

**Cleveland County Board of Commissioners**  
**November 5, 2019**

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

**PRESENT:** Susan Allen, Chairman  
Ronnie Whetstine, Vice-Chair  
Johnny Hutchins, Commissioner  
Doug Bridges, Commissioner  
Deb Hardin, Commissioner  
Brian Epley, County Manager  
Tim Moore, County Attorney  
April Crotts, Deputy Clerk to the Board  
Kerri Melton, Assistant County Manager  
Chris Green, Tax Administrator  
Allison Mauney, Human Resources Director  
Katie Swanson, Social Services Director  
Daryl Sando, Electronic Maintenance Director  
Tony Adair, Animal Services Director  
Scott Bowman, Maintenance Director  
Elliot Engstrom, Deputy County Attorney  
Lucas Jackson, Finance Director  
Ryan Wilmoth, Emergency Medical Services Director

**CALL TO ORDER**

Chairman Allen called the meeting to order and Tax Administrator Chris Green provided the invocation and led the audience in the Pledge of Allegiance.

**AGENDA ADOPTION**

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Bridges and unanimously approved by the Board to, ***approve the agenda as presented.***

**CITIZEN RECOGNITION**

**Robert Williams, 814 E. Stagecoach Trl, Lawndale** – spoke about several areas concern such as the Sales Tax Referendum.

**Johnny Huskey, 4015 Harris Creek Road Lawndale** – spoke about buggies in Upper Cleveland County area. He noted he has spoken with Speaker of the House Tim Moore as well as the Sheriff about the dangers of these buggies in the morning hours as well as them driving at night with only one small light. He is concerned there are no laws against these buggies, and the fact that they do not have insurance or pay taxes and they litter the road with manure. He asked the Commissioners to look into creating some laws to help with the dangers these buggies cause.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

The Clerk to the Board included the Minutes from the ***October 15, 2019 regular meeting***, in board members packets.

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

**EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #016)**

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
010.437.4.310.00	93889-3SMT	EMS/Federal Govt Grants	\$3,062.00	
010.437.5.210.00	93889-3SMT	EMS Departmental Supply	\$3,062.00	

*Explanation of Revisions: Budget grant received from Metrolina Healthcare Preparedness Coalition (MHPC) for the purchase of supplies: NRS Havoc Livery Helmet, Steams SAR Flotation Vest. NRS Neko Blunt Knife, NRS NFPA Rescue Throw Bag, AmeriGlo Lightstick, NRS Purest Mesh Duffel Bag, Shipping Fees*

**E911 COMMUNICATIONS: BUDGET AMENDMENT (BNA #017)**

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
026.454.5.211.00		Communications/ Controlled Property	\$5,500.00	
026.454.4.991.00		Communications/Appropriated Fund Bal	\$5,500.00	

*Explanation of Revisions: Budgeted funds were needed during recent 911 phone upgrade to replace phone monitors not compatible with new equipment. Additional funds needed to replace 24x7 heavy duty chairs for 911 center. Funding sources: SoNC 911 Board (eligible expense)*

**PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR ABANDONMENT OF**

**BANKS ROAD**

Southern Power Company has requested that Banks Road be abandoned. The road is surrounded by parcels owned by Southern Power Company. In 2010 the Board of Commissioners approved a resolution to abandon a 0.13 acre section of Banks Road further south. Since that time Southern Power has acquired all the property around Banks Road and is asking to close the road. If approved the abandonment will allow surrounding property owners to add this back to their respective parcels.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *set a public hearing regarding the proposed abandonment of a portion of Banks Road, for Tuesday, December 3, 2019 at 6:00 pm in the Commissioners Chamber.*



## Resolution

Number 24-2019

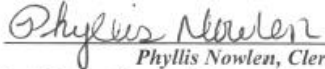
### Intent to Abandon Public Right-Of-Way Banks Road

*WHEREAS*, Southern Power Company is requesting the abandonment of the public right-of-way of Banks Road (approximately 0.2 of a mile);

*NOW THEREFORE BE IT RESOLVED THAT*, in accordance with the mandates of NCGS 153A-241, the Cleveland County Board of Commissioners do hereby call for a public hearing regarding the proposed abandonment of a portion of Banks Road, to hear all interested persons on *Tuesday, December 3, 2019 at 6:00 pm* in the Commissioners Chamber, Cleveland County Administrative Building, 311 E. Marion Street, Shelby, North Carolina.

