

**Cleveland County Board of Commissioners**

**August 4, 2020**

The Cleveland County Board of Commissioners met in a regular session on this date, at the hour of 6:00 p.m. at the LeGrand Center located at 1800 E. Marion St., Shelby.

**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  
Phyllis Nowlen, Clerk to the Board  
Chris Green, Tax Assessor  
Kerri Melton, Assistant County Manager  
Clifton Philbeck, Board of Elections Director  
Allison Mauney, Human Resources Director  
Scott Bowman, Maintenance Director  
Sandra Orvig, Shooting Range Director  
Tommy McNeilly, Emergency Medical Services Director

**CALL TO ORDER**

Chairman Allen called the meeting to order and Commissioner Whetstine provided the invocation and led the audience in the Pledge of Allegiance.

**AGENDA ADOPTION**

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

**SPECIAL PRESENTATION**

Chairman Allen recognized Debbie Clary, Chairman for the Pinnacle Classical Academy Board of Directors, who gave an update on Pinnacle Classical Academy. Ms. Clary read the following statement: *“Most of you were on the Commission Board when we came to you about seven years ago and asked for consideration of gifting just over 56 acres of land that the county would soon acquire. The land was payment of a grant default. During that meeting, we assured you that our school could fulfill the grant requirements and we would build a campus on the land. Today, a short seven years later, the property on Joe’s Lake Road is home to Pinnacle Classical Academy, where we have built phase one of the 4-12 campus, along with sports fields, a field house and an amazing outdoor auditorium called the Lyceum.*

*We have invested \$14 Million in improvements to the Joe’s Lake Road property. Phase two has been designed and will be unveiled to the public within the next six months. Phase two is budgeted at \$15 Million in capital funds. In addition, we purchased the K-3 campus on South Post Road at \$1.1 Million which is currently undergoing a \$2.2 Million dollar expansion. Our school has invested over \$17.3 Million in capital as of today—and it all started with the 56 acres that you deeded to us to begin this vision of offering school choice in Cleveland County. The school will open the doors this August to in classroom and virtual education for over 1,150 students.*

*Pinnacle has gone from promising you we would hire a minimum of 25 people to employing 112. Pinnacle has budgeted \$6.1 million for payroll this 2020 school year. Thank you – you have invested well to give us that beginning of 56 acres of pasture land.”*

Ms. Clary introduced Wes Westmoreland, a Founding Board Chair of Pinnacle and current member on the Board of Directors. She also recognized Dr. Shelly Bullard, Headmaster for Pinnacle Classical Academy. The Commissioners thanked them for the information given and the great job they continue to do at Pinnacle.

### **CITIZEN RECOGNITION**

**Tom McCoy – 1516 Cherryville Rd, Cherryville** – spoke in support of the monument. He also talked about the importance of keeping monuments.

**Vallery McCoy, 1516 Cherryville Rd, Cherryville** – spoke in support of the monument. She reviewed several stories from the Bible about the importance of faith and courage when making a decision.

**Pam Devine, 107 Maggie Drive, Shelby** – spoke in support of the monument. She reviewed her family’s military history. She feels the monument represents the lives lost during the Civil War and is a place of remembrance.

**Sam Lail, No Address Given** - spoke in support of the monument. He feels the monument represents the lives lost during the Civil War and is a headstone for those soldiers who never returned home.

**Ned Cash, Oak Grove Road Community, Shelby** – spoke in support of the monument. He stated the monument and the old courthouse have been placed on the National Landmark Registry. The monument is a place of remembrance for those who lost relatives during the Civil War.

**Robert Williams, 814 E. Stagecoach Trail, Fallston** – spoke in support of the monument and echoed the previous statements given regarding the monument. He advised it was time to move on from the monument discussion and continue work on building a community for all of Cleveland County residents.

**Benjamin Schaeffer, 1403 Lackey Street, Shelby** – spoke about the county’s website and discussed other items he would like to see changed in the future.

**Dale Guffey, No Address Given** – spoke in opposition of the monument and detailed the history of the United Daughters of the Confederacy.

### **CONSENT AGENDA**

#### **APPROVAL OF MINUTES**

The Clerk to the Board included the Minutes from the **July 7, 2020 regular meeting**, in board members packets.

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

**MONTHLY MANAGER'S REPORT**

- The County's Wellness fund continues to see favorable months resulting from less health claims. Health claims through June are approximately \$390,000 less when compared to prior year. The month of June was 10% or \$73,000 less than June 2019.
- The County currently has 11 customer service kiosks located across a variety of County buildings in departments providing a service directly to the public. We are pleased to announce customer satisfaction rating for the month of June was 96%.
- Reducing turnover and increasing talent retention has been a goal for our County employees. The County's talent retention rate through the month of June measured 96%. This exceeds the performance target of 90%. The retention rate in 2017 was 91%.
- In a goal to right size employee headcount across the organization the County implemented a position justification process and is currently working through phase II of an early retirement incentive program. A performance target was set to maintain at or below 780 full-time employees. Employee headcount for the month of June was 777 FTEs.
- Due to the COVID-19 pandemic and associated revenue shortfalls, the County continues to monitor revenue trend data as well as all major capital purchases and projects. Management will continue to closely monitor trend data in the upcoming months and continue to reduce costs outside of essential operations.

County of Cleveland, North Carolina  
 Manager's Budget Summary  
 Presented at the 8/4/20 Board Meeting  
 Time Period Covered : 7/1/20 to 7/23/20  
 For Fiscal Year Ending June 30, 2021

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT NAME TO	DEPT NAME FROM	EXPLANATION	BUDGET AMOUNT
662	D	7/8/2020	Maintenance		Move funds to cover equipment purchase	\$ 6,121
666	D	7/20/2020	SW Landfill		Move funds to cover addition to existing maintenance bay	\$ 155,000
669	L	7/21/2020	County Manager	Commissioners	Transfer funds to cover motor fuels	\$ 1,000
670	D	7/23/2020	Library		Move funds to cover software price increase	\$ 400

County of Cleveland, North Carolina  
 Manager's Budget Summary  
 Presented at the 8/4/20 Board Meeting  
 Time Period Covered : 6/2/20 to 6/30/20  
 For Fiscal Year Ending June 30, 2020

