

Cleveland County Board of Commissioners
November 2, 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 *via teleconference*
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Martha Thompson, Deputy County Attorney
Scott Bowman, Maintenance Director
Allison Mauney, Human Resources Director
Tiffany Hansen, Health Department Director
Perry Davis, Emergency Management Director/Fire Marshal
Chris Martin, Planning Director
Sherry Lavender, Tax Assessor
Betsy Harnage, Register of Deeds
Tony Adair, Animal 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.

Betsy Harnage, Register of Deeds provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the ***August 3, 2021*** in board members packets.

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

MONTHLY MANAGER'S REPORT

- The Finance Department is in the final stages of concluding 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. We anticipate submission to the Local Government Commission for approval by November 15, 2021.
- 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

PENDING REFUNDS / RELEASES (RECOMMENDED FOR APPROVAL)										
November 2, 2021										
The following requests have been reviewed by the County Assessor and found to be in order. They are hereby submitted for approval by the Cleveland County Board of Commissioners per G.S. 105-381. Supporting documentation is on file in the County Assessor's Office. Staff Recommendation: Approve Requests.										
NAME	YEAR	RECEIPT	NOTE	REQUESTED			TAX, FEES		REQUEST	
				VALUE CHANGE	DISTRI	RATE	& INTEREST	PAID	RELEASE	REFUND
Top Gun Properties LLC	2021	4730442	Assessed in Error	27,203	51	0.7950	216.26	215.18		215.18
Top Gun Properties LLC	2020	4629944	Assessed in Error	28,386	51	0.8275	234.89	233.72		233.72
Top Gun Properties LLC	2019	4451626	Assessed in Error	28,386	51	0.8275	234.89	233.72		233.72
Top Gun Properties LLC	2018	4364624	Assessed in Error	28,386	51	0.8275	234.89	233.72		233.72
Top Gun Properties LLC	2017	4278304	Assessed in Error	28,386	51	0.8275	234.89	233.72		233.72
Top Gun Properties LLC	2016	4193454	Assessed in Error	28,386	51	0.7900	224.25	223.13		223.13
Top Gun Properties LLC	2015	4109801	Assessed in Error	28,386	51	0.7900	224.25	223.13		223.13
								TOTAL	0.00	1,596.32
PENDING REFUNDS / RELEASES (RECOMMENDED FOR DENIAL)										
The following requests have been reviewed by the County Assessor. The stated request does not constitute a valid defense to the tax imposed or any part thereof, as provided in G.S. 105-381. Supporting documentation is on file in the County Assessor's Office. Staff recommendation: Deny requests.										
NAME	YEAR	RECEIPT	NOTE	REQUESTED			TAX, FEES		REQUEST	
				VALUE CHANGE	DISTRI	RATE	& INTEREST	PAID	RELEASE	REFUND
								TOTAL	0.00	0.00

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #016)

ACTION: Commissioner Hardin 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
010.438.4.310.00	93211-STAR	Law Enfrc Grants/Federal Govt Grants	\$6,250.00	
010.438.5.500.01	93211-STAR	Law Enfrc/Misc Grants Expense	\$6,250.00	

Explanation of Revisions: Budget allocation for \$6,250 for Rural Communities Opioid Response Program (R-CORP) implementation grant award to be used to teach the new STAR program that replaces the current DARE program. This is a coalition of various agencies. Integrated Care Hickory will manage the grant. Funds will be used to set up virtual classrooms at the Detention Center to educate inmates on opioid abuse.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #017)

ACTION: Commissioner Hardin 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
010.437.4.310.00	97067-HSGP21	Public Safety Grants/Federal Govt Grants	\$60,000.00	
010.437.5.700.00	97067-HSGP	Outside Poor/Grants	\$60,000.00	

Explanation of Revisions: Budget allocation for \$60,000 in funds received from the North Carolina Department of Public Safety Grant. Funds will be used to purchase a prime mover that will be capable of transporting equipment and trailers during disasters and other times. The vehicle will be a stake body flatbed 1 ton truck.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #018)

