

Cleveland County Board of Commissioners
March 16, 2021

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: Doug Bridges, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Kevin Gordon, Commissioner
Tim Moore, County Attorney
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Allison Mauney, Human Resources Director
Marty Gold, Information Technology Director
Tiffany Hansen, Health Department Director
Sherry Lavender, Tax Assessor
Lucas Jackson, Finance Director
Clifton Philbeck, Board of Elections 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.

Derrick Brooks provided the invocation and Steve Padgett, Small Business Center Director, led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

ACTION: Commissioner Gordon made the motion, seconded by Commissioner Hardin and unanimously adopted by the Board to, *approve the agenda with the following additions to the consent agenda:*

Item M: Tax Administration – Order to Collect 2020

CITIZEN RECOGNITION

Pam Devine, 107 Maggie Drive, Shelby – spoke about Cleveland County’s Animal Services policies and procedures. Ms. Devine’s dog was attacked and killed by another neighbor’s dog. She voiced her concerns and unhappiness with Animal Services’ response and handling of the situation.

Robert Williams, 814 E. Stagecoach Trl, Fallston – spoke about item K on the consent agenda regarding the Offer of School Property. Mr. Williams voiced his concerns regarding the proposed resolution’s terms and asked Commissioners to reconsider before approving the offer of school property.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the *December 15, 2020 and January 19, 2021 regular meeting*, in board members packets.

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

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *January 2021*.

TOTAL TAXES COLLECTED JANUARY 2021				
YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00	\$0.00
2020	\$14,658,269.67	\$0.00	\$4,719.95	\$14,662,989.62
2019	\$50,394.48	\$0.00	\$0.00	\$50,394.48
2018	\$11,375.88	\$0.00	\$0.00	\$11,375.88
2017	\$3,335.03	\$0.00	\$0.00	\$3,335.03
2016	\$2,516.52	\$0.00	\$0.00	\$2,516.52
2015	\$1,384.83	\$0.00	\$0.00	\$1,384.83
2014	\$6,397.03	\$0.00	\$0.00	\$6,397.03
2013	\$1,028.04	\$45.99	\$0.00	\$1,074.03
2012	\$407.02	\$1.26	\$0.00	\$408.28
2011	\$346.17	\$0.00	\$0.00	\$346.17
2010	\$0.00	\$0.00	\$0.00	\$0.00
				<u>\$14,740,221.87</u>
TOTALS	\$14,735,454.67	\$47.25	\$4,719.95	\$14,740,221.87
DISCOUNT	\$4.10			
INTEREST	\$44,468.71	\$14.17	\$108.60	
TOLERANCE	(\$11.71)	\$0.00	(\$0.59)	
ADVERTISING	\$288.66	VEHICLE FEES	GAP BILL FEES	
GARNISHMENT	\$332.10	\$11.86	\$0.00	
NSF/ATTY	\$151.98			
LEGAL FEES	\$249.84			
TOTALS	\$14,780,938.35	\$73.28	\$4,827.96	
MISC FEE	\$0.00			GRAND TOTAL
TAXES COLL	\$14,780,938.35			\$14,785,839.69
DEF	\$7,828.02			\$8,784.36
DISC	(\$2.68)			\$14,794,623.95
TOL	(\$0.04)			
INT	\$959.06			
TOTAL TAXES UNCOLLECTED JANUARY 2021				
YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
2020	\$4,976,179.76	\$0.00	\$89,781.00	\$5,065,960.76
2019	\$1,342,757.30	\$0.00	\$0.00	\$1,342,757.30
2018	\$569,108.65	\$0.00	\$0.00	\$569,108.65
2017	\$337,912.38	\$0.00	\$0.00	\$337,912.38
2016	\$229,284.15	\$0.00	\$0.00	\$229,284.15
2015	\$164,271.20	\$0.00	\$0.00	\$164,271.20
2014	\$156,528.74	\$0.00	\$0.00	\$156,528.74
2013	\$116,827.52	\$61,149.20	\$0.00	\$177,976.72
2012	\$90,180.55	\$69,306.95	\$0.00	\$159,487.50
2011	\$67,050.46	\$52,640.96	\$0.00	\$119,691.42
2010	\$0.00	\$0.00	\$0.00	\$0.00
				<u>\$0.00</u>
	<u>\$8,050,100.71</u>	<u>\$183,097.11</u>	<u>\$89,781.00</u>	<u>\$8,322,978.82</u>
DEF REV	\$857,632.65			
TOTAL UNCOLLECTED	\$8,907,733.36	\$183,097.11	\$89,781.00	\$9,180,611.47

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *February 2021*.