*Adopted this the 5<sup>th</sup> day of November, 2019.*

  
Susan Allen, Chair  
Cleveland County Board of Commissioners

  
Phyllis Nowlen, Clerk  
Cleveland County Board of Commissioners



### **PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR ABANDONMENT OF**

### **PRINCESS LANE**

Stephen Fisher has requested that an unpaved right-of-way, a portion of Princess Lane, be abandoned. The road is adjoined by vacant parcels, most of which are owned by Mr. Fisher. If approved the abandonment will allow surrounding property owners to add this back to their respective parcels.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *set a public hearing regarding the proposed abandonment of a portion of Princess Lane for Tuesday, December 3, 2019 at 6:00 pm in the Commissioners Chamber.*



## Resolution

Number 25-2019


### Intent to Abandon Right-Of-Way Princess Lane

*WHEREAS*, Stephen Fisher is requesting the abandonment of a portion of the right-of-way of Princess Lane;

*NOW THEREFORE BE IT RESOLVED THAT*, in accordance with the mandates of NCGS 153A-241, the Cleveland County Board of Commissioners do hereby call for a public hearing regarding the proposed abandonment of a portion of Princess Lane, to hear all interested persons on **Tuesday, December 3, 2019 at 6:00 pm** in the Commissioners Chamber, Cleveland County Administrative Building, 311 E. Marion Street, Shelby, North Carolina.

*Adopted this the 5<sup>th</sup> day of November, 2019.*

  
Susan Allen, Chair  
Cleveland County Board of Commissioners

  
Phyllis Nowlen, Clerk  
Cleveland County Board of Commissioners



### **PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR ABANDONMENT OF ROBYN AVENUE**

Carlos Clark has requested that a portion of the Robyn Avenue right-of-way be abandoned. The road is surrounded by 3 residential parcels, including one owned by Mr. Clark. If approved the abandonment will allow surrounding property owners to add this back to their respective parcels.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *set a public hearing regarding the proposed abandonment of a portion of Robyn Avenue for Tuesday, December 3, 2019 at 6:00 pm in the Commissioners Chamber.*



## Resolution

Number 26-2019


### Intent to Abandon Right-Of-Way Robyn Avenue

*WHEREAS*, Carlos Clark is requesting the abandonment of a portion of the right-of-way of Robyn Avenue;

*NOW THEREFORE BE IT RESOLVED THAT*, in accordance with the mandates of NCGS 153A-241, the Cleveland County Board of Commissioners do hereby call for a public hearing regarding the proposed abandonment of a portion of Robyn Avenue, to hear all interested persons on *Tuesday, December 3, 2019 at 6:00 pm* in the Commissioners Chamber, Cleveland County Administrative Building, 311 E. Marion Street, Shelby, North Carolina.

*Adopted this the 5<sup>th</sup> day of November, 2019.*

  
Susan Allen, Chair  
Cleveland County Board of Commissioners

  
Phyllis Nowlen, Clerk  
Cleveland County Board of Commissioners



### **PLANNING DEPARTMENT: APPOINTMENT OF REVIEW OFFICER**

North Carolina General Statute 47-30.2 requires that the Board of Commissioners designate one or more persons experienced in mapping or land records management as a Review Officer. The designated Officer will review each map and plat (when required) to certify compliance with all statutory requirements for recording. Currently, Ronald Jordan, Jan Devinney, and Donna Mellon serve as Review Officers. Henry Earle has requested to be approved as a review officer so there is a review officer at the Planning office location on Fallston Road.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *designate Henry Earle as Review Officer.*