ACTION: Commissioner Hardin 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
010.435.4.310.00		Law Enfrc Mental Health-Wellness/Federal Govt Grants	\$114,420.00	
010.435.5.122.00		Law Enfrc Mental Health-Wellness /Salary-Wages-PT	\$14,850.00	
010.435.5.131.00		Law Enfrc Mental Health-Wellness/Social Security Taxes	\$921.00	
010.435.5.136.00		Law Enfrc Mental Health-Wellness/Medicare Taxes	\$216.00	
010.435.5.420.00		Law Enfrc Mental Health-Wellness/Contracted Services	\$90,650.00	
010.435.5.370.00		Law Enfrc Mental Health-Wellness/Advertising-Promos	\$2,463.00	
010.435.5.310.00		Law Enfrc Mental Health-Wellness/Travel-Training	\$5,320.00	

Explanation of Revisions: Budget allocation for \$114,420 in grant funds received from US Department of Justice Community Orientated Policing Services (COPS) to provide law enforcement mental health assistance. This grant is for a two-year period.

PUBLIC HEARINGS

PLANNING DEPARTMENT CASE 21-19: REQUEST TO REZONE PROPERTY AT 241 BATTLEGROUND ROAD FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS CONDITIONAL USE (GB-CU) FOR A RECREATIONAL VEHICLE PARK

Chairman Bridges recognized Planning Director Chris Martin to present Case 21 – 19: request by the Moser Group to rezone property at 241 Battleground Road from Light Industrial (LI) to General Business Conditional Use (GB-CU) for a Recreational Vehicle Park. The Board was reminded case 21-19 is continued from their October 5, 2021 regular meeting. Parcel 10528 is a 47.74-acre tract located at 241 Battleground Road between Kings Mountain and Grover. The applicant has submitted a site plan that conforms to the RV Park ordinance found in Cleveland County Unified Development Ordinance 12-161. Surrounding zoning is a mix of Restricted Residential (RR), Residential (R), Light Industrial (LI), Heavy Industrial (HI), General Business (GB) and Manufactured Home Parks. Surrounding uses are similarly mixed, with industrial, commercial, and residential uses around this parcel. The proposed district and intensity of use would not be out of character for the area. The Planning Board voted unanimously to recommend approving the rezoning request from Light Industrial (LI) to General Business Conditional Use (GB-CU). The Board felt the proposal is consistent with the commercial and industrial mixed uses in the area. Mr. Martin introduced Matthew Kershin, a representative from the Moser Group, who presented the following to Commissioners.



CABINS & AMENITY AREA



AMENITY AREA



AMENITY AREA



PROPOSED CABIN ELEVATIONS



PROPOSED CABIN ELEVATIONS



PROPOSED RV LOCATIONS



PROPOSED TENT CAMPING AREAS



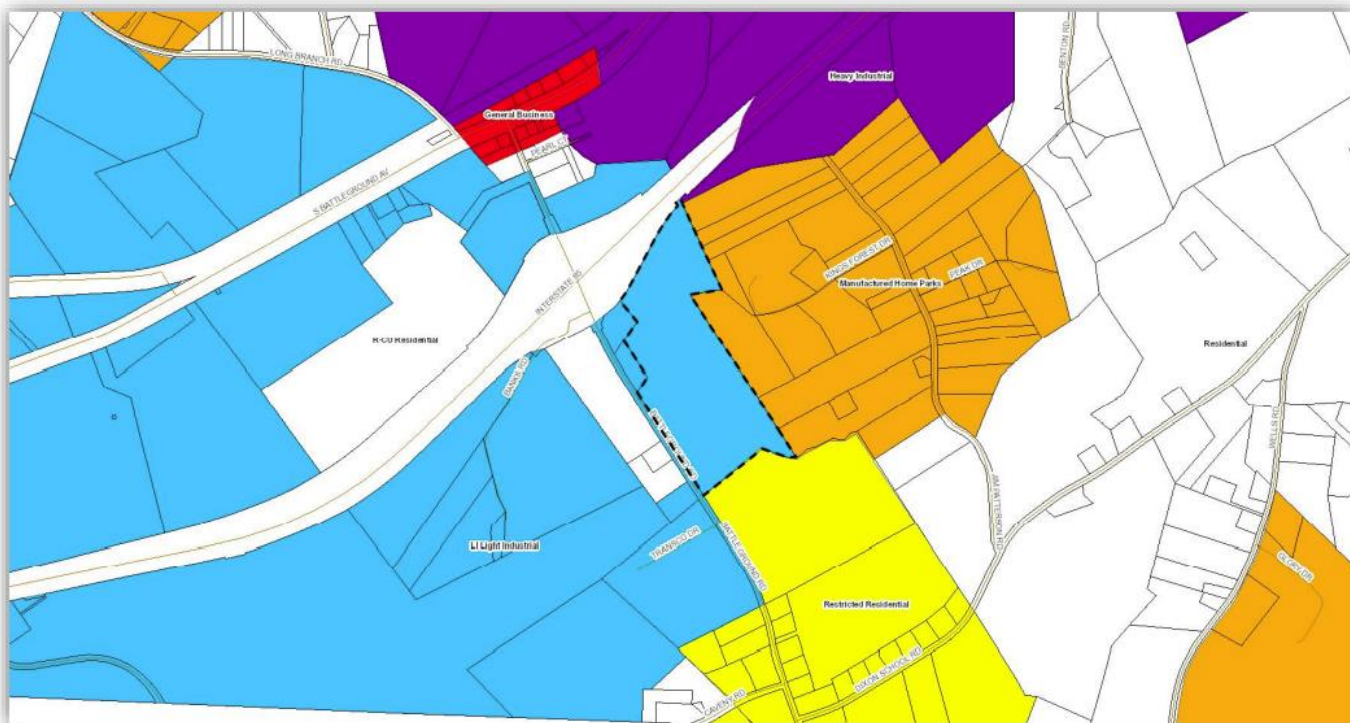
Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins asked if these units would be used for long-term residency. Mr. Kershin advised they would not. The units are made for long weekend or weeklong vacation trips, very short-term stays. Chairman Bridges inquired if there was adequate space for first responders to access the property should a situation arise. Mr. Kershin explained the park's layout stating there was plenty of room for emergency vehicles should they need to respond.