TOTAL TAXES COLLECTED FEBRUARY 2021				
YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00	\$0.00
2020	\$1,695,702.31	\$0.00	\$6,824.82	\$1,702,527.13
2019	\$109,474.09	\$0.00	\$0.00	\$109,474.09
2018	\$14,572.95	\$0.00	\$0.00	\$14,572.95
2017	\$6,244.99	\$0.00	\$0.00	\$6,244.99
2016	\$22,924.05	\$0.00	\$0.00	\$22,924.05
2015	\$419.72	\$0.00	\$0.00	\$419.72
2014	\$91.01	\$0.00	\$0.00	\$91.01
2013	\$120.54	\$83.23	\$0.00	\$203.77
2012	\$131.25	\$95.30	\$0.00	\$226.55
2011	\$12.87	\$13.36	\$0.00	\$26.23
2010	\$0.00	\$0.00	\$0.00	\$0.00
				<u>\$1,856,710.49</u>
TOTALS	\$1,849,693.78	\$191.89	\$6,824.82	\$1,856,710.49
DISCOUNT	\$0.00			
INTEREST	\$84,405.87	\$121.36	\$347.64	
TOLERANCE	(\$13.93)	(\$0.65)	(\$0.69)	
ADVERTISING	\$250.00	VEHICLE FEES	GAP BILL FEES	
GARNISHMENT	\$8,721.76	\$155.00	\$1,546.09	
NSF/ATTY	\$225.83			
LEGAL FEES	\$0.00			
TOTALS	\$1,943,283.31	\$467.60	\$8,717.86	
MISC FEE	\$0.00			GRAND TOTAL
TAXES COLL	\$1,943,283.31			\$1,952,468.77
DEF	\$9,597.34			\$10,186.66
DISC	(\$21.98)			\$1,962,655.43
TOL	\$0.40			
INT	\$610.90			
TOTAL TAXES UNCOLLECTED FEBRUARY 2021				
YEAR	AMOUNT-REAL	AMOUNT-VEHI.	AMOUNT-GAP	COMBINED AMT
2020	\$3,254,940.19	\$0.00	\$82,956.18	\$3,337,896.37
2019	\$1,233,252.79	\$0.00	\$0.00	\$1,233,252.79
2018	\$554,517.97	\$0.00	\$0.00	\$554,517.97
2017	\$331,655.57	\$0.00	\$0.00	\$331,655.57
2016	\$206,380.10	\$0.00	\$0.00	\$206,380.10
2015	\$163,851.48	\$0.00	\$0.00	\$163,851.48
2014	\$156,437.73	\$0.00	\$0.00	\$156,437.73
2013	\$116,706.98	\$61,065.97	\$0.00	\$177,772.95
2012	\$90,049.30	\$69,211.65	\$0.00	\$159,260.95
2011	\$67,037.59	\$52,627.60	\$0.00	\$119,665.19
2010	\$0.00	\$0.00	\$0.00	\$0.00
				<u>\$0.00</u>
	<u>\$6,174,809.70</u>	<u>\$182,905.22</u>	<u>\$82,956.18</u>	<u>\$6,440,671.10</u>
DEF REV	\$1,023,512.04			
TOTAL UNCOLLECTED	\$7,198,321.74	\$182,905.22	\$82,956.18	\$7,464,183.14

TAX ABATEMENTS AND SUPPLEMENTS AND PENDING REFUNDS/RELEASES

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **January 2021**. The monthly grand total of tax abatements was listed as (\$17,687.71) and monthly grand total for tax supplements was listed as \$857,136.16.

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during **February 2021**. The monthly grand total of tax abatements was listed as (\$25,610.25) and monthly grand total for tax supplements was listed as \$175,489.75.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, ***to approve the pending refunds and releases as submitted by the Tax Assessor.***

PENDING REFUNDS / RELEASES (RECOMMENDED FOR APPROVAL)										
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 VALUE CHANGE	DISTRI	RATE	TAX, FEES & INTEREST	PAID	REQUEST RELEASE	REFUND
William M Fox	2016	4154262	Clerical error, billed for 2 solid waste fees		64	62.0000	1165.99	1165.99		62.00
William M Fox	2017	4240470	Clerical error, billed for 2 solid waste fees		64	69.4400	1227.39	1227.39		69.44
William M Fox	2018	4328382	Clerical error, billed for 2 solid waste fees		64	69.4400	1227.39	1227.39		69.44
William M Fox	2019	4416822	Clerical error, billed for 2 solid waste fees		64	73.6100	1235.73	1235.73		73.61
William M Fox	2020	4596559	Clerical error, billed for 2 solid waste fees		64	73.6100	1235.73	1235.73		73.61
Robert Mitchell Hinson	2019	4474419	Clerical error, billed for boat after ownership transfer	9,117	13	0.8075	82.61	82.61		82.61
Westside Flooring Center LLC	2020	4667320	Clerical error, Business closed	3,000	6	1.2425	42.45		42.45	
								TOTAL	42.45	430.71
PENDING REFUNDS / RELEASES (RECOMMENDED FOR DENIAL)										
January 19, 2021										
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 VALUE CHANGE	DISTRI	RATE	TAX, FEES & INTEREST	PAID	REQUEST RELEASE	REFUND
								TOTAL	0.00	0.00