### **LEGAL: ANIMAL SERVICES ORDINANCE MODIFICATION**

Animal services has been removed from the health department to become a standalone department subject to supervision by the County Manager like most other county departments. This occurred via the passage of an ordinance on September 17, 2019. Certain additional technical changes to the code of ordinances must be made in order to facilitate this change. These technical changes all involve either (1) changing the term “animal control officer” to “animal services director” or (2) changing the term “animal services appeals board” to “animal services advisory and appeals board.” Because this technical amendment has the effect of an ordinance, it must, per G.S. § 153A-45, receive the approval of all of the members of the Board of Commissioners.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *adopt the technical amendment to the Code of Ordinances.*

**AN ORDINANCE MAKING CERTAIN TECHNICAL CHANGES TO CHAPTER 3 OF  
THE CLEVELAND COUNTY CODE OF ORDINANCES**

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 deemed effective as of September 17, 2019 and shall be considered a part of the same ordinance that was passed on that date.

Additions are indicated by text underlined in blue; deletions are indicated.

**Sec. 3-3. - Same—Powers and duties.**

- (b) h. . . animal services director will revisit the . . .
- (c) The animal services director shall at all times . . .

**Sec. 3-8. - Confinement and control of nondomestic animals.**

- (b) . . . may be confiscated by the animal services director and harbored . . .

**Sec. 3-18. - Impoundment.**

. . . by the animal services director.

**Sec. 3-34. - Imposition of penalties for violations of ordinance.**

- (b) . . . by the animal services director.
- (c) . . . by the animal services director.

**Sec. 3-35. - Appeals.**

- (c) . . . The animal services advisory and appeals board shall hold a hearing . . .
- (d) . . . decision of the animal services advisory and appeals board under this chapter . . . of the animal services advisory and appeals board . . . may affirm, modify or reverse the decision of the animal services advisory and appeals board.

**Sec. 3-41. - Impoundment; disposition of impounded animals.**

- (a) . . . and impounded by the animal services director for the protection . . . then the animal services director may impound . . .
- (b) . . . shall be notified by the animal services director in person or by certified mail.
- (c) . . . the animal services director can immediately destroy . . .
- (d) . . . if the person can satisfy the animal services director that a safe transfer . . .
- (e) . . . at the discretion of the animal services director.

These changes are deemed effective as of September 17, 2019.

By: *Susan K. Allen*

Name: Susan K. Allen

Title: Chairman, Cleveland County Board of Commissioners

This the 5<sup>th</sup> day of November 2019

Attest: *Phyllis Nowlen*

Name: Phyllis Nowlen

Title: Clerk to the Cleveland County Board of Commissioners



## **PUBLIC HEARINGS**

### **PLANNING DEPARTMENT: TEXT AMENDMENT CASE 19-06: GARAGES AND CARPORTS**

Chairman Allen recognized Chris Martin, Senior Planner to present Text Amendment Case 19-06: Garages and Carports. The Planning Board has submitted a recommendation for amendment language to Section 12-138, 12-174 and 12-21 of the Cleveland County Unified Development Ordinance (UDO). At the February 5, 2019 Commissioner meeting, the Board of Commissioners asked staff and the Planning Board to craft language that would create standards to allow detached garages and carports to be located within the front yard of a residence. At their September 24, 2019 meeting the Planning Board voted to approve language to be sent to the Board for its consideration. The crafted code allows for detached garages and carports to be placed within the front side of a primary residence under the following conditions.

1. The garage/carport may be no larger than 50% of the square footage of the principal building's footprint
2. 100 feet setback from the street right of way and observation of all other principal building setbacks
3. One (1) garage/carport allowed in the front side yard per parcel.