Chairman Bridges opened the Public Hearing at 6:15 pm for anyone wanting to speak for or against Planning Department Case 21 – 19: request to rezone property at 241 Battleground road from Light Industrial (LI) to General Business Conditional Use (GB-CU) for a Recreational Vehicle Park. (*Legal Notice was published in the Shelby Star on Friday, October 22, 2021 and Friday, October 29, 2021*).

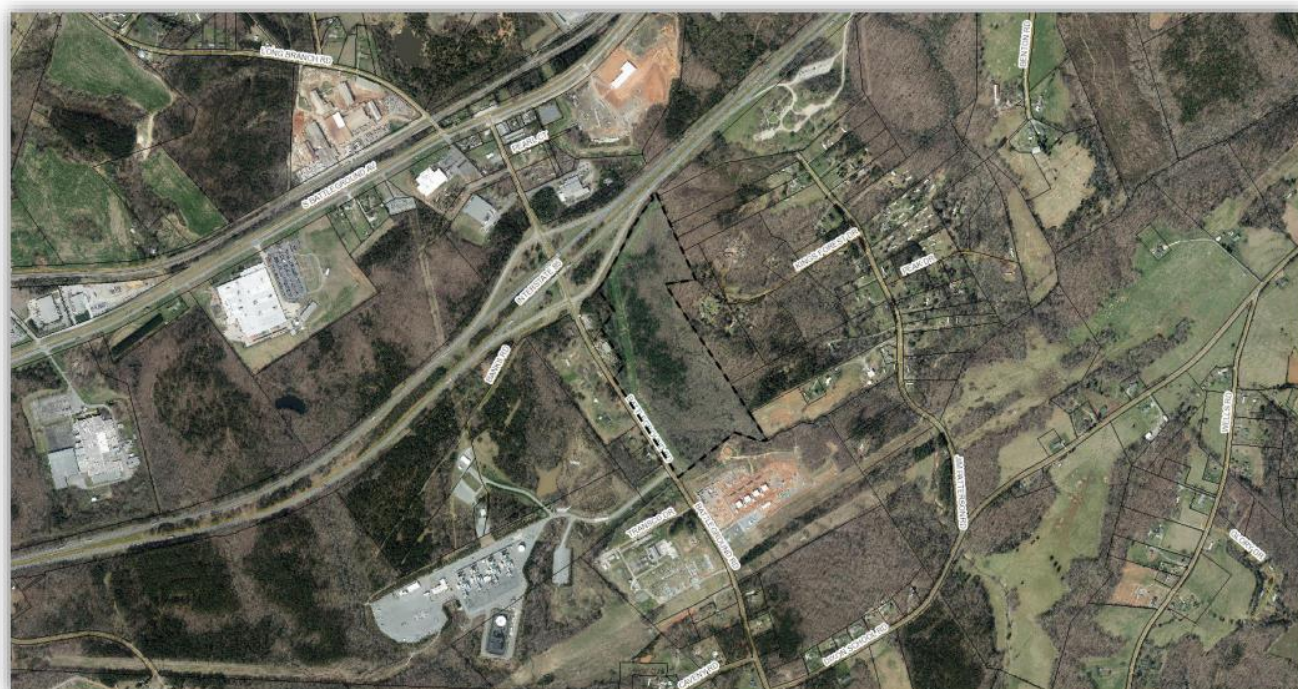
Hearing no comments, Chairman Bridges closed the Public Hearing at 6:16 pm.

