

Cleveland County Board of Commissioners
March 15, 2022

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: Kevin Gordon, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Chris Martin, Planning Director
Betsy Harnage, Register of Deeds
Sherry Lavender, Tax Assessor
Tiffany Hansen, Health Department Director
Perry Davis, Emergency Management Director/Fire Marshal
Sandra Orvig, Shooting Range Director
Scott Bowman, Maintenance Director
Allison Mauney, Human Resources Director
Tommy McNeilly, Emergency Medical Services Director

CALL TO ORDER

Chairman Gordon called the meeting to order and invited anyone from the audience to lead the Pledge of Allegiance and provide the invocation.

Jim Medlon provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Hardin and unanimously adopted by the Board to, ***approve the agenda with the following addition to the Board Appointments:***

Item 11b. Cleveland Community College Board of Trustees

Commissioner Hutchins advised he is stepping down from serving on the Cleveland Community College Board of Trustees effective immediately, and a replacement will need to be appointed.

SPECIAL RECOGNITION

Retirement of Symantha Franklin: Chairman Gordon recognized Business Officer Sherry Vess with the Cleveland County Social Services Office. Ms. Vess gave a brief account of Symantha Franklin, citing the many accomplishments and contributions through her 23-year tenure at Social Services. The Board presented Ms. Franklin with a retirement plaque and gave congratulations.

CITIZEN RECOGNITION

Brandon Ruppe, 137 S. Post Rd., Shelby – spoke about the Prison to Community Simulation Event sponsored by STI, Cleveland Community College and other businesses in the county. Mr. Ruppe outlined the purpose of the Prison to Community program and the awareness this event will bring.

Matthew Maples, STI Sponsor, Kings Mountain – spoke about the importance of the Prison to Community program, which began in 2019, and the positive impacts it has had on STI and, more importantly, the community.

David Trammel, Shelby Rescue Squad – spoke about the new model system for the rescue squads stating he thinks this is the best for the citizens, employees and the community moving forward.

Jonie Blanton, Kings Mountain Rescue Squad – spoke about the history of the Kings Mountain Rescue Squad and the contributions it has made to the community. He also voiced his opinion about the ending of the franchise agreements with the rescue squads.

Debbie Morgan, Upper Cleveland Rescue Squad – is the Chairman of the Upper Cleveland Rescue Board and gave her opinion on the completed rescue squad study and the franchise agreements scheduled to end on June 30, 2022.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from *December 7, December 20, 2021, January 18, January 20 and February 1, 2022, regular meetings* in Board members' packets.

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

MONTHLY MANAGER'S REPORT

- Finance is now in full swing of the budget process. With capital and operational requests received, individual department meetings will be scheduled in the coming weeks to go over departmental budgets. The Commissioners' work session held in February was instrumental in setting the direction of this year's budget.
- General Fund revenues through mid-year continue to show positive economic trends, increasing around 2.5% over this period in FY 21. Expenditures remained very comparable with a slight decrease of approximately 0.2%. The revenue increase was primarily driven by the County's tax base growth and economic vibrancy shown through the Local Option Sales Tax.
- The County has successfully closed on recent debt borrowings for the Health Department and Social Services Co-Location project and the Shell Building 4 project. Both projects are underway, and the County continues to maintain a strong bond rating and debt portfolio.

Time Period Covered : 1/12/22 to 3/7/22
 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
976	D	1/12/2022	ARP Fund		Move funds to cover professional services	\$ 26,400
977	D	1/13/2022	Property & Liability		Move funds to cover insurance claims	\$ 6,000
978	D	1/13/2022	Property & Liability	Workers Comp	Transfer funds to cover legal services	\$ 30,000
979	D	1/14/2022	Finance/Purchasing		Move funds to cover contracted services and dues/subscriptions	\$ 2,500
980	D	1/14/2022	Legal		Move funds to cover departmental supplies	\$ 2,000
981	D	1/14/2022	Information Technology		Move funds to cover dues/subscriptions	\$ 20,000
982	D	1/14/2022	EMS		Move funds to cover penalty expense	\$ 8,010
983	D	1/14/2022	Economic Development		Move funds to cover contracted services	\$ 2,520
984	D	1/19/2022	Human Resources		Move funds to cover telecommunications	\$ 1,550
985	D	1/14/2022	Building Inspections		Move funds to cover maintenance contracts-equipment and dues/subscriptions	\$ 4,078
986	D	1/14/2022	Cooperative Extension		Move funds to cover postage	\$ 80
987	D	1/14/2022	Animal Services		Move funds to cover maintenance contracts-equipment and professional services	\$ 47,196
988	D	1/14/2022	Mental Health		Move funds to cover salaries and fringes	\$ 25,750
989	D	1/14/2022	Workers Comp		Move funds to cover fees	\$ 31
990	D	1/19/2022	Health Plan		Move funds to appropriate accounts	\$ 1,155,000
991	L	1/14/2022	Building Inspections		Transfer funds to cover credit card fees	\$ 6,359
992	L	1/14/2022	Recreation		Transfer funds to cover Utilities and License/Permits	\$ 4,000
993	D	1/19/2022	Employee Wellness		Move funds to cover prescription drugs, travel and contracted services	\$ 33,425
994	D	1/19/2022	SW Landfill		Move funds to cover garbage expense	\$ 95,000
995	D	1/19/2022	Emergency Mgmt		Move funds to cover automotive supplies	\$ 5,000
996	D	1/14/2022	LeGrand Center		Move funds to cover food and motor fuels	\$ 900
997	D	1/21/2022	Sheriff Office		Move funds to cover advertising/promotions	\$ 5,000
998	D	1/24/2022	Employee Wellness		Temporary budget move to cover prescription drugs	\$ 100,000
999	D	1/24/2022	Court Facilities		Move funds to cover detention fees	\$ 25,000
1000	D	1/20/2022	Law Enforcement Grants		Move funds to cover dues/subscriptions	\$ 1,000
1001	D	1/14/2022	Public Shooting Range		Move funds to cover maintenance building/grounds, rental/lease and contracted services	\$ 24,000
1002	D	1/14/2022	Range-Skeet/Trap		Move funds to cover departmental supplies	\$ 500
1003	D	1/28/2022	CODAP		Move funds to cover dues/subscriptions	\$ 390
1004	D	1/28/2022	Board of Elections		Move funds to cover purchase of equipment	\$ 1,482
1005	D	1/31/2022	Cooperative Extension		Move funds to cover purchase of equipment	\$ 905
1006	D	1/31/2022	Capital Profs-General		Move funds to cover professional services	\$ 18,500
1007	D	1/31/2022	Emergency Mgmt		Move additional funds to cover balance needed for purchase not covered by grant funding	\$ 2,166
1008	D	1/31/2022	Communications		Move funds to cover capital equipment	\$ 4,000
1009	D	1/31/2022	Capital Profs-General		Move funds to cover professional services	\$ 21,942
1010	D	1/31/2022	Workers Comp		Move funds to cover professional services	\$ 9,508
1011	D	1/31/2022	Capital Profs-General		Move funds to cover professional services	\$ 33,500
1012	D	1/20/2022	Capital Profs-General		Temporary budget move for project budget	\$ 144,800
1013	D	2/1/2022	DSS Admin		Move funds to cover advertising and contracted labor	\$ 15,000
1014	D	2/1/2022	DSS Outside Poor		Move funds to cover medicine & supplies	\$ 1,000
1015	L	2/1/2022	DSS Title XX	DSS Admin/Income Maint	Transfer to cover contracted services for Social Work	\$ 164,826
1016	D	2/3/2022	CC4C-PCM		Move funds to cover training for staff	\$ 2,900
1017	D	2/3/2022	TR/STD/CD		Move funds to cover contracted services	\$ 2,300
1017	D	2/3/2022	WIC		Move funds to cover postage	\$ 1,400
1017	D	2/3/2022	WIC		Revenue transfer to appropriate grant funding line	\$ 900
1017	D	2/3/2022	Environmental Health		Move funds to cover specialist license fees	\$ 50
1017	D	2/3/2022	COVID		Move funds to cover postage	\$ 6,000
1017	D	2/3/2022	CODAP		Move funds to cover dues/subscriptions and awards/appreciation	\$ 741
1018	D	1/31/2022	Cap Proj-Skeet/Trap Range		Move funds to cover capital equipment purchase	\$ 28,776
1019	D	2/3/2022	Planning/Zoning		Move funds to cover advertising/promotions	\$ 1,000
1020	D	2/3/2022	E911 Phone System		Move funds to cover contracts and license/permits	\$ 2,314
1021	L	2/7/2022	Property & Liability	Workers Comp	Transfer funds to cover insurance claims	\$ 50,000
1022	D	2/4/2022	Finance/Purchasing		Move funds to cover contracted services and fees	\$ 11,700
1023	D	2/8/2022	Finance/Purchasing		Move funds to cover software license	\$ 2,770
1024	D	1/27/2022	EMS		Move funds to cover engine repair	\$ 10,738
1025	D	2/9/2022	Register of Deeds		Move funds to cover department supplies	\$ 100
1026	D	1/31/2022	Electronic Maintenance		Move funds to appropriate account for capital equipment purchase	\$ 40,107
1027	D	2/9/2022	Sheriff Office		Move funds to appropriate account for equipment purchase	\$ 32,564
1028	D	2/10/2022	Employee Wellness		Move funds to cover prescription drugs	\$ 40,000
1029	D	2/11/2022	EMS		Move funds to cover equipment purchase	\$ 8,300
1030	D	2/11/2022	Capital Profs-General		Move funds to cover professional services	\$ 10,472
1031	D	2/7/2022	Board of Elections		Move funds to cover basement flooring repair	\$ 2,412
1032	D	2/15/2022	Health Dept		Move funds to cover building repairs	\$ 1,160
1033	D	2/18/2022	Law Enforcement Grants		Move funds to cover purchase of equipment	\$ 1,990
1034	D	2/23/2022	School Health		Move funds to cover purchase of supplies	\$ 5,239
1035	D	2/24/2022	Cap Profs-General		Move funds to cover licenses/permits/certs and professional services	\$ 42,481
1036	D	2/24/2022	Animal Services		Move funds to cover purchase of equipment	\$ 1,374
1037	D	2/25/2022	LeGrand Center		Move funds to cover motor fuels, laundry/dry cleaning & dues/subscriptions	\$ 2,800
1038	D	2/25/2022	Law Enforcement Grants		Move funds to cover shipping costs for equipment purchased	\$ 450
1039	D	2/25/2022	Emergency Mgmt		Move funds to cover motor fuels, license/permits/certs and professional services	\$ 3,740
1040	D	2/28/2022	Finance/Purchasing		Move funds to cover travel/training	\$ 2,000
1041	D	3/1/2022	SW Landfill		Move funds to cover contracted services and license/permits/certs	\$ 42,948
1042	D	2/25/2022	Human Resources		Move funds to cover contracted services	\$ 3,000
1043	D	3/3/2022	Tax Admin		Move funds to cover professional services	\$ 16,885
1044	D	3/4/2022	Human Resources		Move funds to cover postage and new contracted service	\$ 4,100
1045	D	3/7/2022	Emergency Mgmt		Move funds to cover purchase of equipment	\$ 15,026

TAX COLLECTOR'S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during *January 2022*.