This will allow greater flexibility for location of garages/carports on residential lots and gives standards for common zoning requests. The Planning Board voted 5 to 2 to recommend approval of the amendment language as follows:

#### **Proposed Text Amendment Allowing Detached Garages/Carports within the Front-Side Yard of Residential Lots**

##### **Sec. 12-138. - Location of accessory buildings on residential lots.**

- (a) On any residential lot, accessory buildings and structures shall not be located in any front yard required for principal buildings, shall not cover more than thirty (30) percent of any rear yard required for the principal building, and shall be at least twenty (20) feet from any building used for human habitation on adjoining lots. **Exceptions to this rule include detached garages and carports, used for operable tagged cars, which are allowed within the front side yard of any principal dwelling, under the following conditions:**
1. **Garages and/or carports may be no larger than 50% of the square footage of the principal building's footprint.**
  2. **The garage or carport shall observe a minimum setback of one hundred (100) feet from the street right-of-way and shall observe all other principal dwelling setbacks, as stated in 12-173.**
  3. **Only one (1) garage or carport may be placed in the front side yard per parcel.**
- (b) Accessory buildings designed or used for human habitation as may be permitted by this chapter shall be located no closer to the principal building than thirty (30) feet and shall meet the side yard requirements for the district in which located.
- (c) A double garage, one-half (½) of which would be located on each of two (2) lots, shall be permitted in any residential district, provided a written request signed by both parties is submitted with the building permit application.
- (d) On any lot or tract in the RA district, accessory buildings and structures shall be at least twenty (20) feet from any building used for human habitation on adjoining lots.
- (e) Outdoor swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, equipped with a self-locking and positive self-latching gate provided with hardware for permanent locking. This enclosure is intended to protect against potential drowning by restricting access to swimming pools.
- (f) See also section 12-174, accessory building setback requirements.

**Sec. 12-174. - Accessory building setback requirements.**

Accessory buildings in the R, RM, and RR districts shall meet a setback requirement of at least five (5) feet. Accessory buildings located in the RA district shall meet a setback requirement of at least ten (10) feet. These structures shall not be located in any front ~~or-side~~ yard, **except in compliance with section 12-138(a)**, and shall not cover more than thirty (30) percent of the rear yard.

See also section 12-138, location of accessory buildings on residential lots.

**Sec. 12-21. - Definitions of basic terms.**

- **Carport:** a shelter for a motor vehicle, or motor vehicles, consisting of a roof supported on posts.
- **Front Side Yard:** The area of a lot located between the front plane of a primary structure and the road right of way, while also being between either side plane of the primary structure and the corresponding side property line. See illustration in section 12-138.
- **Garage:** a building, with a large door opening to the outside, used for parking and/or storing motor vehicles.

Chairman Allen asked Commissioners if they have any questions prior to opening the public hearing.

Commissioner Hutchins had concerns with Section 12-138 specifically the wording “used for operable tagged cars” and section 12-21 the use of the word “motor”. He thought this wording restricted other types of vehicles like boats.

Chairman Allen opened the Public Hearing at 6:27 pm.

**Robert Williams 814 E. Stagecoach Trail, Lawndale** – spoke against the amended language in the Unified Development Ordinance. He believes this amendment is excessive.

Hearing no further comments, Chairman Allen closed the Public Hearing at 6:29 pm.

Chairman Allen opened the floor to the Board for any questions or discussion. Commissioner Hutchins asked Mr. Martin, “Does section 12-138 wording for “used for operable tagged cars” restrict other vehicles such as boats and motorcycles from being in the carport or garage?”. Mr. Martin replied yes. He further explained the Board has an option of removing or changing that language to make it more lenient to what can be located in the carport or garage.

**ACTION:** Commissioner Hutchins made a motion, to **approve the amended Section 12-21, 12-138, and 12-174 of the Cleveland County Unified Development Ordinance (UDO) with the following changes: remove the words “used for operable tagged cars” from section 12-138 and remove the word “motor” from section 12-21.**

Commissioner Whetstine was concerned to remove the wording all together in section 12-138 because it would allow anything in the carport or garage. He asked Mr. Martin if it was the recommendation of the Planning Board to add that language to restrict what could be located in the carport and garage. Mr. Martin replied “yes”. The Planning Board had the same discussion and wanted to limit what could be located in the carport and garages to vehicles. Commissioner Bridges agreed with Commissioners Whetstine.