ACTION: Commissioner Gordon made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***approve the request to rezone property at 241 Battleground road from Light Industrial (LI) to General Business Conditional Use (GB-CU) for a Recreational Vehicle Park as it is consistent with the surrounding mixed-use zoning.***

CASE # 21-19 Rezoning Light Industrial to General Business Conditional Use
Property Location: 241 Battleground Road
Parcel Number: 10528
Acreage: 47.74



CASE # 21-19 Rezoning Light Industrial to General Business Conditional Use
Property Location: 241 Battleground Road
Parcel Number: 10528
Acreage: 47.74

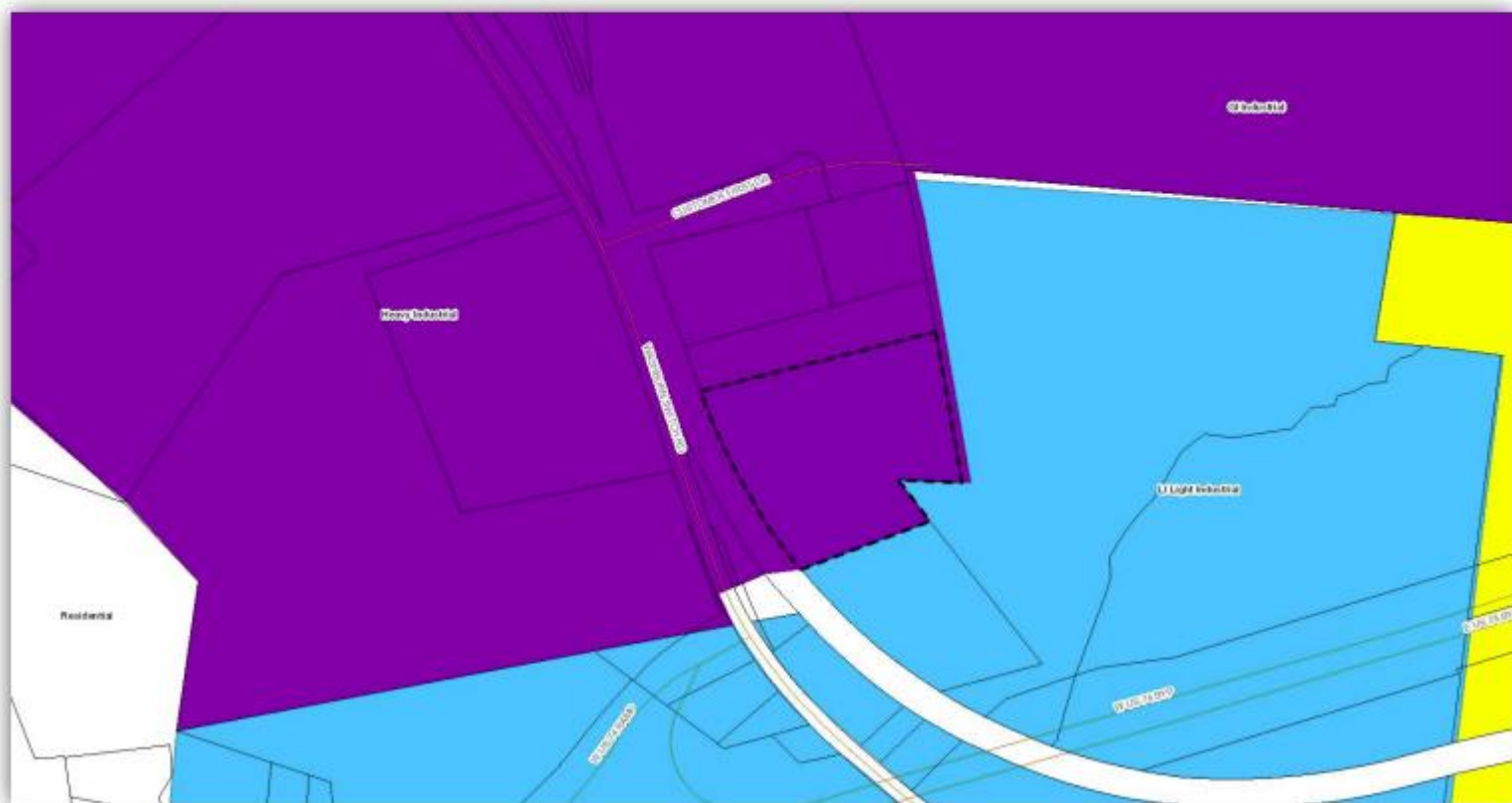


ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *approve the request to rezone property at 640 Washburn Switch Road from Heavy Industrial (HI) to General Business (GB) as it is consistent with the surrounding intensity of uses in the area.*

CASE # 21-22 Rezoning Heavy Industrial to General Business
Property Location: 640 Washburn Switch Road
Parcel Number: 32642
Acreage: 10.56 acres



CASE # 21-22 Rezoning Heavy Industrial to General Business
Property Location: 640 Washburn Switch Road
Parcel Number: 32642
Acreage: 10.56 acres



REGULAR AGENDA

COVID-19 MEDICAL UPDATE