TAX ADMINISTRATION: BUDGET AMENDMENT (BNA #037)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.410.4.111.18		General Revenues/Ad Valorem Taxes-2018	\$20,000.00	
010.410.4.111.19		General Revenues/Ad Valorem Taxes-2019	\$100,000.00	
010.415.5.490.00		Tax Admin/Professional Services	\$120,000.00	

Explanation of Revisions: Budget allocation for \$120,000 to cover Tax Management Associates for business property tax audit fees.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #038)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.436.4.350.00		Sheriff MCU/State Government Grants	\$450,000.00	
010.436.5.910.00		Sheriff MCU/Capital Equipment	\$450,000.00	

Explanation of Revisions: Budget allocation for \$450,000 in funds received from the North Carolina Office of State Budget and Management to purchase a mobile command unit.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #039)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.437.4.350.00	NCDPS-EQUIP	Public Safety Grants/State Govt Grants	\$84,270.00	
010.437.5.211.00	NCDPS-EQUIP	Public Safety Grants/Controlled Equipment	\$84,270.00	

Explanation of Revisions: Budget allocation for \$84,270 in funds received from the North Carolina Department of Public Safety to purchase equipment for patrol vehicles.

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #040)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.445.4.409.00		Emergency Management/Local Revenues	\$49,200.00	
010.445.5.250.00		Emergency Management/Uniforms-Clothing	\$1,000.00	
010.455.5.910.00		Emergency Management/Capital Equipment	\$48,200.00	

Explanation of Revisions: Budget allocation for \$49,200 in funds received from Duke Energy to be used to purchase supplies and equipment to enhance emergency operations.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #041)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.534.4.310.58		School Health/Federal Govt Grant-ARPA	\$163,604.00	
012.534.5.422.58		School Health/Contracted Labor	\$163,604.00	

Explanation of Revisions: Budget allocation for \$163,604 in funds received from the North Carolina Department of Health and Human Services thru the CDC ARPA funds. These funds will be used in the School Health Program to provide nursing coverage to assist with the COVID-19 public health response in Cleveland County Schools.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #042)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
012.540.5.310.40		WIC/Federal Govt Grant-WIC CS	\$12,323.00	
012.540.5.210.40		WIC/Departmental Supply	\$4,340.00	
012.540.5.211.40		WIC/Controlled Property	\$7,983.00	

Explanation of Revisions: Budget allocation for \$12,323 in additional funds received from the North Carolina Department of Health and Human Services for the WIC Client Services program. Funds will be used to purchase furniture and office supplies for the WIC Department.

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #043)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
065.981.4.991.00		Health Plan/Fund Balance Appropriated	\$621,000.00	
065.981.5.890.00		Health Plan/Interfund Transfers	\$621,000.00	
013.660.4.980.65		Employee Wellness/Tfrs Fm Health Plan	\$621,000.00	
013.660.5.230.01		Employee Wellness/Prescription Drugs	\$621,000.00	

Explanation of Revisions: Budget allocation for \$621,000 in funds to cover prescription drugs for the Employee Wellness Center.

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #044)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
044.802.4.991.00		Capital Loan Fund/Fund Bal Appropriated	\$1,000,000.00	
044.802.5.890.00		Capital Loan Fund/Interfund Transfers	\$1,000,000.00	
493.250.4.980.44		Justice Ctr Campus/Contributions Fm Reim	\$1,000,000.00	
493.250.5.420.00		Justice Ctr Campus/Contracted Services	\$1,000,000.00	

Explanation of Revisions: Budget allocation for \$1,000,000 in funds for the new Justice Center Campus and engineering design.

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #045)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
481.232.4.980.00		Cap Proj-Doran Mill Site/Trfrs Fm Capital Reserve	\$144,800.00	
481.232.5.992.00		Cap Proj-Doran Mill Site/Joint Venture Construction	\$144,800.00	
044.802.4.991.00		Reimb Resolution/Fund Balance Appropriated	\$144,800.00	
044.802.5.890.00		Reimb Resolution/Interfund Transfers	\$144,800.00	

Explanation of Revisions: Budget allocation for \$144,800 in funds for Professional Services for site grading and industrial Building Concrete pad at the old Doran Mill site.

PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, APRIL 5, 2022 FOR CASE 22-07: REQUEST TO REZONE PROPERTY AT 1205 COSTNER ROAD FROM RURAL AGRICULTURE (RA) TO LIGHT INDUSTRIAL – CONDITIONAL USE (LI-CU)

Parcel 35736 is a 3.7-acre tract of land located at 1205 Costner Road, owned by Clyde Heafner, is one mile from Highway 18 between Shelby and Fallston. There are two commercial buildings on the property, one a wholesale trader and the other used as storage. The current zoning layer for the parcel is Rural Agriculture (RA). The surrounding zoning is Rural Agriculture (RA), and surrounding uses are mostly large tracts, agriculture, and

single-family. Mr. Heafner requests to rezone the property from Rural Agriculture (RA) to Light Industrial-Conditional Use (LI-CU) for wholesale trade and warehousing.

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

PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, APRIL 5, 2022 FOR CASE 22-08; TEXT AMENDMENT OF THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE, SECTION 12-142(14)

The Broadway Group, LLC, is requesting an amendment to Section 12-142 (14) of the Cleveland County Unified Development Ordinance (UDO). Section 12-142 of the UDO is entitled Parking and details parking requirements for several commercial and industrial categories. New commercial and industrial projects are required to adhere to the parking requirements of this section when submitting their development plans for review. Part 14 of the section states retail business and consumer service outlets shall have one space for each two hundred square feet of gross floor area. The Broadway Group, LLC, which submits development plans for national chains, including The Dollar Store, is asking that Section 12-142(14) be changed to:

“Retail business and consumer service outlets shall have one (1) space for each ~~two~~ four hundred (~~200~~ 400) square feet of gross floor area.”

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

PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, APRIL 5, 2022 FOR CASE 22-09; REQUEST TO REZONE PROPERTIES ALONG STONY POINT ROAD FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (RR)

David Bradshaw is asking to rezone 22 parcels along Stony Point Rd, totaling 121.6 acres, from Restricted Residential to Residential. He has received signatures representing 21 of the properties. The surrounding uses consist of single-family residential, manufactured homes, convenience store, storage units, and golf course facilities. The land-use plan designates the area as split between future primary growth and secondary growth. Both residential and restricted residential districts provide uses that would be consistent with these designations.

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

LEGAL DEPARTMENT: SALE OF COUNTY OWNED PROPERTY – PARCEL 40159

Parcel 40159 is located on Enola Drive in Waco and has no residential structures on the property. Cleveland County acquired this property through foreclosure proceedings in 2017 and has incurred costs in the amount of \$2,523.38 for accrued unpaid taxes and interest and county costs. The offer of \$3500 exceeds County costs. North Carolina General Statute § 153A-176 authorizes the County to dispose of property according to the procedures proscribed in Chapter 160A, Article 12 of the General Statutes. North Carolina General Statute § 160A-269 states the County may receive an offer to purchase property and advertise it for upset bids.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, *approve the offer made on parcel 40159 and authorize County staff to advertise and open the upset bid(s) process.*



Resolution

03 - 2022

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

WHEREAS, Cleveland County owns the following identified property:

Parcel Number	Location	Offeror
40159	Enola Drive, Waco	Terron Mack

and

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

WHEREAS, the Board of County Commissioners has set minimum qualifier for bids on County-owned property to be at least the amount of the costs incurred, by Resolution # 12-2021.

WHEREAS, the County has received a qualifying offer to purchase the property described above, in an amount which exceeds the costs incurred by the County, as follows:

Parcel Number	Amount Offered
40159	\$3,500.00

and

WHEREAS, the required five percent (5%) deposit has been received from offeror;

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of N.C.G.S. § 160A-269.
2. The County paralegal will notify the offeror(s) of the Commissioners'

authorization and the amount required of them for advertising costs to be paid by cash, money order or cashier's check to payable to the County and delivered to the County paralegal at 311 E. Marion Street, Suite 121, Shelby, North Carolina 28150.

3. Following receipt of payment of the advertising cost(s) by the offeror(s), the Clerk to the Board will cause a notice of the proposed sale to be published. (In the event that one or more offeror declines prepayment of the advertising cost, the corresponding property will not be advertised.) The notice will contain a general description of the property, the amount and terms of the offer, and a notice that within ten (10) days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder.
4. Persons wishing to upset the offer that has been received shall submit a **sealed bid** with their offer to Christie Wooten, paralegal, Cleveland County Administrative Office Building, 311 E. Marion Street, Suite 121, Shelby, NC, 28150 for hand delivery or PO Box 1210 Shelby, NC 28151 for mail delivery on or before 3:00 p.m. on or before the 10th day following publication of said notice. Use of the mail or any means of delivery is at the bidder's risk and any bids received after the deadline will not be considered. Any bid with conditions or terms will not be accepted or considered. Use of the mail or any means of delivery is at the bidder's risk and any bids received after the deadline will not be considered. Any bid with conditions or terms will not be accepted or considered.
5. At 3:00 p.m. on said date, the County Attorney/Deputy County Attorney will open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
6. If a qualifying higher bid is received, the County Clerk will cause a new notice of upset bid to be published, and will continue to do so until a 10-day period has passed without any qualifying upset bid having been received.
7. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid and accompanying One Hundred Twenty-Five Dollars (\$125.00), or higher in the event of an increase, for advertising costs. This amount may be made in cash, money order, or cashier's check.
8. The County will apply the deposit of the final high bidder first to the costs of the bidding process, including but not limited to the cost(s) of advertising the notice(s) of the proposed sale, then the remaining balances to the purchase price at closing, unless the County withdraws the property from sale, at which time the deposit of the final high bidder will be returned. The County will also refund any deposit, excluding costs, made by bidders other than the final high bidder within two (2) weeks of the delivery of the deed to the final high bidder.

9. The terms of the final sale are that:

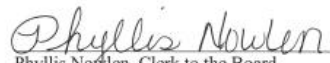
- The Board of Commissioners must review and decide whether or not to approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed,
- The buyer must pay with cash, money order, or cashier's check at the time of closing, and
- The County will transfer its interest in the property via quitclaim deed.

10. The County reserves the right to withdraw any property from sale at any time before the final high bid is accepted and the right to reject at any time any bids. In no event shall the costs of advertising any proposed sale or upset bid be returned to an offeror.

Adopted this 15th day of March, 2022.


 Kevin Gordon, Chairman
 Cleveland County Board of Commissioners

ATTEST:


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



ANIMAL SERVICES: TECHNICAL CHANGES TO ANIMAL SERVICES ORDINANCE (SECOND

READING)

At the February 2022 work session, the Board of Commissioners approved three ordinances concerning animal services: one each concerning licensing, dangerous and exotic animals, and technical amendments. One

additional edit has been made in the ordinance making technical changes to the code. This change specifies no new criminal penalties, but instead makes a purely clarifying revision to the county's animal cruelty rules.

ORDINANCE NO. 2022-03

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

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

The following changes are hereby made to Chapter 3 of the Cleveland County Code of Ordinances. These changes are effective on the date that this ordinance is approved by the Cleveland County Board of Commissioners. Additions are underlined in blue, and deletions are struck through in red.

Sec. 3-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon shall mean to forsake a dog or cat in a street, road, or public or private place without providing for the care, sustenance, protection, and adequate shelter of such animal.

Animal services director means the person who is appointed by the county manager to oversee all animal services and animal control activities carried out by the county except for those that are otherwise provided for by statute. If at any time the County does not have an animal services director, the rights and duties of the animal services director shall be exercised by the County Manager or his designee.