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT NAME TO	DEPT NAME FROM	EXPLANATION	BUDGET AMOUNT
585	D	6/2/2020	Maintenance		Move funds to cover purchase of sprayer	\$ 500
586	D	6/3/2020	Shooting Range		Move funds to cover dept supplies, utilities, repairs on equipment, resale merchandise and capital equipment-major repairs	\$ 4,892
587	D	6/4/2020	Health Admin-Gen		Move funds to cover miscellaneous operational expenses	\$ 31,191
588	D	6/4/2020	School Health		Move funds to cover telecommunications	\$ 1,800
589	D	6/4/2020	Health - Maternity		Move funds to appropriate account to match DHHS approved state funding	\$ 6,160
590	D	6/4/2020	Health - Family Plan		Move funds to appropriate account to match DHHS approved state funding	\$ 14,913
591	D	6/4/2020	Health - WIC		Move funds appropriate revenue and expense accounts match WIC approved budget	\$ 26,481
592	D	6/4/2020	Environmental Health		Move funds to cover telecommunications, postage, contracted services	\$ 879
593	D	6/4/2020	Health-Dental		Move funds to cover medicine & supplies	\$ 1,167
594	D	6/4/2020	Health/CC4C-PCM		Move funds to cover travel/training	\$ 300
595	D	6/4/2020	Health - CODAP		Move funds to cover capital equipment	\$ 3
596	D	6/4/2020	Employee Wellness		Move funds to cover Lab supplies, telecommunications, contracted services	\$ 3,180
597					Budget number not used	
598	D	6/4/2020	Health - JCPC		Move funds to match approved JCPC Program Budget Revision	\$ 9,828
599	L	6/4/2020	Health - Grants	Health -General	Move funds to assist with NC Dept Rural Health Medication Assist Program - for MARP license	\$ 6,000
600	D	6/8/2020	Commissioners		Move funds to cover board meeting expenses	\$ 300
601	D	6/8/2020	Managers Office		Move funds to cover maintenance contracts, dues/subs and misc. exp	\$ 871
602	D	6/8/2020	Human Resources		Move funds to cover postage, contracted services, and professional services	\$ 2,138
603	D	6/8/2020	Electronic Maintenance		Move funds to cover telecommunications	\$ 520
604	D	6/5/2020	DSS Admin		Move funds to cover relocation study	\$ 11,000
605	D	6/5/2020	DSS Public Assist		Move funds to cover increase cost for FNS services	\$ 3,800
606	D	6/8/2020	Emergency Mgmt.		Move funds to cover automotive supplies, uniforms/clothing, utilities, dues/subscriptions	\$ 1,869
607	L	6/8/2020	Legal/Co Attorney	Contingency	Transfer funds to cover professional and legal services	\$ 19,369
608	L	6/10/2020	DSS Admin	Title XX, Income Maintenance, Child Support, Smart Start, Public Assistance	Transfer funds to cover salaries/fringes	\$ 214,678
608	L	6/10/2020	DSS Special Assist	DSS Income Maintenance	Transfer funds to cover salaries/fringes	\$ 1,827
608	L	6/10/2020	DSS Smart Start	DSS Income Maintenance	Transfer funds to cover salaries/fringes	\$ 1,213
609	L	6/10/2020	DSS Outside Poor	DSS Public Assist	Transfer funds to cover room and board expenditures for clients	\$ 210,200
610	D	6/10/2020	DSS Title XX		Move funds to cover salaries/fringes	\$ 26,569
611	D	6/10/2020	DSS Admin		Move funds to cover salaries/fringes	\$ 109,355
612	D	6/10/2020	DSS Outside Poor		Move funds to cover public assistance	\$ 22,307
613	D	6/10/2020	Emergency Mgmt.		Move funds to cover write off of uncollectible Asbestos testing invoices	\$ 519
614	D	6/10/2020	Building Inspections		Move funds to cover telecommunications and due/subscriptions	\$ 493
615	D	6/11/2020	Wellness		Move funds to cover smoking cessation medication-Chantix	\$ 237
616	D	6/11/2020	SW-Manned Sites		Move funds to cover laundry/dry cleaning and garbage exp acct deficits	\$ 177,145

617	D	6/15/2020	Sheriff Dept		Move funds to cover professional services	\$	10,400
618	L	6/15/2020	Cap Projects-ALWS	Cap Projects-Gen	Transfer funds to cover renovations-engineering services	\$	75,000
619	D	6/16/2020	Emergency Mgmt.		Move funds to cover utilities and maintenance contracts-equip	\$	28
620	L	6/16/2020	Emergency Mgmt.	Haz Mat	Transfer funds to cover capital equipment purchase	\$	4,524
621	D	6/16/2020	Economic Development		Move funds to cover expenses	\$	1,500
622	L	6/16/2020	Emergency Mgmt.	Contingency	Transfer funds to cover City of KM fire contract	\$	1,729
623	D	6/16/2020	SW Landfill		Move funds to cover controlled property expense, laundry/dry cleaning and garbage expense	\$	22,782
624	D	6/19/2020	School Health		Transfer funds to appropriate accounts to cover school health expense	\$	1,575
625	D	6/19/2020	Maternal Health		Transfer funds to cover year end lab fees/maintenance contracts-equip	\$	2,200
626	D	6/19/2020	WIC		Transfer funds to cover travel accounts	\$	13
627	D	6/19/2020	CODAP		Transfer funds to appropriate accounts	\$	11,281
628	L	6/22/2020	Various Health Dept Depts	Various Health Dept Depts	Move Local County appropriation to cover year end salaries	\$	267,554
629	D	6/22/2020	CODAP		Correct B627 posted to wrong account	\$	11,281
630	D	6/23/2020	CODAP		Correct B629 wrong amounts	\$	18,281
631	L	6/25/2020	Municipal Grants	Emergency & Contingency	Transfer funds to cover deficits in municipal grants	\$	17,646
632	D	6/25/2020	Cap Projs-General		Move funds to cover license/permit/certs and capital equipment	\$	69,921
633	D	6/26/2020	Health/Wellness Plan		Move funds to cover smoking cessation inhalers emergency order	\$	410
634	D	6/26/2020	Facilities Janitorial		Move funds to cover purchase of HD Logo Shirts/Sweatshirts for Janitorial Staff	\$	170
635	D	6/26/2020	Facilities Janitorial		Move funds to cover logo set up fees	\$	13
636	D	6/26/2020	Register of Deeds		Move funds to cover supplement pension paid out over budgeted amount	\$	1,400
637	L	6/26/2020	Maternity/Env Health	Health -General	Transfer funds to cover salaries/fringes for year	\$	1,682
638	D	6/26/2020	Health-General		Move funds to cover utilities and admin services	\$	19,000
638	D	6/26/2020	Environmental Health		Move funds to cover telecommunications and repairs on equipment	\$	748
639	D	6/26/2020	Health/STD		Move funds to cover postage	\$	300
640	D	6/26/2020	Managers Office		Move funds to cover telecommunications, contracted services/labor, dues & subs	\$	1,501
641	D	6/26/2020	Commissioners		Move funds to cover contracted services and professional services	\$	1,142
642	D	6/26/2020	WIC		Move funds to cover cell phone	\$	44
642	D	6/26/2020	Dental		Move funds to cover medicine & supplies	\$	300
642	D	6/26/2020	Nurse Family Partnership		Move funds to cover telecommunications and awards/appreciation	\$	716
643	D	6/26/2020	DSS Admin		Move funds to cover salaries/fringes category	\$	3,906
644	D	6/26/2020	Maintenance		Move funds to cover telecommunications	\$	428
645	D	6/26/2020	Emergency Mgmt.		Move funds to cover dues/subs and licenses/permits/certs	\$	224
646	D	6/26/2020	Building Inspections		Move funds to cover automotive supplies, motor fuels/oils, telecommunications, dues	\$	2,119
647	D	6/26/2020	Animal Services		Move funds to cover medicine & supplies, telecommunications, & dues/subscriptions	\$	5,306
648	D	6/26/2020	SW Manned Sites		Move funds to cover automotive supplies	\$	713
649	D	6/26/2020	DSS-Title XX		Move funds to cover professional services	\$	189
650	D	6/26/2020	DSS Admin		Move funds to cover awards/appreciation	\$	634
651	D	6/26/2020	DSS Income Maintenance		Move funds to correct deficit budget	\$	1
652	D	6/26/2020	Cooperative Ext		Move funds to cover telecommunications	\$	160
653	D	6/26/2020	Shooting Range		Move funds to cover repairs on equip, penalty exp(NCDOR Fees), PRAP Merchandise	\$	467
654	D	6/26/2020	Library		Move funds to cover dues/subs	\$	80
655	L	6/26/2020	Debt Serv	Contingency	Transfer funds to cover lease purchase payment over budgeted amt	\$	14,032
656	D	6/29/2020	Shooting Range		Move funds to cover dept supplies and ammo purchase for resale	\$	5,731
657	D	6/26/2020	Soil Conservation		Move funds to cover farm equipment repairs	\$	51
658	D	6/26/2020	Planning/Zoning		Move funds to cover contracted services, maintenance contracts-equip, dues, professional services	\$	1,022
659	D	6/29/2020	SRO		Move funds to cover controlled property exp, motor fuels/oils	\$	1,687
660	D	6/29/2020	Law Enforcement Grants		Move funds to cover dues/subscriptions	\$	75
661	D	6/30/2020	JCPC		Move funds to cover departmental supplies	\$	472
663	D	6/30/2020	IPWS Road/Rail	479,715	Correct Project Balance	\$	209,939
664	D	6/30/2020	Cap Project-North Shelby School	482,236	Correct Project Balance	\$	465,000
665	D	6/30/2020	Cap Project-Shelby Star	487,246	Correct Project Balance	\$	13,500
667	D	6/30/2020	Cap Project-North Shelby School	482,236	Correct budget transfer #664 posted backwards	\$	465,000
668	D	6/30/2020	Cap Project-Shelby Star	487,246	Correct Bud transfer #665 posted backwards	\$	13,500

## TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes

collected during *June 2020*.

TOTAL TAXES COLLECTED JUNE 2020			
YEAR	AMOUNT-REAL	AMOUNT-VEH	
DEF REV	\$0.00	\$0.00	
2019	\$261,368.44	\$0.00	\$261,368.44
2018	\$45,590.31	\$0.00	\$45,590.31
2017	\$8,151.67	\$0.00	\$8,151.67
2016	\$2,436.13	\$0.00	\$2,436.13
2015	\$1,170.62	\$0.00	\$1,170.62
2014	\$779.81	\$0.00	\$779.81
2013	\$464.00	\$360.25	\$824.25
2012	\$126.80	\$92.96	\$219.76
2011	\$0.00	\$261.74	\$261.74
2010	\$530.09	\$242.55	\$772.64
2009	\$0.00	\$0.00	\$0.00
TOTALS	\$320,617.87	\$957.50	\$321,575.37
DISCOUNT	\$0.00		
INTEREST	\$25,863.79	\$620.88	\$0.00
TOLERANCE	(\$6.06)	(\$2.29)	
ADVERTISING	\$923.28	\$112.62	
GARNISHMEN'	\$10,046.22		
NSF/ATTY	\$0.00		
LEGAL FEES	\$0.00		
TOTALS	\$357,445.10	\$1,688.71	\$359,133.81
MISC FEE	\$0.00	\$0.00	
TAXES COLL	\$357,445.10	\$1,688.71	\$359,133.81
DEF	\$1,333.62	\$1,403.61	\$0.00
DISC	(\$4.18)	\$358,848.71	\$1,688.71
TOL	(\$0.02)		
INT	\$74.19		
TOTAL TAXES UNCOLLECTED JUNE 2020			
	AMOUNT-REAL	AMOUNT-VEH	COMBINED AMT
2019	\$2,080,973.90	\$0.00	\$2,080,973.90
2018	\$681,128.49	\$0.00	\$681,128.49
2017	\$382,267.88	\$0.00	\$382,267.88
2016	\$248,660.03	\$0.00	\$248,660.03
2015	\$179,495.55	\$0.00	\$179,495.55
2014	\$169,367.96	\$0.00	\$169,367.96
2013	\$123,180.62	\$61,916.04	\$185,096.66
2012	\$95,223.73	\$69,714.90	\$164,938.63
2011	\$73,145.90	\$52,744.64	\$125,890.54
2010	\$65,446.64	\$52,030.40	\$117,477.04
2009	\$0.00	\$0.00	\$0.00
	\$4,098,890.70	\$236,405.98	\$4,335,296.68

**TAX ABATEMENTS AND SUPPLEMENTS**

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **June 2020**. The monthly grand total of tax abatements was listed as (\$0.00) and monthly grand total for tax supplements was listed as \$25,143.48.

**TAX COLLECTOR’S SETTLEMENT**

The report is submitted pursuant to North Carolina General Statute 105-373 and accounts for the collection efforts and disposition of current year and delinquent taxes charged to the Collector on September 3, 2019. The report accounts for the collection efforts and disposition of current year and delinquent taxes charged to the Collector on September 3, 2019. The reported county general collection rate of 97.77% represents a slight decrease over end of FY 2019 – 2020. 97.67% of all county real property annual tax bills was collected. This is also a decrease from last year’s percentage.

CLEVELAND COUNTY, NORTH CAROLINA						
Settlement for Current-Year Taxes and Delinquent Taxes						
REAL AND PROPERTY						
SCHEDULE OF AD VALOREM TAXES RECEIVABLE						
YEAR ENDED JUNE 30, 2020						
FISCAL YEAR	UNCOLLECTED BALANCE 06/30/19	ORIGINAL LEVY	DISCOVERIES SUPPLEMENTS	COLLECTIONS	ABATEMENTS AND OTHER CREDITS	UNCOLLECTED BALANCE 06/30/20
2019		\$80,865,001.22	\$8,518,132.37	\$87,176,811.12	\$125,348.57	\$2,080,973.90
2018	\$1,386,005.31		\$114.94	\$643,926.35	\$61,065.41	\$681,128.49
2017	\$569,757.09		\$112.35	\$186,534.62	\$1,066.94	\$382,267.88
2016	\$319,180.72		\$102.96	\$69,994.27	\$629.38	\$248,660.03
2015	\$218,721.24			\$38,534.98	\$690.71	\$179,495.55
2014	\$192,582.50			\$23,214.54		\$169,367.96
2013	\$133,464.64			\$10,284.02		\$123,180.62
2012	\$101,908.92			\$6,685.19		\$95,223.73
2011	\$76,623.62			\$3,477.72		\$73,145.90
2010	\$69,667.17			\$4,220.53		\$65,446.64
2009	\$69,844.16		-\$920.04	\$1,281.54	\$67,642.58	\$0.00
2008	\$0.00					\$0.00
<b>Total</b>	<b>\$3,137,755.37</b>	<b>\$80,865,001.22</b>	<b>\$8,517,542.58</b>	<b>\$88,164,964.88</b>	<b>\$256,443.59</b>	<b>\$4,098,890.70</b>
					2019 TOTAL DISCOUNTS	-\$235,450.58
					2019 UNCOLLECTABLE BANKRUPTCY FILINGS	\$22,741.30

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, **to approve the Tax Collector’s Settlement as submitted by the Tax Assessor.**