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #048)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
012.533.4.310.20		Adult Health/Fed Govt Grant COVID19 Vaccination	\$45,473.00	
012.533.5.121.00		Adult Health/Salaries-Wages Reg	\$21,148.00	
012.533.5.131.00		Adult Health/Social Security	\$1,311.00	
012.533.5.132.00		Adult Health/Retirement	\$2,147.00	
012.533.5.133.00		Adult Health/Hospital Insurance	\$2,432.00	
012.533.5.134.00		Adult Health/Dental Insurance	\$38.00	
012.533.5.135.00		Adult Health/401K	\$1,057.00	
012.533.5.136.00		Adult Health/Medicare	\$307.00	
012.533.5.230.00		Adult Health/Medicine-Supplies	\$2,000.00	
012.533.5.310.00		Adult Health/Travel-Training	\$1,000.00	
012.533.5.370.00		Adult Health/Advertising-Promotions	\$12,783.00	
012.533.5.420.00		Adult Health/Contracted Services	\$1,250.00	

Explanation of Revisions: Budget allocation for \$45,473 from the North Carolina Department of Health and Human Services (NC DHHS) to assist local health departments to administer COVID-19 mass vaccination clinics. These funds will be utilized to cover salary/fringe for staff that is assisting with drive-thru clinics, needed medical

supplies, mileage for staff members and advertising to enhance support of COVID-19 vaccinations. Funds will also be used to support appointment software to ensure efficiency in scheduling initial and booster vaccine appointments.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #049)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, 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>
012.530.4.810.00		General/Donations-Contributions	\$50.00	
012.530.5.790.00		General/Donations-Contributions	\$50.00	

Explanation of Revisions: Budget allocation for \$50 to the Health Department from Officer Brooks with the Cleveland County Sheriff's Office to help support the cost of lunch provided to staff and volunteers working the COVID-19 Vaccine Clinics.

BOARD OF ELECTIONS: BUDGET AMENDMENT (BNA #050)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, 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>
010.418.4.310.00		Board of Elections/Federal Govt Grants	\$174,603.00	
010.418.5.210.00		Board of Elections/Departmental Supply	\$24,603.00	
010.418.5.211.00		Board of Elections/Controlled Property Exp	\$150,000.00	

Explanation of Revisions: Budget allocation for \$174,603 in grant money award of Federal Help America Vote Act (HAVA) passed thru the North Carolina State Board of Elections. Funds are anticipated to be used on 32 Express Vote machines (replacing Automark machines); 4 Balotar systems, election software tabulation software, generators, ballot cabinets, voting booths, signs and additional election supply needs. These funds cannot be used to supplant county funds.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #051)

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, 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>
010.445.4.409.00		Emergency Mgmt/Local Revenues	\$49,200.00	
010.445.5.910.00		Emergency Mgmt/Capital Equipment	\$49,200.00	

Explanation of Revisions: Budget allocation for \$49,200 in funds received from Duke Energy to be used to purchase Emergency Management Capital Equipment such as an underwater camera and a traffic control trailer.

PLANNING DEPARTMENT: SET PUBLIC HEARING FOR CASE 20-14; REQUEST TO CONDITIONALLY REZONE PROPERTY AT 119 SPURGEON BRIDGES ROAD FROM RESIDENTIAL TO LIGHT INDUSTRIAL CONDITIONAL DISTRICT (Schedule Public Hearing for May 4, 2021)

The Planning Department has received two re-zoning requests from Nelson Biggers. Parcel 5990 is a 5.75-acre tract owned by Mr. Biggers. It is located on a private drive off of Mt. Sinai Church Road. There are multiple warehouses constructed on the property. They were built from the early 1980's through 2005, and were originally used as a textile mill, known as Abercrombie Textiles Inc. Mr. Biggers acquired the property in 2015 and has continued to use the property for warehousing. This use was established prior to a county-wide zoning; therefore, it is considered a legal non-conforming use, meaning it was legally established but doesn't conform to the current zoning or development ordinances. Mr. Biggers is requesting to rezone the property to the conforming zoning district of Light Industrial Conditional District (LI-CU). The existing use will be compliant in this zoning district.

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

PLANNING DEPARTMENT: SET PUBLIC HEARING FOR CASE 20-15; REQUEST TO CONDITIONALLY REZONE PROPERTY LOCATED AT 1701 BURKE ROAD FROM RESIDENTIAL TO LIGHT INDUSTRIAL CONDITIONAL DISTRICT (Schedule Public Hearing for May 4, 2021)

The second request from Nelson Biggers is Parcel 2758, which is a 14.0-acre tract at the corner of Thore Road and Burke Road. There are multiple warehouses constructed on the property which were built from the 1970's through the 90's. They were originally used for a plastic manufacturing plant known as Plastic Oddities Inc. Mr. Biggers acquired the property in 2003 and has continued to use the property for warehousing. This industrial use of the property was established prior to a zoning ordinance in this area; therefore, it is considered a legally non-conforming use, meaning it was legally established but doesn't conform to the current zoning or development ordinances. Mr. Biggers is requesting to rezone the property to the conforming zoning district of Light Industrial Conditional District (LI-CU). The existing uses will be compliant in this zoning district.

