

Cleveland County Board of Commissioners
March 21, 2023

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
Ronnie Whetstine, Vice-Chair
Johnny Hutchins, Commissioner
Doug Bridges, Commissioner
Deb Hardin Commissioner
Tim Moore, County Attorney
Todd Carpenter, Interim County Manager
Phyllis Nowlen, Clerk to the Board
Sheriff Alan Norman
Kerri Melton, Assistant County Manager
Katie Swanson, Social Services Director
Chris Martin, Planning Director
Sherry Lavender, Tax Assessor
Betsy Harnage, Register of Deeds
Sandra Orvig, Shooting Range Director
Allison Mauney, Human Resources Director
Tiffany Hansen, Health Department Director
Jamie Bridges, Soil and Water Conservation Director
Scott Bowman, Maintenance Director
Clifton Philbeck, Board of Elections Director

CALL TO ORDER

Chairman Gordon called the meeting to order and Duke Energy's Local Government & Community Relations Manager Craig DeBrew led the audience in the Pledge of Allegiance and provided the invocation.

AGENDA ADOPTION

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

CITIZEN RECOGNITION

Courtney Carver, 816 Kings Road, Shelby – spoke about her neighbor's aggressive pit bulls. She explained the dogs continuously escape from their enclosures and charge at the neighbors. On March 11, 2023 Mrs. Carver was bitten on the knee by one of the pit bulls, sustaining injuries, needing medical care. She expressed her frustrations regarding the City of Shelby's Police Department and Cleveland County Animal Services response to the incident.

Marissa Casaino, 814 Kings Road, Shelby – spoke about the same issues with the neighbor's pit bulls. She expressed her fear and concern regarding how easily the pit bulls can get out of their fenced-in yard to intimidate and attack the neighbors. Mrs. Casaino voiced her frustrations regarding the response of law enforcement and animal controls reaction as the dog has attacked her, her husband and several other people in the neighborhood.

Betty Samole, 815 Kings Road, Shelby – echoed the previous statements regarding the neighbor's pit bull. Ms. Samole advised the dogs have aggressively charged eight people and bitten three others in the neighborhood.

She recounted the timeline of the incidents and agency responses regarding the pit bulls. She also advised the dog's owner is not cooperating with Animal Services and refuses to show proper vaccination records.

The Board gave staff direction to follow up on the incident reports and actions taken.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the *February 7, 2023* regular Commissioners' meeting in Board members' packets.

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

FINANCE DEPARTMENT: BUDGET TRANSFER SUMMARY

As required by North Carolina General Statute §159-15, all internal transfers shall be submitted to the Board of Commissioners. The budget transfer summary from January 25, 2023 through March 8, 2023 is included in Commissioner packets.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *approve the budget transfer summary as presented.*

County of Cleveland, North Carolina
 Manager's Budget Summary
 Presented at the March 21, 2023 Board Meeting
 Time Period Covered : 1/25/23 thru 3/8/23
 For Fiscal Year Ending June 30, 2023

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT #	DEPT TO NAME	DEPT #	DEPT FROM NAME	EXPLANATION	BUDGET AMOUNT
1443	D	1/25/2023	10.418	Board of Elections			Move funds to cover awards/appreciation	\$ 3,000
1444	D	1/26/2023	10.542	Animal Services			Move funds to cover motor fuels	\$ 10,000
1445	D	1/26/2023	10.470	Shooting Range			Move funds to cover motor fuels	\$ 3,000
1446	D	1/26/2023	14.417	Courts			Move funds to cover detention fees	\$ 25,000
1447	D	1/26/2023	60.651	Property & Liability			Move funds to cover professional services	\$ 30,000
1448	D	1/27/2023	11.504	DSS Title XX	11.506	DSS Admin	Transfer funds to cover contracted services	\$ 11,750
1449	D	2/6/2023	10.418	Board of Elections			Move funds to cover new voting booths	\$ 21,000
1450	D	2/7/2023	10.426	Maintenance			Move funds to cover contracted services	\$ 325
1451	D	2/7/2023	10.430	Municipal Grants			Move funds to cover municipal grants	\$ 1
1452	D	2/8/2023	10.470	Shooting Range			Move funds to cover advertising	\$ 2,000
1453	D	2/8/2023	26.454	E911			Move funds to cover maintenance contracts-equipment	\$ 1,308
1454	D	2/9/2023	40.210	Capital Projects General			Move funds to cover purchase parcel #17939	\$ 125,000
1455	D	2/9/2023	60.651	Property & Liability			Move funds to cover in house insurance claims	\$ 35,000
1456	D	2/9/2023	10.447	EMS Transition			Move funds to cover controlled property exp	\$ 2,200
1457	D	2/10/2023	12.535	Health Promotions			Move funds to cover contracted services	\$ 25,000
1458	D	2/10/2023	12.546	COVID			Move funds to cover controlled property equipment	\$ 1,971
1459	D	2/14/2023	10.445	Emergency Management			Move funds to cover automotive supplies	\$ 2,000
1460	D	2/10/2023	12.548	CODAP			Move funds to cover departmental supplies and automotive supplies	\$ 4,393
1461	D	2/14/2023	10.423	Human Resources			Move funds to cover departmental supplies and automotive supplies	\$ 5,000
1462	D	2/15/2023	10.415	Tax Admin			Move funds to cover dues/subscriptions	\$ 500
1463	D	2/16/2023	26.454	E911			Move funds to cover certifications	\$ 1,500
1464	D	2/16/2023	54.473	SW Landfill			Move funds to cover controlled property exp	\$ 675
1465	D	2/17/2023	11.506	DSS Admin			Move funds to cover printers	\$ 1,200
1466	D	2/17/2023	55.480	LeGrand Ctr			Move funds to cover laundry/dry cleaning	\$ 3,000
1467	L	2/20/2023	10.441	Sheriff's Office	10.981	Contingency	Transfer funds to cover capital equipment	\$ 22,069
1468	D	2/20/2023	10.415	Tax Admin			Move funds to cover dues/subscriptions	\$ 600
1469	L	2/20/2023	10.445	Emergency Management	10.453	Haz-Mat	Transfer funds to cover motor fuels	\$ 3,500
1470	D	2/21/2023	49.470	Capital Proj-Shooting Range			Move funds to construction in progress account	\$ 442,927
1471	D	2/21/2023	20.600	Clev Co Schools			Move funds to cover industrial incentive payouts	\$ 150,000