**COVID-19 RELIEF FUNDS: BUDGET AMENDMENT (BNA #068)**

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, 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>
029.493.4.350.19		COVID-19/State Covid Relief Funds	\$1,843,630.00	
029.493.5.210.00		COVID-19/Department Supplies	\$40,000.00	
029.493.5.230.05		COVID-19/Lab Supplies	\$225,000.00	
029.493.5.370.00		COVID-19/Advertising-Promotions	\$25,000.00	
029.493.5.790.00		COVID-19/Donation-Contributions	\$400,000.00	
029.493.5.890.19		COVID-19/Interfund Transfers-COVID	\$1,153,630.00	
010.410.4.980.29		General Revenues/Transfers from COVID-19	\$1,153,630.00	
010.981.5.465.00		Fund Transfers/Administrative Services	\$1,153,630.00	

Explanation of Revisions: Budget \$1,843,630 in funds for first allocation of CARES act funding from state COVID-19 relief funds.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #003)**

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, 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>
012.540.4.310.40		WIC-CS/Federal Govt Grant	\$29,079.00	
012.540.5.210.40		WIC-CS/Departmental Supplies	\$19,005.00	
012.540.5.211.40		WIC-CS/Controlled Property	\$689.00	
012.540.5.230.40		WIC-CS/Medicine-Supply	\$3,019.00	
012.540.5.310.40		WIC-CS/Travel-Training	\$400.00	
012.540.5.311.40		WIC-CS/Education-Training-Cert	\$4,424.00	
012.540.5.370.40		WIC-CS/Advertising-Promotions	\$1,388.00	
012.540.5.581.40		WIC-CS/Awards-Promotion	\$154.00	

Explanation of Revisions: Budget allocation for \$29,079 in funds from the NC Department of Health and Human Services approved WIC allocation for WIC Special Funding Opportunity Phase II to improve WIC Client Services with purchases of departmental supplies, training, advertising and educational opportunities for staff.

**LIBRARY: BUDGET AMENDMENT (BNA #004)**

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, 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>
010.611.4.310.00		Library/Federal Govt Grants	\$49,650.00	
010.611.5.121.00		Library/Salaries-Wages-FT	\$21,535.00	
010.611.5.131.00		Library/Social Security Taxes	\$1,336.00	
010.611.5.132.00		Library/Retirement	\$2,186.00	
010.611.5.133.00		Library/Hospital Insurance	\$1,368.00	
010.611.5.134.00		Library/Dental Insurance	\$180.00	
010.611.5.135.00		Library/Employer 401K	\$1,077.00	
010.611.5.136.00		Library/Medicare Taxes	\$313.00	
010.611.5.210.00		Library/Departmental Supplies	\$18,210.00	
010.611.5.211.00		Library/Controlled Property Expense	\$1,170.00	
010.611.5.370.00		Library/Advertising-Promotions	\$2,275.00	
010.611.4.810.06		Library/Donation-Snoddy/Young	\$10,000.00	
010.611.5.790.06		Library/Donation-Snoddy/Young	\$10,000.00	

Explanation of Revisions: Budget allocation for \$49,650 in grant funds received from the State Library of North Carolina for Strolling Stones. The County's match for the grant is \$5,520 and the Library will be using donated funds for the County match. The funds will be used to cover Strolling Stories Coordinator along with needed supplies and materials for the program. The Snoddy Endowment will be donating \$10,000 to assist with any funding shortfalls of \$9,858. The remaining \$142 of the endowment funds will be used for other library needs

**SOCIAL SERVICES: BUDGET AMENDMENT (BNA #005)**

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, 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>
011.507.4.410.00		Outside Poor/Local & Other Grants	\$6,350.00	
011.507.5.700.00		Outside Poor/Grants	\$6,350.00	

Explanation of Revisions: Budget allocation for \$6,350 to accept a United Way grant in the amount of \$4,250 and \$2,100 for FY 2020/2021. The grant will assist with emergency shelter, rent and utilities for adults in need.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #006)**

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, 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>
-----------------------	---------------------	--------------------------------	-----------------	-----------------

012.533.4.310.19 Adult Health/Fed Govt Grant COVID-19 Crisis Response \$41,910.00  
 012.533.5.121.00 Adult Health/Salaries-Wages Reg \$41,910.00

Explanation of Revisions: Budget allocation for \$41,910 in funds received from the Centers for Disease Control and Prevention (CDC) through the North Carolina Department of Health and Human Services to assist in the carrying out and increasing response activities through testing and contact tracing with regards to the COVID-19 pandemic. These funds will be used to cover existing salaries/expenses for School Health Nurses (83 – 87%) that are working during the summer months and for Nurse Practitioner increased hours.

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #007)**

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

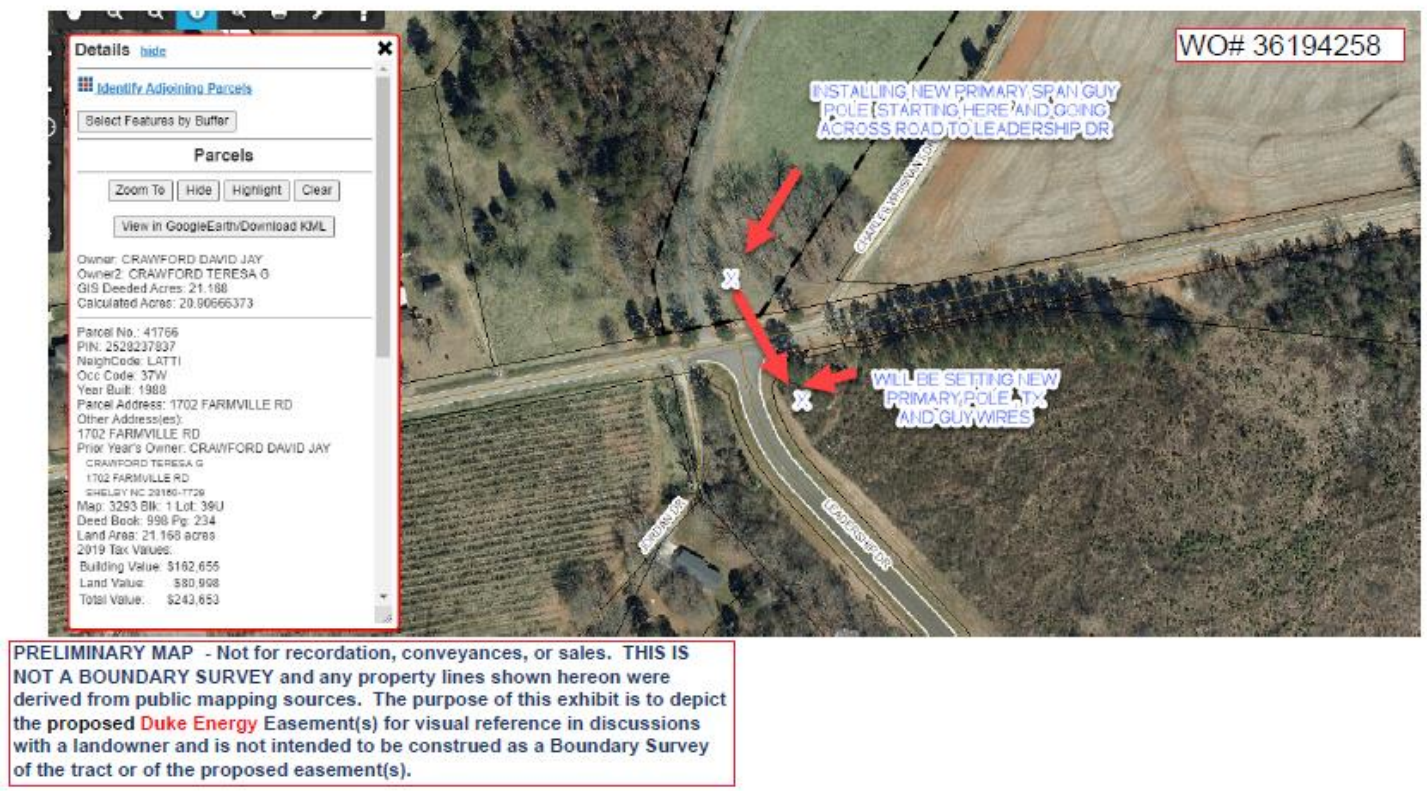
<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.438.4.310.00	16607-P438	Sheriff’s Office Grants/Fed Govt Grants	\$5,497.00	
010.438.5.211.00	16607-P438	Sheriff’s Office Grants/Controlled Equipment	\$5,497.00	