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

FINANCE DEPARTMENT: 2021 AUDIT CONTRACT

North Carolina General Statute §159-34 requires each unit of local government in North Carolina to have its' accounts audited at the close of each fiscal year by a certified public accounting firm. 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. Each year Cleveland County's audit contract must be approved first by the County Board of Commissioners and then the North Carolina Local Government Commission. The Finance Department is recommending renewal of the contract with Thompson, Price, Scott, Adams & Co, P.A. for the 2020-2021 fiscal year audit.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to approve the audit contract with Thompson, Price, Scott, Adams & Co, P.A. for the 2020-2021 fiscal year audit.*

The of and	Governing Board BOARD OF COMMISSIONERS
	Primary Government Unit (or charter holder) CLEVELAND COUNTY
	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name THOMPSON, PRICE, SCOTT, ADAMS & CO, P.A.
	Auditor Address 1626 S MADISON STREET, WHITEVILLE, NC 28472

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/21	Audit Report Due Date 10/31/21
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Must be within four months of FYE

hereby agree as follows:


1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* THOMPSON, PRICE, SCOTT, ADAMS & CO, P.A.	
Authorized Firm Representative (typed or printed)* ALAN W. THOMPSON	Signature* 
Date* 02/12/21	Email Address* alanthompson@tpsacpas.com

GOVERNMENTAL UNIT

Governmental Unit* CLEVELAND COUNTY	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S. 159-34(a) or G.S. 115C-447(a)) ✓	
Mayor/Chairperson (typed or printed)* Douglas Bridges ✓	Signature*  SIGN HERE
Date 2/16/2021 ✓	Email Address* Doug.Bridges@clevelandcountync.com ✓
Chair of Audit Committee (typed or printed, or "NA") NA ✓	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Robert Lucas Jackson	Signature*  SIGN HERE
Date of Pre-Audit Certificate* 2/16/2021 ✓	Email Address* lucas.jackson@clevelandcountync.gov

LEGAL: OFFER OF SCHOOL PROPERTY

Cleveland County Schools wishes to sell 4.3 acres of property to the City of Kings Mountain. The area is located in the Northwest corner of a property located 227 Kings Mountain Boulevard to the City of Kings Mountain. The property is located in a flood plan and county staff sees no county use for the property and recommends the transaction of surplus property. The City intends to use the property to build a new electrical substation. Per North Carolina General Statute §115C-518(a), before Cleveland County Schools can sell property, the Board of County Commissioners shall be afforded the first opportunity to obtain the property.

Commissioner Hutchins asked what was the recommendation from the Cleveland County School Board? Mr. Epley stated the school board did send the county a letter inquiring if the county had any interest in the property. The school board is working with the City of Kings Mountain in a transaction that would allow Kings Mountain to place utility infrastructure on the property in exchange for some athletic field lighting and power bills being paid for unlimited amount of time. Commissioner Hutchins inquired, for clarification, the Board is simply approving the proposed resolution stating Cleveland County has no interest in the property. Mr. Epley stated that was correct.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to approve the resolution declining the purchase of school property.*



Resolution

04 - 2021

Resolution Declining Purchase of School Property (N.C.G.S. § 115C-518)

WHEREAS, Cleveland County Schools ("CCS") wishes to sell 4.3 acres of land located in the northwest corner of a property located at 227 Kings Mountain Boulevard, more fully described in Exhibit B attached hereto (the "Property"); and

WHEREAS, CCS wishes to sell the Property to the City of Kings Mountain so that the City can construct a new electrical substation, as described by the CCS Superintendent in Exhibit A attached hereto; and

WHEREAS, CCS is required by N.C.G.S. § 115C-518(a) to offer this Board the first opportunity to purchase the Property; and

WHEREAS, this Board does not wish to purchase the Property.

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

This Board does not have interest in, and does not intend to enter into negotiations with Cleveland County Schools for, the Property herein described.

Adopted this 16th day of March, 2021.