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT #	DEPT TO NAME	DEPT #	DEPT FROM NAME	EXPLANATION	BUDGET AMOUNT
1472	D	2/21/2023	10.444	Detention Center			Move funds to cover equipment rental	\$ 150
1473	D	2/21/2023	10.439	USDOJ Cops Grant			Move funds to cover motor fuels	\$ 2,500
1474	D	2/22/2023	40.210	Capital Projects General			Move funds to cover land purchase (CCC)	\$ 160,000
1475	D	2/23/2023	10.412	Manager's Office			Move funds to cover desk purchase	\$ 774
1476	D	2/24/2023	10.441	Sheriff's Office			Move funds to cover sheriff supplement pension	\$ 146,163
1477	D	2/27/2023	60.651	Property & Liability			Move funds to cover in house insurance property claims	\$ 5,000
1478	D	3/2/2023	54.473	SW Landfill			Move funds to cover off road vehicle supplies	\$ 600
1479	D	3/3/2023	10.426	Maintenance			Move funds to cover controlled property exp	\$ 7,285
1480	D	3/3/2023	14.417	Courts			Move funds to cover departmental supplies	\$ 2,000
1481	D	3/3/2023	55.480	LeGrand Ctr			Move funds to cover dues/subscriptions	\$ 100
1482	L	3/3/2023	11.508	DSS Income Maint	11.504	DSS Title XX	Transfer funds to cover PT salaries and capital equipment	\$ 365,000
1483	D	3/3/2023	12.540	Health - WIC			Move funds to cover travel/training	\$ 5,000
1484	D	3/3/2023	10.412	Manager's Office			Move funds to cover controlled property exp and automotive supplies	\$ 1,450
1485	D	3/6/2023	10.412	Manager's Office			Move funds to cover contracted services	\$ 7,500
1486	D	3/8/2023	12.532	Health-TB/STD/CD			Move funds to cover equipment and medical supplies	\$ 133,775
1487	D	3/8/2023	54.474	SW Manned Sites			Move funds to cover camera system	\$ 3,454
1488	D	3/8/2023	10.470	Shooting Range			Move funds to cover rentals	\$ 5,000

TAX COLLECTOR'S MONTHLY REPORT

Pursuant to North Carolina General Statute §105-350.7, The Tax Collector shall submit to the governing body at each of its regular meetings a report to include the amount collected on each year's taxes with which she is charged, the amount remaining uncollected, and the steps being taking to encourage payment of uncollected taxes. The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *January 2023 and February 2023*.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *approve the January 2023 and February 2023 monthly tax report submitted by the Tax Collector.*

TOTAL TAXES COLLECTED JANUARY 2023				TOTAL TAXES COLLECTED FEBRUARY 2023			
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT	YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00	DEF REV	\$0.00	\$0.00	\$0.00
2022	\$15,634,382.54	\$3,634.69	\$15,638,017.23	2022	\$2,128,073.74	\$8,980.54	\$2,137,054.28
2021	\$78,486.42	\$1,269.84	\$79,756.26	2021	\$67,796.21	\$2,033.71	\$69,829.92
2020	\$34,413.67	\$591.35	\$35,005.02	2020	\$17,301.75	\$432.24	\$17,733.99
2019	\$10,890.28	\$0.00	\$10,890.28	2019	\$20,339.30	\$0.00	\$20,339.30
2018	\$4,517.00	\$0.00	\$4,517.00	2018	\$6,869.72	\$0.00	\$6,869.72
2017	\$2,971.89	\$0.00	\$2,971.89	2017	\$3,028.96	\$0.00	\$3,028.96
2016	\$1,576.33	\$0.00	\$1,576.33	2016	\$8,310.31	\$0.00	\$8,310.31
2015	\$2,849.90	\$0.00	\$2,849.90	2015	\$1,195.20	\$0.00	\$1,195.20
2014	\$2,515.58	\$0.00	\$2,515.58	2014	\$729.74	\$0.00	\$729.74
2013	\$1,793.51	\$0.00	\$1,793.51	2013	\$892.80	\$0.00	\$892.80
2012	\$0.00	\$0.00	\$0.00	2012	\$0.00	\$0.00	\$0.00
			\$15,779,893.00				\$2,265,984.22
TOTALS	\$15,774,397.12	\$5,495.88	\$15,779,893.00	TOTALS	\$2,254,537.73	\$11,446.49	\$2,265,984.22
DISCOUNT	(\$18.41)		(\$18.41)	DISCOUNT	\$7.40		\$7.40
INTEREST	\$52,722.40	\$249.57	\$52,971.97	INTEREST	\$85,994.56	\$744.74	\$86,739.30
TOLERANCE	(\$15.78)	\$0.82	(\$14.96)	TOLERANCE	(\$12.68)	(\$1.08)	(\$13.76)
ADVERTISING	\$438.00			ADVERTISING	\$513.74		
GARNISHMENT	\$355.47	\$30.47	\$8,754.06	GARNISHMENT	\$1,494.48	\$426.68	\$5,565.46
NSF	\$0.14			NSF	\$25.11		
LEGAL FEES	\$170.20			LEGAL FEES	\$0.00		
TOTALS	\$15,828,049.14	\$5,776.74		TOTALS	\$2,342,560.34	\$12,616.83	
MISC FEE	\$0.00			MISC FEE	\$0.00		
TAXES COLL	\$15,828,049.14		\$15,833,825.88	TAXES COLL	\$2,342,560.34		\$2,355,177.17
DEF	\$663.98		\$721.37	DEF	\$7,884.10		\$8,304.81
DISC	(\$1.53)		\$15,834,547.25	DISC	(\$25.68)		\$2,369,047.44
TOL	\$0.00			TOL	\$0.04		
INT	\$58.92			INT	\$446.35		
TOTAL TAXES UNCOLLECTED JANUARY 2023				TOTAL TAXES UNCOLLECTED FEBRUARY 2023			
	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT		AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
2022	\$5,739,865.99	\$139,397.16	\$5,879,263.15	2022	\$3,604,416.07	\$130,348.37	\$3,734,764.44
2021	\$884,042.41	\$88,694.98	\$972,737.39	2021	\$814,896.96	\$86,661.27	\$901,558.23
2020	\$608,869.93	\$45,745.58	\$654,615.51	2020	\$590,895.61	\$45,313.34	\$636,208.95
2019	\$608,180.19	\$0.00	\$608,180.19	2019	\$587,722.99	\$0.00	\$587,722.99
2018	\$316,873.68	\$0.00	\$316,873.68	2018	\$309,968.15	\$0.00	\$309,968.15
2017	\$202,813.31	\$0.00	\$202,813.31	2017	\$199,784.35	\$0.00	\$199,784.35
2016	\$149,220.55	\$0.00	\$149,220.55	2016	\$140,910.24	\$0.00	\$140,910.24
2015	\$121,060.48	\$0.00	\$121,060.48	2015	\$119,865.28	\$0.00	\$119,865.28
2014	\$124,178.95	\$0.00	\$124,178.95	2014	\$123,449.21	\$0.00	\$123,449.21
2013	\$92,854.72	\$0.00	\$92,854.72	2013	\$91,961.92	\$0.00	\$91,961.92
2012	\$0.00	\$0.00	\$0.00	2012	\$0.00	\$0.00	\$0.00
	\$8,847,960.21	\$273,837.72	\$9,121,797.93		\$6,583,870.78	\$262,322.98	\$6,846,193.76
DEF REV	\$11,655.61	\$115,180.16	\$126,835.77	DEF REV			
TOTAL UNCOLLECTED	\$8,859,615.82	\$389,017.88	\$9,248,633.70	TOTAL UNCOLLECTED	\$39,993.71	\$109,614.78	\$149,608.49
					\$6,623,864.49	\$371,937.76	\$6,995,802.25

TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *January 2023*. The monthly grand total of tax abatements was listed as (\$1,804.53) and the monthly grand total for tax supplements was listed as \$10,002.31.

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *February 2023*. The monthly grand total of tax abatements was listed as (\$5,014.40) and the monthly grand total for tax supplements was listed as \$31,606.65.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, *approve the January 2023 and February 2023 tax abatements and supplements submitted by the Tax Assessor.*

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #041)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, 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	93889-SMAT323	Public Safety Grants/State Government Grants	\$7,500.00	
010.437.5.910.00	93889-SMAT323	Public Safety Grants/Capital Equipment	\$7,500.00	

Explanation of Revisions: Budget allocation for \$7,500 in grant funds from the Charlotte-Mecklenburg Hospital Authority (Atrium Health) for the purchase of five Swiftwater Tech Kits.

SHERIFF'S OFFICE: BUDGET AMENDMENT (BNA #042)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, 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>
010.441.4.800.41		Sheriff's Office/Misc-Security Fees	\$5,000.00	
010.441.5.910.00		Sheriff's Office/Capital Equipment	\$5,000.00	

Explanation of Revisions: Budget allocation for \$5,000 in funds received to assist in the purchase of an undercover vehicle.

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #043)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, 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>
010.446.4.991.00		EMS/Fund Balance Appropriated	\$19,100.00	
010.446.4.409.00		EMS/Local Revenues	\$16,850.00	
010.446.5.910.00		EMS/Capital Equipment	\$35,950.00	

Explanation of Revisions: Budget allocation \$35,950 in funds received from Duke University for Randomized Cluster Evaluation of Cardiac Arrest Systems Trial (RACE-CARS). Funds will be used to purchase Defibrillators and other medical equipment.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #044)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
011.504.4.410.00		Title XX/Local & Other Grants	\$10,000.00	
011.504.5.700.00		Title XX/Grants	\$10,000.00	

Explanation of Revisions: Budget allocation for \$10,000 in grant monies from Kintegra Health for opioid awareness & prevention – targeting families involved with Social Services Child Protective Services.

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #045)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
027.434.4.310.00		ARPA/Federal Govt Grants	\$9,512,529.00	
027.434.5.891.00		ARPA/Emerg & Contingency	\$9,462,529.00	
027.434.5.910.00		ARPA/Capital Equipment	\$50,000.00	

Explanation of Revisions: Budget allocation for \$9,512,529 received from the American Rescue Plan Act (ARPA) of 2021.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #046)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.532.4.350.00		TB-CD-STD/State Govt Grant-Comm Disease	\$175,395.00	
012.532.5.121.00		TB-CD-STD/Salaries-F/T Reg	\$85,395.00	
012.532.5.230.00		TB-CD-STD/Lab Supplies	\$10,000.00	
012.532.5.230.01		TB-CD-STD/Prescription Drugs	\$10,000.00	
012.532.5.230.05		TB-CD-STD/Lab Supplies	\$10,000.00	
012.532.5.420.00		TB-CD-STD/Contracted Services	\$25,000.00	
012.532.5.910.00		TB-CD-STD/Capital Equipment	\$35,000.00	

Explanation of Revisions: Budget allocation for \$175,395 in unspent funds from FY 2021 – 2022. Funds will be used towards existing salaries as well as medical supplies, flu vaccines, lab supplies and contracted services related to communicable lab fees. Funds will also be used towards the purchase of a fleet vehicle using North Carolina Department of Health and Human Services Communicable Disease Pandemic Recovery funds.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #047)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.533.4.310.85		Adult Health/Federal Govt Grants-BCCCP SCR	\$13,000.00	
012.533.5.420.00		Adult Health/Contracted Services	\$13,000.00	

Explanation of Revisions: Budget allocation for \$13,000 in additional grant monies received from the North Carolina Department of Health and Human Services for breast and cervical screenings.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #048)