Chairman Bridges called Health Department Director Tiffany Hansen to the podium to present a COVID-19 Medical update. Cleveland County has 53% vaccination rate. The number of positive COVID-19 cases and hospitalizations are decreasing, and the county's numbers are projecting in a positive direction. Mrs. Hansen

detailed information regarding COVID-19 variants, positive cases, testing resources and prevention strategies. The following information and PowerPoint were presented to Board members.

COVID 19 UPDATE


TIFFANY HANSEN



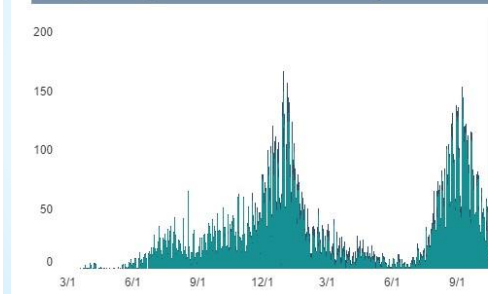
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COVID19 in Cleveland County

(Updated 11/1/21)



Cases by Date of Specimen Collection - Cleveland County



TOTAL CASES Cleveland County
18,426

MOLECULAR (PCR) POSITIVE CASES
16,710


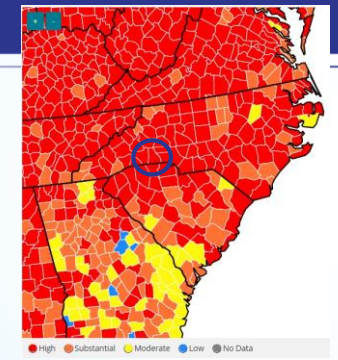
ANTIGEN POSITIVE CASES
1,716

Specimen collection date missing for 0 cases.

- Prior Days Cases: 13
- Last 14 days: 303
 - 22 cases/day
- Last 7 days: 124
 - 18 cases/day
- Deaths: 312
- Percent Positivity
 - NC: 5.0%
 - CC: 6.0%

2

Community Transmission Levels





Continued Layered Prevention Strategies....

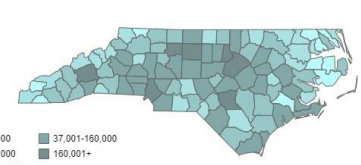
- Vaccinations
- Physical Distancing
- Mask Wearing
- Handwashing
- Disinfecting/Sanitizing Practices
- Good Respiratory Etiquette

3

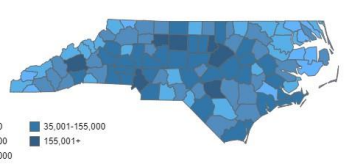
Vaccinations in Cleveland County (12 + eligible)



