

**Cleveland County Board of Commissioners**  
**December 7, 2021**

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

**PRESENT:** Doug Bridges, Chairman  
Deb Hardin, Vice-Chairman  
Ronnie Whetstine, Commissioner  
Kevin Gordon, Commissioner  
Tim Moore, County Attorney  
Brian Epley, County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Martha Thompson, Deputy County Attorney  
Chris Martin, Planning Director  
Lucas Jackson, Finance Director  
Scott Bowman, Maintenance Director  
Allison Mauney, Human Resources Director  
Josh Davis, Solid Waste Director  
Jason Falls, Business Development Director  
Stephen Bishop, Soil and Water Conservation Director

**ABSENT:** Johnny Hutchins, Commissioner

**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.

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

Chairman Bridges announced the following, *“Notice is hereby given of the postponement of the three public hearings originally scheduled for the December 7, 2021, Commissioners Meeting regarding Small Business Incentive Grants for B&S Butler Properties, LLC, Thoroughbred Partners LTD and White Investments of Shelby, LLC this evening. The public hearings are reset for Tuesday, January 18, 2022, at 6:00 pm in the Commissioners Chambers.”*

**AGENDA ADOPTION**

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Whetstine and unanimously adopted by the Board to, *approve the agenda with the postponement of item 1 and item 2 to the December 20, 2021, regular Commissioners meeting:*

*Item 1. Selection of Commission Chair*

*Item 2. Selection of Commission Vice-Chair*

**CITIZEN RECOGNITION**

**Glenda Green, no address given** – introduced Malarie Thompson, a Cleveland County farmer and county representative, who won several awards while attending the American Farm Bureau Federation (AFBF) Convention.

**Randy McDaniel, 830 Dixon School Road, Kings Mountain** – spoke about Cleveland County’s Land Use Plan and the importance of working together to preserve farmland in the county.

**Malarie Thompson, 5807 Oak Grove Church Hill Road, Lawndale** – is a local farmer and spoke about the significance of preserving farmland in Cleveland County in the new Land Use Plan.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

The Clerk to the Board included the Minutes from the *September 21, 2021* in board members’ packets.

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

**MONTHLY MANAGER’S REPORT**

- The Finance Department has submitted its FY21 annual audit report to the Local Government Commission. We are pleased to report that Cleveland County was the first to submit its CAFR out of the 20+ NC Counties engaged with the CPA firm Thompson, Price, Scott, & Adams. The Local Government Commission has accepted the report and management anticipates approval by the first of the year.
- The Finance Department is working with the lending and bond counsel on the financing strategy for the Shell Building #4 joint project with the City of Shelby. The plan for this project will be very similar to that of Shell Building III, where the County manages the funding aspect of the project while the City of Shelby manages project development.
- The County continues working through the construction bid process for the DSS relocation project. This project is for renovations of the 2nd floor of the Public Health Department to accommodate the Department of Social Services. Bids will be opened for this project on December 13th.

County of Cleveland, North Carolina  
 Manager’s Budget Summary  
 Presented at the 12/07/2021 Board Meeting  
 Time Period Covered : 11/2/2021 to 11/29/2021  
 For Fiscal Year Ending June 30, 2022

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT NAME TO	DEPT NAME FROM	EXPLANATION	BUDGET AMOUNT
946	D	11/9/2021	Health Dept		Move funds to cover transportation services	\$ 500.00
947	D	11/9/2021	Sheriff Dept		Move funds to cover purchase of equipment for STAR program	\$ 6,600.00
948	D	11/10/2021	Planning/Zoning		Move funds to cover dues/subscriptions	\$ 1,500.00
949	D	11/29/2021	School Health		Move funds to cover departmental supplies	\$ 79,128.00

**SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #023)**

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.438.4.310.00	16738-014579	Law Enforcement Grants/Federal Govt Grants	\$21,200.00	
010.438.5.910.00	16738-014579	Law Enforcement Grants/Capital Equipment	\$18,000.00	
010.438.5.210.00	16738-014579	Law Enforcement Grants/Supplies	\$3,200.00	

*Explanation of Revisions: Budget allocation for \$21,200 in funds received from the North Carolina Department of Public Safety for the Evidence Storage Improvement Project*

**SOCIAL SERVICES: BUDGET AMENDMENT (BNA #024)**

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


<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.519.4.310.00		Public Assistance/Federal Govt Grants	\$287,801.00	
011.519.5.512.09		Public Assistance/Public Asst-LIHWAP	\$287,801.00	

Explanation of Revisions: Budget allocation for \$287,801 to assist with the new Low Income Household Water Assistance Program for Cleveland County residents.

**LEGAL DEPARTMENT: HSA COVID RELIEF**

Cleveland County has been in a State of Emergency due to the COVID-19 coronavirus pandemic, according to its Proclamation on March 17, 2020, and has further entered into a Resolution Approving and Requiring Certain Personnel Actions in response to the COVID-19 Pandemic on May 5, 2020. The surge from the DELTA variant to the County's full-time employees when hospitalized is causing an increase in medical expenses for those employees. To assist with medical expenses for eligible full-time employees who are both insured under the County's health insurance plan and who contract a serious case of COVID-19 requiring hospitalization, staff proposes providing \$2,000 in HSA funds to the account of any full-time employee who meets the requirements (full-time insured and hospitalized for COVID) for this fiscal year, or until the SOE is rescinded, whichever occurs first.

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Gordon, and unanimously adopted by the Board to, *approve the resolution relating to COVID-19 relief for county employees.*



**Resolution**

19-2021

**RESOLUTION OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RELATING TO COVID-19 RELIEF FOR COUNTY EMPLOYEES**

**WHEREAS,** Cleveland County established, and continues to be in, a State of Emergency (SOE) due to the COVID-19 pandemic, pursuant to its Proclamation of March 17, 2020, and has further entered into a Resolution Approving and Requiring Certain Personnel Actions in response to COVID-19 Pandemic dated May 5, 2020; and

**WHEREAS,** during the summer and fall of 2021 Cleveland County, a public sector employer, has experienced a surge in cases among full-time employees, many requiring hospitalization, resulting in additional financial hardship to many employees; and

**WHEREAS,** the Cleveland County Board of Commissioners desires to provide financial relief to County employees from unexpected hospitalization expenses that may arise due to COVID-19, where such employee(s) may be faced with hospital bills that fall within their health insurance deductibles; and

**WHEREAS,** the purpose of this Resolution is to provide a financial stop-gap up to the actual remaining health insurance deductible of any eligible individual full-time employee who is both insured under the County's health insurance plan and who contracts a serious case of COVID-19 requiring hospitalization.

**NOW, THEREFORE, BE IT RESOLVED** by the Cleveland County Board of Commissioners that:


I. In furtherance of the May 5, 2020 Resolution, when all the following conditions exist:

- a. A full-time employee is admitted to the hospital at the direction of their treating medical physician; and
- b. Such hospital admission is a direct result of the employee's having contracted COVID-19; and
- c. The employee has County-provided health insurance; and
- d. The employee on health insurance plan has an individual deductible of \$2,000; and
- e. The employee incurs medical bills for such hospitalization; and
- f. The employee's hospitalization occurs during the defined period beginning July 1, 2021 and ending on June 30, 2022 or on the date of the rescission of the current State of Emergency (SOE), which occurs sooner,

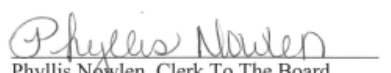
Then, the County Manager is authorized to issue \$2,000 in HSA funds to the account of any employee who has incurred those medical bills.

- II. In the event the current State of Emergency (SOE) extends beyond June 30, 2022, the Board of County Commissioners may, in its discretion, extend the terms of this Resolution.
- III. This Resolution shall not be interpreted in any way to imply or express any acceptance of responsibility for any employee's contraction of COVID-19, which is a pandemic – widespread throughout the region, the State, the country, and the world. Further, except as expressly stated herein, this Resolution is not to be interpreted as a waiver of any rights or defenses the County may have to any claims.

**Adopted this 7<sup>th</sup> day of December, 2021.**

  
Douglas G. Bridges, Chairman  
Cleveland County Board of Commissioners

**ATTEST:**

  
Phyllis Nowlen, Clerk To The Board  
Cleveland County Board of Commissioners



**PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, JANUARY 18, 2022 FOR CASE 21-26; REQUEST TO REZONE PROPERTY AT 955 STONY POINT ROAD FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (R)**

Parcel 16361 is an 11-acre tract of property, belonging to Wayne Smiley, located at 955 Stony Point Road in Kings Mountain. The applicant, Mr. Smiley, is asking to rezone the parcel from Restricted Residential (RR) to Residential (R). Surrounding zoning is Restricted Residential (RR) with General Business (GB) at the intersection



of New Camp Creek Church Road, and Residential (R) south along Stony Point Road. The current Land Use Plan shows the area as Future Residential so either zoning district would comply with the Land Use Plan.

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

**HEALTH DEPARTMENT: FINANCIAL ELIGIBILITY FEE COLLECTION POLICY**

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, *to approve the updated Financial Eligibility Fee Collection Policy. (see highlighted changes):*

CLEVELAND COUNTY DEPARTMENT OF PUBLIC HEALTH		GUIDELINE/ PROCEDURE: Financial Eligibility/Fee Collection Policy		MANUAL: Board of Health	
NAME OF GUIDELINE		APPROVED BY:	EFFECTIVE DATE:	VERSION:	PAGE
CCHD Financial Eligibility/ Fee Collection Policy		Health Director, Cleveland County Boards of Health and County Com's.	2/1/99	FINAL	1 OF 14
		PREPARED BY:	DATE LAST REVISED:	DATE LAST REVIEWED:	
		Alisa Leonard Leslie McSwain	11/02/2021	11/02/2021	

**1.0 Policy:**

Fees for Cleveland County Health Department ("Health Department") services are authorized under NC General Statutes 130A-39 provided: (1) they are in accordance with a plan recommended by the Health Director and approved by the Boards of Health and County Commissioners (Medicaid rate plus 25% unless cost is more than Medicaid rate, then cost plus 25%), and (2) unless they are not otherwise prohibited by law.

Public health services are increasingly expensive to provide. The Health Department serves the public interest best by assuring that all legally mandated public health services are made available and by providing as many recommended and requested public health services as possible for those citizens with greatest need. In the past, the concept of public health services has been that they are free to all. However, economic conditions have made it necessary for public health agencies to try to recoup some of the cost of services, whether it is from the patient or another third-party payer. Fees have become necessary to support the provision of services and maximize Health Department revenues. The entire population benefits from the availability of subsidized public health services; therefore, fees are considered appropriate.

Fees charged to an individual for Health Department services will be charged at an established rate that has been approved by the Health Director, Board of Health, and the Board of County Commissioners. Individuals may qualify for a sliding fee scale discount based upon income. Services will not be denied based solely on the inability to pay. All staff members involved in collection of fees for services shall consistently follow the established guidelines for fee collection through the statements addressed in this document and shall hold all client information confidential.

The Health Department provides services without regard to religion, race, national origin, creed, gender, parity, marital status, age, disability, sexual orientation, or contraceptive preference.

**2.0 Programs Affected:**

All clinical services should follow these guidelines.

**3.0 Definitions:**

None

coded as a preventive service using 99381-99387 or 99391-99397, or an evaluation and management service using 99201-99205 and 99211-99215. If the patient's only visit to the Health Department is WIC or immunizations without one of the above codes, it does not affect the designation of the client as a new client – the client can still be NEW.

Identification Requirements - Also see HIPAA Policy/Procedure for Verification of Identification, Merging Records and Name Changes

Each patient should establish their identity by providing a form of identification such as a birth certificate, social security card, driver's license, military identification, passport, visa, green card, etc.

Residency Requirements

Residency requirements may vary according to the type of service provided and the program criteria. In determining residency, the interviewer should consider where the patient, or parent of a minor patient, resides at the time of service and where they intend to make their permanent home.

Program Residency Criteria:

General Clinic, Immunizations, Sexually Transmitted Diseases, Tuberculosis, Pharmacy, Family Planning, Communicable Disease, HIV/AIDS, Diabetic Screening: No residency requirement.