Doug Bridges, Chairman
Cleveland County Board of Commissioners

ATTEST:


Phyllis Nowlen, Clerk
Cleveland County Board of Commissioners



LEGAL: CAMPING ON COUNTY OWNED PROPERTY ORDINANCE

North Carolina General Statute §153A-169 empowers the County to regulate the use of county property by ordinance or resolution. The proposed ordinance defines camping to mean the use of county property for living accommodations or sleeping. Staff have been careful to narrowly define “camp” and “camping” to avoid prohibiting any conduct protected by the First Amendment. The ordinance further applies only to county property that does not fall under the regulations in place for the Broad River Greenway and surrounding property. It would apply to the Courthouse Square property. The proposed ordinance contains criminal penalties for violation. These could be enforced by any law enforcement officer with jurisdiction. Because the County complied with Session Law 2018-69 and Session Law 2019-198, which required the County to compile certain information about criminal ordinances for the State, the County can still enact ordinances with criminal penalties. Counties that failed to submit the report required by those session laws may not enact any new ordinances with criminal penalties until January 1, 2022. This ordinance could also be enforced by civil citation. The County Manager would be empowered to either issue these citations or designate other county employees to do so. No public hearing is required to pass this ordinance, however, per North Carolina General Statute § 153A-45, the ordinance must receive the approval of all the members of the Board of Commissioners to be adopted at the meeting at which it is first introduced.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to approve the camping on county owned property ordinance.*

AN ORDINANCE MAKING ADDITIONS TO CHAPTER 6 OF THE CLEVELAND COUNTY CODE OF ORDINANCES

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

Section 1. Authority

The Cleveland County Board of Commissioners establishes this Ordinance pursuant to the authority granted by N.C.G.S. § 153A-121 and N.C.G.S. § 153A-169.

Section 2. Purpose and Intent.

The purpose of this ordinance is to prohibit persons camping or living on county property. The intent of this ordinance is not to restrict any activities protected by the First Amendment to the United States Constitution or Article I § 14 of the North Carolina Constitution.

Section 3. Effective Date.

This Ordinance shall take effect when approved by the Board of Commissioners in the manner required by N.C.G.S. § 153A-45.

Section 4. Code Additions

The following provisions are hereby added to Chapter 6 of the Cleveland County Code of Ordinances:

Sec. 6-6. Unlawful Camping on County Property – Definitions.

For the purposes of this article, certain words and terms are defined as follows:

Camp or *camping* means the use of county property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purposes of sleeping), or storing personal belongings, or placing any tent or a temporary shelter on county property for living accommodation purposes.

County property means any parcel of real property owned by Cleveland County that is not governed by Chapter 7 of the Cleveland County Code, including property located within public rights-of-way and sidewalks.

Temporary shelter means any tent, any tarp, or any type of structure or cover that provides complete or partial shelter from the elements.

Sec. 6-7. Unlawful Camping on County Property – Prohibited activity.

- (a) Unless otherwise expressly permitted in writing by the county manager or his designee, it is unlawful for any person to camp on any county property, including property located within public rights-of-way and sidewalks.
- (b) Tents, temporary shelters, or other camping gear are prohibited on county property regardless of whether the tents are occupied and/or contain bedding or camping gear, except in locations designated in writing for camping and permitted for such activity. It is unlawful for any person to place or leave any tent, any temporary shelter, or any bedding on county property unless expressly permitted to do so in writing by the county manager or his designee.
- (c) It is unlawful for any person to light or use a campfire or bonfire on county property, unless specifically authorized by written permit to do so.

Sec. 6-8. Unlawful Camping on County Property – Enforcement and penalties.

- (a) Camping on county property, including property located within public rights-of-way and sidewalks, is a public nuisance and is prohibited. Anyone camping, attempting to camp, or placing any tent or temporary shelter on county property in making preparations to sleep, or store personal belongings without written permission to do so, shall be directed by any duly sworn law enforcement officer or county employee having authority to do so to cease such activity and to remove any camping gear or personal belongings from county property. Any duly sworn law enforcement officer or county employee may summarily remove any tent, temporary shelter, bedding or personal belongings from county property.
- (b) Lighting or using a campfire or bonfire on county property poses a potential danger to the public and unless permitted to do so, any person lighting or using a bonfire on county property shall be directed to stop, to extinguish any burning material, and to remove the same once that can be safely done. Any duly sworn law enforcement officer or county employee may summarily extinguish any burning material.
- (c) Upon violation of any provision of this article, violators may be subject to one (1) or more of the following enforcement actions.
 - 1. Duly sworn law enforcement officers with jurisdiction within Cleveland County shall have the duty and responsibility to enforce this article by charging the violator with a misdemeanor and shall also be empowered to issue citations for civil penalties when, in their judgment, any provision of the article has been violated. County employees designated in writing by the county manager shall have the authority to issue citations for civil penalties when, in their judgment, any provision of the ordinance has been violated.
 - 2. The violator may be charged with a Class 3 misdemeanor punishable in accordance with the provisions of G.S. 14-4 with a fine of up to five hundred dollars (\$500.00) or any other sanctions allowed by law.
 - 3. Each such person receiving a citation for a civil penalty is subject to a civil penalty of two hundred fifty dollars (\$250.00) per day, which may be collected by civil action in the nature of debt if not paid within seventy-two (72) hours after being issued.
 - 4. This article may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

Sec. 6-9. Unlawful Camping on County Property – Severability and effective date.