48,038
People Vaccinated with at Least One Dose for Population 12+ Years of Age Cleveland County



44,771
People Fully Vaccinated for Population 12+ Years of Age Cleveland County



- At Least One Dose Administered: **48,038 (57%)**
- Fully Vaccinated: **44,771 (53%)**

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Vaccine Availability and Eligibility



	PFIZER	MODERNA	JOHNSON & JOHNSON
Primary Series	2 doses (3 weeks apart) 12 years old or older	2 doses (4 weeks apart) 18 years old and older	1 dose 18 years old or older
Additional Dose	Moderately or Severely Immunocompromised Individuals 18 years old or older		
Booster Dose	<ul style="list-style-type: none"> • 65 years or older • Age 18+ who live in <u>long-term care settings</u> • Age 18+ who have <u>underlying medical conditions</u> • Age 18+ who work or live-in <u>high-risk settings</u> <p>When to get a booster: At least 6 months after your second shot</p>		
Pediatric Dose (ACIP guidance pending)	5-11 years old		

5

Moderna Booster Clinics







6

Get YOUR Shot at ALL these SPOTS




- Cleveland County Health Department
- Kings Mountain Medical Center
- Shelby Family Practice
- CaroMont Family Medicine-Shelby
- CLECO Medical Center of Shelby
- Kintegra Family Medicine-Boiling Springs
- Upper Cleveland Medical Center


- Kintegra Family Medicine-Kings Mountain
- Mountain Street Pharmacy
- Shelby Drugstore
- Ingles Pharmacy
- CVS Pharmacy
- Walmart Pharmacy
- Walgreens Pharmacy

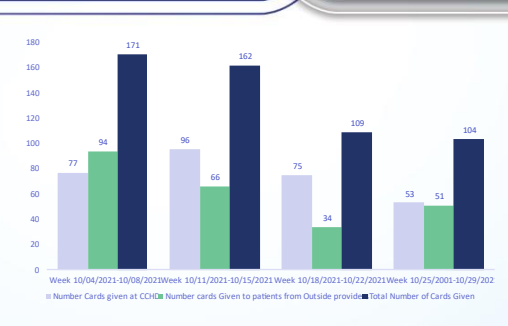
*** Please call to check vaccine availability and processes, varies by location ***

7

Community Vaccine Incentive Program









8

COVID19 Information and Vaccine Scheduling





COVID-19 VACCINE Appointment Line

CALL FOR:
• 1st Dose Appointments
980-484-6019

9

Questions?

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Commissioners thanked Mrs. Hansen and her entire staff at the Health Department for the dedication and continued hard work.

ANIMAL SERVICES COMMUNITY EDUCATION

Chairman Bridges recognized Animal Services Director Tony Adair to make a presentation about Animal Services Community Education. Mr. Adair reminded the Board of the revisions made to the Animal Services Ordinances at their August 27, 2021 policy work session. Modifications to the ordinance included technical changes, manner of keeping, cruelty, enforcement and licensing. The following information and PowerPoint were

presented to Commissioners.



Cleveland County Animal Services and Adoption Center

Mission and Vision

The mission of the Cleveland County Animal Services Department is to protect the health and safety of our residents; promote humane care and prevent cruel treatment of animals; and work to reduce the number of stray and homeless animals in our county.

Our vision is to end homelessness of companion animals, where none will suffer neglect or abuse, while being a fiscally responsible organization, and preserving the safety, security and welfare of our residents.

90%

Animal Services strives to save as many pet lives as possible and as such has committed to a goal of 90% or better positive outcomes.



Animal Services staff come together for one common purpose, "We save lives".

Past



- Primarily focused on Rabies control
- Division of the Health Department
- FY 16-17 Live Release Rate of 59%
- FY 16-17 Intake of 4,555 cats and dogs
- FY 16-17 Community cat sterilizations- 45
- Strategies involved obsolete and inefficient practices centered around Rabies prevention and control



Present



- Diversely focused on a community safety, animal welfare, and ending pet homelessness.
- Standalone department
- FY 20-21 Live Release Rate of 90%
- FY 20-21 Intake of 2,077
- FY 20-21 Community cat sterilizations- 834
- Strategies involve data driven decisions and utilizing animal welfare trends as they relate to the reduction in pet overpopulation; high quality high volume sterilizations; industry best practices

Ordinance Review

Staff worked with the Animal Services Advisory Board to review each ordinance. Last complete ordinance review was 1995.