Explanation of Revisions: Budget allocation for \$5,497 for the 2018 Bulletproof Vest Partnership (BVP) grant.

**LEGAL: LEADERSHIP DRIVE EASEMENT**

Duke Energy Carolinas, LLC and the City of Shelby have requested that Cleveland County grant an easement to Duke Energy so that street lighting can be installed along Leadership Drive. The County has authority to grant easements over, through, under, or across any County property. Unlike with a sale of real property, there is no public notice requirement in order to grant an easement for utility lines.

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***approve the Leadership Drive Easement.***



Doc No: 200042440  
Recorded: 08/05/2020 10:17:21 AM  
Fee Amt: \$35.00 Page 1 of 3  
Transfer Tax: \$0.00  
Cleveland County North Carolina  
Betsy S. Heritage, Register of Deeds  
BK 1818 PG 1647 - 1648 (3)

RECORDING FEE \$ 36.00

\*Velda Curran

Prepared by: Duke Energy Carolinas, LLC  
Return to: Duke Energy Carolinas, LLC  
Tamala Jolly  
5550 77-Center Dr Suite 270  
Charlotte, NC 28217

Parcel # 32196

EASEMENT

State of North Carolina  
County of Cleveland

THIS EASEMENT ("Easement") is made this 4<sup>th</sup> day of August 2020, from CLEVELAND COUNTY, NORTH CAROLINA ("Grantor", whether one or more), to DUKE ENERGY CAROLINAS, LLC, a North Carolina limited liability company ("Grantee").

Grantor, for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual and non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological purposes related to the operation of the electric facilities and for the communication purposes of Inland Local Exchange Carriers (collectively, "Facilities"). Grantor is the owner of that certain property described in that instrument recorded in Deed Book 1625, Page 163, Cleveland County Register of Deeds ("Property"). The Facilities may be both overhead and underground and located in, upon, over, along, under, through, and across a portion of the Property within an easement area described as follows:

A strip of land thirty feet (30') in uniform width, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, (hereinafter referred to as the "Easement Area").

The rights granted herein include, but are not limited to, the following:

For Grantee's Internal Use:  
Work Order #: 36194258

1

**PLANNING DEPARTMENT: NCDOT ROAD PETITIONS RESOLUTION**

North Carolina General Statute 136-62 requires petitions for additions to the State Maintenance System be approved by the Cleveland County Board of Commissioners prior to being considered by the North Carolina Department of Transportation (NCDOT). The County does not maintain roads and there are no requirements or standards for the County to review for acceptance into the State System, therefore there is no purpose for the County to review petitions prior to submission to the NCDOT. Adoption of this resolution would eliminate the requirement that the County shall review and approve the petitions, thus speeding up the process for applications.

**ACTION:** Commissioner Whetstone made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***approve the North Carolina Department of Transportation Road Petitions Resolution.***

  
**Resolution** 12-2020

**Authorizing the North Carolina Department of Transportation to Process All Petitions for Additions to the State Maintained Secondary Road System with Cleveland County**

**WHEREAS**, North Carolina General Statute 136-44.10 requires the North Carolina Board of Transportation to adopt uniform statewide or regional standards and criteria for the Department of Transportation to follow for additions to the State Maintained Secondary Road System; and

**WHEREAS**, North Carolina General Statute 136-62 requires petitions for addition to the State Maintained Secondary Road System be presented to the Cleveland County Board of Commissioners for approval before forwarding to the North Carolina Department of Transportation; and

**WHEREAS**, it is the legal responsibility of the North Carolina Department of Transportation to process all petitions for additions to the State Maintained Secondary Road System; and therefore, there is no purpose or need for the County to receive the petitions prior to submission to the North Carolina Department of Transportation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cleveland County Board of Commissioners hereby authorizes the North Carolina Department of Transportation to process all petitions for additions to the State Maintained Secondary Road System for roads located in Cleveland County's jurisdiction consistent with the statewide or regional standards and criteria for roads adopted by the North Carolina Board of Transportation as provided by law without further approval by Cleveland County. Cleveland County reserves the right to amend or terminate this resolution upon 60 days notification to the North Carolina Department of Transportation.

Adopted this 4<sup>th</sup> day of August, 2020

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

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





**PUBLIC HEARINGS**

**PLANNING DEPARTMENT: CASE 20-03; TEXT AMENDMENT FOR KENNELS**

Chairman Allen called Chris Martin, Senior Planner, to present case 20-03; Text Amendment: Animal Boarding and Kennels. Daniel Blanton has requested an amendment to the Cleveland County Unified Development Ordinance (UDO) to allow animal boarding and kennels in various residential districts. Currently, kennels and animal boarding facilities are only allowed in the General Business (GB) zoning district. The proposed amendment would allow kennels in Residential (R) zoning district, including Rural Agriculture (RA), Residential (R), Manufactured Home Park and Neighborhood Business district, as well as create development standards. The proposed standards under this amendment include a minimum two-acre lot size and fifty-foot setbacks. The amendment would allow this use with only a zoning permit issued by Planning staff.

The Planning Board voted unanimously to recommended approval of the proposed amendment and development standards with modifications. The Planning Board recommend requiring a conditional use permit, issued by the Board of Adjustment rather than the zoning permit from staff. The Planning Board felt while boarding kennels could be compatible with surrounding properties in residential type districts, there could be some unique situations that require additional conditions for compatibility that will need review and approval from the Board of Adjustment.

**Kennels**

**Section 12-20. – Definitions**

Kennel: A commercial operation that:

- 1. Provides food and shelter and care of animals for purposes not primarily related to medical care (veterinarian); or
- 2. Engages in the breeding of animals for sale.

**Section 12-124. Table of Permitted Uses**

	OTHER SERVICES									
	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
Kennels/Animal Boarding	812910	Z		Z	Z	Z	Z			

**Section 12-162. – Kennels**

Kennels shall be allowed pursuant to section 12-124 and are subject to the following standards.