**ACTION:** Commissioner Hutchins amended his motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to **approve the amended Section 12-21, 12-138, and 12-174 of the Cleveland**



**County Unified Development Ordinance (UDO) with the following changes: change “used for operable tagged cars” to “used for operable vehicles” from section 12-138 and remove the word “motor” from section 12-21.**

**BOARD OF HEALTH**

Chairman Allen called Deputy County Attorney Elliot Engstrom to the podium to present a resolution regarding the Cleveland County Board of Health. Public Health is one of the largest department in the County with 202 full time employees. The resolution under consideration for adoption is founded under North Carolina Statute 153A-76 and 153A-77(a) which was created in 2012 by the General Assembly. If approved, the resolution changes the current Board of Health to an advisory board and will be effective immediately. Mr. Engstrom explained there are several key reasons to transfer to an advisory board:

1. Efficiency & County Operational Alignment
2. Direction toward substantial equivalency (post OSP)
3. Administrative evolution of Public Health.

Currently, Public Health employees fall under the Office of State Personnel. This change will transition them to true county employees who would operate under county systems. This step would further align Cleveland County to move forward with substantial equivalency. Post transition, if approved, the Board will have the ability to maintain a Board of Health structure with membership being an appointment from the Board of County Commissioners. The Board of Health would transition into an advisory board like the Social Services Board and would modify the Health Director reporting relationship to a more traditional relationship that aligns with other county departments across the organization. Mr. Engstrom presented the following PowerPoint.

The image displays six slides from a PowerPoint presentation. Slide 1 is the title slide 'Cleveland County Board of Health Transition' dated November 5, 2019. Slide 2 is an organizational chart showing the hierarchy from Citizens of Cleveland County down to various departments like Register of Deeds, Sheriff, and Health Director. Slide 3 details legal authority under N.C.G.S. 153A-76 and 153A-77(a) and shows a process flow: Set Public Hearing -> Public Hearing -> Resolution. Slide 4 is a table titled 'Department of Public Health' with personnel and budget data. Slide 5 lists 'Why Transition?' (Efficiency, Substantial Equivalency, Administrative evolution) and 'Post Transition' (Maintains current Board structure, Transitions reporting relationship). Slide 6 compares 'Current BOCC Responsibilities' (All County Personnel, County Budget, County-Wide Ordinances) with 'Current BOH Responsibilities' (Promote Public Health, Public Health Governance, Local Interpretation of State Health Rules, Municipal Health Rules, Daily Supervision of Health Director).

Category	Value
<b>Personnel</b>	
Full Time Employees -	202
Turn-Over -	(+/-) 07%
<b>Budget</b>	
Total Budget -	\$ 14,629,295
Local Funding -	\$ 4,062,081
<b>Public Health Highlights</b>	
Medicaid Cost Settlement -	(+) \$300,000
Budget Re-Engineering -	(+) \$1,000,000
Average Employee Age	46
Male Employees	28
Female Employees	141
Eligible for Retirement next FY	9

**Health Board Transition**

Cleveland County  
NORTH CAROLINA

**Current BOCC Responsibilities**

- All County Personnel
  - Personnel Ordinance
  - Human Resource Compliance
  - Position Management
- County Budget
  - Human Capital
  - Operational Budget
  - Infrastructure / Capital
- County-Wide Ordinances
  - Civil & Criminal
  - County Wide Policy Approval

**Current BOH Responsibilities**

- Promote Public Health
- Public Health Governance
- Local Interpretation of State Health Rules
- Municipal Health Rules
- **Daily Supervision of Health Director**
  - N.C.G.S. 153A-41
  - Day to Day Administration

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**State Comparatives**

Cleveland County  
NORTH CAROLINA

**PH and SS Organization and Governance June 2012**

Source: UNC School of Government

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**State Comparatives**

Cleveland County  
NORTH CAROLINA

**PH and SS Organization and Governance Resolutions as of April 2019**

Source: UNC School of Government

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**Health Board Transition**

Cleveland County  
NORTH CAROLINA

- Resolution calls for Board of Commissioners to "abolish" Board of Health.
- This language is required by statute.
- If Board passes resolution, next agenda item is a request to reconstitute a new Cleveland County Public Health Board.