Eye Clinic, Diabetic Clinic, Care Management for High Risk Pregnancy (CMHRP), Care Management for At Risk Children (CMARC) Postpartum & Newborn Home Visits: must be Cleveland County resident.

Maternal Health Clinic, Dental Clinic, Child Health Clinic, Breast and Cervical Cancer Control Program (BCCCP), Wisewoman, Women, Infants and Children's Program: must be resident of North Carolina.

Documentation of Income

Patients will be asked to provide documentation of income. BCCCP, Wisewoman, and Diabetic Clinic patients will be required, per Cleveland County Health Department guidelines, to provide documentation of income prior to receiving services. If BCCCP, Wisewoman, and Diabetic Clinic do not provide income the Program Supervisor will be contacted for decision for patient to be seen. Eye Clinic patients will also be required to provide documentation of income to establish eligibility for services prior to scheduling an appointment. No other patients will be refused services when presenting for care based on lack of documentation; however, if documentation is not provided, the patient should be informed (Declaration of Income-Attachment 1) on the date of service that they are responsible for the full amount of the fees for services rendered. The patient will be allowed to provide documentation within five business days in order to base the previous 100% charge on a sliding fee. If no documentation is produced, then the charge stands at 100% for that visit. ~~Family Planning patients who choose not to provide documentation of income must sign a release stating that they are choosing not to participate and agree that they will be charged the full fee for services if information is not provided within five~~

**4.0 Procedure:**

PROGRAM GUIDELINES

Specific program guidelines should always be used to determine residency, income requirements, sliding fee scale discounts, patient charges and other program eligibility requirements. Health department staff should always be alert regarding changes in program guidelines.

FINANCIAL ELIGIBILITY

The financial eligibility determination process is designed to assess a patient's ability to pay for services rendered by the Cleveland County Health Department. By having a written policy, screening procedures are consistent and standardized for all interviewers. Eligibility for services is determined by residency, family size and income information. Financial eligibility must be determined prior to or at the time the patient receives new services and should be updated annually or when there is a change.

Definition of Family/Economic Unit

The Health Department uses the Economic Unit to define a family. Under this method, a family is defined as a group of related or non-related individuals who are living together as one economic unit. Individuals are considered members of a single family or economic unit when their production of income and consumption of goods are related. Also, groups of individuals living in the same house with other individuals may be considered a separate Economic Unit. (Example: Some patients live in a setting with a number of family members, sometimes distantly related that make up the household. If they share daily expenses such as food, rent, utilities, etc, they constitute one Economic Unit. If the patient indicates that they share the expenses, and if confidentiality is not a factor, then the members of the Economic Unit would be considered as family members.)

Financially dependent relatives under the age of 19 with no income who live in the patient's household may also be counted as family members. Persons living in the household 18 years and older that are self-supporting should be considered as a family of one.

Teens and others seeking "confidential" services, regardless of age and depending on the reason for the confidential visit (i.e., parents are not aware of visit, domestic violence, etc.), should be considered as a family unit of one and income determined on the basis of the patient's resources alone.

A pregnant woman is counted as two in determining a family size unless it is in conflict with the clients cultural, religious, and/or beliefs. Pregnant women expecting twins can be counted as three.

A foster child assigned by the Department of Social Services is a family of one. The income received from DSS for the child should be the only income recorded.

Definition of a New Patient

A new patient is a patient who has not received any professional services from a physician/qualified health care professional in the Health Department within the past 3 years for a billable visit that includes some level of evaluation and management service

~~business days.~~ Except for Family Planning services. If a Family Planning patient's income cannot be verified after reasonable attempts to do so, charges are to be based on the patient's self-reported income. If we have lawful access to other valid means of income verification because of the patient's participation in another program we may use this data rather than re-verify income or rely solely on patient's self-report. Once income is documented, it may be used for multiple programs. All confidential information on documents showing income, including social security numbers and bank account numbers, will be kept strictly confidential.

Acceptable forms of income documentation are listed below and may be emailed to an established clerical email account:

- a) A Current Paycheck stub.
- b) W-2 form, copy of complete tax return and attachments from the most recent calendar year
- c) A written statement from the patient's employer when no other documentation is available.
- d) A Current Bank statement.

When documentation of income has been verified, the interviewer should enter the information on the Household tab in the Patagonia Electronic Health Record (EHR). Previous income history can be viewed on the Sliding Fee tab in the Declaration of Income area.

Patients that say they have applied for Medicaid should also be income screened in the event that Medicaid is not approved. They should be informed at the time of the visit what charges they will be responsible for if Medicaid is not approved. If their Medicaid application is approved and is retroactive to the date of service, charges will be changed from private pay and Medicaid will be billed

Documentation of income will not be required for mandated services such as Sexually Transmitted Diseases, Tuberculosis, Communicable Diseases, and state supplied Immunizations since no charge will be assessed to the patient for these services, or for School Based Health center services since they are covered under a contract with the school system.

Women, Infants and Children's Program (WIC) state software system Crossroads handles all documentable eligibility within the system.

The North Carolina Division of Employment Security database may be used to verify income of applicants.

Determination of Gross Income

Gross income is the total of all cash income before deductions for income taxes, employee's social security taxes, insurance premiums, bonds, etc. For self-employed applicants (both farm and non-farm) this means net income after business expenses. In general, gross income includes:

- a) Salaries and wages including overtime pay, commissions, fees and tips
- b) Earnings from self-employment



- c) Public Assistance money
- d) Unemployment compensation
- e) Alimony Work First and child support (cannot be counted for Family Planning patients) payments received
- f) Military allotments including re-enlistment and jump pay
- g) All Social Security benefits
- h) Veteran's Administration benefits
- i) Supplemental Security Income (SSI benefits)
- j) Retirement and pension payments
- k) Worker's compensation
- l) Regular contributions from individuals not living in the household
- m) Income tax refunds
- n) Allowances paid to the patient for basic living expenses such as housing and utilities
- o) All other sources of cash income except those specifically excluded
- p) Educational stipends in excess of the cost of tuition and books.
- q) Lawn maintenance and housekeeping, as a business
- r) Christmas bonuses, prize winnings

The following sources of income should be excluded from sources of income:

- a) Irregular income that children earn from babysitting, mowing lawns, etc.
- b) Inheritances
- c) WIC vouchers
- d) Food stamps
- e) Payments under the Low-Income Energy Assistance Act
- f) School lunches
- g) Rent or fuel received in lieu of wages
- h) Military/in-kind housing assistance
- i) Life insurance proceeds or one-time settlements. On the other hand, if a liability settlement is to be paid in regular installments, this money would be counted as income
- j) Gifts
- k) Proceeds from sale of an asset
- l) Payments received under the Jobs Training Partnership Act
- m) Payments to volunteers under T 7 (VISTA) and T II (RSVP, foster grandparents and others) of the Domestic Volunteer Service Act of 1973.

#### Zero Income

If the patient reports zero income or very little income, the interviewer should question the patient further and must include an explanation of how the family is meeting the financial demands of basic daily living. In most cases, a statement of zero income would only be acceptable when the applicant lives on income from sources such as food stamps, etc. A third party, such as the North Carolina Division of Employment Security, landlord or whoever is assisting patient with household expenses, should verify income of a patient (Attachment 2). If the stated income is found to be untrue, the patient may be responsible for charges incurred based on the applicable sliding fee scale.

Family Planning patients who report they have no income are not required to provide a statement of zero income but may be asked how they pay for living expenses. Income of persons who support the client financially may be verified.

#### Verification of Income

department fees; however, the percent of discount may vary according to program guidelines established by the North Carolina Division of Public Health.

#### FEES

Fees are subsidized by grants, private donations, state and federal funds, and local contributions. The Health Department will determine fees based upon cost of services, and fees are equal to or greater than the Medicaid rate. For non-mandated services, flat rate fees may be established for a service based on cost without discrimination to all patients. Fees will be approved by the Board of Health and Cleveland County Board of County Commissioners and giving the Local Health Director the latitude to adjust fees if changes occur in cost or in the Medicaid/Medicare rates. If necessary, in order to provide efficient continuity of care, the Health Director may approve a new fee for current CPT code/HCPCS procedures that are ordered by clinicians. Clients will be given a receipt when fees are paid at each visit, a statement of fees assessed for services and balance owed.

#### Laboratory Fees

When laboratory specimens are sent out to a reference lab for analysis, the reference lab should be given information for the purpose of billing of the third-party Medicaid and Medicare payers for analysis of the specimen. Self-pay and Commercial insurance will be billed at our negotiated rates with reference lab, and the sliding fee will be used where required. Patients should be informed at the time of the clinic visit that a specimen is being sent to an outside lab for analysis. They should also be informed that they could receive an invoice from the reference lab if their third-party payer does not cover the entire charge.

When laboratory specimens are collected and analyzed at the patient's request rather than program protocol, the patient may be assessed an additional fee for this service and as such be responsible for the full charge.

#### Immunizations

Vaccines provided by the State to local health departments for administration shall be administered at no cost to the patient (N.C.G.S. § 130A-133(b)). However, a fee for other immunizations requested, but not required, such as vaccines for foreign travel or rabies will be charged to the patient along with an administration fee to cover cost of supplies used and staff time. Fees for these services are paid in full by the patient at checkout. If a patient has any form of third-party reimbursement, the payer must be billed, unless confidentiality is a barrier. Medicaid will be billed as the payer of last resort.

Vaccines that are required for employment of Cleveland County employees will be charged to County departments based on cost of the vaccine. No administration fee will be assessed to the departments.

Vaccines plus administration fees that are required for employees of Contracted Payers will be billed to the employer.

#### Medical Record Fees – Also see Policy/Procedure to Release/Obtain Patient Information

In accordance with the NC General Statutes 90-411, a charge to cover the costs incurred for searching, handling, copying, and mailing medical records to the patient or the patient's

Each patient will be required to sign a Declaration of Income Form (Attachment 1) verifying that the financial information supplied to the interviewer is true and accurate. This statement will also include an authorization giving the Cleveland County Health Department the right to verify this information and authorize payment of benefits to Cleveland County Health Department. On the Household Tab the date verified field must be changed for every person listed to the current date anytime income has changed or if completing the annual screening. A Declaration of Income Form must be completed annually or if income changes occur. A Declaration of Income Form must be signed and dated by the patient, interviewer and/or interpreter when applicable. The Declaration of Income Form will become part of the patient record

Note: If a patient is considered "confidential," it will be documented in Patagonia Health record.

#### Computation of Income

The family's gross income must be used to determine eligibility of services at the time of the application for services. Gross family income, or income before deductions, is computed by adding money earned by family members during a 12-month period. Income review of the previous 12 months may be performed by the following methods:

- a) Initial income will be computed by taking the patient's declared income and if paid weekly multiply by 52, if paid bi-weekly multiply by 26, semimonthly multiply by 24, and monthly multiply by 12.
- b) Following the initial financial eligibility determination--if there has been a change to income and/or employment, recalculate annual income with step (a) and have patient sign a new Declaration of Income.
- c) Following the initial financial eligibility determination--if no change has occurred, there is no requirement to sign a Declaration of Income unless this is the annual review
- d) If patient is not employed or has changed jobs in the last 12 months, use the Irregular Income Formula or Six Months Formula.

Unemployed today= last 6 months income + project unemployment (if applicable) or zero if client won't receive unemployment. If not unemployment compensation as client how they will support themselves.

Employed today but unemployed last 6 months- Did the client receive unemployment the last 6 months? If no, record as zero and then project 6 months forward at current income. This will allow to determine income for client for a 12 month period.

#### SLIDING FEE SCALE

The sliding fee scale is an alternate fee scale that is developed by the North Carolina Division of Public Health so that a patient's inability to pay is not a barrier to receive services. A schedule of

designated representative may be administered. The maximum fee for each request shall be seventy-five cents per page for the first 25 pages, and fifty cents per page for pages 26 through 100, and twenty-five cents per page in excess of 100 pages, provided that the health care provider may impose a minimum fee of up to ten dollars. A fee shall not be imposed for request of copies of medical records made on behalf of an applicant for Social Security or Supplemental Security Income disability. The policy of the Cleveland County Health Department is not to impose a record fee for copies for continuation of care. The medical record fee may be adjusted according to a change in legislation.