- A. No kennel shall exist on a single parcel that is less than two (2) acres in size.
- B. All buildings shall be fully enclosed and all outdoor uses, including kennels and runs, shall be completely enclosed with a fence.
- C. Setbacks
  - a. A setback of fifty (50) feet shall be required from all public or private rights-of-way.
  - b. A setback of fifty (50) feet shall be required from all other property lines.

## Kennels

### Section 12-20. – Definitions

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### Section 12-124. Table of Permitted Uses

OTHER SERVICES										
	NAICS	RA	RR	R	RM	NB	GB	CP	LI	HI
Kennels/Animal Boarding	812910	C		C	C	C	Z			

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- B. All buildings shall be fully enclosed and all outdoor uses, including kennels and runs, shall be completely enclosed with a fence.
- C. Setbacks
  - a. A setback of fifty (50) feet shall be required from all public or private rights-of-way.
  - b. A setback of fifty (50) feet shall be required from all other property lines.

Chairman Allen opened the Public Hearing at 6:50 pm for anyone wanting to speak for or against Case 20-03; Text Amendment: Animal Boarding and Kennels. (*Legal Notice was published in the Shelby Star on Friday, July 24 and Friday, July 31, 2020*).

**Linda Robertson, 205 Harbor Point Drive, Cherryville** – inquired the location of where the kennel businesses are going to expand.

**Robert Williams, 814 E. Stagecoach Trail, Fallston** – echoed Ms. Robertson’s question.

Hearing no further comments, Chairman Allen closed the Public Hearing at 6:53pm.

Chairman Allen asked Mr. Martin to answer the citizen’s questions. He advised there are currently no applications for expansion. The public hearing is being held to consider amending the UDO to allow animal boarding and kennels in various residential districts. If the Commissioners approve the proposed changes to the UDO, going forward, each application would be brought before the Cleveland County Board of Adjustment for review and a conditional use permit could be issued.

Chairman Allen opened the floor to the Board for discussion and questions. Commissioner Whetstine thanked the Planning Board for the continued hard work they do. Commissioners had an open discussion regarding the benefits of the Board of Adjustment reviewing individual applications.

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to approve the Text Amendment for Kennels and Animal Boarding Facilities with the Planning Board’s recommendation requiring a Conditional Use Permit.*

**REGULAR AGENDA**

**SHOOTING RANGE CAPITAL EXPANSION**

Chairman Allen recognized Greg Pering, County Engineer, to present the Shooting Range Capital Expansion project. The Foothills Public Shooting Complex opened its gates to the public four years ago on April 19, 2016. Since opening, ranges 5 and 6 have been used as a multipurpose skeet and trap field. These ranges were originally designed as pistol ranges and have berm backstops. Ideally, skeet and trap fields do not have berm backstops since they distract the shooter's focus from the trap target. Skeet and trap enthusiasts have voiced their desire to have an open-air experience that is typical in other locations. Skeet and trap patron traffic has increased sixty percent and the amount of skeet and trap rounds has increased seventy-four percent. Waiting lines to shoot are not uncommon to see on both the pistol and the skeet and trap ranges. The Foothills Public Shooting Complex patronage will continue to increase if the Ranges 5 and 6 are returned to pistol ranges and four new skeet and trap fields are added to the Complex's footprint. This would reduce patronage wait times and offer a broader range of shooting options at the Complex.

In January 2019, Cleveland County partnered with the NC Wildlife Resources Commission and McAdams Engineering to develop and estimate the cost of putting four new skeet and trap fields on an abandoned area of the Landfill adjacent to the shooting range. McAdams Engineering has designed four new skeet and trap fields under the oversight of the NC Wildlife Resources Commission. These new fields will be located on an abandoned parcel of county owned land, conveniently adjacent to the Foothills Public Shooting Complex. The new skeet and trap fields will be accessed by a new asphalt road between the Picnic Pavilion and Range 3. The asphalt road will cut through the 3D Archery range, go over a stream and lead to the new skeet and trap field gravel parking lot. The plan has one skeet field, two combination skeet and trap fields, and one 5-stand. There will be concrete sidewalks joining all fields. There will be electrical power pulled from an existing panel at the Picnic Pavilion to a new panel at the new skeet and trap field. Construction drawings have been developed, all environmental permits have been applied for and approved, and construction quotes have been received from four qualified contractors.

The lowest bid for construction of the expansion was from Kemp Sigmon Construction of Claremont, NC. Their proposal was for \$836,000. McAdams has provided a letter of recommendation to use Kemp Sigmon Construction and the NC Wildlife Resources Commission has voiced agreement. The expansion would be funded by:

The Pitman Robertson Funds (NC Wildlife)	\$487,500.00
<u>Local (Solid Waste Daily Cover Material)</u>	<u>\$348,500.00</u>
Total	\$836,000.00

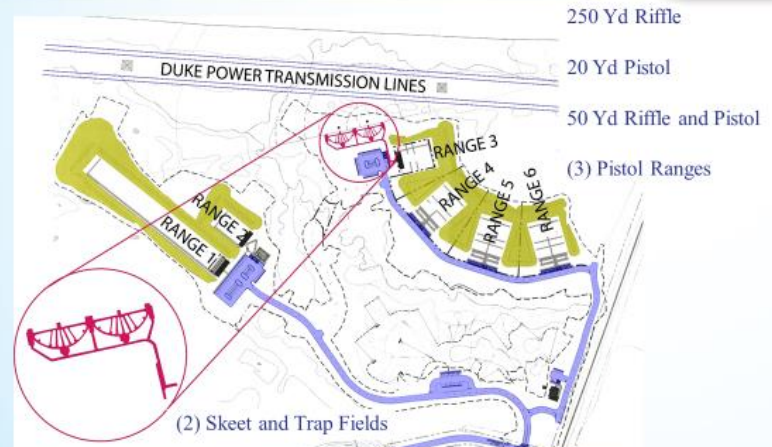
The following PowerPoint was presented to the Board.

# Shooting Range Expansion

COMMISSIONERS MEETING AUGUST 4, 2020

## SITE LAYOUT PHASE 1

2016

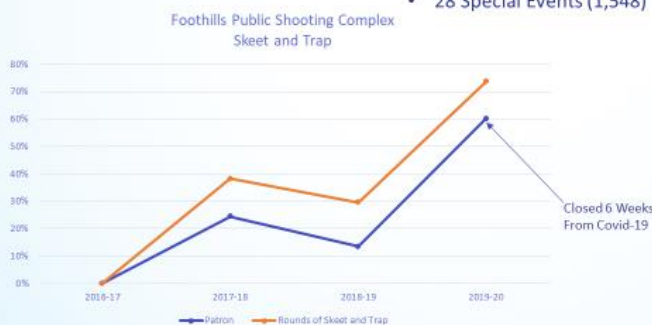


AUGUST 4, 2020 - FOOTHILLS PUBLIC SHOOTING RANGE EXPANSION

## PATRON STATISTICS

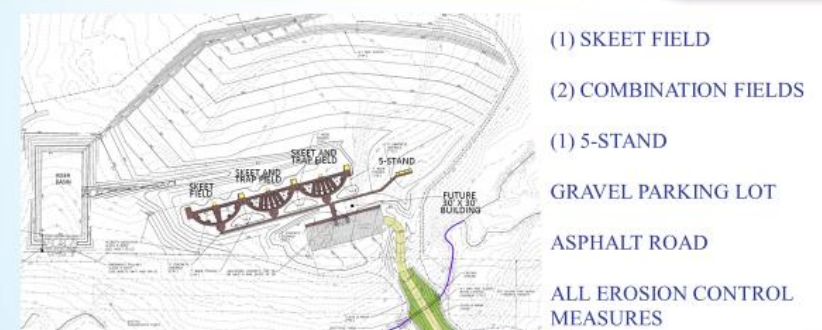
To date, we have served 69,108 patrons  
 • (July 2018-June 2019 Total: 16,663)  
 • (July 2019-June 2020 Total 19,927)