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

<i>Account Number</i>	<i>Project Code</i>	<i>Department/Account Name</i>	<i>Increase</i>	<i>Decrease</i>
012.534.4.310.00		School Health/Federal Govt Grants-SH Liaison Grant	\$47,356.00	
012.534.4.310.34		School Health/Federal Govt Grants-ELC Testing SH Staffing	\$477,352.00	
012.534.4.310.58		School Health/Federal Govt Grants-ARPA COVID-19 SH	\$12,609.00	
012.534.5.121.00		School Health/Salaries – Reg	\$47,356.00	
012.534.5.310.00		School Health/Travel-Training	\$5,000.00	
012.534.5.321.00		School Health/Telecommunications	\$10,000.00	
012.534.5.422.00		School Health/Contracted Labor	\$325,095.00	
012.534.5.422.58		School Health/Contracted Labor	\$12,609.00	
012.534.5.581.00		School Health/Awards-Appreciation	\$80,000.00	
012.534.5.910.00		School Health/Capital Equipment	\$57,257.00	

Explanation of Revisions: Budget allocation for \$537,317 in additional COVID funding awarded by the North Carolina Department of Health and Human Services for related School Health Services. FY 2022 remaining funds were carried forward to FY 2023.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #049)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, 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>
012.539.4.310.84		Family Planning/Federal Govt Grant	\$1,872.00	
012.539.5.230.01		Family Planning/Prescription Drugs	\$1,872.00	

Explanation of Revisions: Budget allocation for \$1,872 in additional Title X funding from the North Carolina Department of Health and Human Services to enable the purchase of family planning methods for Family Planning clients that are seeking services.

CLEVELAND COUNTY FAIR: BUDGET AMENDMENT (BNA #050)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, 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>
486.245.4.350.00	20154-NCOSBM	Capital Proj-Clev Co Fair/State Govt Grants	\$1,000,000.00	
486.245.5.991.00	20154-NCOSBM	Capital Proj-Clev Co Fair/Const in Progress	\$1,000,000.00	

Explanation of Revisions: Budget allocation for \$1,000,000 in grant monies from the North Carolina Office of State Budget and Management (NCSOBM) for the fair. Funds will be used to update and upgrade the fair property and assets to provide a safer and more enjoyable experience for fair patrons. The money will be drawn down. Projects will be decided in partnership between the county and Fair Association. The Board of Commissioners will have final approval for proposed projects.

FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #051)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, 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>
493.250.4.350.00	2015-OSBM-SCIF	Capital Proj-Justice Center/State Govt Grants	\$6,000,000.00	
493.250.5.991.00	2015-OSBM-SCIF	Capital Proj-Justice Center/Const in Progress	\$6,000,000.00	

Explanation of Revisions: Budget allocation for \$6,000,000 from the North Carolina Office of State Budget and Management (NCSOBM) SCIF Grant Contract #20157 award for the new courthouse. Funds were approved as part of the state's budget last year.

SHERIFF'S OFFICE: SERVICE WEAPON REMOVAL FOR RETIRING SERGEANT ANDY McNEILLY

The Cleveland County Sheriff's Office would like to present retiring Sergeant Andy McNeilly with his departmental service weapon. Sergeant McNeilly will retire on April 1, 2023 after 30 years of full time law enforcement service with the Cleveland County Sheriff's Office. The service weapon requested to be removed from county inventory is a Glock 9mm, model 17, serial# BDKT-788. The county asset# 201232.

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, ***to approve the request to remove the service weapon from County inventory and issue it to retiring Sergeant Andy McNeilly.***

ECONOMIC DEVELOPMENT: PROJECT LABEL RESOLUTION

The item presented for consideration is a resolution supporting Project Label. Project Label is applying for a building reuse grant. This company intends to relocate employees from three North Carolina sites and one out-of-state site to Cleveland County. The grant award will be \$75,000, and the County is promising a 5% match of grant funds which is \$3,750 in kind in grant administration.

Project Label intends to create, over the next five years, approximately eighteen new, permanent full-time jobs with an annual average wage of \$65,222. The project includes the acquisition and improvement of real property and tangible personal property, totaling \$10 million dollars.



PUBLIC HEARING

PLANNING DEPARTMENT CASE 22-28: REQUEST TO AMEND THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE FOR THE CREATION OF RURAL RESIDENTIAL (RU) ZONING DISTRICT AND CASE 22-29 REQUEST TO AMEND THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE TO CREATE TYPE B RURAL HOME OCCUPATION STANDARDS

Chairman Gordon called Planning Director Chris Martin to the podium to present updates for Planning Department Case 22-28: request to amend the Cleveland County Unified Development Ordinance (UDO) for the Creation of Rural Residential (RR) Zoning District and Planning Department Case 22-29: request to amend the Cleveland County Unified Development Ordinance to Create Type B Rural Home Occupation Standards. The Board was reminded these cases were originally presented to them with a public comment period at their January 17, 2023 regular meeting. After much discussion, Commissioners voted unanimously to have these cases taken back to the Planning Board and staff for further review and assessment and bring updates back to the Board at their March 21, 2023 regular meeting.

Mr. Martin advised Commissioners, staff has been working with the Planning Board to identify ordinance changes that may be compatible with the county's rural areas while also providing additional allowances for those rural areas. Upon review, areas have been identified that need further time to evaluate the mechanics and language of those ordinances. Staff is requesting additional time to work with the Planning Board to create a formal

recommendation. Mr. Martin advised the Board when the recommendation is ready to formally present, staff will readvertise the public hearing for citizen comment.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, *to defer consideration of Case 22-28; Amendment to the Cleveland County Unified Development Ordinance for the Creation of Rural Residential (RU) Zoning District and Case 22-29; Request to Amend the Cleveland County Unified Development Ordinance to Create the Type B Rural Home Occupation Standards to an unspecified time to allow for further study by staff.*

REGULAR AGENDA

DUKE ENERGY UPDATE

Chairman Gordon recognized Duke Energy's Local Government & Community Relations Manager Craig DeBrew to present a Duke Energy community update. There are several changes on the state level beginning with bipartisan legislation signed by North Carolina Governor Roy Cooper in October of 2021 that put Duke Energy on the path for cleaner energy. Duke Energy received stakeholder input and filed a proposed plan to the Utilities Commission in May 2022. In late December 2022, Duke Energy received the final plan, providing the framework for a clean energy transition. This transition will mean a 70% reduction in carbon emissions by 2030. Duke Energy has experienced a 44% emission reduction since 2005.