#### Returned Check Fee

As allowed by N.C.G.S. § 25-3-506, if a check is returned for non-sufficient funds (NSF) a \$25.00 service charge will be assessed. Notification of the returned check will be made by a personal telephone call or certified mail. The patient's original fee will be reinstated until collection is made for the returned check and NSF fee. Payment should be made by cash or money order. Once the NSF has been paid, the original check will be returned to the patient. If payment is not received in 30 days, further follow-up will be done by the Cleveland County Finance Department. Exception: Notification of returned checks for Family Planning patients will be discussed with the patient during a clinic visit in order to avoid breach of confidentiality and conflict with guidance from the Office of Population Affairs for recipients of Title X funds.

#### SOURCES OF REIMBURSEMENT

Sources of reimbursement should be reviewed with the patient at each visit. An "Authorization for Assignment of Benefits" A Declaration of Income (Attachment 1) statement should be signed and dated at the initial visit and updated and signed annually thereafter or whenever there is a change in income. If there is a change in the insurance provider or other third-party reimbursement the insurance tab should be updated in Patagonia.

#### Private Pay

Patients with a household income above the 100% pay level of the sliding fee scale must be responsible for the full amount of the charges rendered.

#### Insurance/Medicare

Patients with a third-party source of coverage such as Insurance or Medicare should disclose this information and give a copy of their card to the interviewer. Bills will be submitted to these sources for payment. Co-payments will be the responsibility of the patient and will not be discounted since they are part of the patient's insurance plan. If there is a balance after the insurance has paid, other than the co-payment, the patient who qualifies will be responsible for the balance after the sliding fee scale adjustment. Third parties that are authorized, or legally obligated, to pay for clients at or below 100% of the Federal Poverty Level Billed will not have any discount applied to charges.

Patients should be asked if the Health Department is in-network or out-of network with their particular insurance plan. Patients with private insurance in which we are an out-of network provider will be encouraged to use them in-network provider. All patients with private insurance should sign a Private Insurance Advance Notice Form (Attachment 3).



However, if services are provided to patients in which the Health Department is out-of-network or not listed as the primary provider, the patient will be responsible for the fee based on the sliding fee scale, if applicable.

Claims for payment of services provided will be filed with insurance companies for patients that have private insurance. If the claims are denied or left pending, the Health Department will research and refile claims as appropriate. After this, if the claim is not paid/resolved, the patient will be billed for the service based on the appropriate sliding fee scale.

Patients that present with Medicare coverage should be notified that if Medicare does not cover the service, the patient will be responsible for the expense. The employee should also explain to the patient why the service may be denied for coverage. An Advanced Beneficiary Notice (ABN) should be completed and signed by the patient. A copy of the form should be given to the patient and a copy kept scanned in the medical record (Attachment # 3).

If a Family Planning patient gives consent to bill insurance, the clerk should explain that an Explanation of Benefits will be sent by the insurance company to the address listed with the insurance company. Patients should always sign the Private Insurance Advance Notice. Family Planning patients will not be charged more in copayments, deductibles, or other fees than they should pay according to the sliding fee scale.

#### Medicaid

All Maternity patients shall be referred to the eligibility specialist for evaluation and documentation of income screening. Maternal Health patients that are determined eligible to have Presumptive Eligibility for Medicaid, will have Medicaid coverage for approximately two months (depending upon when they are screened during the month). Patients should be informed that if they do not officially apply for Medicaid at the Department of Social Services, they will be responsible for charges after Presumptive Eligibility ends. However, patients are not required to apply for Medicaid.

For those patients who have both private insurance and Medicaid, the private insurance is considered to be primary. After receipt of the explanation of benefits and payment from the insurance carrier, the balance may be filed for Medicaid payment.

Medicaid eligible patients will not be responsible for charges not covered denied by Medicaid payments.

#### Grants

Some grants are designed to pay for specific fees such as medical and dental fees. When patients meet the criteria of the grant, funding may be transferred from the grant revenue to cover the fee charged to the patient.

### COLLECTIONS

The policy of the Cleveland County Health Department is to comply with N.C.G.S. § 130A-4.1(b), which requires that all funds collected be budgeted and expended to further the objectives of the program that generated the income.

appending the "UD" modifier on the drug detail." Medicaid does not collect rebates on claims from the Health Department.

#### Chronic Pill Abusers

Patients must take responsibility for their own birth control supplies. If a patient has been established as a chronic abuser of supplies (has had replacement pills given three times), and is a non-Medicaid client, one of the following options may be utilized:

- a) Provide the patient with foam and condoms
- b) Provide the patient with a prescription for the pills

Medicaid patients that are determined to be chronic pill abusers may not be charged for replacement pills. However, these patients may be limited to one package of pills per visit to prevent continued abuse.

#### Expensive Forms of Contraception

Local health departments must assess their resources to determine the contraception methods that they can offer. Title X requires that all projects offer a broad range of acceptable and effective medically approved family planning methods and services either on site or by referral. If resources are limited, an alternative, less expensive form of contraception may be offered. If the patient persists in her request for expensive forms of contraception that are not available, she may be given a prescription and list of providers who offer the requested method of contraception. It should be made clear that if the patient chooses to access one of these providers, she will be doing so at her own expense.

Title X funded providers must not discriminate on the basis of a patient's ability to pay. The choice of contraceptive method should be based on what is best for each individual patient taking into consideration the preferences of the patient. However, as previously mentioned, the provider may have to substitute a less expensive method due to the agency's financial situation.

Family Planning patients who are unable to pay, for good cause, for Family Planning services may have fees waived by the Nursing Director or Financial Services Director.

### SPECIAL SCHOOL HEALTH ISSUES

A portion of the amount contracted with Cleveland County Schools for school nursing and school based health center services will be used to pay for school based health center services provided to uninsured or underinsured students.

When school employees are seen for a billable service in one of the school-based health centers, their third-party insurance source should be billed. Co-payments, co-insurance and deductibles not paid by the third party, will be billed to the school staff member just as other health department clinic services are billed.

### COMMUNITY ORGANIZATION FOR DRUG ABUSE PREVENTION (CODAP)

CODAP services provides the Student Options and Redirection (SOAR) program (formerly known as SOBIR – Student Options Begin with Intervention and Recovery) for students who violate substance abuse policies in Cleveland County Schools as well as students who violate underage drinking laws in the state of North Carolina. This program was formerly funded by a

### Clinic Visit

Clerical personnel will have the primary responsibility to inform patients of all charges incurred during clinic visit. Patients should be informed of the specific items that make up the charge such as office visit, lab work, supplies, etc. Clinicians may also disclose charges to patients in order to emphasize the importance of payments. Full payment will be solicited verbally and expected at the time service is rendered. Patients will be informed of their entire account status at each clinic visit or contact. At the clinic visit, statement information given to the patient will include full charges, sliding fee amounts, payments on accounts and the total balance due.

For any balance due a Patient Payment Agreement should be signed and this should be updated with additional charges as they are incurred. A copy is provided unless patient refuses with no identifying information.

The receipt of payments that are not insurance co-payments for the current service will be posted to the oldest outstanding charge.

### Statements

Patients with an active account will be mailed a computer-generated statement on an every-other-month basis (Attachment 5).

Statements for confidential services will not be mailed to patients who have requested no contact by mail; however, in those cases discussion of payment of outstanding debts shall occur at the time service is rendered.

### Debt Set-Off

As authorized by Chapter 105A of the North Carolina General Statutes, the Health Department will utilize the North Carolina Government Debt Set-Off Program as an avenue to enhance collections and reduce accounts receivable. Amounts that are 60 days past due and \$50.00 delinquent, or greater, will be sent a letter informing them of our intention to send their debt to the North Carolina Department of Revenue. If payment is not received after 30 days, the health department will enter the client information into a debt set off program through a clearinghouse to the North Carolina Department of Revenue for collection by applying the past due amount against any income tax refund, or lottery winnings, to which the patient may be entitled. Specific policies and procedures of the Debt Set-Off Program to notify patients of the debt set-off and their right of appeal (Attachment 6) will be followed. Once the debt has been sent to the Clearinghouse, the Health Department will no longer accept payments for that debt.

### SPECIAL FAMILY PLANNING ISSUES

Since the Health Department receives funding from Title X, local family planning programs must address patient preferences and concerns, contain costs while assuring quality care, and assure compliance with Title X Guidelines. Medicaid reimburses the Cleveland County Health Department for 340B drugs per NC Medicaid and Health Choice state policy, which states that "providers billing for 340B drugs shall bill the cost that is reflective of their acquisition cost. Providers shall indicate that a drug was purchased under a 340B purchasing agreement by

grant from the United Way of Cleveland County, Inc. and is now funded by community contributions to CODAP Services primarily from ABC community benefit funds generated from ABC stores in Shelby and Kings Mountain. CODAP staff members, to encourage use of the program as a prevention mechanism, deliver the services to students regardless of their ability to pay fees. A sliding fee scale based on annual income and the number of residents in a household based on a declaration from the parent/guardian of the program participant has been developed for the SOAR program (See attachment 8&9).

### RESTRICTION OF SERVICES

As mentioned previously in the Financial Eligibility section, patients should be screened to determine financial eligibility at the time of the initial clinic visit. During the initial visit, if full pay is not rendered, expectations of reimbursement by the patient should be discussed and the patient should sign a contract-Patient Payment Agreement agreeing to pay for the cost of services and any outstanding balances not covered by another source. If, on subsequent visits, the patient is found to be in breach of contract and refuses to make a good faith effort to pay even a small portion of the bill without good cause, service denials or restrictions may be applied unless restricted by state or federal laws or regulations. The Health Department's policy will be to review a patient's account when his/her account reaches \$200.00 and no payment has been made in three months. Service restrictions will be considered on a case-by-case basis. Family Planning services will not be subjected to any variation in quality of services or denied/restricted due to inability/unwillingness to pay, amount of outstanding balance, nor will they be required to meet with the health director as an attempt to collect the past due amount. Maternal Health patients who are already in the clinic may not be denied services as this would be considered abandonment.

### BAD DEBT/WRITE-OFF POLICY

Delinquent accounts \$49.99, or smaller, will be written off at the end of each fiscal year, 12 months after the last date of Health Department service with no payments received. Anything \$50.00, or above, will be dealt with through North Carolina Debt Set-Off procedures. Bad debts, which are determined to be uncollectible for reasons such as: bankruptcy or death, will be written off upon notification that the account is uncollectible; death certificate or bankruptcy papers. Items that are not eligible for NC Debt Set-Off, i.e.; patients without social security numbers will also be written off at this time. At no time will a patient be notified that their account has been written off as a bad debt.

An itemized list of uncollectible outstanding patient balances will be prepared at the end of the fiscal year for the Finance Director's review, and upon approval, fees may be written off as a bad debt. However, patients should never be informed that a debt has been written off.

The accounts receivable system shall indicate the written-off amount of the account.

### DONATIONS

Voluntary donations from patients are permissible. However, patients will never be pressured to make donations, and donations must not be a prerequisite for the provision of services or supplies. Donations should be budgeted and expended for the purpose requested by the patient, so long as such purpose is lawful.

The receipt of a donation does not result in the waiver of the billing/charging requirements set forth above. There is no schedule of donations, bills for donations, or any other implied coercion for donations.

#### GRIEVANCE PROCEDURES

If a patient is unsatisfied with the services rendered or billing of said services, the patient should be referred to the Nursing Supervisor/Nursing Director for conflict resolution. If billing is in question, it may be necessary for them to consult with the accounting staff. The next course of action for the patient is appeal to the Health Director.

#### CONFIDENTIALITY



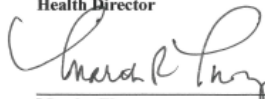


The confidentiality of patient information is of utmost concern to all Health Department staff. All employees are required to sign a statement assuring patient confidentiality. Employees who do not have a "need to know" or to access patient records are informed that it is not their right to view this information and are prohibited from doing so. With the passage and implementation of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (Federal Register 45 CFR, Part 160 & 164), health care providers have addressed many issues such as electronic transactions, medical records security and patient rights. Health Department employees must comply with HIPAA regulations relating to privacy and confidentiality. The Health Department will continue to address these issues and implement any necessary changes to comply with amendments to HIPAA and its regulations.