Technical changes

Most changes were technical in nature and helped to provide clarity

Complex changes

Four ordinances were more complex and required BOC guidance



Technical Changes



Clarifications

Replaced confusing or ambiguous wording



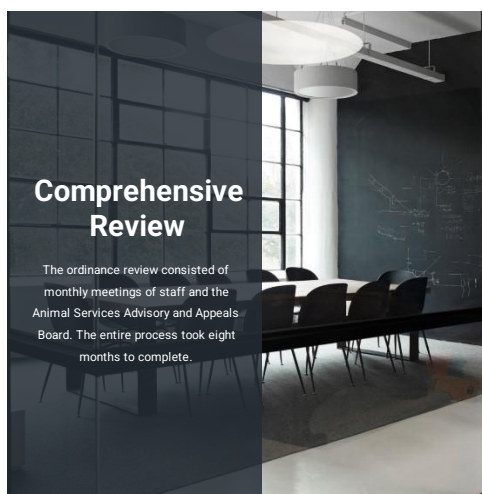
Updates

Amended language for consistency and compliance with new or revised State Statutes



Operational

Revised and included language concerning routine functions, activities, and authority of the department



Comprehensive Review

The ordinance review consisted of monthly meetings of staff and the Animal Services Advisory and Appeals Board. The entire process took eight months to complete.

Manner of Keeping



Protection from Weather

Some pets fair better than others as it relates to weather variables. Some aged, young, infirm and breed specific animals can be highly susceptible to weather extremes.



Clean and Sanitary Confinement

Areas in which pets are maintained can have a major impact on the animal's health. Well maintained areas contribute to disease control and general wellbeing.



Civil and Criminal Remedies

The majority of residents issued warnings comply with the warning and no further action is warranted.



Frequency

Times when civil remedy is ineffective



When Necessary

Times when the offense is egregious



With Approval

Reviewed and approved by Director



Process

Procedure outlined in operating procedures



Tethering

Modifications

Enhancements to current ordinance that, when applied, will amend restrictions to include when and how an animal may be tethered.

Timeline

Restrictions involving single fixed points, pulley systems, and dual point details, will take affect after department has had the opportunity to promote, educate and advocate.

Companion Pet Licensing

Pet Redemption

- Companion pets found wandering without identification are much less likely to be reclaimed quickly, if ever.

Insufficient Data

- Data needed to make decisions related to companion pets in Cleveland County is insufficient.

Fees

- Designed to be minimal, covering the cost of program management
- Helps offset the costs associated with pet overpopulation



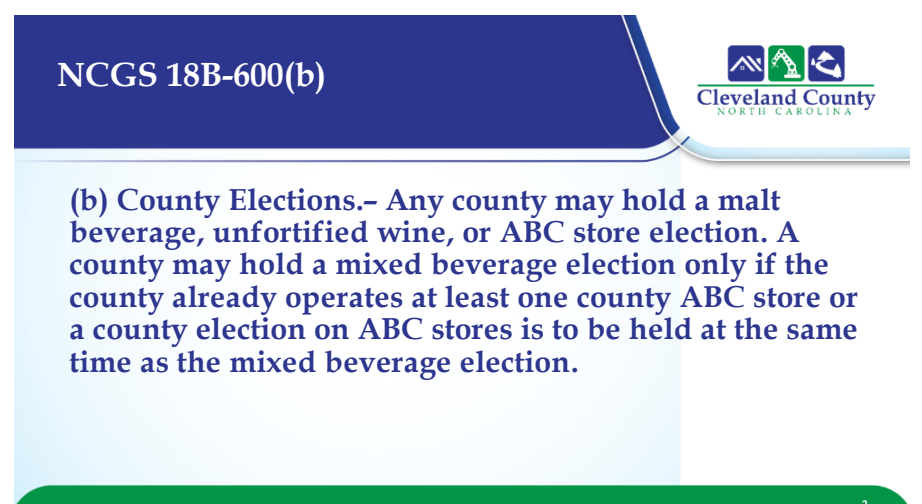
Companion Pet Licensing – Phases



Chairman Bridges opened the floor to the board for questions and discussion. Commissioner Hutchins inquired about concerns regarding the pet licensing program and how the information would be handled. Mr. Adair explained the veterinarian's office would gather the information and send off to the vendor who would then manage the data. He advised they are still working on a partnership with surrounding counties to be able to track information if a Cleveland County resident got their pet vaccinated outside the county. County Manager Brian Epley thanked the Board for their hard work and vision in modifying the Animal Services Ordinance. The next steps will include Mr. Adair and staff speaking at each of the county's municipalities over the next few months to educate and share the changes regarding Cleveland County's Animal Services Ordinance. Board members thanked Mr. Adair for the information presented.