The plan is based on three pillars: clean/sustainable, reliable, and affordable energy. It calls for more solar energy storage and transmission to bring them online, new natural gas units to replace the coal retirements, nuclear relicensing, exploring onshore wind. Duke Energy is currently studying initial activities. This work includes things like small nuclear reactors, offshore wind and a second powerhouse at Duke Energy's pumped hydro facility. Clean energy transition also includes grid improvements and those are happening in Cleveland County.

The plan incorporates reduced consumption and energy conservation of customers by giving them more tools to save energy and expand solar/renewable energy across a two-way smart thinking grid. For many decades, the model of power flows from substations to the customers. With the onset of roof-mounted solar and solar ground-mounted facilities, there is a two-way energy flow and power grids must be to handle that energy movement. Other avenues to meet the reduction include improved reliability to avoid outages, speed restoration and the strengthening of the grid against physical and cyber-attacks. In December 2022, Moore County had vandalism at two separate substations, impacting thousands of people with extended power outages. Duke Energy has formed a task force to look at next steps for the prevention of this in the future.

Duke Energy is the largest taxpayer in the county; their annual property taxes are around \$5.6MM. This includes five facilities located at:

- Rogers Energy Complex - Cliffside
- Kings Mountain Nuclear Training Center
- Shelby Operations Center
- Broad River Solar Facility
- Shelby Airport Solar

Mr. DeBrew explained the modernized power grid that supports county homes and businesses. A smart thinking grid predicts maintenance, quickly identifies outages, and automatically reroute service to keep power on for customers. Duke Energy has technology to identify areas that are having power issues, such as a car hitting a pole. Smart devices can locate where the issue is and then close the proper switches and back feed power from an alternate source. Eventually, Duke Energy would like to have 80% of customers on self-healing networks. He reviewed projects being completed throughout Cleveland County. In Upper Cleveland, Duke Energy has rebuilt a transmission line converting it from 44,000 volts to 100,000 volts and is constructing a new Buffalo Creek substation.

Other transmission projects include a newly constructed Plato Lee Road substation in the Washburn Switch Road area to handle industrial, commercial and residential load growth. Duke Energy has added a 10 MVA transformer at the Oak Grove substation and a 12 kV feeder which will improve services for customers in those communities. Those projects are about \$18MM in investments. Other distribution projects in the county include:

- Increase feeder conductor size to handle more load
- New feeder ties to facilitate alternate feeds
- Additional self-healing networks
- Converting lines to double circuit
- Focus on vegetation management

Mr. DeBrew spoke about Duke Energy's partnership with Cleveland County and the community. In 2019, Duke Energy gave a \$45,000 grant to help emergency management needs and provided down powerline safety for Emergency Medical Services (EMS) personnel in the county.

The Broad River Greenway was given a \$100,000 grant to put in a new river access point and a \$25,000 grant provided to the River Trail in Lawndale. Duke Energy supported other programs in the county such as Cleveland County Schools, the Boys and Girls Club and the Kings Mountain Gateway Trail.

Duke Energy has been a supporter of Cleveland Community College since 2005, contributing \$1.7MM to the college. Over \$500,000 of those funds have been to the Line Worker Program, which has been very successful. Two new electric vehicle charging stations were recently installed at the college.

Duke Energy is proud to partner with the county and other regional and statewide organizations. Rates in North Carolina are 35% below the national average. It really positions Duke Energy in a good spot to help bring new employers and new industry to Cleveland County. The following information and PowerPoint were presented to the Board.

Duke Energy Update for Cleveland County

Craig DeBrew
March 21, 2023

North Carolina's Clean Energy Transition

- Bipartisan legislation signed by Gov. Cooper in October 2021
- Puts state on path to cleaner energy
- Prioritizes affordable prices and reliable power
- Targets a 70 percent reduction in carbon emissions by 2030, net-zero by 2050
- Critical stakeholder input

In May of 2022 Duke Energy filed a Carbon Plan with the NCUC

Our Energy Transition: NCUC Order on the Carbon Plan

Order sets the framework for our clean energy transition recognizing a diverse set of resources to meet a 70% reduction in carbon by 2030

- More solar, energy storage and transmission to bring them online
- Planning for new natural gas
- Coal retirements, nuclear re-licensing
- Explore onshore wind
- Studying and initial activities for longer-lead work
 - Small Nuclear Reactors (SMRs)
 - Offshore wind
 - 2nd powerhouse at our pumped hydro facility

Grid Improvement in North Carolina

Building a smarter grid for YOU

- GIVE MORE OPTIONS AND CONTROL over energy use and tools to save money
- IMPROVE RELIABILITY to avoid outages and speed restoration
- EXPAND SOLAR AND RENEWABLES across a two-way, smart-thinking grid
- STRENGTHEN THE GRID against physical and cyber impacts

Duke Energy in Cleveland County

- 328 employees & retirees
- 33,148 electric customers
- \$556,000 charitable giving since 2018
- \$5.6M annual property taxes
- Our locations
 - Rogers Energy Complex - Cliffside
 - Kings Mtn Nuclear Training Center
 - Shelby Operations Center
 - Broad River Solar Facility
 - Shelby Airport Solar

Renewable Energy

Broad River Solar Facility
50 MW on 950 acres

Modernizing the grid to support Cleveland Co businesses and homes

Technology & Innovation: A smart-thinking grid

SMART-THINKING GRID: predicts maintenance, quickly identifies outages and automatically reroutes service to keep power on for customers.