Total Event Participation:  
 • 39 Classes (334)  
 • 51 Competition (1,609)  
 • 66 Youth Events (567)  
 • 28 Special Events (1,548)



AUGUST 4, 2020 - FOOTHILLS PUBLIC SHOOTING RANGE EXPANSION

## SITE LAYOUT PHASE 2



AUGUST 4, 2020 - FOOTHILLS PUBLIC SHOOTING RANGE EXPANSION

## BID TABULATION

	JD Goodrum Cornelius NC	Sossamon Constr Gaffney SC	Kemp Sigmon Claremont NC	Earnhart Grading Stanley NC
Base	\$ 1,042,735	\$ 938,140	\$ 816,000	\$ 1,021,953
Electrical	\$ 29,928	\$ 23,300	\$ 20,000	\$ 30,500
Totals	\$ 1,072,663	\$ 961,440	\$ 836,000	\$ 1,052,453

AUGUST 4, 2020 - FOOTHILLS PUBLIC SHOOTING RANGE EXPANSION

## EXPANSION FUNDING

The expansion would be funded by:

The Pitman Robertson Funds (NC Wildlife)	\$487,500.00
Local (Solid Waste Daily Cover Material)	\$348,500.00
<b>Total</b>	<b>\$836,000.00</b>

AUGUST 4, 2020 - FOOTHILLS PUBLIC SHOOTING RANGE EXPANSION

## TIMELINE

- Jan-2020 Approval of 401 Water Quality Permit
- Feb-2020 Drawing revisions for NRA Standards  
Finish Bid Specification Document
- Mar-2020 County Review and Approval  
Post to County Website (and McAdams FTP site)  
Pre Bid Meeting
- Jun-2020 Receive Bids  
Evaluate Bids
- Aug-2020 Award Construction Contract ←
- Aug-2020 Mobilize for Construction
- Feb-2021 28 Weeks Early Construction Complete
- Mar-2021 32 Weeks Planned Finish

AUGUST 4, 2020 - FOOTHILLS PUBLIC SHOOTING RANGE EXPANSION

The Board thanked Mr. Pering for the information presented and Sandra Orvig, Shooting Range Director, for all the hard work and improvements that continue to happen at the Foothills Shooting Complex.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to award the Foothills Public Shooting Complex Skeet and Trap Expansion project to Kemp Sigmon the in the amount of \$836,000.*

**SALE OF COUNTY PROPERTY – PARCEL 25684**

Chairman Allen recognized Kerri Melton, Assistant County Manager to present the sale of county property parcel 25684. North Carolina General Statute § 153A-176 authorizes the County to dispose of property according to the procedures proscribed in Chapter 160A, Article 12 of the General Statutes. Under that statute, the County may receive an offer to purchase property and advertise it for upset bids. At its June 16, 2020 meeting, the Board of Commissioners authorized staff to publish for upset bids an offer by Mike Spake to purchase 5.822 acres of County property shown on Page 169 of Book 42 of the Cleveland County Registry. At this time, the property is not taxable, it costs the County money to maintain the property and the County is held liable should anything happen on the property. The ad for upset bids ran in The Shelby Star on June 24, 2020. No upset bids were received. The Board requested the offer on Spake Circle return to them for final consideration of approval. The following PowerPoint was presented to the Board.

The image displays four slides from a PowerPoint presentation. The top-left slide is a title slide for a 'Negotiated Offer for Purchase of County Property (G.S. 160A-269)' dated August 4, 2020, presented by Kerri Melton, Assistant County Manager. The top-right slide is titled 'Parcel 25684'. The bottom-left slide, titled 'Negotiated Offer Process', outlines a six-step process: 1. County receives offer to purchase property; 2. Board of Commissioners proposes to accept the offer; 3. Offeror deposits five percent of bid; 4. County publishes notice of the offer, and 10-day upset process begins (with a note that the upset bid must be at least 10% of the first \$1,000 and 5% of the remainder); 5. If an upset bid is received, the upset bid process restarts; 6. Once the upset bid process is complete, the County can sell the property. A red starburst labeled 'You are here' is positioned over the final step. The bottom-right slide, titled 'The Property 2020', shows an aerial map of the property with various parcels labeled with numbers and acreage. The Cleveland County logo is visible in the top right of each slide.

## Action (Parcel 25684)



- Approve sale of parcel 25684 to Mike Spake for \$30,000
- Reject offer of \$30,000 for parcel 25684

BOARD OF COMMISSIONERS

5

## The Offer



- Cost per acre at time of purchase: \$6,500 (5.8 acres)
- Offeror: Mike Spake
- Amount: \$30,000
- Advertised for upset bids June 24, 2020
- Received no upset bids

BOARD OF COMMISSIONERS

4

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, ***to approve the sale of parcel 25684 to Mike Spake for \$30,000.***

Doc No: 200043013  
Recorded: 08/17/2020 02:44:44 PM  
Fee Amt: \$26.00 Page 1 of 2  
Transfer Tax: \$60.00  
Cleveland County North Carolina  
Betsy S. Harnage, Registrar of Deeds  
BK 1819 PG 1664 - 1665 (2)

2 RECORDING FEE \$26.00 REVENUES \$60.00  
\* Velda Cureton

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$60.00  
Parcel Identifier No. 25684 Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_  
Mail/Box to: \_\_\_\_\_  
This instrument was prepared by: Timothy K. Moore, County Attorney, PO Box 1210, Shelby, NC 28151-1210  
Brief description for the Index: 5.822 acres on Spake Circle  
THIS DEED made this 17<sup>th</sup> day of August, 2020, by and between

GRANTOR	GRANTEE
CLEVELAND COUNTY, NORTH CAROLINA PO Box 1210 Shelby, NC 28151-1210	MICHAEL R. SPAKE, a married man 1230 Spake Circle Shelby, NC 28150

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.  
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of \_\_\_\_\_, Cleveland County, North Carolina and more particularly described as follows:

BEGINNING at a nail and cap in the centerline of Spake Circle (SR 2066), said beginning point being located S. 29-02-33 E. 1,242.05 feet from N.C.G.S. monument "Foam", and running thence a common line with Shelby Elk's Lodge #1709 S. 86-12-30 E. 354.88 feet to a rebar; thence with Cleveland County the following three (3) courses and distances: 1) S. 28-35-37 E. 376.06 feet to a rebar; 2) S. 12-53-20 E. 171.81 feet to a rebar and 3) S. 27-52-17 W. 227.44 feet to a rebar in the northeastern line of Claudia S. Borders; thence with her line N. 57-19-23 W. 369.62 feet to a rebar, a corner with Timothy J. Smolzer; thence a common line with Smolzer N. 08-17-52 E. 180.93 feet to a rebar; thence with Smolzer's line N. 81-39-02 W. 200.97 feet to a railroad spike in the centerline of Spake Circle, passing a rebar at 170.97 feet; thence with the centerline of Spake Circle the following five (5) courses and

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Printed by Agreement with the NC Bar Association

distances: 1) N. 08-21-40 E. 54.54 feet to a railroad spike; 2) N. 08-20-25 E. 65.72 feet to a nail and cap; 3) N. 06-40-05 E. 52.92 feet to a nail and cap; 4) N. 03-55-42 E. 43.31 feet to a nail and cap; and 5) N. 05-03-05 W. 100.07 feet to a nail and cap the point and place of beginning, containing 5.822 acres according to a plat and survey by T. Scott Bankhead, PLS, said plat being recorded in Book 42, Page 169, Cleveland County Registry.