#### 5.0 Appendices (Attachments):

1. Declaration of Income Statement
2. Third Party Confirmation Letter
3. Private Insurance Advance Notice
4. Advanced Beneficiary Notice (ABN)
5. Patient Statement
6. Debt Set Off Notification
7. Patient Payment Agreement
8. SOBIR Agreement
9. SOBIR Sliding Fee Scale

#### 6.0 Legal Reference/Reference:

1. NC General Statute 130A-39
2. NC General Statute 130A-133(b)
3. Title V Guidelines
4. NC General Statute 90-411
5. NC Administrative Code .0205 c
6. NC General Statute 105A
7. Title X Guidelines
8. Federal Register 45 CFR, Part 160 & 164
9. NC General Statute 25-3-506

 Tiffany Hansen Health Director	11.9.21 Date	 Tom Spurling Chairperson, Cleveland County Board of Health	Nov. 9, 2021 Date
 Martha Thompson County Attorney	12/10/21 Date	 Doug Bridges, Chair Cleveland County Board of Commissioners	12/07/21 Date
 Lucas Jackson Finance Director	12/10/21 Date		

#### History of Revisions:

Original Approved 2/1/99  
Revised 11/9/99  
Revised 2/1/03  
Revised 3/9/05  
Revised 10/24/05  
Revised 6/1/06  
Revised 5/07  
Revised 9/10/07  
Revised 1/8/08  
Revised 5/15/08  
Revised 11/9/10  
Revised 11/10/11  
Revised 7/1/12  
Revised 11/13/12  
Revised 11/12/13  
Revised 10/14/14  
Revised 11/10/15  
Revised 11/8/16  
Revised 7/1/18  
Revised 11/12/19  
Revised 11/02/2020  
Revised 11/2/2021

### **LEGAL DEPARTMENT: FAIR LEASE EXTENSION**

Staff has prepared an extension of the County's lease of the fairgrounds with the Cleveland County Fair Association. The lease extension incorporates the terms of the existing lease and simply extends that lease through June 30, 2022. This will allow time for staff to work on a longer-term lease for this property and conduct a survey of the fire station, which will ultimately be extracted from the area leased to the Fair Association. North Carolina General Statute § 160A-272 authorizes the County to lease property under a resolution adopted at a regular meeting. Per North Carolina General Statute § 160A-272(b), no public notice is required for a lease with a term of less than one year.

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Gordon, and unanimously adopted by the Board to, *approve the fair lease extension through June 30, 2022.*



4 RECORDING FEE \$ 26.00  
\* PHYLLIS NOWLEN  
STATE OF NORTH CAROLINA

COUNTY OF CLEVELAND LEASE EXTENSION AGREEMENT

This Lease Extension Agreement (the "Agreement") is made December 17, 2021, between Cleveland County, North Carolina, a political subdivision of the State of North Carolina ("Lessor"), and Cleveland County Fair Association, Inc. ("Lessee").

RECITALS

A. Pursuant to a lease dated January 17, 2012 (the "Lease"), Lessee let from Lessor the following described property (the "Subject Property") located in Cleveland County, North Carolina:

BEGINNING at an iron pin on the South line of the Cleveland County property, said pin being located along said South line South 83-49 East 895 feet from the East edge of U.S. 74 Business; and runs thence with the old South line of the Cleveland County property South 83-49 East 1,000 feet to an unmarked point in the middle of an unnamed branch; thence down the center of the unnamed branch in a Northerly direction to the fork of another unnamed branch; thence continuing down the center of the unnamed branch in a Northwesterly direction to an existing concrete monument, the Southeast corner of the North Carolina Board of Transportation property; thence with the line of [the] North Carolina Board of Transportation property North 39-57 West 280.5 feet to an iron pin; thence with the East line of the property leased to the Cleveland County Fair Association, Incorporated the following two calls: South 24-06 West 6897.12 feet and South 45-21 West 339 feet to the place of BEGINNING, according to a description furnished by the Cleveland County Tax Mapping Office.

B. The Lease will terminate on December 31, 2021.

C. Lessor and Lessee desire to extend the Lease for a term of six (6) months (the "Additional Term") from the Lease termination date. During the Additional Term, Lessor and Lessee will conduct a survey of the fire station located on the Subject Property and extract the surveyed area from the Lease.

D. A full and accurate copy of the Lease is attached hereto as Exhibit A.

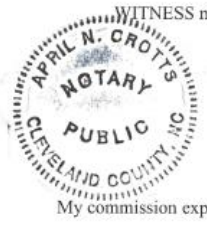
In consideration of the matters described above and the mutual benefits and obligations set forth in this Agreement and in the Lease, the Parties agree as follows:

I. Construction.

This Agreement shall be construed in conjunction with the Lease and, except as amended by this Agreement, all the terms, covenants, and conditions of the Lease shall remain in full force and effect

I, the undersigned Notary Public for the County and State aforesaid, do hereby certify that before me personally appeared Doug Bridges, Chairman of the Board of Commissioners of Cleveland County, North Carolina, who being by me duly sworn, says that he is the Chairman of the Board of Commissioners of Cleveland County, North Carolina, the political subdivision described in and which executed the foregoing instrument; and that said Chairman, being by me duly sworn, says that he subscribed his name thereto by order of the Board of Commissioners of Cleveland County, North Carolina, and that said instrument is therefore the act and deed of said Cleveland County.

WITNESS my hand and Notarial stamp or seal, this 7<sup>th</sup> day of December, 2021.



Signature of Notary Public  
Printed Name of Notary Public

NORTH CAROLINA  
CLEVELAND COUNTY

I, the undersigned Notary Public for the aforesaid County and State, do certify that before me personally appeared Alexander Y. Lattimore, President of the Cleveland County Fair Association, Inc., who, being by me duly sworn, says that by authority duly given and as the act of such entity, he/she signed the foregoing instrument in its name on its behalf as its act and deed.

WITNESS my hand and Notarial stamp or seal, this the 10<sup>th</sup> day of January, 2022.



Signature of Notary Public  
Printed Name of Notary Public

My commission expires: 5-7-2022

during the Additional Term and are ratified and confirmed by this instrument.

2. Defined Terms.

All terms used in this Agreement shall have the meanings ascribed to them in the Lease, if any, unless otherwise defined in this Agreement.

3. Additional Lease Term.

The Additional Term shall begin on January 1, 2022 and end on June 30, 2022. The Parties may, by a separate mutual agreement, terminate this lease as to all or only certain portions of the Subject Property. Either party may terminate the lease as to the entire Subject Property on fifteen (15) days written notice to the other party.

4. Base Rent.

Lessee shall pay Lessor one dollar (\$1.00) no later than January 14, 2022 as rent for the extended term of the Lease.

The parties have executed this Agreement the day and year first set forth above.

CLEVELAND COUNTY, NORTH CAROLINA  
LESSOR

By: Doug Bridges, Chairman  
Board of Commissioners

Attest: Phyllis Nowlen  
Phyllis Nowlen  
Cleveland County Clerk



CLEVELAND COUNTY FAIR ASSOCIATION, INCORPORATED  
LESSEE

By: President

Attest: Secretary

NORTH CAROLINA  
CLEVELAND COUNTY



Resolution

20-2021

Resolution Leasing County Property

WHEREAS, Cleveland County (the "County") owns property located at 1751 E. Marion St. Shelby, NC 28150, for which it does not currently have use; and

WHEREAS, Cleveland County currently leases this property to the Cleveland County Fair Association, Inc. (the "Fair Association"); and

WHEREAS, the County and the Fair Association have agreed to extend this lease for a term of six (6) months; and

WHEREAS, N.C.G.S. § 160A-272 authorizes the County to enter into leases of one (1) year or less upon a resolution of the Board of Commissioners adopted at a regular meeting; and

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

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY RESOLVES THAT: The Board of Commissioners hereby approves the attached lease of the County property described above to the Fair Association and directs the appropriate County employees to execute any instruments necessary to the lease.

Adopted this the 7<sup>th</sup> of December, 2021

Doug Bridges, Chairman  
Cleveland County Board of Commissioners

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



TACC: COMMUNITY TRANSPORTATION SERVICE PLAN

The Transportation Authority of Cleveland County (TACC) has requested a resolution of support authorizing the filing of applications with the North Carolina Department of Transportation— Integrated Mobility Division for grant years FY2023– FY2027, for federal transportation assistance authorized by 49 U.S.C. 5311, United States Code, other federal statutes administered by the Federal Transit Administration or state statutes administered by the State of North Carolina.



**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Gordon, and unanimously adopted by the Board to, ***approve the TACC 5311 Designee Certification resolution.***



**Resolution**

21-2021

**5311 DESIGNEE CERTIFICATION FORM**

Resolution authorizing the filing of applications with the North Carolina Department of Transportation-Integrated Mobility Division for grant years FY2023 – FY2027, for federal transportation assistance authorized by 49 U.S.C. 5311, United States Code, other federal statutes administered by the Federal Transit Administration or state statutes administered by the State of North Carolina.

**WHEREAS**, the North Carolina Department of Transportation has been delegated authority to award federal financial assistance for transit projects as allocated throughout North Carolina by County;

**NOW, THEREFORE, BE IT RESOLVED BY** (Cleveland County Board of Commissioners)

1. That (Transportation Administration of Cleveland County, Inc.) is authorized to execute and file an application for federal assistance on behalf of (Cleveland County) with the State of North Carolina for federal assistance authorized by 49 U.S.C. Chapter 5311 United States Code, other federal statutes or state statutes authorizing a project administered by the Federal Transit Administration.
2. That (Transportation Administration of Cleveland County, Inc.) is authorized to execute and file with its applications the annual certifications and assurances and other documents the State of North Carolina requires before awarding a federal assistance grant or cooperative agreement.
3. That (Transportation Administration of Cleveland County, Inc.) is authorized to execute grant and cooperative agreements with the State of North Carolina on behalf of (Cleveland County).

The undersigned duly qualified (Doug Bridges), acting on behalf of the (Cleveland County Board of Commissioners), certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the (Cleveland County Board of Commissioners) held on (December 7, 2021)

Adopted this the 7<sup>th</sup> of December, 2021

  
Doug Bridges, Chairman  
Cleveland County Board of Commissioners

ATTEST:

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



**HUMAN RESOURCES: PERSONNEL ADVISORY COMMITTEE**

The Cleveland County Personnel Ordinance outlined established policies and procedures in employment and personnel management by providing an adequate and fair hearing of grievances for employees without regard to race, color, age, national origin, disability, sex, or religion. On October 19th, Commissioners appointed six members to the Personnel Advisory Committee. Since that time, one member has resigned from Cleveland County Government.

A recommendation has been made by Human Resources for appointment to the Personnel Advisory Committee to fill the unexpired term of that resigned member:

**Carver Hopper LeGrand Center 2 years**

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

**COMMISSIONERS: 2022 COMMISSIONER MEETING SCHEDULE**

The Clerk to the Board included the *2022 Commissioner Regular Meeting Schedule*, in Board Members packets.

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Gordon, and unanimously approved by the Board to, *approve the 2022 Commissioner Regular Meeting Schedule*.

**2022 Cleveland County Board of Commissioners Meeting Schedule**

- January 18
- February 1
- February 24 & 25 Work Session
- March 15
- April 5
- April 19
- May 3
- May 17
- June 7
- June 21
- July 12
- August 2
- September 6
- September 20
- October 4
- October 18
- November 1
- November 15
- December 6
- December 20

**PUBLIC HEARINGS**

**PLANNING DEPARTMENT CASE 21-27: REQUEST TO REZONE PROPERTY AT 1127 OAK**

**GROVE ROAD FROM MANUFACTURED HOME PARKS (MH) TO LIGHT INDUSTRIAL (LI)**

Chairman Bridges recognized Planning Director Chris Martin to present Planning Department case 21-27: request to rezone property at 1127 Oak Grove Road from Manufactured Home Parks (MHP) to Light Industrial (LI). Parcel 16303 is a county owned 3.35-acre tract waste collection site located at 1127 Oak Grove Road in Kings Mountain. Planning staff is the petitioner and is requesting to rezone this property from Manufactured Home Parks (HM) to Light Industrial (LI). Light Industrial (LI) zoning accommodates limited manufacturing, warehousing, wholesaling, and related commercial service activities which have little or no adverse impact upon adjoining properties.