Dangerous dog means any dog that is determined to have has:

- (1) Assaulted, bitten, attacked, or inflicted severe injury on a human being without provocation on public or private property; and/or
(2) Killed or injured a pet or domestic animal without provocation while off the owner's property;
(3) Been declared dangerous by the animal services director or animal services advisory and appeals board, been declared dangerous.

Exposed to rabies means an animal has been exposed to rabies within the meaning of this chapter, if it that has been bitten by, or been exposed to, any animal known or suspected to have been infected with rabies.

Guard and sentry dog means a dog trained for the primary purpose trained for of enhanced aggression.

Sec. 3-7. Inspections; interference; concealment.

(b) It shall be unlawful . . .

- (1) No person may . . . animal services officer/director.

Sec. 3-26. General penalty; additional remedies.

(b) The sections of this chapter may be enforced, inter alia, as authorized and in accordance with N.C.G.S. § 153A-123, 160A-175. Specifically, . . .

Sec. 3-29. Enforcement

(a) Methods. This chapter . . .

- d. In addition to . . .
iii. Third offense: Fine and/or restraint measures of the offending animal in accordance with section 3-3248.
iv. Fourth offense: Fine and/or restraint measures in accordance with section 3-3248 and a secure enclosure . . .

Sec. 3-34. Cruelty to animals; manner of keeping.

(a) It shall be unlawful for any person owning, possessing or harboring an animal to negligently or willfully fail to provide any animal he owns, possesses, or harbors:

- (5) Medical attention or necessary veterinary care when the dog or cat/animal is sick, diseased, or injured.

(j) It shall be unlawful for an owner or keeper of any animal to restrain it in an unsafe manner. It shall further be unlawful for an owner or keeper of any animal to tether/rester the animal . . .

Subsections (i) through (i) shall be effective immediately. Subsection (i) and (i) shall be effective January 1, 2023.

(k) It shall be unlawful . . . to the dog(s). Carriers, crates/eates or other . . .

(Editor's Note: Subsections (j) and (k) listed as amended following passage of "An Ordinance Updating Cleveland County's Ordinances to Comply with Session Law 2021-138," which will be codified contemporaneously with this ordinance).

Health director means the director of the county health department or authorized representative, as described in N.C.G.S. § 130A-41.

Hunter means a person who purchases and keeps current a North Carolina or South Carolina hunting license.

Kennel, dealer, breeder, or pet shop means any person, group of persons, partnership or corporation engaged in buying, selling, breeding, or boarding animals.

Owner means any person, group of persons, firm, partnership, or corporation owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal. The owner is responsible for the care, actions, and behavior of his animals. In the event that the owner or keeper of an animal is a minor, the parent or guardian of such minor shall be held liable for noncompliance with the provisions of this chapter.

Person means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity person as defined by N.C.G.S. § 12-3(6).

Trespass means the intentional, unauthorized entrance onto someone's property. The cause of the individual to be on the property and any other relevant circumstances shall be considered in order to determine . . .

Sec. 3-3. Animal services director—Powers and duties.

- (b) . . .
(4) Maintain the county animal shelter, including required records of all animals impounded, released, and destroyed/euthanized.

Sec. 3-5. Jurisdiction; interlocal agreements.

No employee of the . . . such municipality or township shall agreeing that this chapter, or the applicable ordinances related to animal control within the jurisdiction, shall be enforced by the animal services officers, as defined in section 3-1, director within the corporate limits or jurisdiction of the municipality. This section 3-5 shall not apply to powers that the County is authorized by statute to exercise throughout incorporated and unincorporated areas of the County.

Sec. 3-6. Animal shelter; impoundment and disposition of dogs or cats.

- (c) The animal services employee responsible . . . transferred to a humane rescue organization; or put to death/euthanized by a procedure approved . . .

Secs. 3-37—3-50. Reserved.

Sec. 3-51. Dangerous animal seizure, forfeiture, and appeal procedure.

(a) Probable cause notice required. No animal shall be seized on the basis that it . . . on other lawful authority, nor shall it prohibit the subsequent issuance . . .

(g) Appeal. If the owner disagrees with the decision of the animal services director, they may . . . or determination. The animal services advisory and appeals board . . .

(h) Animal services advisory board chair or co-chair as hearing-presiding officer. The animal services advisory board chair or co-chair shall be the hearing-presiding officer . . . as the hearing-presiding officer if there is . . . as a possible hearing-presiding officer, in which event the hearing-presiding officer . . . believes precludes the department manager/chair or co-chair from conducting-presiding over an impartial hearing of the case.

(i) Decision and written orders. The standard to be applied is whether, by a preponderance of the evidence, the animal is dangerous or prejudicial to the public safety or public health. The hearing-officer/animal services advisory board's decision shall . . . acts as hearing-presiding officer over the . . .

The hearing-presiding officer shall issue at the animal services advisory board's decision in the form of a written order based on the decision. The written order . . . public health, the hearing-officer/animal services advisory board shall have the authority to terminate the owner's ownership rights in the animal and to dispose of the animal in accordance with this subsection, or the hearing-officer/board may suspend . . . the requirements of section 3-32. The hearing-officer/board shall . . .

(j) Disposition of animal. The hearing-officer/animal services advisory board shall provide . . .

(k) Appeal to superior court. The decision of the hearing-officer/animal services advisory board shall be subject to review by the superior court by proceedings in the nature . . .

--END OF CHANGES TO CODE--

Adopted this the 15th day of March, 2022.

By: Kevin Gordon, Chairman, Cleveland County Board of Commissioners

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



AN ORDINANCE AMENDING CLEVELAND COUNTY'S ORDINANCES GOVERNING WILD, EXOTIC, AND INHERENTLY DANGEROUS ANIMALS

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

The following changes are hereby made to Chapter 3 of the Cleveland County Code of Ordinances. These changes are effective on the date that this ordinance is approved by the Cleveland County Board of Commissioners. Additions are indicated by underlined blue text, and deletions are indicated by struck-through red text.

Sec. 3-1. Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Impound or impoundment shall mean to seize and hold in the custody or possession an animal by the animal services department

Livestock shall mean all animals of a domesticated, agricultural nature, including, but not limited to, horses, cattle, sheep, goats, llamas, swine, alpacas, zebra, camels, and ratites.

ARTICLE V. – WILD, EXOTIC, AND INHERENTLY DANGEROUS EXOTIC ANIMALS

Sec. 3-100. Definitions.

Exotic animal is any animal which:

- (1) Is not native or indigenous to North Carolina;
(2) Does not have an established wild population in North Carolina; or
(3) Is not regulated by the North Carolina State Wildlife Commission; and
(4) Is not considered livestock as defined in Section 3-1 of this Chapter.

Inherently dangerous exotic mammal or inherently dangerous mammal means any animal of the mammalian family Canidae, Felidae or Ursidae, or member of the mammal order Primates animal means any of the following:

- (1) The family Canidae includes any member of the canine family, including, but not limited to, wolf, Canis lupus, any member of the dog (Canid) family not customarily domesticated by man or hybrids of wolves, dogs, or other species of Canids in any combination thereof Any wolf, fox, coyote, or member of the family Canidae not customarily domesticated by man, including hybrids between dogs and wild species.
(2) The family Felidae includes a Any member of the cat family weighing over fifteen (15) pounds other than the domestic cat, or any member of the species Felis sylvestris regardless of size, equal Felis Catus or any hybrids of such Felids or any hybrid of domestic and wild cats, or any member of the genus Panthera.
(3) The family Ursidae includes a Any member of the bear family or hybrids of any species of bear.
(4) The order Primates, including all species of Any non-human primates.
(5) Any venomous reptile or venomous amphibian.
(6) Any constrictor snake, including but not limited to pythons and anacondas.
(7) Any crocodile, alligator, or caiman.
(8) Any member of the family Macropodidae, including but not limited to kangaroos.
(9) Any animal that is not livestock or customarily used for agricultural purposes and which weighs over three hundred (300) pounds.
(5) Dangerous animals exclude those species or breeds maintained or used exclusively for agricultural purposes.
Inherently dangerous reptile is any member of the class reptilia which:
(1) Is venomous. A venomous reptile shall include all members of the families Helodermae (gila monsters and Mexican beaded lizards), Viperidae (vipers), Crotalidae (pit vipers), Atractaspidae (burrowing asp), Hydrophilidae (sea snakes), and Elapidae (cobras, coral snakes, and their allies), as well as any "rear fanged" snakes of the family Colubridae that are known to be dangerous to humans (including, but not limited to, Dispholidus typus (boomslang), Thebomnis kirtlandii (twig snake), Rhabdophispp (keelbacks));
(2) Is a member of the order Crocodylia (crocodiles, alligators, and caimans).
Harbored of an inherently dangerous exotic mammal, inherently dangerous mammal or inherently dangerous reptile is any person or persons, regardless of ownership, who allow an inherently dangerous exotic mammal, inherently dangerous mammal or inherently dangerous reptile to remain, lodge, or be fed or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.
Wild animal means any animal native or indigenous to North Carolina with an established wild population in North Carolina.

Sec. 3-101. Possession of inherently dangerous exotic mammals, inherently dangerous mammals, and inherently dangerous reptiles animals is illegal in the county.

At no time may any person or persons possess or harbor any inherently dangerous exotic mammal, inherently dangerous mammal or inherently dangerous reptile animal in the county for any length of time. A person harbors an inherently dangerous animal when he or she, regardless of ownership, allows the animal to remain, lodge, be fed, or be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle, abandoned building, place of business, or any other premises over which the person has control. Any person in possession of an inherently dangerous exotic mammal, inherently dangerous mammal or inherently dangerous reptile animal shall be fined a civil penalty of three hundred dollars (\$300.00). A violation of this section is punishable as a misdemeanor.

Sec. 3-102. Exceptions.

This article does not apply to:

- (1) Veterinary clinics in possession of such mammals or reptiles animals for treatment or rehabilitation purposes.
(2) Nonresident circuses for no longer than one (1) twenty-day period, per each separate location where such circus is held within the county, per calendar year.
(3) Nonresident carnivals for no longer than one (1) twenty-day period, per each separate location where such carnival is held within the county, per calendar year.
(4) Persons temporarily transporting such mammals or reptiles animals through the county, provided that such transit time shall not be more than twenty-four (24) hours. Animals are being transported when they are secured in a vehicle that is actively engaged in a mode of transport.

Sec. 3-103. Impoundment; disposition of impounded animals.

- (a) Any inherently dangerous exotic mammal, inherently dangerous mammal, or inherently dangerous reptile animal, which is kept by any person in contravention of section 3-101 and not excepted by section 3-102 of this article, may be taken up and impounded by the animal services director for the protection and health of the animal and/or for the protection of the public. Whenever possible, the animal services director shall take up and impound the mammal or reptile animal in the presence of its owner or harbored; however, if such is not practicable, then the animal services director may impound such mammal or reptile consistent animal with according to the provisions of this section.
(b) If an inherently dangerous exotic mammal, inherently dangerous mammal, or inherently dangerous reptile animal is impounded pursuant to this section, the owner or harbored of the mammal or reptile animal shall be notified by the animal services director in person or by certified mail.
(c) Any mammal or reptile animal impounded pursuant to this section will be held three (3) days for the owner to claim pursuant to subsection (d) below, but if the mammal or reptile animal cannot be taken up safely by the animal services director, or if proper and safe housing cannot be found for the mammal or reptile animal, the animal services director can immediately destroy euthanize the mammal or reptile animal.