Being the balance of the property conveyed to Cleveland County by Harvestworks, Inc., by deed dated March 7, 2016, and recorded on March 8, 2016 in Book 1714, Page 1699, Cleveland County Registry.

**NO TITLE SEARCH WAS REQUESTED OR PERFORMED**

All or a portion of the property herein conveyed \_\_\_\_\_ includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Rights of way and Easements of record \_\_\_\_\_

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

ATTEST: \_\_\_\_\_ CLERK TO THE BOARD  
CLEVELAND COUNTY, NORTH CAROLINA  
By: Susan K. Allen (SEAL)  
Susan K. Allen, Chair  
Board of Commissioners

State of North Carolina- County of Cleveland

I, the undersigned Notary Public of the State aforesaid, certify that Susan K. Allen personally came before me this day and acknowledged that she is the Chair of the Cleveland County Board of Commissioners, a State of North Carolina Governmental Body, and by authority duly given and as the act of this entity she signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and Notarial stamp or seal, this 17<sup>th</sup> day of August, 2020.

My Commission Expires: 6-20-25  
(Affix Seal)

Velda A. Cureton  
Velda A. Cureton Notary Public  
Notary's Printed or Typed Name

NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010  
Printed by Agreement with the NC Bar Association

## **SALE OF COUNTY PROPERTY – PARCEL 3521**

Chairman Allen again recognized Kerri Melton, Assistant County Manager to present the sale of county property of parcel 3521. The County owns parcel 3521, located at 2043 Green Oak Drive in Shelby. Experience Capital, LLC has offered to purchase this property for \$3,500.00. The property's tax value is \$5,201 and there are no structures on the property. North Carolina General Statute § 153A-176 authorizes the County to dispose of property according to "the procedures proscribed in Chapter 160A, Article 12" of the General Statutes. Under that statute, the County may "receive . . . an offer to purchase property and advertise it for upset bids." Staff proposes using this procedure to carry out the sale of this property. As the County currently owns parcel 3521, it is not taxable, it costs the County money to maintain the property and the County is held liable should anything happen on the property. Mrs. Melton reviewed the following PowerPoint to the Board.

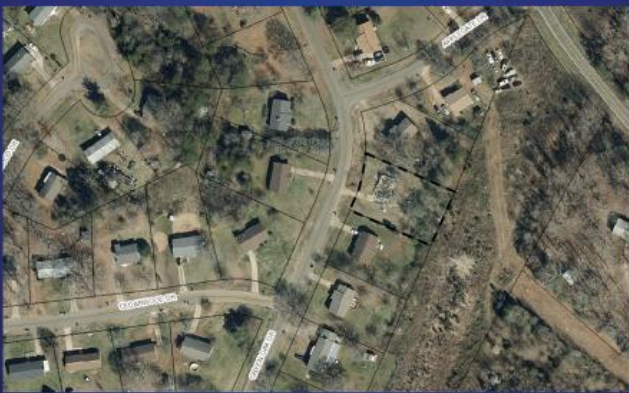
# Parcel 3521

## Negotiated Offer Process

N.C.G.S. 160A-269



## The Property 2020



## The Offer

- Property Received through Tax Foreclosure
- Tax Value: \$5,201
- Offeror: Experience Capital LLC
- Amount: \$3,500

## Action (Parcel 3521)

Authorize staff to accept Experience Capital LLC bid and begin the upset bid process on Parcel 3521.

## Questions

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to approve the offer made on parcel 3521 by Experience Capital, LLC and authorize County staff to begin the upset bid process.*



## Resolution

13-2020

### Resolution Authorizing Negotiated Offer and Upset Bid (G.S. 160A-269)

WHEREAS, Cleveland County owns certain property, that being described as Parcel 3521 located at 2043 Green Oak Drive in Shelby; and

WHEREAS, N.C.G.S. § 153A-176 and N.C.G.S. § 160A-269 permit the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above in the amount of \$3500, submitted by Experience Capital, LLC, a North Carolina Limited Liability Corporation with NC Secretary of State ID Number 1986107; and

WHEREAS, Experience Capital, LLC has paid the required five percent (5%) deposit on his offer;

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of N.C.G.S. § 160A-269.
2. The County Clerk shall cause a notice of the proposed sale to be published as required by statute. The notice shall describe the property and the amount of the offer and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the County Clerk within ten (10) days after the notice of sale is published. At the conclusion of the ten (10) day period, the County Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a ten (10) day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.
5. A qualifying upset bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will apply the deposit of the final high bidder to the purchase price at closing, unless the County withdraws the property from sale, at which time the deposit of the final high bidder will be returned.

7. The terms of the final sale are that:

- The Board of Commissioners must approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed,
- The buyer must pay with cash, a cashier's check, or a certified check at the time of closing, and
- The County will transfer its interest in the property via quitclaim deed.

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to Experience Capital, LLC.

Adopted this 4<sup>th</sup> day of August, 2020.

Susan K. Allen, Chairman  
Cleveland County Board of Commissioners

ATTEST:

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



## BOARD APPOINTMENTS

### ISOTHERMAL PLANNING AND DEVELOPMENT BOARD OF DIRECTORS

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *appoint Max Hopper to serve as a member of this board*, for a period of three-years, scheduled to conclude April 1, 2023.

### CLOSED SESSION

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to go into closed session per N.C.G.S. 143-318.11(a)(3), (a)(4), and (a)(6) to discuss matters related to the location or expansion of industries or other businesses in the County, to consider a personnel matter, and to consult with attorneys for the County in order to preserve the attorney-client privilege.* (Copy of closed session minutes are sealed and found in Closed Session Minute Book).

### RECONVENE IN REGULAR SESSION

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *reconvene in open session.*

Chairman Allen announced the Board took actions regarding an economic development and a personnel matter during the closed session; direction was also given to the County Manager and the County Attorney.



**ADJOURN**

There being no further business to come before the Board at this time, Commissioner Bridges made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to adjourn the meeting*. The next meeting of the Commission is scheduled for *Tuesday, September 1, 2020 at 6:00 p.m. at the LeGrand Center located at 1800 East Marion St., Shelby.*

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*Susan Allen, Chairman  
Cleveland County Board of Commissioners*

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