%)
- Sales Tax.....\$ 13.1 M
- Development Fees.....\$ 761 k
- Occupancy Tax.....\$ 416 k

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2020
Total County Tax Base	\$8.105 Billion	\$7.948 Billion	\$8.284 Billion	\$8.759 Billion	\$9.208 Billion	\$9.757 Billion
Tax Rate	57 cents	57 cents	57 cents	57 cents	57 cents*	57 cents
Value of Penny	\$810 k	\$795 k	\$828 k	\$860 k	\$905 k	\$974 k

Revenue Portfolio



Revenue Performance



FY 20-21 Expense Summary

Total County Expense \$123.5 M

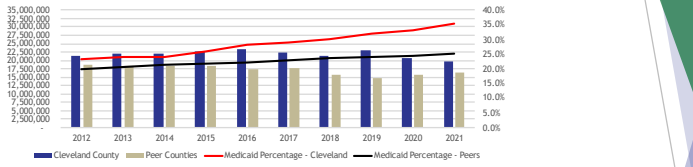
Key Indicators

- Human Services \$ 31.9 M
- Public Safety \$ 32.2 M
- Education \$ 34.7 M

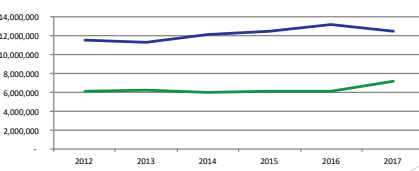


Health and Human Services

Social Services - Annual Expenditures vs. Medicaid Eligibility

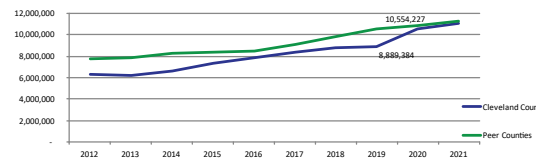


Public Health Annual Expenditures

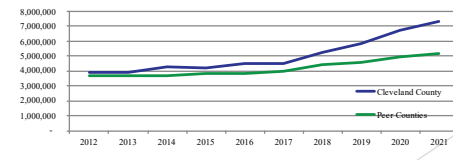


Public Safety

Sheriff's Department Annual Expenditure

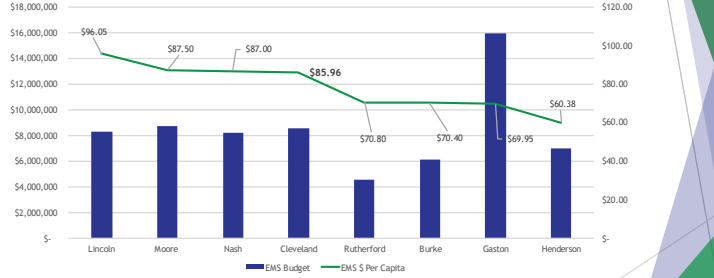


Detention Center Annual Expenditures



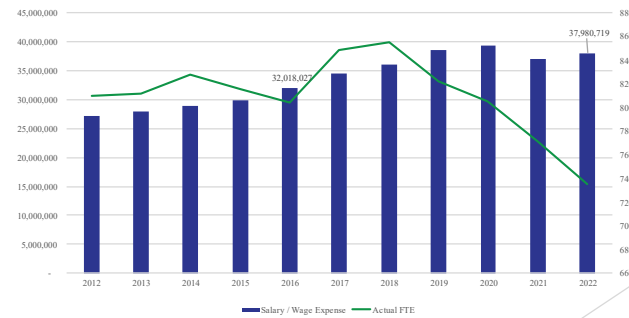
Public Safety

Emergency Medical Services Annual Expenditures & Per Capita



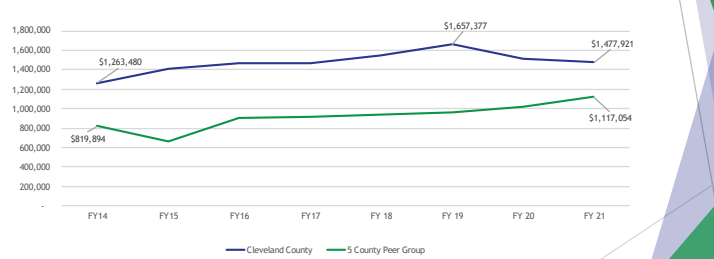
Annual Wages / FTE

Total Wages / FTE



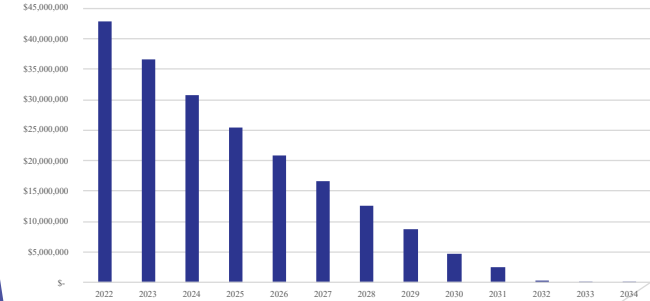
Utility Budget

Utility Budget Comparison



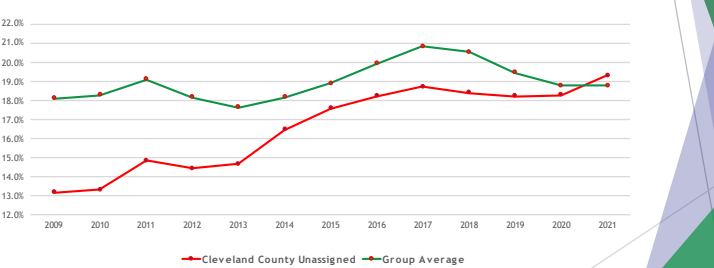
Debt Balance by Fiscal Year

Debt Balance



General Fund Un-Assigned Fund Balance

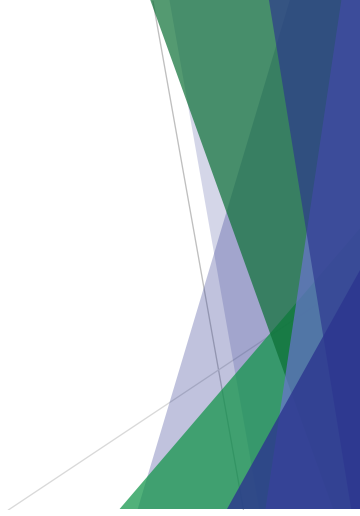
PEER COMPARISON - UN-RESERVED FUND BALANCE



ARPA Grant Management – Spending Plan

- As part of the ARPA, Cleveland County has been allocated approximately \$19MM in one time federal grant dollars– that must be spent by 12/31/2024, and in full accordance with allowable cost principals as outlined by the United States Treasury.
 - The County's spending plan outlines a three (3) year drawdown of approximately \$6.5MM per year.
 - The CFR guidance is focused primarily on:
 - CFR 35.5 XVIII (Personnel)
 - CFR 35.5 VII (EMS Equipment)
 - CFR 35.5 I (Employee Incentives)

Questions ?



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

ADJOURN

There being no further business to come before the Board at this time, Commissioner Whetstine made a motion, seconded by Commissioner Hardin and unanimously adopted by the Board, *to adjourn*. The next meeting of the Commission is scheduled for *Tuesday, November 2, 2021 at 6:00 p.m. in the Commissioners Chambers*.

*Doug Bridges, Chairman
Cleveland County Board of Commissioners*

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