- (d) The owner or harbored of the inherently dangerous exotic mammal, inherently dangerous mammal, or inherently dangerous reptile animal can reclaim the mammal or reptile animal if the person can satisfy the chief animal services director that a safe transfer of the mammal animal or reptile to an appropriate location outside of the county has been arranged.
(e) If no owner or harbored can be located or will claim the inherently dangerous exotic mammal, inherently dangerous mammal, or inherently dangerous reptile animal within three (3) days after impoundment, the animal services director may sell, adopt, or euthanize the mammal or reptile animal, at the discretion of the animal services director.
(f) All costs of impoundment and care of the mammal or reptile animal will be charged to its owner or harbored regardless of whether the mammal or reptile animal is claimed by or returned to said owner or harbored, and in the event the mammal or reptile animal is reclaimed, such costs shall be paid in full prior to the owner or harbored reclaiming the mammal or reptile animal pursuant to subsection (d) above.

Sec. 3-104. Confinement, control, and registration of wild and exotic animals.

- (a) It shall be unlawful for any owner or keeper to keep any wild or exotic animal within the county, unless it is confined within a secure enclosure as required by the animal services director, and or is being transported to receive veterinary care, to be sold, or to be destroyed euthanized.
(b) Any wild animal which is not properly secured or restrained as required by this section or which has injured or endangered any person or property may be confiscated by the animal services director and harbored at the owner's or keeper's expense.
(c) For the purpose of this section, animals of a species customarily used in the state as ordinary household pets, animals of a species customarily used in the state as domestic farm animals, livestock, fish confined in an aquarium other than piranha, birds, nonvenomous reptiles, and or insects are exempt.
(d) All owners of wild animals and exotic pets shall be required to register their animals with the animal services director within ten (10) working days of acquisition. Such registration shall be for information and enforcement purposes, and there shall be no fee for such registration.
(e) A violation of this section is punishable as a misdemeanor.

Sec. 3-105. Imposition of penalties, disposition and appeals of wild and exotic animals.

- (a) If any wild or exotic animal shall attack, assault, wound, bite, or otherwise injure or kill a human being, the owner or keeper shall pay a fifteen hundred dollar (\$1,500.00) civil penalty. If the animal services director, after investigation supported by the evidence, finds that a wild or exotic animal dangerous as defined in section 3-1 has attacked, assaulted, wounded, bitten, or otherwise injured or killed a human being, the animal services director will prepare a written order declaring whether that the animal is found to be dangerous or and prejudicial to the public safety or public health or not dangerous. When an if the animal is found to be dangerous or prejudicial to the public safety or public health, the animal services director shall have the authority to terminate the owner's ownership rights in the animal and to dispose of the animal in accordance with this Chapter subsection, or the

143 animal services director may suspend the termination of ownership rights conditioned upon
 144 the owner's compliance with such terms as the animal services director deems necessary to
 145 ensure that the animal may be kept by the owner in safety. If such terms are part of a written
 146 order suspending seizure/forfeiture, the terms and the written order shall comply with the
 147 requirements of section 3-51.32. The animal services director shall have the authority to
 148 modify the terms when it is necessary to ensure the safety of the public. The termination of
 149 ownership rights may be invoked upon the failure to comply with any of the terms. Written
 150 orders shall include the following statements:

151 (1) Whether the animal is dangerous and prejudicial to the public safety or health or not
 152 dangerous. (If not dangerous, nothing further is required.)

153 (2) That the department has the authority to terminate ownership rights of the animal and
 154 to order the humane destruction of the animal.

155 (3) Whether the ownership rights are being presently terminated or if such termination is
 156 suspended.

157 (4) If the termination is suspended, the terms and condition on which the termination is
 158 suspended in compliance with section 3-51.32.

159 (5) That a failure to comply with the written order could result in termination of ownership
 160 rights and humane destruction of the animal.

161 (6) That any appeal to the superior court of the hearing officer's decision must be filed
 162 within thirty (30) days.

163 (b) *Disposition of animal.* The animal services director will have the discretion to dispose of
 164 any animal forfeited to the department under this section in one (1) of only two (2) specific
 165 ways:

166 (1) By humane ~~destruction~~ euthanasia of the animal; or

167 (2) By giving the animal to an individual or an organization subject to the protective and
 168 inspection conditions required by the animal services director for the well-being of the
 169 animal, for the protection of the public, and for the purpose of preserving and taking
 170 care of the animal. Such conditions shall reserve the department's right to seize and
 171 humanely destroy the animal upon any failure to comply with the conditions. An
 172 animal declared to be dangerous by the hearing officer shall not be disposed of for
 173 research or experimental purposes.

174 (c) *Appeal to superior court.* The decision of the animal services director shall be subject to
 175 review by the superior court by proceedings in the nature of certiorari. Any petition for writ
 176 of certiorari for review by the superior court shall be filed with the clerk of superior court
 177 within thirty (30) days after delivery of, or reasonable efforts to deliver, the decision to the
 178 owner or the owner's representative. Prior to the filing of the petition for writ of certiorari
 179 with the clerk of superior court, a cash bond must be provided to the county for all costs
 180 incurred thus far by the county's retention of the animal and for an approximate time for the
 181 course of the appeal, as well as for the cost of the transcript prepared for the court. The
 182 county shall reimburse the petitioner for the cost of the petitioner's transcript and the court's
 183 transcript if the court reverses the decision and determines that the animal is not dangerous.
 184 If a petition for writ of certiorari is filed in superior court, the animal shall be confined at the

185 animal shelter or at a location solely acceptable to the department. Appeal shall not toll
 186 compliance with any written or containment order pending the hearing of such appeal.

187 (d) If any wild or exotic animal shall kill or wound or assist in killing or wounding any
 188 domestic animal or pet, or damage property, the owner or keeper of such wild or exotic
 189 animal shall pay a five hundred dollar (\$500.00) civil penalty, and the animal services
 190 director will follow the ~~same~~ process as outlined in section 3-84(a) ~~above~~ of this Chapter.

191

192 Sec. 106. Construction of ordinance.

193


194 No provision of this Chapter shall have the effect of permitting any activity or condition with
 195 respect to a wild animal which is prohibited or more severely restricted by regulations of the
 196 North Carolina Wildlife Resources Commission.

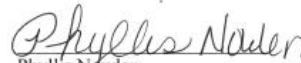
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198 ~~Secs. 3-107.6—3-120. Reserved.~~

--END OF CHANGES TO CODE--

Adopted this the 15th day of March, 2022.

By: 
 Kevin Gordon
 Chairman
 Cleveland County Board of Commissioners

ATTEST: 
 Phyllis Nowlen
 Clerk to the Cleveland County
 Board of Commissioners



CLEVELAND COUNTY WATER: RESOLUTION OF SUPPORT FOR NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Resolution supporting the allocation of North Carolina Department of Transportation Funding for Planning, Design, Permitting and Construction Administration/Inspection for the Stagecoach Greenway in Lawndale. Cleveland County Water continues to make improvements at the Greenway. The proposed resolution is a show of support by the Commissioners and does not require any county funds.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***approve the resolution of support for the Stagecoach Greenway in Lawndale.***



Resolution

04 - 2022

**RESOLUTION SUPPORTING ALLOCATION OF NCDOT FUNDING FOR
PLANNING, DESIGN, PERMITTING AND CONSTRUCTION
ADMINISTRATION/INSPECTION FOR STAGECOACH GREENWAY IN
LAWNDALE, NORTH CAROLINA**

WHEREAS, it is the mission of the Cleveland County government to create and sustain safe, healthy and prosperous communities for our citizens; and

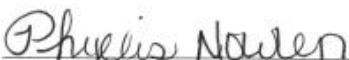
WHEREAS, Cleveland County Water is a governmental partner with the Town of Lawndale who has been working on the Stagecoach Greenway, in and around the corporate limits of Lawndale, and owns land along the First Broad River and SR 1004 (Casar Lawndale Road); and

WHEREAS, the Town of Lawndale and surrounding communities will greatly benefit from the anticipated development of the Stagecoach Greenway and associated improvements along SR 1004 (Casar Lawndale Road) for the section referenced as the Phase from Grigg Street in Lawndale to the proposed Long Rock Park.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cleveland County supports the allocation of NCDOT funding in the amount of \$350,000 to Cleveland County Water to begin the planning, design, permitting and construction administration/inspection for Stagecoach Greenway from Grigg Street to Long Rock Park along SR 1004 (Casar Lawndale Road).

Adopted this the 15th of March, 2022.

By: 
Kevin Gordon, Chairman
Cleveland County Board of Commissioners

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



PUBLIC HEARING

**PLANNING DEPARTMENT CASE 22-02: TEXT AMENDMENT TO SECTION 12-157,
MANUFACTURED HOME PARKS, OF THE CLEVELAND COUNTY UNIFIED DEVELOPMENT
ORDINANCE**

Chairman Gordon recognized Planning Director Chris Martin to present Planning Case 22-02; Text Amendment to section 12-157, Manufactured Home Parks, of the Cleveland County Unified Development Ordinance (UDO). At the Commissioner's September 2021 work session, the Board directed staff to continue evaluating development ordinances for needed updates, including the Manufactured Home Park ordinance. It has been several years since the Mobile Home Park ordinance was modified. A regular review ensures that ordinances are up to date, promote compatibility of uses, and consistent with Land Use Plans. Planning staff reviewed the Manufactured Home Parks ordinance and recommended several changes relating to density, landscape screening and public safety:

- 5-acre minimum lot size
- 2 units per acre, 3 per acre is served by public water and sewer
- Landscape screening required
- Fire hydrants required
- Roads must meet Fire Code
- Streets to be named
- Entrance/exit 50-foot solid surface apron

Staff believes these amendments will help Mobile Home Parks meet the goals of the newly adopted Land Use Plan and provide safety measures for tenants within the park. The Planning Board voted 4-1 in favor of recommending approval of the amendment with the addition of a paved fifty-foot solid surface at each entrance/exit. The following information and PowerPoint were reviewed to Commissioners.

**Case 22-02
Manufactured Home Parks**
MARCH 15, 2022
Cleveland County
NORTH CAROLINA

Direction

- **Work Session, Fall 2021**
 - Land Use Plan Consistency
 - Public Safety
 - Compatibility

Proposal

- 5 Acres minimum lot size
- **Density**
 - 2 per acre
 - 3 per acre with sewer and water
- **Landscape screening**
- **Roads to meet Fire Code**
- **Name Streets**

Planning Board

- **Recommend approval**
 - 50 foot paved surface to entrance

Options




- **Approve**
- **Deny**
- **Approve with modification**

Case 22-02

QUESTIONS?

Chairman Gordon opened the floor to the Board for discussion and questions. Commissioner Hutchins inquired about adequate screening requirements for the Manufactured Home Parks. Mr. Martin reviewed the three different types of screening in the UDO and explained this ordinance would have type B screening:

Semi-opaque screen, Type B: A screen that is opaque from the ground to a height of three (3) feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty (20) feet at maturity. This screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Planted trees shall be at least three (3) feet in height at planting.

	<p>SMALL TREES 30 feet on center 20 feet mature height</p> <p>WALL OR FENCE 3 feet in height</p>
	<p>SMALL TREES 20—30 feet on center 20 feet mature height</p> <p>BERM 3 feet high & seeded</p>
	<p>LARGE TREES 40 feet on center</p> <p>HEDGE SHRUBBERY 3 feet on center 3 feet mature height</p>

Commissioner Hardin inquired if the streets would be named; Mr. Martin replied, “Yes, they will be. By naming the streets, it allows for a numerical to be placed on the sites and will greatly benefit first responders should they need to respond to an emergency at that site.”