The waste collection site on the property has operated since the 1990s before a zoning district was applied, which makes it a non-conforming use. This site is a busy location and work is being done on the property to help improve the safety and flow of traffic. The zoning districts in this area are mixed, including Manufactured Home Parks (MHP) to the south, Residential (R) and Neighborhood Business (NB) to the north, and General Business



(GB) to the east at the intersection of Stony Point and Oak Grove. The intersection of Oak Grove Road and Stony Point Road is a high-traffic area for the county and can be considered a commercial hub for this community.

The 2005 Land Use Plan shows this area as future commercial, while the 2021 Land Use Plan designates this area as a Primary Growth area where the most intense uses should be located. The current use of waste collection could be considered the most intense of those allowed in the Light Industrial (LI) district. The Planning Board unanimously recommended approval of the requested zoning map amendment. The Board felt the rezoning would be compliant with both Land Use Plans as the intended use would remain the same. They recommended Commissioners consider rezoning the county owned properties that are adjacent to parcel 16303. The following information and PowerPoint were presented to the Board.


## Rezoning Case 21-27

DECEMBER 7, 2021



## Request



**Request to rezone property at 1127 Oak Grove Road from Manufactured Home Parks (RM) to Light Industrial (LI).**



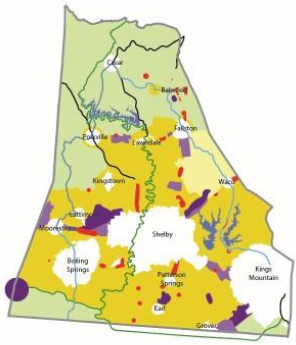
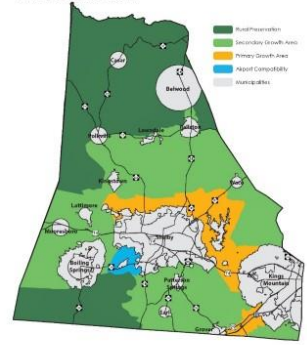
## Aerial





## Zoning

## Land Use Plan





**2005 Future Land Use Map**      **2021 Future Land Use Map**




## Planning Board Recommendation

- The Planning Board voted unanimously to approve the rezoning request.
- The Planning Board also requested that the Board consider rezoning parcel 61072 and 16303.



## Requested Action

Approve or deny zoning map amendment for property located at 1127 Oak Grove Road from Manufactured Home Parks (RM) to Light Industrial (LI)



## QUESTIONS?



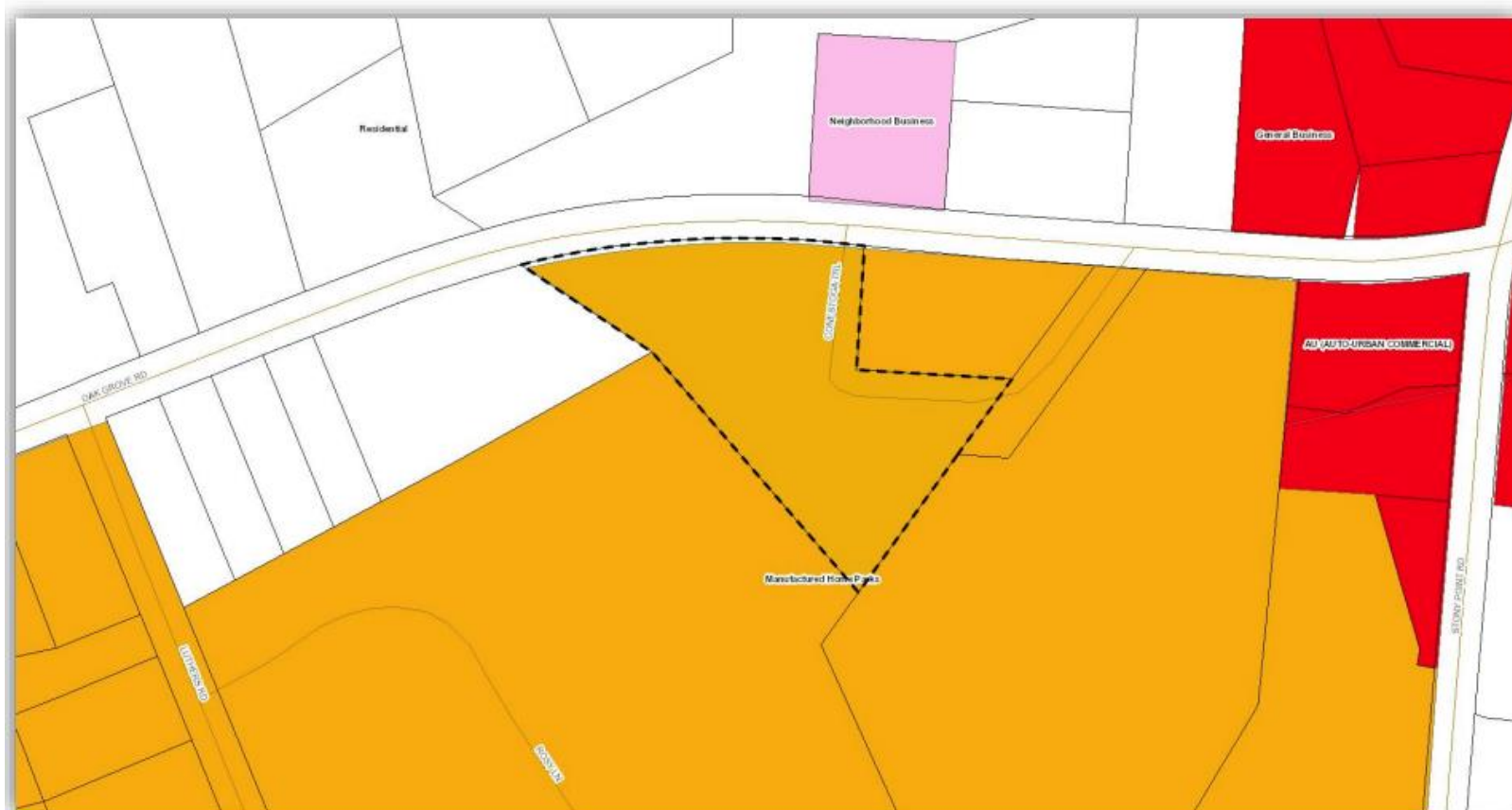


Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hardin asked Mr. Martin if the rezoning of the two adjacent parcels could be done during this meeting. Mr. Martin replied they could not as the proper advertising and notification had not been done for those two properties. Planning will need to start the process and bring it back before the Board for consideration.

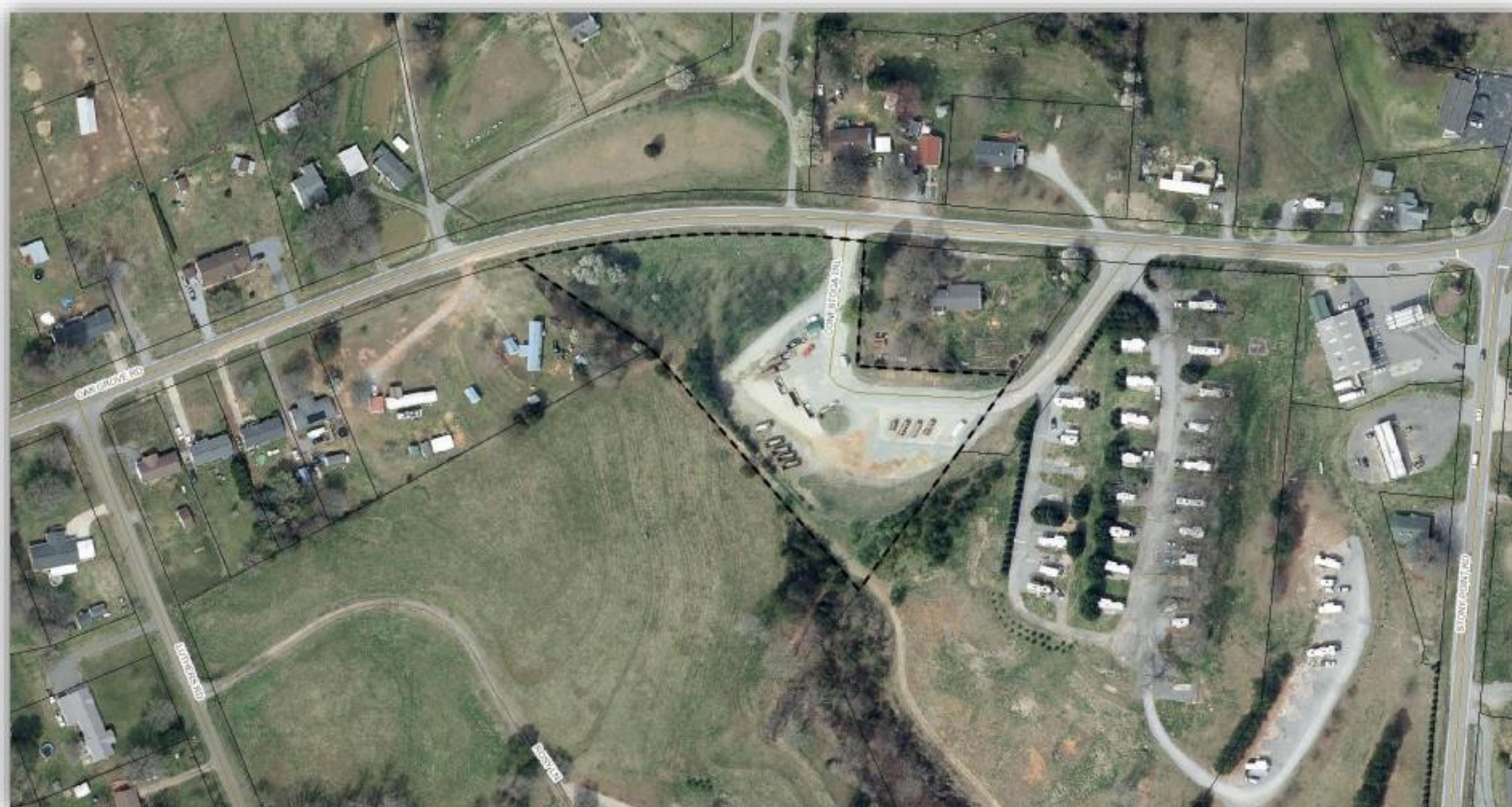
Chairman Bridges opened the public hearing at 6:25 pm for anyone wanting to speak for or against Planning Department case 21-27: request to rezone property at 1127 Oak Grove Road from Manufactured Home Parks (MH) to Light Industrial (LI). (*Legal Notice was published in the Shelby Star on Friday, November 27, 2021, and Friday, December 4, 2021.*)

Hearing no comments, Chairman Bridges closed the Public Hearing at 6:26 pm.

**CASE # 21-27 Rezoning Manufactured Home Parks to Light Industrial**  
**Property Location:** 1127 Oak Grove Road  
**Parcel Number:** 16303  
**Acreage:** 3.35 acres



**CASE # 21-27 Rezoning Manufactured Home Parks to Light Industrial**  
**Property Location:** 1127 Oak Grove Road  
**Parcel Number:** 16303  
**Acreage:** 3.35 acres





**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, *approve the zoning map amendment for property located at 1127 Oak Grove Road from Manufactured Home Parks (MHP) to Light Industrial (LI) and bring parcels 61072 and 16303 back before the Board on the January 18, 2022 Commissioners' meeting.*

## **REGULAR AGENDA**

### **LAND USE PLAN**

Planning Director Chris Martin remained at the podium to present the Land Use Plan (LUP). Planning staff has been working on updating the LUP for over two years. They are very proud of this project, a lot of hard work has gone into this at a leadership level, with additional work from the citizens and the steering committees that have come together to create this plan. The Planning staff feels this proposed plan is going to help drive the county and give guidance going into the future. Mr. Martin introduced Jason Epley, Benchmark Planning Consultant, who has been very helpful through the process.