- (a) *Severability.* If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this article.
- (b) *Effective date.* This article shall be effective immediately upon its adoption.

TAX ADMINISTRATION: ORDER TO COLLECT

Adoption of Order directing the Tax Collector to collect taxes for 2020 and prior years. This Order is set forth in accordance with North Carolina General Statute §105-321(b) and shall have the force and effect of a judgment and execution against real and personal property.

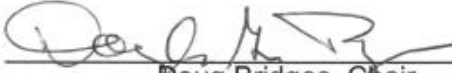
ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, *to approve the Order of Collection.*

State of North Carolina
County of Cleveland
Order of Collection

To Necole' Richard, Tax Collector:

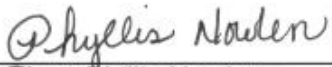
You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records for the year 2020, and all taxes outstanding for tax years 2010 through 2019, as filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in Cleveland County and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, and to use or cause to be used, all remedies provided by law.

Adopted this, the 16th day of March, 2021.



Doug Bridges, Chair
Cleveland County Board of Commissioners

Attest:



Phyllis Nowlen
Cleveland County Clerk



PUBLIC HEARINGS

PLANNING DEPARTMENT: RIGHT OF WAY ABANDONMENT FOR COVE CIRCLE

Chairman Bridges called Chris Martin, Senior Planner, to the podium to present a request for a right-of-way abandonment on Cove Circle. Paul and Susan Reynolds have requested the Cove Circle right-of-way be abandoned. The right-of-way is currently surrounded by eight residential parcels, all of which are owned by Mr. and Mrs. Reynolds. If approved, the right-of-way will be absorbed into the surrounding property, owned by the Reynolds. They plan to utilize the property for construction of a new home. The properties adjoin Moss Lake off Borders Road. The small subdivision was mapped around the same time the lake was built and has not been developed. Mr. Martin advised this request is common and there are general statutes that describe the process to

abandon a right-of-way. In accordance with North Carolina General Statute §153A-241, the following steps are required to abandon a public right of way:

Board of Commissioners

- | | |
|---|--------------------------------|
| • Adopt a Resolution of Intent | February 2, 2021 |
| • Advertise once per week for 3 weeks | February 26, March 5, 12, 2021 |
| • Mail notices to each property owner | February 26, 2021 |
| • Post notice at two locations along the road | February 26, 2021 |

Public Hearing

- | | |
|---|----------------|
| • Adopt Final Resolution | March 16, 2021 |
| • Aggrieved parties have 30 days to appeal | April 16, 2021 |
| • Final Resolution filed with Register of Deeds | April 16, 2021 |

If the request is approved, the Mapping Department will abolish the right-of-way and the properties surrounding it would be absorbed. The Reynolds have already combined the eight separate parcels into one large parcel.

Chairman Bridges opened the Public Hearing at 6:23 pm for anyone wanting to speak for or against the abandonment of right-of-way of Cove Circle. (*Legal Notice was published in the Shelby Star on Friday, February 26, 2021, Friday, March 5, 2021 and Friday, March 12, 2021*).

Paul Reynolds, no address given – is the petitioner and spoke in favor of the abandonment of the right-of-way for Cove Circle. He and his wife purchased the properties in November of 2020 and have since made them into one large tract of land. Security and privacy are the main points for requesting the abandonment. Mr. Reynolds cited the vacant parcels have been used as a trash dumping site from people in the area; approving his request will stop the illegal dumping and help clean up that part of the community.

Hearing no further comments, Chairman Bridges closed the Public Hearing at 6:25 pm.

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins asked if there is an actual drive there now or is it simply a right-of-way; Mr. Martin responded it is only a right-of-way. All of the surrounding parcel(s) are vacant and there has not been a road constructed on the ground.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and passed unanimously by the Board to, *approve the order to abandon right-of-way for Cove Circle.*





Resolution

05 - 2021

**Order To Abandon Right-Of-Way
COVE CIRCLE**

WHEREAS, the Cleveland County Board of Commissioners have received a petition from Paul David Reynolds and Susan Sisk Reynolds, requesting the abandonment of the right-of-way of Cove Circle shown on the attached map.

WHEREAS, the mandates of North Carolina General Statute 153A-241 have been met regarding the proposed abandonment of the public right-of-way; and,

WHEREAS, the Cleveland County Board of Commissioners held a public hearing on March 16, 2021.

NOW THEREFORE, BE IT RESOLVED THAT, in accordance with North Carolina General Statute 153A-241, the Cleveland County Board of Commissioners do hereby order the abandonment of **COVE CIRCLE**, and that a copy of this order be filed in the Office of the Register of Deeds.

Adopted this 16th day of March, 2021.


 Doug Bridges, Chairman
 Cleveland County Board of Commissioners

ATTEST:


 Phyllis Nowlen, Clerk
 Cleveland County Board of Commissioners



REGULAR AGENDA

COVID-19 VACCINATION UPDATE

Chairman Bridges called Tiffany Hansen, Health Department Director, to the podium to present the COVID-19 vaccination update. Mrs. Hansen presented the following information to the Board.