Chairman Gordon opened the Public Hearing at 6:43 pm for anyone wanting to speak for or against Planning Case 22-02; Text Amendment to section 12-157 Manufactured Home Parks, of the Cleveland County Unified Development Ordinance.

(Legal Notice was published in the Shelby Star on Friday, March 4 and Friday, March 11, 2022).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:44 pm.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, *approve the Text Amendment to section 12-157 Manufactured Home Parks, of the Cleveland County Unified Development Ordinance.*

Sec. 12-157. Manufactured home parks.

Standards for the development of manufactured home parks shall apply to all areas of the county subject to the requirements of this chapter. The purposes of these regulations are to guide and regulate the development of new parks and additions to existing parks in order to preserve the public health, safety and welfare by providing for an adequate street system, avoid overcrowding of land, secure safety from fire, provide adequate water and sewer systems, protect from erosion and flood damage, and to facilitate an orderly system for the design, layout and use of land.

(a) Prior to construction of a manufactured home park, a plan shall be submitted to the administrator in accordance with procedures applicable to subdivisions as detailed in article IV. As of January 1 of each year, the operator of a park renting lots for three (3) or more manufactured homes shall furnish to the county tax assessor the name of the home owner and a description of each manufactured home located in the park.

(b) **Lot Size:** Minimum lot size for the development of a new manufactured home park shall be five (5) acres.

(c) **Density:**

(1) ~~Two (2) units per acre if served by well and septic tanks.~~ **Two units per acre.**

(2) ~~Three (3) units per acre if served by public water.~~

(3) ~~Five (5) Three (3) units per acre if served by public water and public sewer.~~

These densities are maximum area requirements and may be decreased due to the watershed density restrictions or requirements for placement of well and septic systems as determined by the county health department or other governmental authority.

(d) **Setbacks from each unit:**

(1) Twenty (20) feet from internal street.

(2) Thirty (30) feet from public street.

(3) Forty (40) feet from arterial highway.

(4) Fifteen (15) feet from property line.

(5) Twenty (20) feet between dwelling units.

(e) **Screening:** Type B screening, as outlined in [section 12-305](#), shall be required along all exterior property lines, unless existing screening is deemed sufficient by the administrator or the board of adjustment.

(f) **Utilities:** Each space shall have hook-up facilities for water, sewer, electricity and telephone services. All occupied manufactured home units shall have and use approved sanitary facilities within the manufactured home unit.

(g) **Fire Hydrants:** Every manufactured home park that is served by a public water system, using a minimum of six-inch lines, shall include a system of fire hydrants accessible to local fire departments and located so that no proposed home site lies more than one thousand (1000) feet from a fire hydrant.

(h) **Tie down/anchoring:** Manufactured homes shall be securely anchored to the ground by means of a tie-down system. When the manufactured home is factory equipped with a tie-down system designed by a registered architect or engineer, the owner is to use the manufacturer’s set of instructions as the standard of proper tie-down procedures. If no such set of instructions is available or if the system has not been designed by a licensed architect or engineer, the Building Inspector is to enforce standards listed in the "State of North Carolina Regulations for Mobile Homes" booklet published by the North Carolina Department of Insurance. In no instance shall any part of a manufactured home be elevated greater than five (5) feet above ground.

Access:

- a. Access roads shall be compliant with any applicable standards set forth in Appendix D of the North Carolina Fire Code, Fire Apparatus Access Roads, as determined by the fire code official.
- b. At least one entrance to the park from a state-maintained public road shall be required for every fifty (50) spaces. Access to each space shall be made from an internal street. Internal private streets shall be a minimum of eighteen (18) feet in width, with a minimum of six (6) inches of aggregate base course on a well compacted sub-base in accordance with the North Carolina Department of Transportation, Subdivision Roads Minimum Construction Standards, and shall from time to time be amended. All internal streets shall be provided and maintained by the park owner. Direct access of an individual space onto a public road is permissible if spaced a minimum of seventy-five (75) feet apart.

Parking: Two (2) off-street parking spaces of not less than four (4) inches of stone on a well compacted sub-base shall be provided and maintained for each space by the park owner.

Signage, street names and addresses: Internal streets within the park shall be named and approved by E911 Communications and the Planning Board. The names of manufactured home parks and streets within shall not duplicate or be phonetically similar to the names of existing parks and streets in the county. Addresses shall conform to the street name and house numbering chapter of Cleveland County. At least one (1) identification sign shall be posted at the entrance to the park from a public road, located outside the road right-of-way, and limited to a maximum of twelve (12) square feet in sign area.

reference(s)—Submittal of maps of manufactured homes parks, § 9-37.

Underpinning: All manufactured homes in the park shall have continuous underpinning of wood, masonry, or other exterior grade non-combustible building materials, unpierced except for required ventilation. Each homeowner shall install required underpinning within ninety (90) days of the issuance of a certificate of occupancy permit by the building inspector.

of 1-4-94, § 10.1; Amd. of 8-20-96; Amd. of 3-18-97; Amd. of 4-6-04; Amd. of 6-6-06(3))

PLANNING DEPARTMENT CASE 22-03: TEXT AMENDMENT TO SECTION 12-161 RECREATIONAL VEHICLE PARKS OF THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE

Planning Director Chris Martin remained at the podium to present Planning Case 22-03: Text Amendment to Section 12-161, Recreational Vehicle Parks, of the Cleveland County Unified Development Ordinance (UDO). The Planning Department requests a text amendment to the Recreational Vehicle Park ordinance, specifically Section 12-161. At the Board of Commissioners' September 2021 work session, the Board directed staff to evaluate the county's UDO for any needed updates, including Recreational Vehicle Parks. A routine review ensures ordinances are up to date, promote the compatibility of uses in surrounding areas, and are consistent with the county's Land Use Plans. Planning staff reviewed the Recreational Vehicle Parks ordinance and recommended several amendments relating to separation, density, sanitation, and public safety:

- Eliminating the 1-mile separation requirement
- Amending the watershed density requirement to the critical area only
- Dumpster requirement
- Roads must meet Fire Code
- Eliminating the 1000 feet maximum requirement

The Planning Board voted 5-0 in favor of recommending approval of the amendment. The Board felt that the amendment was reasonable and consistent with other changes in the UDO and would improve safety and sanitation for tenants in the park. The following information and PowerPoint were reviewed to Commissioners.

Case 22-03
Recreational Vehicle Parks
MARCH 15, 2022
Cleveland County
NORTH CAROLINA

Direction
Cleveland County
NORTH CAROLINA

- **Work Session, Fall 2021**
 - Land Use Plan Consistency
 - Code consistency
 - Public Safety
 - Compatibility

Proposal
Cleveland County
NORTH CAROLINA

- Eliminate 1 mile separation requirement
- Reduce limitation of 3 per acre in watersheds to critical areas only
- Approved waste disposal container
- Roads to meet Fire Code
- Eliminate 1000 feet maximum street length

Planning Board
Cleveland County
NORTH CAROLINA

- Recommends approval

Options
Cleveland County
NORTH CAROLINA

- Approve
- Deny
- Approve with modification

Case 22-03
Cleveland County
NORTH CAROLINA

QUESTIONS?

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Bridges asked if the roads in a recreational vehicle park should be named to assist first responders. Mr. Martin advised street names are for permanent structures and homes, not recreational vehicles. Commissioners discussed further the importance of naming streets in a recreational vehicle park.

Chairman Gordon opened the Public Hearing at 6:49 pm for anyone wanting to speak for or against Planning Case 22-03: Text Amendment to Section 12-161, Recreational Vehicle Parks, of the Cleveland County Unified Development Ordinance (UDO). (*Legal Notice was published in the Shelby Star on Friday, March 4 and Friday, March 11, 2022.*)

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:50 pm.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, ***approve the Text Amendment to section 12-161, Recreational Vehicle Parks, of the Cleveland County Unified Development Ordinance with the inclusion of street names and lot numbers.***

Sec. 12-161. Recreational vehicle parks.

- (a) The purpose of these regulations is to allow for the placement and growth of recreational vehicle parks while maintaining the health, safety, and general welfare standards of established residential and commercial areas in Cleveland County.
- (b) Recreational vehicle parks shall be allowed pursuant to section 12-124 and are subject to the following standards:
- (1) No recreational vehicle park shall exist on a single parcel that is less than three (3) acres in size.
- (2) ~~New recreational vehicle parks shall be located at least one (1) mile from any existing recreational vehicle park.~~
- (3) Density.
- a. There shall be no more than six (6) recreational vehicle sites per acre within a single recreational vehicle park.
- b. For recreational vehicle parks within the water supply **critical area** overlay district, there shall be no more than three (3) recreational vehicle sites per one (1) acre.
- c. Each recreational vehicle site shall include a parking spot that is at least twenty (20) feet wide and forty (40) feet long.
- (4) Setbacks.
- a. A setback of one hundred (100) feet shall be required from all public or private rights-of-way, and a setback of fifty (50) feet shall be required from all other property lines.
- b. A setback of twenty (20) feet shall be required between recreational vehicle sites.
- (5) Type B screening, as outlined in section 12-305, shall be required along all exterior property lines, unless existing screening is deemed sufficient by the administrator or the board of adjustment.
- (6) **An approved dumpster shall be required that is not visible from an adjoining property or a public street.**
- (67) Roads and road access.
- a. No recreational vehicle site shall have direct access to a public road. ~~Rather, all~~ Recreational vehicle sites shall be accessible only from interior roads.
- b. **Access roads shall be compliant with any applicable standards set forth in Appendix D of the North Carolina Fire Code, Fire Apparatus Access Roads, as determined by the fire code official.**
- b. ~~Interior roads shall have a minimum width of twenty (20) feet and shall have a maximum length of one thousand (1,000) feet.~~
- c. ~~Interior roads shall be made of an all-weather driving surface capable of supporting emergency vehicles in accordance with the Fire Apparatus Roads Standards in the North Carolina Fire Code.~~
- (78) One non-illuminated sign allowed with a maximum area of twenty-five (25) square feet shall be allowed. The sign shall be set back a minimum of ten (10) feet from any property line or road right-of-way. No other signage shall be permitted unless required by law.
- (89) Each recreational vehicle site shall have an address posted thereon to distinguish it from other sites on the property.
- (910) The applicant shall obtain any required local and state permits such as environmental, building and North Carolina Department of Transportation driveway permits.
- (c) A site plan shall be submitted to the administrator or the board of adjustment prior to approval. The site plan shall show any existing or proposed development or structures, including the location and number of all proposed sites, roads, setbacks, screening, and landmarks. The site plan shall further comply with section 12-33 of the Cleveland County Unified Development Ordinance.
- (Ord. of 2-18-20(1))

PLANNING DEPARTMENT CASE 22-06: REQUEST TO REZONE 513 BORDERS ROAD FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL MANUFACTURED HOME PARKS (RMV)

Planning Director Chris Martin remained at the podium to present Planning Case 22-06: request to rezone 513 Borders Road from Restricted Residential (RR) to Residential Manufactured Home Parks (RMV). Parcel 21939 is a 2.0-acre tract of land, located at 513 Borders Road, belonging to Dustin and Amber Smith. The applicants have submitted an application with signatures of support from some of the surrounding landowners. The surrounding zoning is a mixture of Restricted Residential (RR), Residential (R), Residential Manufactured Home

and Parks (RMV) and General Business (GB) along Oak Grove Road. Surrounding uses are mostly single-family dwelling residential uses with a manufactured home park across Borders Road. The Land Use Plan defines this area as Future Primary Growth Area, which does support single-family residential development. The allowable uses in the proposed zoning district are compatible with surrounding existing uses and align with Cleveland County's Land Use Plan. The Planning Board voted unanimously to approve the recommended rezoning request. They felt his amendment was consistent with the Land Use Plan and compatible with existing surrounding uses.