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**Action Requested**

Cleveland County  
NORTH CAROLINA

Pass proposed resolution abolishing the Cleveland County Board of Health and assuming and conferring upon the Board of Commissioners all powers, responsibilities, and duties of the Board of Health.

11

**Questions???**

12

Chairman Allen opened the Public Hearing at 6:47 pm.

**Robert Williams 814 E. Stagecoach Trail, Lawndale** – spoke against the resolution. He agrees with the change to the Board of Commissioners assuming all the powers, responsibilities and duties however he doesn't believe this Board of Commissioners will make any changes within the current Board of Health.

Hearing no further comments, Chairman Allen closed the Public Hearing at 6:55 pm.

Chairman Allen opened the floor to the Board for any questions or discussion. Commissioner Bridges believes this will streamline and improve the Health Department. Commissioner Whetstine being a current member of the Board of Health agreed with Commissioner Bridges and believes this is a good thing for the Health Department and will make the chain of command more efficient. Commissioner Hutchins also echoed the other Commissioners comments. Chairman Allen commended all the employees at the Health Department and stated the employees and the Board of Health do an excellent job.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, **adopt the Resolution Abolishing the Cleveland County Board of Health and assuming and conferring upon the Cleveland County Board of Commissioners all Powers, Responsibilities and Duties of the Cleveland County Board of Health pursuant to N.C.G.S. 153A-76 and 153-77(a).**



## Resolution

Number 22-2019

RESOLUTION ABOLISHING THE CLEVELAND COUNTY BOARD OF HEALTH AND ASSUMING AND CONFERRING UPON THE CLEVELAND COUNTY BOARD OF COMMISSIONERS ALL POWERS, RESPONSIBILITIES, AND DUTIES OF THE CLEVELAND COUNTY BOARD OF HEALTH PURSUANT TO N.C.G.S. §§ 153A-76 AND 153A-77(a)

**WHEREAS**, N.C.G.S. §§ 153A-76 and 153A-77 set out the authority of county boards of commissioners over county commissions, boards, and agencies; and

**WHEREAS**, N.C.G.S. § 153A-77(a) authorizes a county board of commissioners to assume direct control over any activities theretofore conducted by or through any county commission, board, or agency, including the board of health, by the adoption of a resolution assuming and conferring upon the board of county commissioners all powers, responsibilities, and duties of such commission, board, or agency; and

**WHEREAS**, the Cleveland County Board of Commissioners (the "Board of Commissioners") states its intention to abolish the Cleveland County Board of Health (the "Board of Health") and to assume and confer upon the Board of Commissioners all powers, responsibilities, and duties of the Board of Health; and

**WHEREAS**, the Board of Commissioners may only exercise this power and authority conferred by statute after a public hearing held by said Board pursuant to thirty (30) days' notice of said public hearing given in a newspaper having general circulation in Cleveland County; and

**WHEREAS**, a Notice of Public Hearing in this matter was published on September 27, 2019 in the Shelby Star, a newspaper having general circulation in Cleveland County; and

**WHEREAS**, said public hearing was held at a regular meeting of the Board of Commissioners on November 5th, 2019;

**NOW, THEREFORE, BE IT RESOLVED**, that the Cleveland County Board of Commissioners, pursuant to N.C.G.S. §§ 153A-76 and 153A-77(a), does hereby abolish the Board of Health and assume and confer upon the Board of Commissioners all powers, responsibilities, and duties of the Board of Health, effective as of the date hereof

Adopted this 5th day of November, 2019.