New Transmission Projects in Cleveland County

Upper Cleveland

- Rebuilt transmission line and converted from 44,000 volts to 100,000 volts
- Constructed new 'Buffalo Creek' substation at 100 KV to replace the 44 KV

Washburn Switch Road

- Constructed new 'Plato Lee' substation to handle industrial, commercial and residential load growth

Oak Grove Area

- Added a new 10 MVA transformer at the 'Oak Grove' substation
- Added a new 12 kV feeder

Approximately \$18M in facility improvements

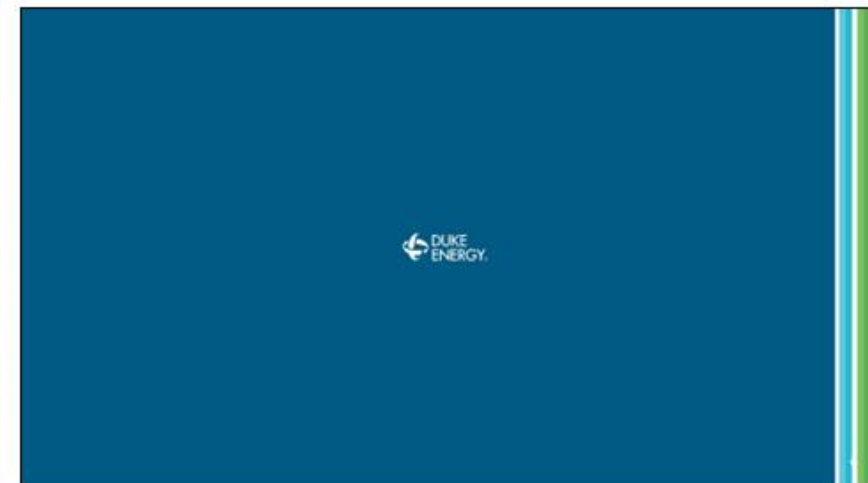
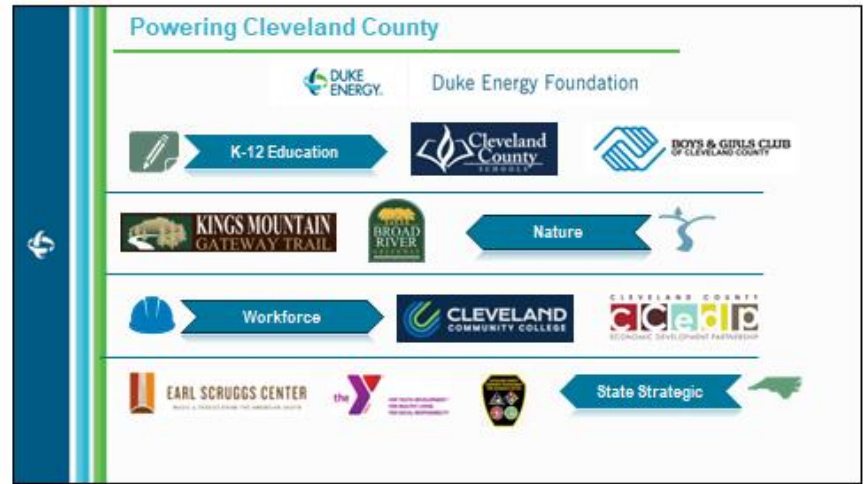
Distribution Projects in Cleveland County

- Increase feeder conductor size to handle more load
- New feeder ties to facilitate alternate feeds
- Additional self-healing networks
- Converting lines to double circuit
- Focus on vegetation management

Examples

- Hwy 74 West between Blanton Retail and Mooresboro Retail
- Upgrades to Christopher Road 1201 & 1202 - Town of Earl
- Upgrades to Patterson Springs 1206 & 1209 - Light Oak, Fair Grounds, west of Moss Lake
- Parkway Retail Feeders - Grover (2025)
- Belwood Retail & Elliott Retail - Boiling Springs (2025)

The investments are paying off in improved reliability for customers



Chairman Gordon opened the floor to the Board for questions and comments. Commissioners thanked Mr. DeBrew for the information presented and all the Duke Energy does for Cleveland County.

FARMLAND PRESERVATION ORDINANCE UPDATE

Chairman Gordon called on Soil and Water Conservation Director Jamie Bridges to present an update to the Farmland Preservation Ordinance. Mr. Bridges introduced Marybeth Black, Vice Chairman of the Cleveland County Agriculture Advisory Board. Ms. Black spoke about the importance of preserving Cleveland County’s farmland and reviewed proposed changes to the county’s Farmland Preservation Ordinance.

North Carolina is the second most threatened state for farmland loss in the United States. Despite North Carolina ranking 30th in the nation in total agricultural acreage, North Carolina had the second greatest number of agricultural land acres lost compared to all other states. Foreseeing the problems associated with the loss of farmland, in 1985 The State of North Carolina passed “The Farmland Preservation Enabling Act” which allows counties to adopt ordinances which provide for Voluntary Agricultural Districts

In June of 2001, the Cleveland County Board of Commissioners adopted the Cleveland County Voluntary Farmland Preservation Program Ordinance. This program allows landowners to enter into a conservation agreement with the county that prohibits non-farm use or development of the enrolled land for a period of at least ten years. Qualifying farms must be at least 50 acres in size or be located within one mile of an already established Agricultural District. In August of 2001, the Cleveland County Board of Commissioners appointed members for the first County Agricultural Advisory Board and this group of seven individuals met for the first time later that month. The duties of the Cleveland County Agriculture Advisory Board include:

- Review and approve or disapprove applications of landowners for enrollment of qualified farmland, into the Voluntary Agricultural Districts
- Conduct public hearings related to public condemnation of qualifying farmland and other agricultural issues

- Advise the Board of Commissioners on projects, programs or issues affecting the agricultural economy or activities within the County that will affect agricultural districts
- Perform other agricultural related tasks or duties assigned by the Board of Commissioners

Ms. Black detailed the purpose of the Voluntary Farmland Preservation Program which includes:

- Promoting agricultural values and the general welfare of the county by increasing identity and pride in the agricultural community its way of life
- Encourage the economic and financial health of agriculture
- Increase protection from non-farm development and other negative impacts on properly managed farms