COUNTYWIDE BEER AND WINE DISCUSSION

Chairman Bridges called County Manager Brian Epley to the podium to discuss Countywide Beer and Wine. Cleveland County is eligible to hold alcoholic beverage elections. The Board of Commissioners may call for such a special election by submitting a written request to the Cleveland County Board of Elections. Such an election may be held at the same time as the primary election in any even numbered year. Staff has drafted a resolution calling for a special election for on-premises and off-premises sale of beer and wine in the county during the 2022 primary election. The election would be for allowing the sale of both malt beverages and unfortified wine for on-premises and off-premises consumption throughout Cleveland County. Malt beverages generally means any alcoholic beverage other than wine that has between 0.5% and 15% alcohol by volume, and unfortified wine generally means wine with 16% or less alcohol by volume. Definitions for these and other relevant terms can be found in North Carolina General Statute § 18B-101. The following PowerPoint was presented to Commissioners.



Regional Comparison



Blue- No alcohol in unincorporated areas
Green- Alcohol referendum passed- allowed in unincorporated areas

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Benefits



- Potential growth in unincorporated areas of Cleveland County
- Minimal fiscal impact to Cleveland County
- Equal economic opportunity to businesses outside of city limits (approximately 28)

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Question on Ballot



To permit the "on-premises" and "off-premises" sale of malt beverages.

- FOR
- AGAINST

To permit the "on-premises" and "off-premises" sale of unfortified wine.

- FOR
- AGAINST

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Timeline



- | | |
|----------------|--|
| November, 2021 | Adopt Resolution Requesting Special Election |
| December, 2021 | Inform BOE to place question on ballot |
| March 8, 2022 | Question included on March primary ballot |

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Action



Following Discussion.....

- Adopt Resolution Requesting Special Election
- Deny Resolution Requesting Special Election

7

Questions?

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioners had an open discussion regarding the proposed special election and agreed the decision for the sale of alcohol should be left to the citizens of Cleveland County via special election.

ACTION: Commissioner Gordon made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve the resolution calling for a special election for on-premises and off-premises sale of beer and wine in Cleveland County.*



Resolution

17-2021

Resolution Requesting Special Election (N.C.G.S. § 18B-602)

WHEREAS, per N.C.G.S. § 18B-600(b), Cleveland County (the "County") is eligible to hold alcoholic beverage elections; and

WHEREAS, per N.C.G.S. § 18B-601(b)(1), the Cleveland County Board of Commissioners (the "Board of Commissioners") may call a county alcoholic beverage election by sending a written request for such an election to the Cleveland County Board of Elections (the "Board of Elections"); and

WHEREAS, per N.C.G.S. § 18B-601(a), alcoholic beverage elections shall be conducted in the same manner and under the same rules as a referendum under Chapter 163 of the North Carolina General Statutes;

WHEREAS, per N.C.G.S. § 163-287(a)(2), an alcoholic beverage election is a special election that may be called at the same time as the primary election in any even-numbered year; and

WHEREAS, the Board of Commissioners wishes to call for a special election on the "on-premises" and "off-premises" sale of both malt beverages and unfortified wine.

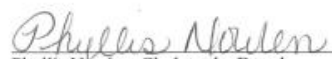
NOW THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners requests that the Board of Elections hold a county alcoholic beverage election on the propositions enumerated in N.C.G.S. § 18B-602(a)(1) and N.C.G.S. § 18B-602(d)(1).
2. The Board of Commissioners requests that the Board of Elections hold the special election during the County's 2022 primary election.

Adopted this 2nd day of November, 2021


Doug Bridges, Chairman
Cleveland County Board of Commissioners

ATTEST:


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



ADJOURN

There being no further business to come before the Board at this time, Commissioner Hutchins made a motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, *to adjourn*. The next meeting of the Commission is scheduled for *Tuesday, November 16, 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