The LUP is mandated by the state and is meant to serve as a guide for counties and towns when making land use decisions. Ordinances, policies, zoning districts, and codes are used in the decision-making process on zoning districts in the county. Cleveland County has had two LUPs; the first one was adopted in 1995. That plan resulted in were to capitalize on county-adopted countywide zoning back in 2000. In 2005, the second LUP was adopted and approved. Some of the major results of that plan were the creation of rural residential districts and the identification of industrial sites throughout the county. There has been an abundance of change in Cleveland County since 2005. The proposed 2021 LUP is targeting growth areas. It acknowledges the rural character of Cleveland County but also incorporates the developments in the county. The 2021 LUP also encourages a Rural Residential zoning district.

The development of the 2021 LUP began in March of 2020. Over the course of the project, Staff worked with Mr. Epley and a steering committee that met eight times during the vetting process. Stakeholder listening sessions, surveys, background research and public input were also part of the development process. Topics included in the proposed plan include economic development, Agricultural and Natural Resources initiatives, recreational opportunities, tourism and housing needs. All those things led to guiding principles that formed the visions for the plan. The rural preservation area is intended to protect agricultural land, natural resources, scenic views, areas, and mostly forest land, it also has agriculture as part of these areas as well. The steering committee approved the draft LUP on September 30, 2021. The plan was then presented to the Planning Board who recommended approval of the proposed 2021 LUP at their October 2021 meeting. The following information and PowerPoint were presented to Commissioners.



# Comprehensive Land Use Plan

December 7, 2021  
County Commissioner Meeting

# Introduction & Background

## Land Use Plans & Development Ordinances

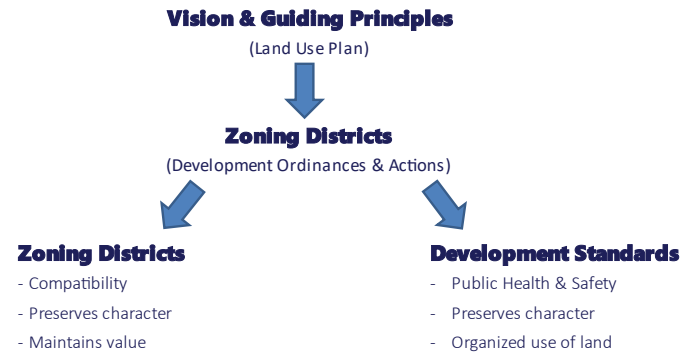
### Land Use Plan

- Provides long range vision & goals
- Serves as a policy guide
- Promotes general welfare
- Live, work, play

### Development Ordinances

- Actions to achieve vision & goals
- Encourage compatibility of uses
- Promotes organized development
- Preserves natural resources

## Land Use Plans & Development Ordinances



## Land Use Planning Background

### 1995 Land Use Plan

- First Comprehensive Land Use Plan
- County-wide zoning in 2000

### 2005 Land Use Plan

- Rural Residential zoning district
- Identify future Industrial areas
- Remove Corridor Protection district

### 2021 Land Use Plan

- Targeted growth areas
- Encourages rural residential area
- Compliance with N.C.G.S. 160D

## Land Use Planning Background

### Changes since 2005

- Proposed Lakes
- 2008 Recession
- Major Industrial and Commercial Development
- Recent Residential Development
- US 74 Bypass Construction

### Steps Leading to the Update

- 2019 - N.C.G.S 160 D
- 2019 - Foothills Regional Commission recommended new Land Use Plan
- 2019 - Board of Commissioners recognized changes & directed staff to work on a new plan
- 2020 - Benchmark Planning contracted to assist with the preparation of the update

# Plan Development

## Plan Organization

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## Background Research and Citizen Engagement

## Public Input Opportunities

### March 2020

- Launched Project

### March – August 2020

- Steering Committee Meetings
- Stakeholder Listening Sessions
- Survey 731 Responses
- Website 900+ Views
- Social Media Updates
- Background Research
  - Existing plans
  - Population, housing, economy
  - Land use
  - Natural & environmental resources
  - Utilities, and transportation



### • Kickoff Meeting – September 2020



### • Discussion Panels – April/May 2021

1. Economic Development
2. Agriculture and Natural Resources
3. Community Initiatives



### • Drop-In Meetings – September 2021

1. Grover
2. Boiling Springs
3. Lawndale
4. Planning Office





# Key Planning Themes

## PLANNING THEMES



# Guiding Principles (Vision for the Plan)

## Guiding Principles

- Guiding Principle 1: EMBRACE OUR RURAL HERITAGE**  
We value agriculture and the abundant natural resources that serve as the traditional cultural and economic foundations of our community.
- Guiding Principle 2: FACILITATE SUSTAINABLE ECONOMIC GROWTH**  
We support a diverse and resilient economic base that provides stable and well-paying employment opportunities for our residents, while attracting new investment to our County.
- Guiding Principle 3: ENSURE AN AMPLE AND DIVERSE HOUSING SUPPLY**  
We encourage the development and rehabilitation of housing throughout the County to ensure broad housing choice for our residents.
- Guiding Principle 4: STRENGTHEN GOVERNMENTAL COORDINATION**  
We support intergovernmental relationships between Cleveland County and its municipalities as we continue to work together to effectively deliver a range of services throughout the community and to develop solutions to issues of mutual importance.

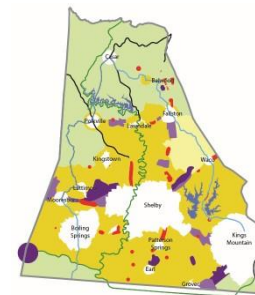
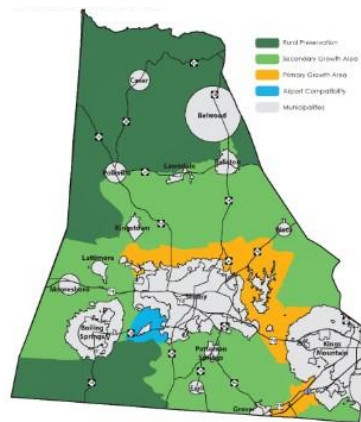
# County Future Land Use Map

## County Future Land Use Map



## Future Land Use Map

- Rural Preservation
- Secondary Growth Area
- Primary Growth Area
- Airport Compatibility
- Towns and Cities



### 2005 Future Land Use Map

- Similar uses grouped together
- Did not recognize ByPass
- 2 additional lakes
- 6 different land use areas



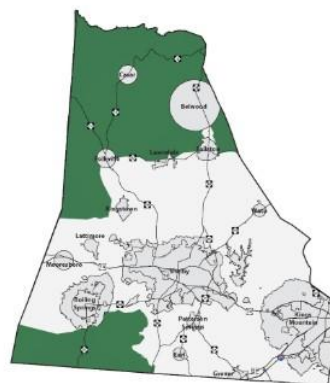
### 2021 Future Land Use Map

- Similar intensities grouped together
- By-Pass recognized
- 4 different land use areas
- Emphasizes targeted growth

## Rural Preservation

### Rural Preservation

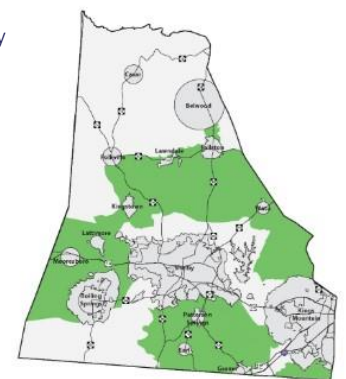
- Intended to promote the protection of agricultural lands, natural resources, and scenic views
- Landscape consists of agriculture and forest uses
- Sparse residential development
- Rural Home Occupations
- Crossroads communities
- Limit dense uses such as manufactured home parks



## Secondary Growth Area

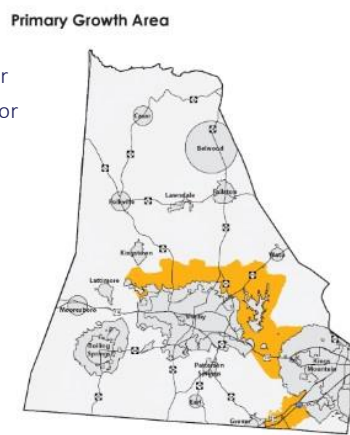
### Secondary Growth Area

- Intended to promote new development at low density
- More flexibility for major subdivisions
- Manufactured home parks with density standards
- Rural Home Occupations
- Commercial uses encouraged around crossroads
- Industrial encouraged within industrial parks



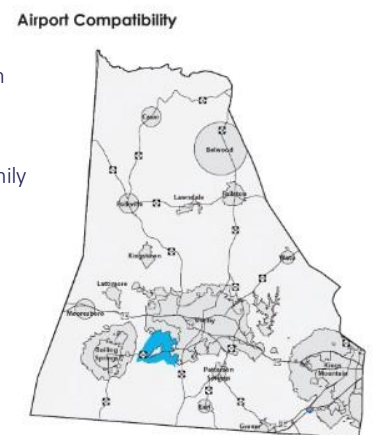
## Primary Growth Area

- Area where more intense development is likely to occur
- Primarily located along the future US 74 bypass corridor and along Highway 29 and Interstate 85
- Infrastructure (sewer, water, rail, transportation) is available to accommodate more intense uses
- Major commercial and industrial development is encouraged
- Multifamily development where utilities are present
- Residential development with smaller lots



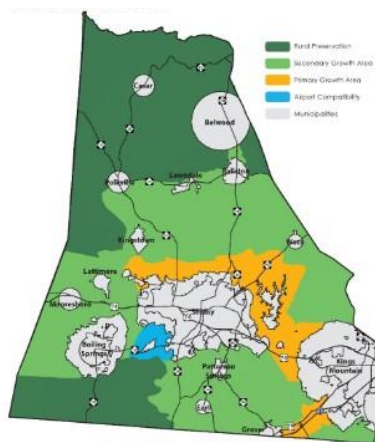
## Airport Compatibility

- Intended to protect the area around the airport from incompatible development
- Residential uses located on larger lots
- Discourages manufactured home parks and multifamily development
- Discourages high concentrations of people
- Rural Home Occupations
- Small scale commercial



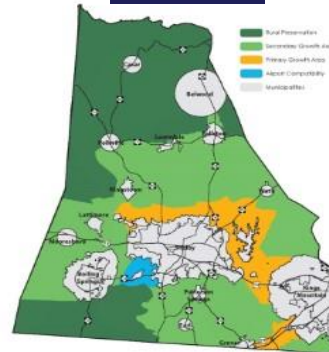
## Future Land Use Map

- Rural Preservation
- Secondary Growth Area
- Primary Growth Area
- Airport Compatibility
- Towns and Cities

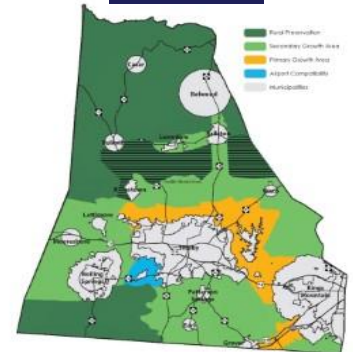


## Expansion of Rural Preservation

Option A



Option B



## Supporting Recommendations

### Supporting Recommendations

#### 27 supporting recommendations were developed

- Coordination and cooperation
- Housing– new product, minimum housing
- Agriculture / Farmland preservation
- Rails-to-trails, greenways, and blueways
- Economic Development– reuse and new sites, broadband
- Tourism and historic preservation
- Use of the plan– evaluate rezonings and regular updates

## Town Future Land Use Maps

### Town Future Land Use Maps



## Timeline

- Steering Committee– September 30, 2021
  - Approved Draft
- Planning Board– October 26, 2021
  - Recommended Approval
- Board of Commissioners– December 7<sup>th</sup>, 2021
  - Presentation
  - Request to Approve Draft or with Modifications

## Action

### Land Use Plan Text

1. Approve
2. Deny
3. Approve with modifications

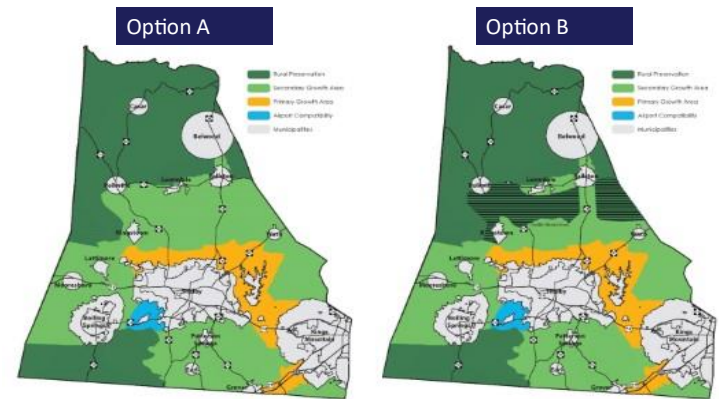


## Action

## Land Use Plan Map

### Land Use Plan Map

1. Approve Option A
2. Approve Option B
3. Deny
4. Approve with additional modifications



Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hardin commented on the much-needed rural preservation (prime farmland) that is proposed. Commissioner Whetstine spoke about the LUP and its purpose, vision and guidance.