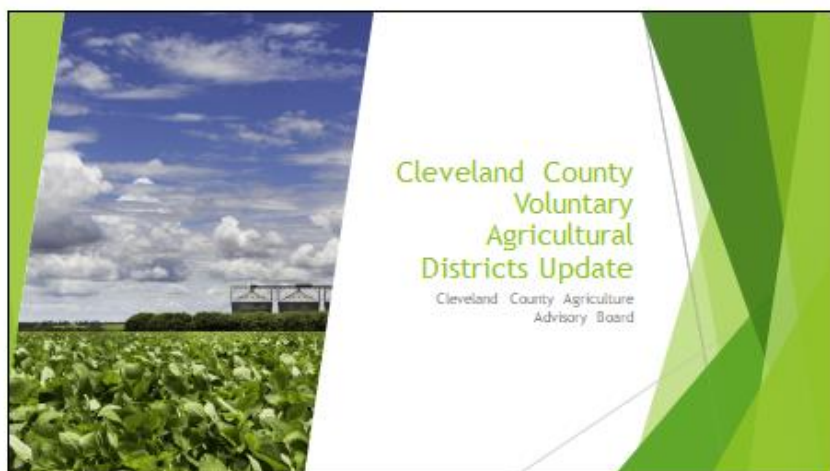
Program benefits include economic diversity in the county, maintaining the community's rural heritage and supporting clean air, water, fresh food, flowers and farm products.

The Cleveland County Agricultural Advisory Board has conservation agreements with 191 different landowners that establish 24 Agricultural Districts with over 18,000 acres of farmland. There are several places to search for the location of Agricultural Districts within Cleveland County. Farmland Preservation Maps can be found at several locations though out the county so a person researching the title of a particular parcel can be made aware if that parcel is located within one-half mile of any land enrolled in a voluntary agricultural district. These maps are located in the:

- Register of Deeds Office
- Cleveland Soil and Water Conservation Office
- North Carolina Cooperative Extension Office
- Cleveland County Planning Office

Agricultural Districts can be found as a layer on the Cleveland County Geographic Information System (GIS) website.

In 2022, the North Carolina General Assembly passed Senate Bill 605, which made technical changes to the statutes governing voluntary farmland preservation programs. It was suggested that counties update their Farmland Preservation Ordinance to reflect the changes. Staff drafted an ordinance incorporating these changes. The Cleveland County Agricultural Advisory Board approved the ordinance changes at their January 19, 2023 meeting. In addition to the modifications recommended to match the General Assembly's 2022 updates, other types of changes are proposed in the ordinance which include: general grammatical, stylistic, and technical changes to make the ordinance easier to read. The following PowerPoint was presented to Commissioners.



History of Cleveland County Voluntary Agricultural Districts

- ▶ Foreseeing the problems associated with the loss of farmland, in 1985 The State of North Carolina passed "The Farmland Preservation Enabling Act" which allows counties to adopt ordinances which provide for Voluntary Agricultural Districts
- ▶ In June of 2001, the Cleveland County Board of Commissioners adopted the Cleveland County Voluntary Farmland Preservation Program Ordinance.

History of Cleveland County Voluntary Agricultural Districts

- ▶ This program allows landowners to enter into a conservation agreement with the county that prohibits non-farm use or development of the enrolled land for a period of at least ten years.
- ▶ Qualifying farms must be at least 50 acres in size or be located within one mile of an already established Agricultural District.

History of Cleveland County Voluntary Agricultural Districts

- ▶ In August of 2001, the Cleveland County Board of Commissioners appointed members for the first County Agricultural Advisory Board and this group of 7 individuals met for the first time later that month.



Duties of the Agriculture Advisory Board

- ▶ Review and approve or disapprove applications of landowners for enrollment of qualified farmland, into the Voluntary Agricultural Districts.
- ▶ Conduct public hearings related to public condemnation of qualifying farmland and other agricultural issues.
- ▶ Advise the Board of Commissioners on projects, programs or issues affecting the agricultural economy or activities within the County that will affect agricultural districts
- ▶ Perform other agricultural related tasks or duties assigned by the Board of Commissioners.

Purpose of Voluntary Farmland Preservation Program

To promote agricultural values and the general welfare of the county by:

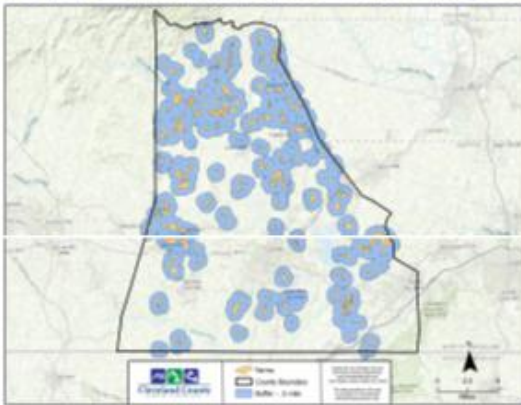
- increasing identity and pride in the agricultural community and its way of life
- encourage the economic and financial health of agriculture
- to increase protection from non-farm development and other negative impacts on properly managed farms.

Enrolled Farms

Cleveland County Agricultural Advisory Board has conservation agreements with

- ▶ 191 different landowners
- ▶ establishing 24 Agricultural Districts
- ▶ which include over 18,000 acres of farmland.

Location of Agricultural Districts Within the County



Where information can be located

- ▶ Farmland Preservation Maps can be found at several locations though out the county so that a person researching the title of a particular parcel can be made aware if that parcel is located within one-half mile of any land enrolled in a voluntary agricultural district.
- ▶ Maps can be found:
 - Office of the Register of Deeds
 - Cleveland Soil and Water Conservation Office
 - NC Cooperative Extension Office
 - Cleveland County Planning Office
- ▶ Agricultural Districts have also been included as a layer on the Cleveland County GIS website.