COVID 19 VACCINATION UPDATE

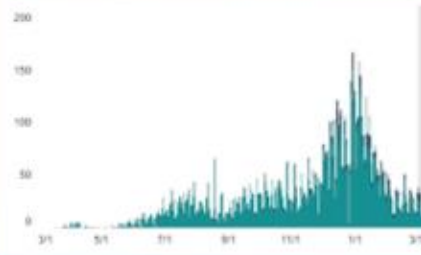
TIFFANY HANSEN



COVID19 Update



Cases by Date of Specimen Collection - Cleveland County



TOTAL CASES
Cleveland County
10,601

MOLECULAR (PCR) POSITIVE CASES
9,758

ANTIGEN POSITIVE CASES
846

Specimen collection date missing for 2 cases

- Active Cases: 138 (1.3%)
- Deaths: 218 (2.0%)
- Recovered: 10245 (96.6%)

Vaccinations



People at Least Partially Vaccinated by County of Residence - NC Providers

Select Where (NC Providers):

People at Least Partially Vaccinated: 18,597

People at Least Partially Vaccinated Cleveland County



- First Doses Administered: 18,597 (19.0%)
- Second Doses Administered: 9,250 (9.4%)

People at Least Partially Vaccinated: 1,303 NC residents missing county information, 47,340 out of state residents

March 15, 2021

WHO

A phased approach to distribution
Updated: January 14, 2021



A Closer Look.....



Group 3: Frontline Essential Workers

- Government and Community Services
- Health Care and Public Health
- Public Safety
- Transportation
- Critical Manufacturing
- Education
- Essential Goods
- Food and Agriculture

Group 4: Adults at High Risk for Exposure or Increased Risk of Severe Illness (March 17th eligible)

- Asthma (moderate to severe)
- Cancer
- Chronic kidney disease
- Chronic Obstructive Pulmonary Disease (COPD)
- Cystic fibrosis
- Diabetes type 1 or 2
- Hypertension or high blood pressure
- Immunocompromised state Intellectual and Developmental Disabilities, including Down Syndrome

Debbie Dine - Group 4 | NC DHHS COVID-19

Clinics Scheduled this Week



Date of Clinic	Clinic Location	Appointments Scheduled
3/16/21	Eaton Corporation-Plastic Products, Pioneer, Hanes, Uniquetex	400
3/17/21	Clearwater Paper Corporation-Greenheck, Heusker Plastic Products, Cleveland Yutaka, IF Armour	300
3/17/21	Cleveland County Fairgrounds	460
3/22/21	Cleveland County Fairgrounds	1000

Inventory Management



TOTAL COVID19 Vaccine 1 st Doses received by Cleveland County Health Department "Includes 3/10/21 vaccine allocation"	12440
TOTAL COVID19 Vaccine 1 st Doses Administered by Cleveland County Health Department	11677
% of COVID19 1 st doses Administered by 3/12/21	94%

This Week's Allocation 3/16/21: 1170 Pfizer
300 Moderna

Community Collaboration



- 40 individually packaged meals
- Engage Community Partners
- Post weekly opportunities on Fridays

Community Collaboration



- **Healthcare Foundation of Cleveland County** \$50,000
 - Public Transportation to and from vaccine sites
 - Assist with PPE needs
 - Community Vaccination Education and Communication
- **Hospice Cleveland County Foundation** \$52,771
 - Support for Vaccine Clinics: Meals
 - Community Education Campaign: Billboards, Banners,
 - Yard Signs, Podcast, Promotional Materials to support
 - Vaccinations in our Community



Scheduling Updates



How to Schedule a COVID19 Vaccine Appointment:

- Call 980-484-6019- Monday-Friday 8a-5p (based on vaccine dose allocations)
- Complete our Vaccine Registration Form <https://clevelandcountync.us/forms/view.php?id=11570> (based on vaccine dose allocations)

QUESTIONS



Chairman Bridges opened the floor to the Board for questions and comments. Commissioner Hutchins inquired if the nursing home facilities or the at-home seniors have been included in the vaccination rollout plan? Mrs. Hansen advised they have, most of the long-term facilities have been served under the federal vaccination plan by either CVS or Walgreens. The Health Department Nursing Teams have been mobilized to vaccinate seniors still living in their homes. The senior residents of Cleveland County were in group one of the distribution plan. Commissioner Hardin asked if there is a time limit or a “shelf life” on how long vaccinations can be stored? Mrs. Hansen stated there is; each vaccine has different parameters of where they can be stored once delivered to the health department. Pfizer can now be stored in the shipping container with replacement of the dry ice for thirty days. Moderna can be stored in a freezer or refrigerator for up to six months.