CASE # 22-06 Rezoning Restricted Residential to Manufactured Home Park
Property Location: 513 Borders Road
Parcel Number: 21939
Acreage: 1.96 acres



CASE # 22-06 Rezoning Restricted Residential to Manufactured Home Park
Property Location: 513 Borders Road
Parcel Number: 21939
Acreage: 1.96 acres



Chairman Gordon opened the floor to the Board for discussion and questions. Commissioner Bridges and Commissioner Whetstine commented on the number of manufactured homes that are already in the area and the lack of opposition from surrounding neighbors.

Chairman Gordon opened the Public Hearing at 6:53 pm for anyone wanting to speak for or against Planning Case 22-06: request to rezone 513 Borders Road from Restricted Residential (RR) to Residential Manufactured Home Parks (RMV). (*Legal Notice was published in the Shelby Star on Friday, March 4 and Friday, March 11, 2022*).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:54 pm.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *approve the request to rezone 513 Borders Road from Restricted Residential (RR) to Residential Manufactured Home Parks (RMV) as it is consistent with the Land Use Plan and compatible with existing surrounding uses.*

REGULAR AGENDA

SALE OF COUNTY OWNED PROPERTY – PARCELS 26693 AND 51976

Chairman Gordon called Deputy County Attorney Elliot Engstrom to the podium to present the sale of county owned property for parcels 26693 and 51976. The properties have been through the upset bid process, have been properly advertised and now need final bid(s) approval from the Commissioners to complete the sale of these county owned properties. Cleveland County acquired parcel 51976, located on Blazer Street, Shelby, from the United States Marshal in 1998. The County incurred no cost in the acquisition of this property and there are no residential structures on the land.

Parcel Number	Amount Offered	Tax Value	Year Acquired	County Cost	Net To County
51976	\$2,500.00	\$4,725.00	1998	0	\$2,500.00

Parcel 26693 is located on County Club Drive in Shelby. The county acquired this property through foreclosure proceedings in 2014. The County incurred costs in the amount of \$15,645.00 for taxes and interest, attorneys’ fees, court cost and advertisement fees. This property has no residual structures. BOCC authorized using this procedure to solicit upset bids on the sale of each of these properties. The bids on both parcels are each in a sum to satisfy the county cost and prior unpaid taxes. The following information and PowerPoint were presented to Commissioners.

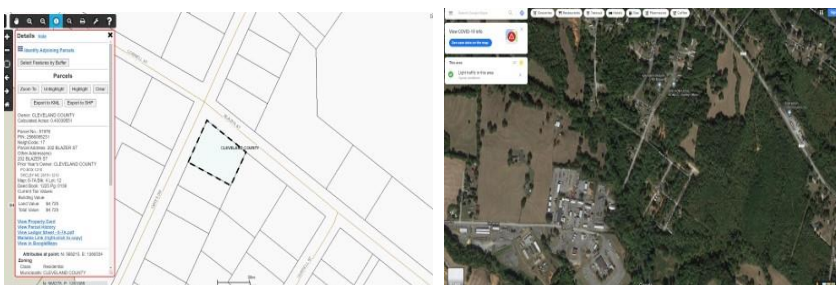


Sale of County owed properties:

51976, 202 Blazer, Street, Shelby, NC 28152
and
26693, Country Club Road, Shelby, NC



202 Blazer Street, Shelby, NC
Parcel No.: 51976





202 Blazer Street, Shelby, NC
Parcel No.: 51976

- Acquired by gift from United States Marshals: 1998
- 2021 Tax info:
 - Tax value: \$4,725.00
- Offeror: Anthony Sklavounakis



Proposed Bid

202 Blazer Street, Shelby, NC
Parcel No.: 51976

- Total tax value:
 - \$4,725.00
- County Cost: 0
- Total bid :
 - \$2,500.00
 - Current Offer: \$2,500.00
 - Gains/Losses: (gain of \$2,500.00)
 - Offer is \$2,225.00 below tax value
 - **47.09% below tax value**

Details: Property Adjoining Parcels

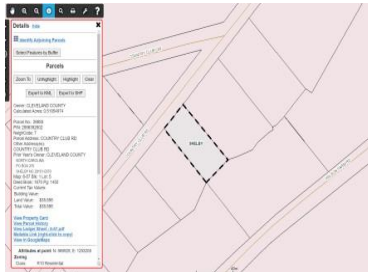
Owner: CLEVELAND COUNTY
Calculated Acres: 0.5394873



Country Club Road, Shelby, NC
Parcel No.: 26693



Country Club Road, Shelby, NC
Parcel No.: 26693



- Acquired by Tax Foreclosure
- 2021 Tax info:
 - Tax value: \$35,595.00
- Offeror Benjamin Leslie



Proposed Bid
Country Club Road, Shelby, NC
Parcel No.: 26693

- Total tax value:
 - \$35,595.00
- Total Owed/Fees: \$15,645.00
 - Taxes/Interest owed at time of Foreclosure: \$9,805.18
 - Fees to Foreclose: \$5,839.82
- Total bid :
 - \$17,000.00
- Gains/Losses (gain of \$1,355.00)
- Offer is \$18,595.00 below tax value
- **52.24% below tax value**

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve the offers made on parcel 26693 and parcel 51976 and authorize staff to complete the sale of these county owned properties.*



Resolution

05 – 2022

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

WHEREAS, Cleveland County received offers to sell and adhered to the upset bid procedures pursuant to N.C.G.S. § 153A-176 and N.C.G.S. § 160A-269 and of its February 1, 2022 Resolution as to certain properties it owns identified, as follows:

Parcel #	Location	Highest Offeree	Current Offer
26693	Country Club Road	Ben Leslie	\$17,000.00
51976	202 Blazer Street	Anthony Sklavounakis	\$2,500.00

and

WHEREAS, the time is ripe for the County to review and determine whether to accept or reject the highest bids by analyzing the bids and the property; and

WHEREAS, the County has incurred expenses and has outstanding property taxes due on the properties identified above reflected as follows:

Parcel #	2022 Tax Value	Current Offer	TOTAL Owed (Taxes + FC cost)	Gains/(Losses)	Would be 2022 Tax payment
26693	\$35,595.00	\$17,000.00	\$15,645.00	\$1,355.00	\$428.92
51976	\$4,725.00	\$2,500.00	0 (Acquired by gift from US Marshals in 1998)	\$2,500.00	\$37.56

and

WHEREAS, the County expects offers to cover the indebtedness of any property through this bid process, with the intention to sell property for a sum that is equal to or in excess of the amount owed to the County when reasonable and that takes into consideration a rational relationship to the tax value of the property at issue; and

WHEREAS, the bids on parcels 26693 and 51976 is the sole bid(s) that covers the outstanding indebtedness on the properties and is also close to the current tax value(s).

WHEREAS, notice of this Board's intention to accept the offer and instructions for the upset bid process were published in The Shelby Star on February 2, 2022; and

WHEREAS, the County received no other offers for the property during the upset bid process.

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

1. The Board of Commissioners approves the sale to Anthony Sklavounakis of the property identified as parcel #51976 located at 202 Blazer Street, Shelby, NC for the sum of \$2,500.00 in cash, money order or cashiers check; and authorizes Chair Kevin Gordon to sign a quitclaim deed for parcel #51976 to Anthony Sklavounakis upon payment; and instructs County staff to prepare the quitclaim deed for delivery to Anthony Sklavounakis; and
2. The Board of Commissioners approves the sale to Ben Leslie of the property identified as parcel #26693 located at Country Club Road, Shelby, NC for the sum of \$17,000.00 in cash, money order or cashiers check; and authorizes Chair Kevin Gordon to sign a quitclaim deed for parcel #26693 to Ben Leslie upon payment; and instructs County staff to prepare the quitclaim deed for delivery to Ben Leslie.

Adopted this 15th day of March, 2022.

Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:

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



Doc No: 200070047
Recorded: 03/18/2022 12:02:17 PM
Fee Amt: \$26.00 Page 1 of 2
Transfer Tax: \$0.00
Cleveland County North Carolina
Betsy S. Harnage, Register of Deeds
BK 1867 PG 2147 - 2148 (2)

2 RECORDING FEE \$ 26.00 REVENUES \$ -0-

NORTH CAROLINA QUITCLAIM DEED
NO TITLE SEARCH REQUESTED OR PERFORMED

Excise Tax: \$0
Parcel Identifier No. 26693 Verified by _____ County on the _____ day of _____, 20____
By: _____
Mail/Box to: _____
This instrument was prepared by: Martha R. Thompson, Attorney *Christie Wooten
Brief description for the Index: _____
THIS DEED made this 15th day of March, 2022, by and between

GRANTOR	GRANTEE
CLEVELAND COUNTY, NORTH CAROLINA	BENJAMIN C. LESLIE and wife, KATHERINE J. LESLIE 209 Country Club Road Shelby, NC 28150

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

WITNESSETH, that said Grantors, for and in consideration of the sum of ten dollars and other consideration to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release, and forever quitclaim into the Grantee and his heirs and assigns all right, title, claim, and interest of the said Grantors in and to a certain tract or parcel of land lying and being in the County of Cleveland and State of North Carolina, and more particularly described as follows:

Located in Cleveland Springs Estates about one mile East of the City of Shelby and situated on the South side of Elizabeth Avenue Extension, and being Lots Nos. 11 and 12 of the Division of Cleveland Springs Estates platted by D. R. S. Frazier and Son, Engineers, in 1951, and recorded in Plat Book No. 7, Page 95, in the office of the Register of Deeds for Cleveland County, North Carolina, said lots more particularly described as follows:

BEGINNING on an iron stake, in the South edge of Elizabeth Avenue Extension, said corner being the Corner of Lineberger's lot, and running thence with the line of Lineberger's residential lot, South 44 degrees 55 minutes East about 260 feet to a stake in the center of a branch; thence down the branch, with the center of Same, 100 feet to a stake, corner of Ed Lewis' residence lot; thence with the line of Ed Lewis' residence lot

North 44 degrees 55 minutes West about 240 feet to a stake in the East edge of Elizabeth Avenue Extension, same being corner of Ed Lewis' residence lot; thence with the edge of Elizabeth Avenue Extension, North 45 degrees 05 minutes East 100 feet to the BEGINNING.

This property is subject to restrictions as shown on Deed of Record in Book 9-S at Page 418 in the office of the Cleveland County Register of Deeds.

No title search was requested or performed on these parcels.

____ If checked, the property includes the primary residence of the Grantor (N.C.G.S. § 105-317.2)

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1670, Page 1450, Cleveland County Registry.

A map showing the above-described property is recorded in Map 6-57, BLK: 1, Lot: 5.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to him the said Grantee and his heirs and assigns free and discharged from all right, title, claim or interest of the said grantors or anyone claiming by, and through or under them.

Title to the property hereinabove described is subject to the following exceptions if any:

Rights of way and easements of record
Municipal liens

GRANTOR makes no warranty, express or implied, as to title to the Property.