[County Seal]

By: Susan K. Allen  
Susan K. Allen  
Chairman, Cleveland County Board of Commissioners

Attest: Phyllis Nowlen  
Phyllis Nowlen  
Clerk to the Board




### REGULAR AGENDA

#### CREATION OF CLEVELAND COUNTY PUBLIC HEALTH BOARD

Chairman Allen again recognized Deputy County Attorney Elliot Engstrom to present an item regarding the creation of the Cleveland County Public Health Board. The Board of Commissioners have now assumed the powers and duties of the County Board of Health. Mr. Engstrom presented to the Board a resolution to create a Cleveland County Public Health Board to recommend policy with regards to public Health in Cleveland County as outlined by N.C.G.S. § 153A-76 and N.C.G.S. § 153A-77(a). The board will consist of eleven (11) members and members of the Board shall serve three-year terms. The resolution also includes by-laws that would outline the operation of the meetings and member titles. The advisory board will meet at the same place and time as the Board of Health. It will further have the power to amend its own bylaws as necessary, subject to the oversight of the Board of Commissioners. Mr. Engstrom presented the following PowerPoint:



**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, **adopt the Resolution creating the Cleveland County Public Health Board pursuant to N.C.G.S. 153A-76 and 153-77(a).**



## Resolution

NUMBER 23-2019

RESOLUTION CREATING CLEVELAND COUNTY PUBLIC HEALTH BOARD  
(G.S. 153A-76; G.S. 153A-77(a))

**WHEREAS**, N.C.G.S. § 153A-76 authorizes the Board of Commissioners to generally organize county government in order to promote the orderly and efficient administration of county affairs; and

**WHEREAS**, the Board of Commissioners has, following a properly noticed public hearing, assumed direct control over all activities heretofore conducted by and through the Board of Health N.C.G.S. § 153A-77(a); and

**WHEREAS**, N.C.G.S. § 153A-77(a) further requires that a board of commissioners that has assumed direct control of a local board of health after January 1, 2012 appoint an advisory committee consistent with the membership described in N.C.G.S. § 130A-35, that membership being one physician licensed to practice medicine in this State, one licensed dentist, one licensed optometrist, one licensed veterinarian, one registered nurse, one licensed pharmacist, one county commissioner, one professional engineer, and three representatives of the general public; and

**WHEREAS**, it is critical that the Board of Commissioners have the advice and counsel of public health leaders in the community on issues that impact public health; and

**WHEREAS**, the Board of Commissioners is convened in a regular meeting;

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

1. There is hereby created a Cleveland County Public Health Board, the membership of which shall comply with the requirements of N.C.G.S. § 130A-35, that shall advise the Board of Commissioners on public health policies, rules, and issues; and
2. The initial members of the Cleveland County Public Health Board shall be the members of the preexisting Board of Health, who are hereby appointed to serve out their preexisting terms and positions; and
3. The Cleveland County Public Health Board shall operate pursuant to the bylaws that are attached to this resolution.

Adopted this 5th day of November, 2019.  
 [County Seal] By: Susan K. Allen  
 Susan K. Allen  
 Chairman, Cleveland County Board of Commissioners

Attest: Phyllis Nowlen  
 Phyllis Nowlen  
 Clerk to the Board



### **COMMISSIONERS REPORTS**

**Commissioner Hardin-** stated she attended the Health and Benefits Fair as well as the Friendship Force presentation and MED Week. She also reminded everyone to Vote.

**Commissioner Bridges-** echoed Commissioner Hardin's statements and attended a 4H event.

**Commissioner Hutchins-** discussed the MPO Training Class he attended with Commissioner Whetstine. Chairman Allen asked Commissioner Hutchins to discuss how road priorities are made at the MPO meetings and advise the public on how long it takes to get on the priority list.

**Commissioner Whetstine-** Also attend the MPO Training. He attended the UNC-TV filming at the Earl Scruggs Center as well as the Greenheck jobs announcement. He commended the Cleveland County Substance Abuse Prevention Agency on being awarded a grant of \$125,000.

**Chairman Allen-** also attended the Greenheck announcement and commended Greenheck on their culture and how they recognize their employees.

**ADJOURN**

There being no further business to come before the Board at this time, Commissioner Bridges made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to adjourn the meeting.* The next meeting of the Commission is scheduled for *Tuesday, November 19, 2019 at 6:00 p.m. in the Commissioners Chambers located at 311 E. Marion St., Shelby.*

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*Susan Allen, Chairman  
Cleveland County Board of Commissioners*

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*April Crotts, Deputy Clerk to the Board  
Cleveland County Board of Commissioners*