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, ***approve the Comprehensive Land Use Plan Text.*** (a full copy of the Comprehensive Land Use Plan is on file in the Clerk's Office and the Planning Department.)

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***approve option B of the Comprehensive Land Use Plan Map.***

### **DECRIMINALIZATION OF CERTAIN ORDINANCES (FIRST READING)**

Chairman Bridges recognized Attorney Elliot Engstrom to present the decriminalization of certain ordinances. The General Assembly recently enacted Session Law 2021-138 which is the result of a yearslong effort to standardize North Carolina's criminal code. The session law amended two statutes governing criminal ordinances. The criminal penalty is a tool to have for when a particular offender commits an egregious violation or continues to commit repeated violations of an ordinance. The goal of this ordinance update is only to bring the County's code into compliance with Session Law 2021-138 so that this tool is available, should it be needed.

The new session law amends two statutes related to county ordinances. First, the session law amends North Carolina General Statute § 153A-123 this is used to provide that county ordinances could be enforced criminally by default. It now provides that an ordinance may only be enforced via criminal penalty if the county specifies in the ordinance that this is the case and that any new criminal ordinances must be read at two separate meetings of the Board of Commissioners before being enacted. It also now forbids counties from imposing criminal penalties in the following ordinances:

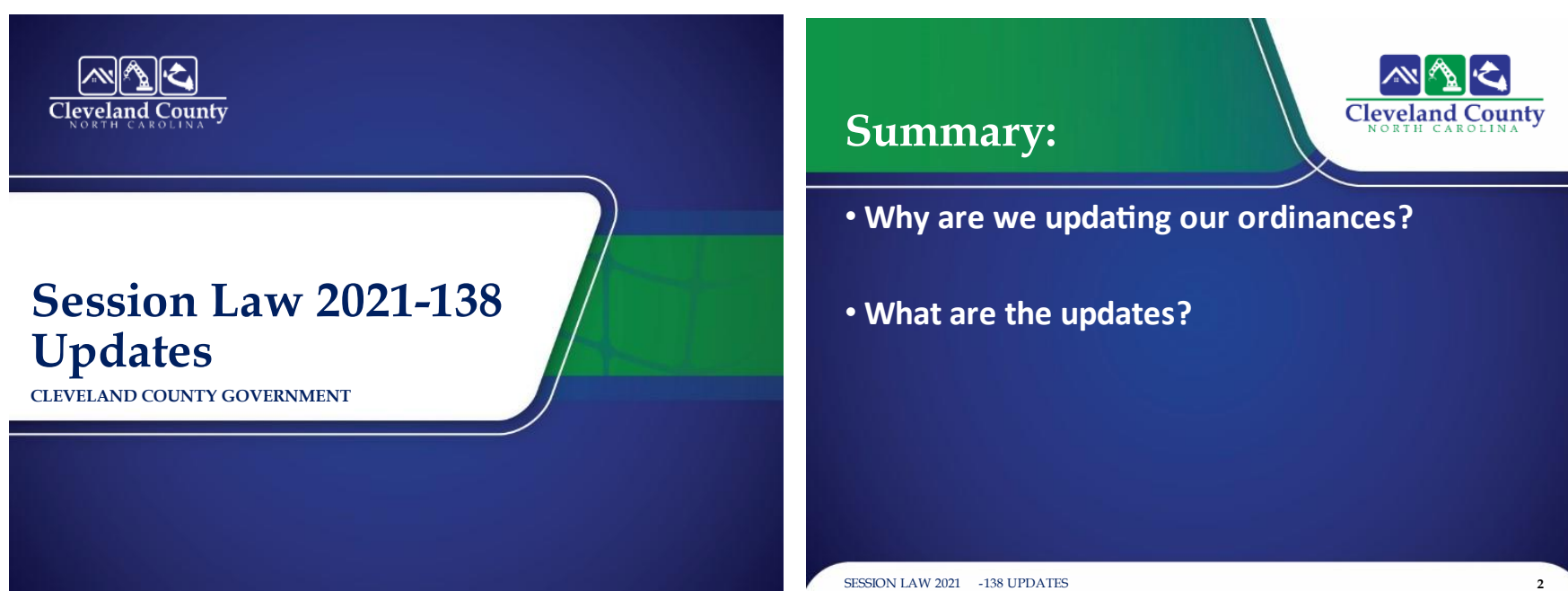
- Any ordinance adopted under Chapter 153A Article 18 or Chapter 160D of the General Statutes – which relate to planning and development – except for those ordinances related to unsafe buildings.
- Any ordinance adopted under G.S. 153A-134, Regulating and licensing businesses, trades, etc. 1 Session Law 2021-138 was enacted September 2, 2021, with an effective date of December 1, 2021, for the provisions at issue here.
- Any ordinance adopted under G.S. 153A-138, Registration of mobile homes, house trailers, etc.
- Any ordinance adopted under G.S. 153A-140.1, Stream-clearing programs.
- Any ordinance adopted under G.S. 153A-143, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.
- Any ordinance adopted under G.S. 153A-144, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.

- Any ordinance adopted under G.S. 153A–145, Limitations on regulating cisterns and rain barrels.
- Any ordinance regulating trees.

Second, the session law amends North Carolina General Statute § 14-4 to provide that a person may not be found guilty of a local ordinance punishable by criminal penalty if, when tried for the violation, the person produces proof of either no new alleged violations of the ordinance within 30 days from the date of the initial alleged violation or a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person’s ability to comply with the local ordinance. The proposed draft ordinance aims to maintain the status quo that existed before Session Law 2021-138, to the extent that it complies with the new law. This generally means adding a criminal penalty specifically into each individual ordinance that the county has historically been able to enforce criminally unless prohibited by Session Law 2021-138. Some specific areas of the code of ordinances include:

- **Animal Services.** The animal services ordinances in Chapter 3 have been updated to allow for criminal penalties.
- **Minimum Housing.** Session Law 2021-138 prohibits the county from prescribing a criminal penalty for the violation of an ordinance enacted under Chapter 153A Article 18 or Chapter 160D of the General Statutes. Minimum housing falls within this category.

However, the County may still criminalize those portions of the Minimum Housing Code related to “unsafe buildings.” If the Board of Commissioners wishes to do so, it must first hold a public hearing, as minimum housing laws are development regulations. This proposed ordinance will be presented to Commissioners for the required second reading at their January 18, 2022, regular meeting. If approved at that time, the updates will bring the Cleveland County Code of Ordinances to bring the code into compliance with Session Law 2021-138. The following information and PowerPoint were reviewed with the Commissioners.





## Why we are updating our ordinances



- Response to changes in state law
- Maintain criminal penalties as tool for ordinance enforcement *if and when needed*
- NOT making changes due to expected increase in criminal enforcement of ordinances

SESSION LAW 2021 -138 UPDATES

3

## Session Law vs. Statute



- Session Law is what the General Assembly enacts.
- Statutes are the codification of the laws.
- A single session law usually modifies numerous statutes.

SESSION LAW 2021 -138 UPDATES

4

## Before Session Law 2021-138



- County ordinances were *presumptively* criminal.
- Any ordinance violation could be prosecuted as a misdemeanor.

SESSION LAW 2021 -138 UPDATES

5

## Before Session Law 2021-138



- General Assembly enacted Session Law 201869.
- Required all local governments to provide list of all ordinances that could be punished criminally by December 31, 2018.
- Cleveland County complied on November 29, 2018.
- General Assembly then researched criminal reforms for almost three years.

SESSION LAW 2021 -138 UPDATES

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## Session Law 2021-138



- Amends two statutes (for our purposes)
  - N.C.G.S. § 153A-123
  - N.C.G.S. § 14-4

SESSION LAW 2021 -138 UPDATES

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## Session Law 2021-138



- Amendments to N.C.G.S. § 153A-123
  - Ordinances can only be enforced criminally if county specifies
  - New criminal penalties must be read at two meetings of Board of Commissioners before being enacted.

SESSION LAW 2021 -138 UPDATES

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## Session Law 2021-138



- Amendments to N.C.G.S. § 153A-123 (continued)
  - County is not permitted to provide criminal penalties for several types of ordinances:
    - Planning and development (except unsafe buildings)
    - Regulating and licensing businesses and trades
    - Registration of mobile homes
    - Stream-clearing programs
    - Outdoor advertising
    - Solar collectors
    - Cisterns and rain barrels
    - Regulations on trees

SESSION LAW 2021 -138 UPDATES

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## Session Law 2021-138



- Amendments to N.C.G.S. § 14-4
  - A person may not be found guilty of a local ordinance punishable by criminal penalty if he produces proof of:
    - No new alleged violations within 30 days
    - Good-faith effort to seek assistance to address underlying factors related to unemployment, homelessness, mental health, or substance abuse that relate to person's ability to comply with ordinance

SESSION LAW 2021 -138 UPDATES

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## What changes is the County making to comply?



- The draft ordinance aims to maintain the status quo that existed prior to the new law- no new ordinances to be enforced criminally
- Most common update:
  - “A violation of this section is punishable as a misdemeanor.”

## Action Requested



- First reading of ordinance
  - Happening now
- Pass ordinance on second reading
- Questions?

Commissioners acknowledged the first reading of the decriminalization of certain ordinances and thanked Mr. Engstrom for the information presented.

### **JUSTICE CENTER CAMPUS ARCHITECTURAL AND ENGINEER SELECTION**

Chairman Bridges called County Manager Brian Epley to the podium to present the Justice Center Campus architecture and engineer selection. Staff has been working on a project for a centralized Justice Center Campus, including courts, Sheriff's administration, and a new detention facility. Mr. Epley reminded the Board of their strategic plan, referring to public safety and fiscal sustainability and the methods to achieve those goals. He reviewed the project's timeline, referring to the top priorities of the 2017 Facility Master Plan. Mr. Epley further outlined jail data analysis, public safety capital, consolidated justice center campus, and additional funding with the American recovery dollars. Mr. Epley concluded by presenting the architectural and engineering selection. The following information and PowerPoint were presented to Commissioners.



### Timeline

- Spring 2017**  
Facilitation and completion of comprehensive Cleveland County facility master plan.
- Fall 2017**  
Detention and Court identified as top two key long term facility challenges.
- January 2018**  
Board of Commissioners prioritize "jail expansion"
- May 2018**  
Cleveland County completes in all-inclusive detention center study by Mosely Architects

### Timeline

- May 2018**  
Cleveland County completes in all-inclusive detention center study by Mosely Architects
- June 2018- November 2019**  
County Space Needs Study Completed  
Jail Space Needs Plan
- February 2020**  
Cleveland County issues RFQ for architect for jail expansion
- March, 2020-December 2020**  
County Freezes Capital Projects, COVID decreases jail numbers substantially, reevaluate jail capacity needs
- February 2021** -Commissioners approve Justice Center Campus master planning
- August 2021** -Evaluation of three (3) independent/objective architectural conceptual renderings of Justice Center Campus Layout
- October 2021** -Justice Center Campus RFQ release for planning, design, and engineering
- December 2021** -Consideration of PDE contract



## 2017 – Master Facility Plan



### Feasibility Study

- Engaged with Boomerang Design / Chinn Planning
- Comprehensive 20-30 year study

### Project Scope

- Analyze Current Building Stock / Space Utilization
- Forecast Future Need
- Make Short / Mid / Long-Term Recommendations



## 2017 – Master Facility Plan



### Top Priorities:

- Consolidation of Detention Facilities
- Law Enforcement Center & Courts
- Records Management Policies



## Jail Data Analysis



PRESENTATION FOOTER

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## 2017 – Master Facility Plan



The consultants top priority and recommendation was identified as the need to consolidate the Law Enforcement Center jail with the McBryer Street Detention Center.