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

CLERK TO THE BOARD _____ CLEVELAND COUNTY, NORTH CAROLINA
ATTEST *Phyllis Anderson* (SEAL) By: *Kevin Gordon* (SEAL)
Kevin Gordon, Chair
Board of Commissioners

State of North Carolina- County of Cleveland

I, the undersigned Notary Public of the State aforesaid, certify that Kevin Gordon personally came before me this day and acknowledged that he is the Chairman of the Cleveland County Board of Commissions, a State of North Carolina Governmental Body and that by authority duly given and as the act of this entity he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 16th day of March, 2022.

My Commission Expires: 5-7-2022
(Affix Seal)

April N. Crotts
April N. Crotts Notary Public
Notary's Printed or Typed Name



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

Doc No: 200070486
Recorded: 03/29/2022 04:04:23 PM
Fee Amt: \$26.00 Page 1 of 2
Transfer Tax: \$0.00
Cleveland County North Carolina
Betsy S. Harnage, Register of Deeds
BK 1868 PG 1260 - 1261 (2)

2 RECORDING FEE \$ 26.00 REVENUES \$ -0-

NORTH CAROLINA QUITCLAIM DEED
NO TITLE SEARCH REQUESTED OR PERFORMED

Excise Tax: \$0
Parcel Identifier No. 51976 Verified by _____ County on the _____ day of _____, 20____
By: _____
Mail/Box to: _____
This instrument was prepared by: Martha R. Thompson, Attorney *
Brief description for the Index: _____
THIS DEED made this _____ day of March, 2022, by and between

GRANTOR	GRANTEE
CLEVELAND COUNTY, NORTH CAROLINA	ANTHONY SKLAVOUNAKIS 324 Oates Drive Shelby, NC 28152

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

WITNESSETH, that said Grantors, for and in consideration of the sum of ten dollars and other consideration to them in hand paid, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise, release, and forever quitclaim into the Grantee and his heirs and assigns all right, title, claim, and interest of the said Grantors in and to a certain tract or parcel of land lying and being in the County of Cleveland and State of North Carolina, and more particularly described as follows:

Being located about three miles East of the City of Shelby and being a part of the James Oates property;
Being located in the Light Oak Community and being all of Lot Numbers 1-5, Block E, of the Lincoln Park Subdivision as recorded in Book of Plats 8 at Page 85 of the Cleveland County Registry. Reference being made to said plat for further description of the foregoing lots.

No title search was requested or performed on these parcels.

____ If checked, the property includes the primary residence of the Grantor (N.C.G.S. § 105-317.2)

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1225, Page 0139, Cleveland County Registry.

A map showing the above-described property is recorded in Map 6-7A, BLK: 4, Lot: 12.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to him the said Grantee and his heirs and assigns free and discharged from all right, title, claim or interest of the said grantors or anyone claiming by, and through or under them.

Title to the property hereinabove described is subject to the following exceptions if any:

Rights of way and easements of record
Municipal liens

GRANTOR makes no warranty, express or implied, as to title to the Property.

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

CLERK TO THE BOARD _____ CLEVELAND COUNTY, NORTH CAROLINA
ATTEST *Phyllis Anderson* (SEAL) By: *Kevin Gordon* (SEAL)
Kevin Gordon, Chair
Board of Commissioners

State of North Carolina- County of Cleveland

I, the undersigned Notary Public of the State aforesaid, certify that Kevin Gordon personally came before me this day and acknowledged that he is the Chairman of the Cleveland County Board of Commissions, a State of North Carolina Governmental Body and that by authority duly given and as the act of this entity he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 23 day of March, 2022.

My Commission Expires: 5-7-2022
(Affix Seal)

April N. Crotts
April N. Crotts Notary Public
Notary's Printed or Typed Name



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

RESIDENTIAL SOLID WASTE COLLECTION

Chairman Gordon called County Manager Brian Epley to present the residential solid waste collection.

Following Board direction from their February 2021 work session, staff has been evaluating the concept of a single exclusive franchise for commercial and residential solid waste pickup. A tremendous amount of work and time has

gone in for data gathering, forecasting, cost projections and options for the Board to consider. In July 2021, Cleveland County piloted an open market commercial system with a vendor registration system, remaining exclusive on the residential pickup. Staff collected all the information and reported back to the Board at their February 2022 work session.

On the commercial side, staff has seen adjustments in the market for price, with competition driving that market price down. Staff was measuring the collective data over a 12-month period for a front-loaded container with weekly pickup. The county has 16 vendors that are now operating in that commercial market, where historically the county has only had one. The feedback shows there has not been an uptick in parameters the county measures such as litter, tonnage materials and integrity. To date, there has been a correction in the market price.

What are the next steps for the residential side? Several options were presented with the stated goal being how to make create competitiveness and ensure the best price point for citizens without losing some of the advantages that come with a franchise of 100% coverage with weekly pickup, no matter where a resident lives in the county. At their February 2022 work session, the Board asked staff to proceed with the development of options, but in a competitive way through a request for proposal (RFP) process. Staff was also directed to create two separate models; the county in phases to allow multiple vendors or vendors to produce specific areas of the county, or they could adjust the price point based on specific areas of the county, or if companies wanted to bid on the entirety of the county. Both models are under a competitive process but ultimately leading towards franchise. Currently out of the 25,000 or so unincorporated households in Cleveland County, about 3,294 citizens are already receiving this service through Republic.

The Board was reminded the current ordinance and franchise agreement allow them to control the price and Republic Services is not able to change what they're charging the customers without Commissioner's approval. Staff has been evaluating the county, working through how zones may be created to consider multiple franchises or other bidding options. A tool used for the evaluation was census tracts for 2022. Staff started with census tracts off the heels of the 2020 census. There is a tremendous amount of information inside the census tracts including income levels, educational attainment, the number of people in a household, all those factors helped guide staff toward a more equitable zone development. Mr. Epley reviewed the data gathered to create the proposed zoning districts. An RFP has been drafted and is ready for distribution.

Following the Commissioner's February 2022 work session, staff called all 16 commercial vendors and spoke with them about the Commissioner's desire to have a competitive process. They were asked if they were interested in hauling residential solid waste curbside. Five vendors indicated they were interested and were invited to a meeting for further discussion; four of the five vendors came. The prepared RFP includes two options; a vendor could choose to bid on the entire county, or they could do to bid on one zone or multiple zones. Staff presented the completed bid packets to the Board at their May 3, 2022 meeting. It is the intention to mobilize by the June 30, 2022 expiration of the current franchise agreement.

If a new vendor bids, they may need more time to be able to execute. In the RFP, vendors are not required to be mobilized by law. But if they can't be ready by June 30, the vendor must inform staff when they will be prepared. In the RFP, there are minimum insurance requirements, a performance bond. It requires them to list additional charges such as other containers or do an additional pick up. Staff is seeking Board direction and guidance on developing the proposed zones and permission to release the RFP on March 16, 2022. The following information and PowerPoint were presented to Commissioners.

Proposed Curbside Zoning

Curbside Residential Solid Waste Collection

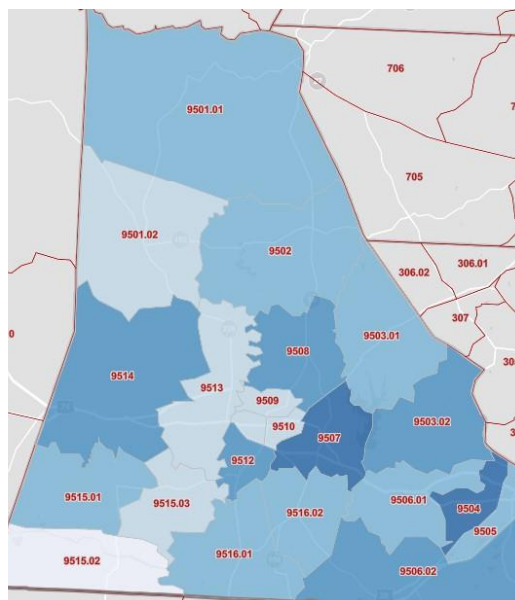
- Who is currently receiving curbside in unincorporated areas?
- What would proposed zones look like for services?
- What is the demographic information of the unincorporated areas?
 - Distance from the landfill
 - Number of households
 - Household income
 - Population
 - Age

Cleveland County, North Carolina

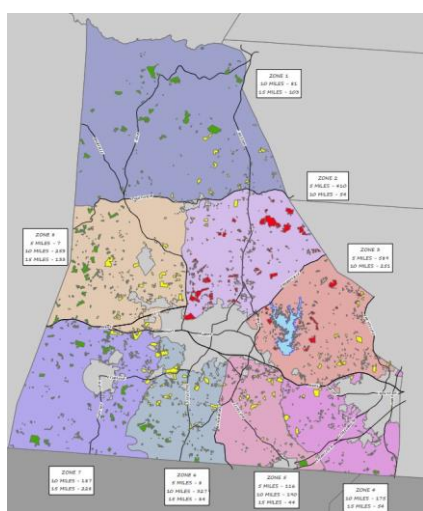
Current Curbside Clients

Current Curbside Residential	5 Miles	10 Miles	15 Miles	Total
Customers	1130	1518	646	3294

Census Tracts

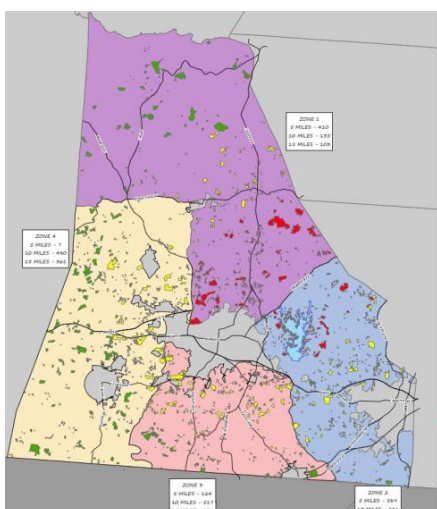
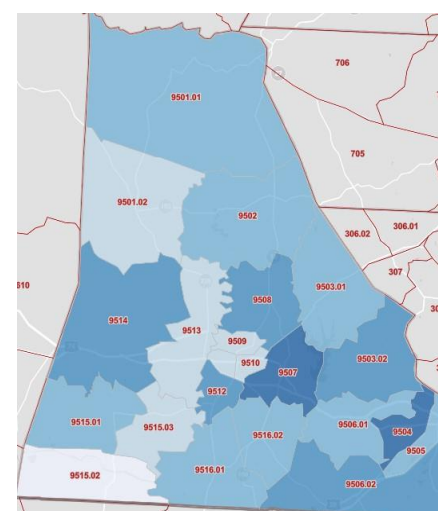
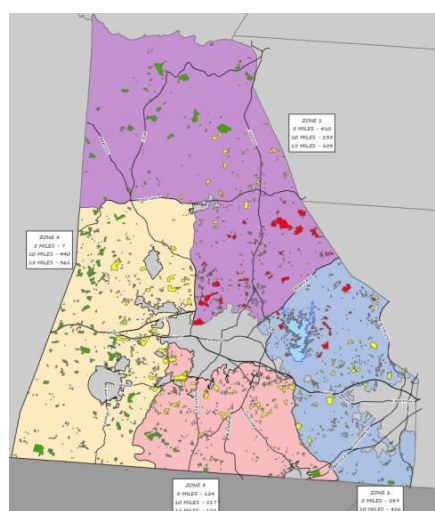


- 9501.01
 - 9501.02
 - 9502
 - 9503.01
 - 9503.02
 - 9504
 - 9505
 - 9506.01
 - 9506.02
 - 9507
 - 9508
 - 9509
 - 9510
 - 9511
 - 9512
 - 9513
 - 9514
 - 9515.01
 - 9515.02
 - 9515.03
 - 9516.01
 - 9516.02
- 22 Tracts in the county
- *Majority in city limits
 - **Partially in city limits