Chairman Bridges commented on the decrease of calls as the allocated number of vaccines to Cleveland County increases. Commissioner Hardin stated the phone lines being open everyday has been a great contributor to the decrease as well. Chairman Bridges asked Mrs. Hansen, in her opinion, when Cleveland County could reach herd immunity. Mrs. Hansen advised the current numbers for Cleveland County show that about 20% of the county’s population have already been vaccinated with an additional 10,000 people in the community who have already had COVID-19. According to the Center for Diseases Control (CDC), 70% of the population being vaccinated will constitute herd immunity. Mrs. Hansen stated the County has a way to go but achieving herd immunity will be possible as the number of people getting vaccinated increases. The Board thanked Mrs. Hansen for the information, the hard work and time she, her staff and the volunteers have to put in.

2021 REVALUATION UPDATE

Chairman Bridges recognized Tax Assessor Sherry Lavender to present a 2021 Revaluation Update. North Carolina General Statute §105-286 requires all counties conduct a reappraisal of real property at least every eight years. This statute also allows for the advancement or shortening of the reappraisal cycle to less than 8 years if approved. By conducting reappraisals more frequently, the amount of inequity that can occur between different property types is reduced. During the reappraisal process, the Reappraisal Team developed a Uniform Schedule of Values by analyzing cost, sales, and income data. The purpose was to insure equity in the valuations. Once developed, this schedule was then applied to the property data for each property within the county. Although all sales were reviewed, not all sales were used. Examples of sales not used: a sale between relatives, sales including personal property items such as a boat or business machinery and equipment, a sale of more than one property, or foreclosure sales. The application of a schedule of values did not match every sales price; however, it did insure similar properties were assessed equitably across the board. As a result of the reappraisal process, property values change at different rates to reflect market trends within their neighborhood and property type.

The County is broken down by map grid outlining the entire county with three staff appraisers each appraising all agricultural, residential, commercial or industrial properties in their particular area. Due to the Covid-19 pandemic, there was a time period where staff was unable to go out in the field and review every

REVALUATION 2021

Cleveland County
NORTH CAROLINA

RP Work Order Status Inquiry

Created in Date Range: 1/01/2021 Thru 12/31/2021
As of 3/16/2021

Worker	WO Source	Open	WIP	Closed	Total Complete	%
ALL	APPEALS	0	6	12	18	66
ALL	BUILDING PERMITS	67	82	125	274	45
ALL	ENVIRONMENTAL PMTS	68	0	183	251	72
ALL	MOBILE HOME PERMIT	7	6	25	38	65
ALL	MISCELLANEOUS	0	147	13	160	8
ALL	MISCELLANEOUS PMTS	1	0	2	3	66
ALL	REVALUATION	0	677	203	880	23
ALL	ZONING PERMIT	22	0	70	92	76
ALL	GRAND TOTAL ****	165	918	640	1,723	37



Chairman Bridges opened the floor to Commissioners for questions and comments. Commissioner Hutchins inquired, *“If someone contacts the Tax Assessor’s office to request an appeal of value, what are the steps of an appeal or a second appeal?”* Mrs. Lavender advised an informal appeals period is opened which is the current stage Cleveland County is in. Residents are given thirty days to get their informal appeals into the Tax Assessor’s Office. Staff then works on those appeals until all of the requests are reviewed. Then, based on whether the Tax Assessor makes a change, a second notice is sent to the tax payer to give them the ability to take that assessed value to the Board of Equalization and Review (E&R) for a formal appeal. The Board of E&R usually convenes in April of each year and lasts through the month of May. A reappraisal year allows for the Board of E&R to meet for an extended amount of time, if needed, to ensure each formal appeal is addressed.

Commissioner Hardin asked, *“when is the final cutoff period for an appeals request?”* Mrs. Lavender responded tax payers have until the Board of E&R adjourns for that year. Chairman Bridges asked, *“what was the trend with the reappraisals?”* Mrs. Lavender advised there have been some clerical errors that have been addressed and corrected and explained this is the time to find those errors and correct them accordingly. The Board thanked Mrs. Lavender and her staff for time, hard work and due diligence that continues to go on during this revaluation.

CLOSED SESSION

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to go into closed session per North Carolina General Statute § 143-318.11(a)(3) (a)(5) and (a)(6) to preserve the attorney-client privilege, establish the terms of an employment contract and to consider a personnel matter.* (Copy of closed session minutes are sealed and found in Closed Session Minute Book).

RECONVENE IN REGULAR SESSION

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

Chairman Bridges stated the following, *“the Board took action regarding a personnel matter while in closed session, amending the terms of an employment contract.”*

ADJOURN

There being no further business to come before the Board at this time, Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to adjourn the meeting*. The next meeting of the Commission is scheduled for *Tuesday, April 6, 2021 at 6:00 p.m. at the LeGrand Center*, located at 1800 E. Marion St., Shelby.

*Doug Bridges, Chairman
Cleveland County Board of Commissioners*

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