The Recommendation was based on:

- Aged Facility / Inadequate Configuration.....(+++)
- Operational in-efficiencies of two facilities.....(++)
- Capacity Management.....(+)

## Jail Expansion

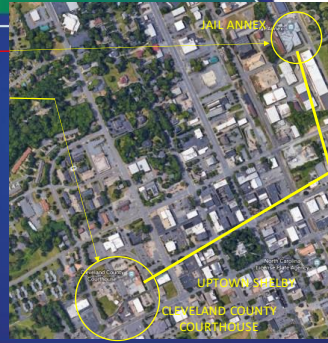


Jail Annex (McBryer Street)

Cleveland County Courthouse (LEC)

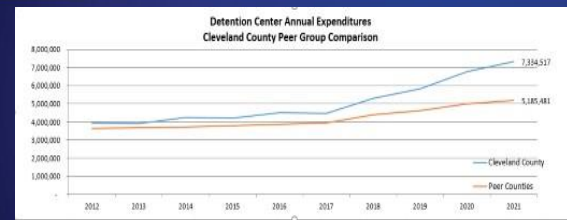
DISTANCE: 0.6 MILES

LEC – 84 beds  
Annex – 240 beds  
324 beds



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## 2017 – Master Facility Plan



### 2021 Audit – Jail

- Salary.....\$ 5,627,007
- Operations.....1,596,991
- Capital.....110,519
- \$ 7,334,517

### Per Capita Costs

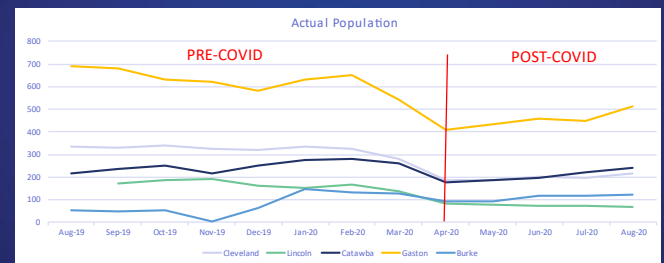
- Cleveland.....\$73.35
- Peer Counties...\$52.24

## Incarceration Rate Per Capita

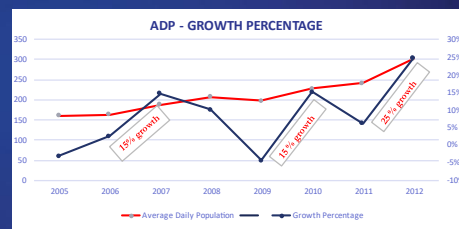
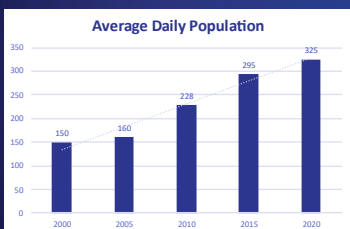


County	ADP	Population	Incarceration Rate Per Capita
Burke	90	90,000	1,000.00
Catawba	246	160,000	650.41
Lincoln	171	86,000	502.92
Gaston	640	225,000	351.56
Rutherford	197	67,000	340.10
Cleveland	325	98,000	301.54

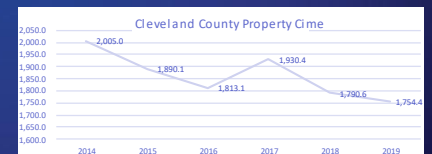
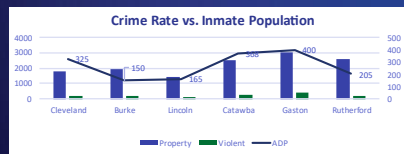
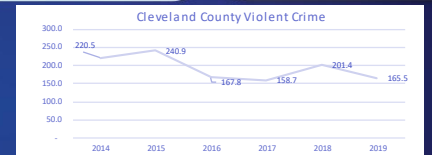
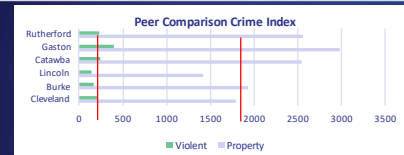
## Actual Population



## Average Daily Population



## Historical Index / ADP Analysis



## Jail Standard Changes & Complexities



- Recreation Areas per housing unit
- Additional privacy issues
- Additional camera placement requirements
- Promotion of site lines to prevent sexual abuse and harassment
- Additional square footage requirements for indoor activity area
- Quantification of borrowed light in dayroom
- Size of cell door glazing increased
- Trending toward indirect supervision for safety of officers
- Lack of available staff has led to more radial concepts with elevated control rooms

## Detention Summary



Considerations:

Facility Master Plan Top Priority

1. Affordability
2. Capacity/Population
3. Risk Mgt



## Detention Summary



Outcomes & Identified Objectives:

1. Reconfigured modern facility w/ adequate capacity
2. Explore ideas for managed population
3. Co-Locate with other justice functions

PRESENTATION FOOTER

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## Public Safety Capital Court House



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## Current Courthouse Deficiencies



Building Envelope Deficiencies:

- Space Capacity
- Building Security / Flow
- Courtroom Space
- Mechanical Infrastructure
- Environment Standards
- Public Space Standards
- Water Infiltration
- Lack of Adaptability
- Technology Standards



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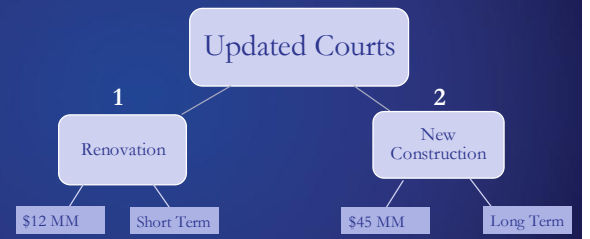
## Courthouse Envelope



Considerations:

Facility Master Plan Top Priority

1. Affordability
2. Building Security
3. Building Envelope & Useful Life

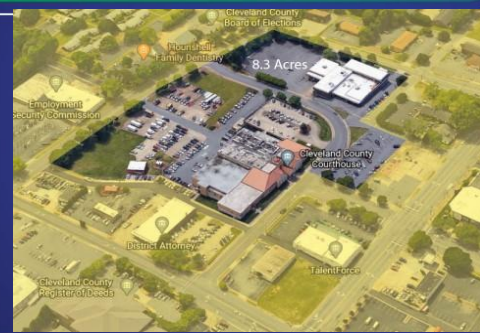


## Consolidated Justice Center Campus



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## Existing Property



## Conceptual Layout



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## Aerial Perspective





# Consolidated Justice Center Campus

## Architectural & Engineering Selection



25

### Top Firms for Consideration





### Team Make Up



DLR Group	SILLING ARCHITECTS	MOSELEYARCHITECTS
<ul style="list-style-type: none"> <li>Planning &amp; Design Court</li> <li>Planning &amp; Design Jail</li> <li>Justice Planners</li> <li>Mechanical Engineering</li> <li>Structural Engineering</li> <li>Cost Estimating</li> <li>Construction Mgt</li> </ul>	<ul style="list-style-type: none"> <li>DLR Architects</li> <li>DLR Architects</li> <li>DLR Architects</li> <li>DLR Architects</li> <li>DLR Architects</li> <li>DLR Architects</li> <li>DLR Architects</li> </ul>	<ul style="list-style-type: none"> <li>Silling Architects</li> <li>Hempill Randal Associates</li> <li>Justice Planners Consultant</li> <li>Scheerer Buckley Mayfield</li> <li>Lynch Mykims</li> <li>NA</li> <li>Kimley Horn</li> <li>KDM Consultants</li> <li>NA</li> </ul>

### Comparable Public Safety Projects

Submitted as part of RFQ process



DLR Group	SILLING ARCHITECTS	MOSELEYARCHITECTS
<ul style="list-style-type: none"> <li>700 (+) Detention Projects</li> <li>100 (+) Court Projects</li> <li>100 (+) Law Enforcement</li> </ul>	<ul style="list-style-type: none"> <li>35 Jail Projects (includes all types)</li> <li>75 Court &amp; LE Projects (includes all types)</li> </ul>	<ul style="list-style-type: none"> <li>30 New Construction Jail</li> <li>68 Jail Renovations</li> <li>139 Jail Master Plans</li> <li>11 New Construction Courts</li> <li>44 Court Renovations</li> <li>46 Court Master Plans</li> <li>24 New Construction Law Enf.</li> <li>19 Law Enforcement Renovations</li> <li>42 Law Enf. Master Plans</li> </ul>

### Jail Construction Experience - Last 5 Years



DLR Group	SILLING ARCHITECTS	MOSELEYARCHITECTS
<ul style="list-style-type: none"> <li>Current- State of Nebraska</li> <li>Fresno County</li> <li>Kings County Juvenile</li> <li>State of Oklahoma</li> <li>San Diego Juvenile</li> <li>2018-2020 – Rockwall County</li> <li>Sarpy County</li> <li>St. Charles County</li> <li>Kings County</li> </ul>	<ul style="list-style-type: none"> <li>2021- Anthony Correctional</li> <li>Barrow County</li> <li>2020 – Burke County</li> <li>2019- Jones County</li> </ul>	<ul style="list-style-type: none"> <li>Current – Pender County</li> <li>Davidson County</li> <li>Edgefield County</li> <li>Hamblen County</li> <li>Davie County</li> <li>Johnston County</li> <li>Orange County</li> <li>2018 -2020 Polk County</li> <li>Bladen County</li> </ul>

\*not inclusive of all projects


### Court/Law Enforcement Experience



DLR Group	SILLING ARCHITECTS	MOSELEYARCHITECTS
<ul style="list-style-type: none"> <li>Athens/Clark County</li> <li>Botetourt County</li> <li>State of Florida</li> <li>Bricker US Courthouse</li> <li>Orange County</li> <li>Sarasota County</li> <li>Pinellas County</li> <li>Red Deer Justice Center</li> <li>Seminole County</li> <li>Walter Hoffman US</li> </ul>	<ul style="list-style-type: none"> <li>Hoke County Judicial Center</li> <li>Pinellas County Family Courthouse</li> <li>US Greenville Courthouse</li> <li>Loudoun County Courthouse</li> <li>Winter Park Courthouse</li> <li>Southampton County Courthouse</li> <li>Barrow County Courthouse</li> <li>Cambria County Courthouse</li> <li>Gwinnett County Courthouse</li> <li>Cabarrus County Courthouse</li> </ul>	<ul style="list-style-type: none"> <li>Hamblen County Justice Center</li> <li>Moore County Courthouse</li> <li>Johnston County Law Enforcement Center</li> <li>King George County Courthouse</li> <li>Lincoln County Courthouse</li> <li>Tega Cay Police Station</li> <li>Purcellville Police Headquarters</li> <li>New Hanover County Juvenile Court</li> <li>York County Family Court- Phase II</li> </ul>

\*not inclusive of all projects

### Proposed Process & Overall Grade



DLR Group	SILLING ARCHITECTS	MOSELEYARCHITECTS
B-	B	A

### Questions



32

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Whetstine applauded the staff for the hard work that has gone into this project.

**ACTION:** Commissioner Whetstine made a motion, seconded by Commissioner Hardin, and approved by the Board (3-1, Commissioner Gordon opposed) to, *authorize the manager to negotiate with Moseley Architects on a design architectural engineering contract for the Justice Center Campus.*

**RECESS TO RECONVENE**

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, *to recess to reconvene*. The next meeting of the Commission is scheduled for *Monday, December 20, 2021 at 10:30 am in the Commissioners Chambers*.

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*Doug Bridges, Chairman  
Cleveland County Board of Commissioners*

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