Sheriff Patrol Zones

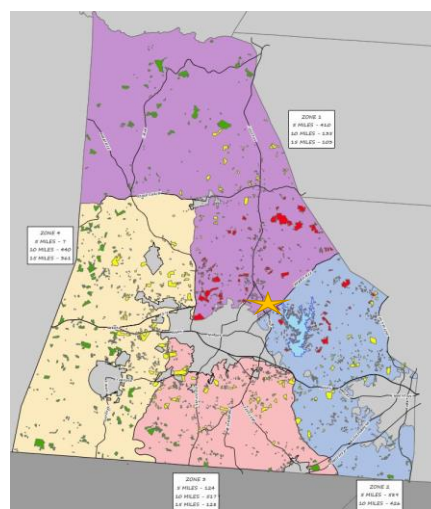
Proposed Curbside Zones	Sheriff Zones
Zone 1	1 & 2
Zone 2	3 & 4
Zone 3	5 & 6
Zone 4	7 & 8



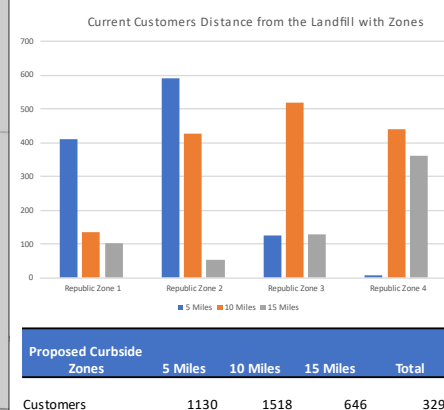
Current Customers

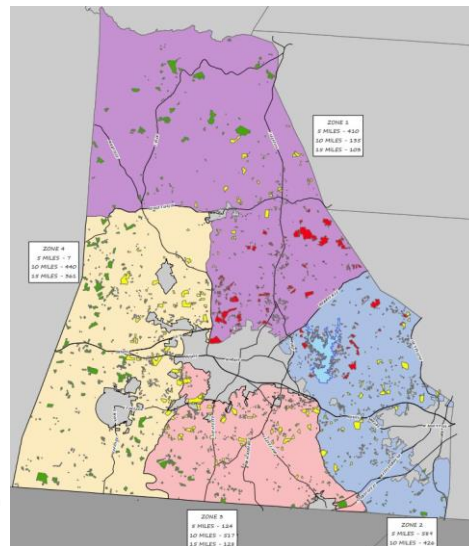
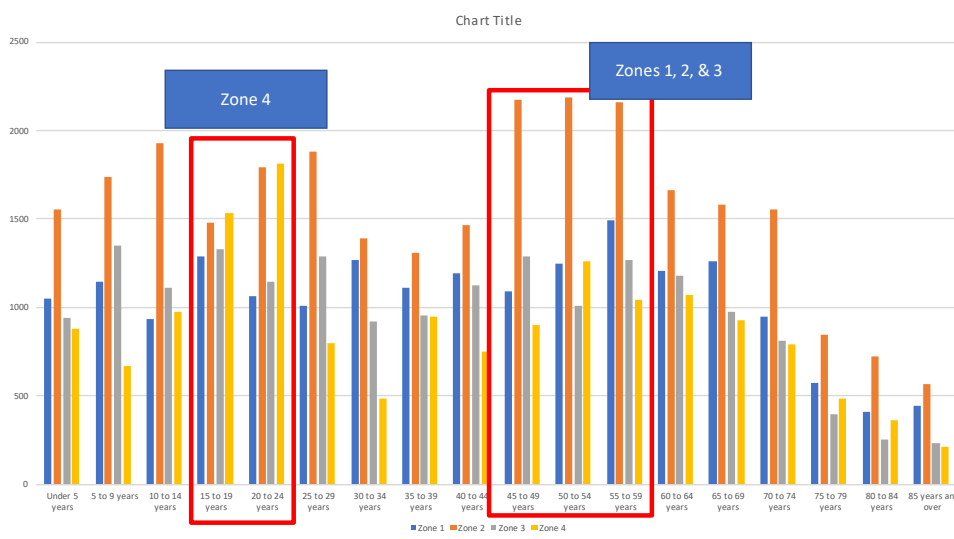
Tracts	Proposed Curbside Zones	Current Customers
Census Tract 9501.01	Zone 1	648
Census Tract 9501.02	Zone 2	1069
Census Tract 9502	Zone 3	769
Census Tract 9503.01	Zone 4	808
Census Tract 9503.02		
Census Tract 9504		
Census Tract 9505		
Census Tract 9506.01		
Census Tract 9506.02		
Census Tract 9507		
Census Tract 9508		
Census Tract 9509		
Census Tract 9510		
Census Tract 9511		
Census Tract 9512		
Census Tract 9513		
Census Tract 9514		
Census Tract 9515.01		
Census Tract 9515.02		
Census Tract 9515.03		
Census Tract 9516.01		
Census Tract 9516.02		

Current Tipping Fees	
Per Ton	\$ 51.51
Annual Tonnage	65,263.56
Estimated Revenue	\$ 3,361,725.98



Distance from the Landfill





Household Information

Proposed Curbside Zones	Households	Median Income	Mean Income
Zone 1	7,013	\$38,760	\$55,967
Zone 2	6,489	\$50,138	\$67,132
Zone 3	6,096	\$46,306	\$55,025
Zone 4	5,282	\$48,525	\$63,082

13% of households currently have curbside service

Next Steps:

- 3/16/2022 – Distribution of RFP
 1. Option A: Entire County
 2. Option B: Selection of Proposed Serviced Zone(s)

**Qualified vendors may bid on either option.

- 4/30/2022 - RFP Due Back To County
- 5/3/2022 - RFP Presented To County Commissioners
- 7/1/2022 - Mobilization of Franchise Awards

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners discussed the time frame and the two competitive RFP options.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***approve the distribution of the RFP on March 16, 2022, and accept the staff's recommendation for proposed service zones.***

COVID-19 UPDATE AND RESCINDED STATE OF EMERGENCY RESOLUTION

Chairman Gordon called Health Department Director Tiffany Hansen to the podium to present a COVID-19 update. She reviewed Cleveland County's numbers, testing overview, community levels, guidance updates and a pandemic reflection. The following information and PowerPoint were presented to Commissioners.

Guidance Updates

Dec 2021:

- CDC shifts guidance for the general public on isolation (5 days isolation and 5 days mask wearing) or quarantine* (5 days quarantine and 5 days mask wearing)

* Not up to date on vaccinations

Feb 2022:

- NCDHHS no longer recommending individual contact tracing in K-12 schools. students and staff no longer be required to stay home from school following a COVID-19 exposure, unless they have symptoms or test positive.
- Childcare facilities have similar guidance updates

Pandemic Reflection

- January 2020: First recorded case of COVID-19 in U.S.
- March 2020: Gov. Cooper issued Stay at Home Order
- December 2020: First COVID-19 Vaccines are given in Cleveland County
- May 2021: NC DHHS updates K-12 guidance prioritizing students in-person learning
- September 2021: Delta Variant identified, surge in hospitalizations follows
- 2022: Guidance change: general public, schools and childcare

- January 2020: Declares Federal Emergency
- March 2020: First Case in Cleveland County
- December 2020: NC lifts indoor mask mandate, mass gathering limits and social distancing requirements
- September 2021: Early detection & vaccination continue to be high priority for high risk

Emergency Management Director/Fire Marshal Perry Davis came to the podium to present a state of emergency update. The following information and PowerPoint were reviewed with Board members.

STATE OF EMERGENCY UPDATE PERRY DAVIS

State of Emergency

Activated for Coronavirus pandemic

March 17, 2020

Current Situation

- Health Directors Positive Report
- Significant decrease in COVID positive cases
- Need for major pandemic related purchases no longer exists
- CDC Guidance Restrictions dramatically reduced
- Current Governors Executive Order #256 set to expire May 5
- Move to end Governors State of Emergency in NC Legislature

Cleveland County, North Carolina	
State Health Department	
7-day Metrics 7-day Percent Change	
Cases	46
Case Rate per 100k	46.96
% Positivity	1.87%
Deaths	0

Current 7-days is Mon Mar 07 2022 - Sun Mar 13 2022 for case rate and Sat Mar 05 2022 - Fri Mar 11 2022 for percent positivity.

State of States of Emergency

- US Senate passed a resolution 4847 to end the State of Emergency for the United States
- Currently 69 Counties with States of Emergency in NC
- 31 NC Counties have rescinded their States of Emergency
- Recommend Rescinding the State of Emergency for Cleveland County Effective Immediately

Action

- Leave State of Emergency activated
- Adopt resolution to rescind State of Emergency

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners thanked Mrs. Hansen, Mr. Davis and their staff for the tremendous amount of hard work and dedication they do for the citizens of Cleveland County.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve the Rescinded State of Emergency Resolution for Cleveland County.*



Resolution

06 – 2022

Termination of Cleveland County's State of Emergency for Coronavirus (COVID-19)

WHEREAS, in the beginning of March 2020, the World Health Organization declared a novel coronavirus (COVID-19) to be a global pandemic, on March 10, 2020, North Carolina Governor Roy Cooper declared a State of Emergency due to the outbreak and spread of COVID-19, on March 17, 2020, a local state of emergency was proclaimed for the County of Cleveland due to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, in consultation with Public Health and Emergency Management Officials, it was ordered that emergency actions be established, and ordered the implementation of the Emergency Management Plan and implementation of Public Health Protective Measures; and

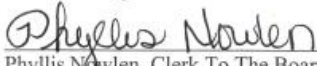
WHEREAS, COVID-19 positive case numbers have since significantly decreased, the restrictions set by the Center for Disease Control (CDC) have been dramatically reduced, Governor Cooper's Executive Order #256 is set to expire May 5, 2022, the Board of County Commissioners have determined that a state of emergency for COVID-19 no longer is warranted in the County of Cleveland.

NOW THEREFORE, the Cleveland County Board of Commissioners hereby terminates the above-referenced State of Emergency Proclamation of a local state of emergency and all of the restrictions and orders therein. This local State of Emergency termination is effective immediately.

Adopted this the 15th day of March, 2022 at 7:22 p.m.


Kevin Gordon, Chairman
Chairman of Commissioners, County of Cleveland

ATTEST:


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



BOARD APPOINTMENTS

CLEVELAND COMMUNITY COLLEGE BOARD OF TRUSTEES

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to appoint Commissioner Kevin Gordon to serve as a member of this board*, filling the unexpired term of Commissioner Johnny Hutchins, whose term is set to conclude June 30, 2024.

BOARD OF EQUALIZATION AND REVIEW

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to appoint Andy Dedmon, Gary Hastings, David Allen, Mike Philbeck and Marvin Hutchinson to serve as members of this board*, for a period of one year, scheduled to conclude March 31, 2023.

CLOSED SESSION

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

RECONVENE IN REGULAR SESSION

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

Chairman Gordon stated the following, ***“the Board gave direction to its attorneys to take action on a personnel matter and establish the terms of employment contracts.”***

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hutchins made a motion, seconded by Commissioner Hardin and unanimously adopted by the Board, ***to adjourn***. The next meeting of the Commission is scheduled for ***Tuesday, April 5, 2022 at 6:00 p.m.*** in the ***Commissioners Chambers***.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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