Program Benefits

- Preserves open space in the county
- Provides economic diversity in the county.
- Supports and maintains our community's rural heritage
- Supports clean air, water, fresh food, flowers and farm products.
- Provides wildlife habitat
- Decreases risk of nuisance lawsuits
- Preserves productive farmland for the future generations

Ordinance Updates

- ▶ In 2022, the North Carolina General Assembly passed Senate Bill 605, which makes technical changes to the statutes governing the Voluntary Farmland Preservation Program.
- ▶ The Cleveland County Agricultural Advisory Board, with input from the County Attorney's Office, is recommending that we update our Farmland Preservation Program ordinance to reflect these changes.
- ▶ The majority of changes are minor grammatical, stylistic and technical changes

Ordinance Update

- Sec.12-353. Purpose.
Change "increase protection from non-farm development and other negative impacts on properly managed farms" to "decrease the likelihood of legal disputes, such as nuisance actions between farm owners and their neighbors."
- Sec.12-355. Agricultural advisory board.
Change "Each advisory board member shall be a county resident and except for the initial advisory board each member shall represent one or more agricultural districts." to "Each advisory board member shall be a county resident"

Ordinance Updates

- Sect. 12-357 Certification and qualification of farmland.
Change "original qualifications" to "be real property that is used for bona fide farm purposes as that term is defined in N.C.G.S. 106-743.4(a) and N.C.G.S. 160D-903"

Bona fide farm is defined by

1. A farm sales tax exemption certificate issued by the Department of Revenue.
2. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
4. A forest management plan.

Action

- Approve changes to the Farmland Preservation Ordinance as presented and outlined in Commissioners packets

Thank you for considering these recommendations

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, *to approve the changes to the Cleveland County Farmland Preservation Ordinance as presented.*

AN ORDINANCE MAKING CHANGES TO CLEVELAND COUNTY'S FARMLAND PRESERVATION ORDINANCE

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 12 Article XVII of the Cleveland County Code of Ordinances for the purpose of aligning the County's ordinance with recent changes to Chapter 601 Article 61 of the North Carolina General Statutes. 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~~.

ARTICLE XVII. VOLUNTARY FARMLAND PRESERVATION PROGRAM

Sec. 12-351. Title.

An ordinance of the board of county commissioners entitled, "Voluntary Farmland Preservation Program Ordinance."

Sec. 12-352. Authority.

The sections of this program are adopted pursuant to authority conferred by ~~the~~ N.C.G.S. §§ 106-735—106-743.

Sec. 12-353. Purpose.

The purpose of this article ~~are~~ is to promote agricultural values and general welfare of the county, and more specifically: to increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture; and increase protection from non-farm development and other negative impacts on properly managed farms ~~decrease the likelihood of legal disputes, such as nuisance actions between farm owners and their neighbors.~~

Sec. 12-354. Definitions.

The following are defined for purposes of this article:
Advisory board: Cleveland County Agricultural Advisory Board.
Board of commissioners: Cleveland County Board of Commissioners.
Chairman: Chairman of the Cleveland County Agricultural Advisory Board.
District: Voluntary agricultural district as established by this article.

Sec. 12-355. Agricultural advisory board.

- (a) *Creation.* The board of commissioners establishes an agricultural advisory board to implement the provisions of this program.
- (b) *Membership.* The advisory board shall consist of seven (7) members appointed by the board of commissioners.
- (c) *Membership requirements.*
 - (1) Each advisory board member shall be a county resident ~~and except for the initial advisory board each member shall represent one (1) or more agricultural districts.~~
 - (2) All members shall be actively engaged in the production of agriculture.
 - (3) The members ~~actively engaged in production agriculture~~ shall be selected for appointment by the board of commissioners from the names of individuals submitted to the board of commissioners by the soil and water conservation district, the cooperative extension service, the farm service agency committee, and the county farm bureau with an effort to have the broadest geographical representation possible.
- (d) *Tenure.* The initial board ~~is to~~ shall consist of two (2) appointees for terms of one (1) year; two (2) appointees for terms of two (2) years; and three (3) appointees for terms of three (3) years. Thereafter, all appointments ~~shall be~~ to be for terms of three (3) years with reappointment for one (1) consecutive term permitted, after which the member may be reappointed after a one-year absence from the advisory board.
- (e) *Vacancies.* Any vacancy on the advisory board ~~shall be~~ to be filled by the board of commissioners for the remainder of the unexpired term. Vacancies should be filled based on the membership criteria stated in section 12-355(c).
- (f) *Removal for cause.* Any member of the advisory board may be removed for cause by the board of commissioners subsequent to written charges being presented to the member and after consultation with agricultural advisory board.
- (g) *Funding.* The funding of the advisory board shall be fixed and amended by the board of commissioners.
- (h) *Advisory board procedure.*
 - (1) *Chairman.* The advisory board shall elect a chairman and vice-chairman ~~each year~~ at its first meeting ~~of each~~ the fiscal year. The chairman shall preside over all regular ~~and~~ of special meetings of the advisory board. In the absence or disability of the chairman, the vice-chairman shall preside and shall exercise all the powers of the chairman. Additional officers may be elected as needed.
 - (2) *Jurisdiction.* The advisory board may adopt rules of procedure not inconsistent with this article or with other provisions of state law.
 - (3) *Advisory board year.* The advisory board shall use the county fiscal year as its meeting year.
 - (4) *Meetings.* Meetings of the advisory board shall be held at the call of the chairman and at such other times as the advisory board may specify in its rules of procedure. Notice of any meetings to the members shall be in writing, unless otherwise agreed to by all advisory board members. A quorum of the advisory board must be present to conduct business. A quorum will consist of a majority. All meetings will be conducted in compliance with the state open meetings law.
 - (5) *Majority vote.* The concurring vote of a majority of the members of the advisory board present shall be necessary to decide in favor of an applicant; or to pass upon any other matter on which it is required to act under this article. To reverse any order, requirement,

1 decision, or determination of the agricultural advisory board, the concurring vote of a
2 majority of all members of the advisory board shall be necessary.

3 (6) *Records.* The advisory board shall keep minutes of the proceedings showing members
4 present, the vote upon each question, and shall keep records of its examination and other
5 official actions, all of which shall be filed in the office of the advisory board and shall
6 be a public record.

7 (i) *Duties.* The advisory board shall:

8 (1) Review and approve applications for qualified farmland and voluntary agricultural
9 districts and make recommendations to the board of commissioners concerning the
10 establishment and modification of agricultural districts;

11 (2) Conduct public hearings;

12 (3) Advise the board of commissioners on projects, programs, and issues affecting the
13 agricultural economy or activities within the county that will affect agricultural districts;

14 (4) Review and make recommendations concerning proposed amendments to this article;

15 (5) Study additional methods of farmland preservation and make recommendations to the
16 board of commissioners; and

17 (6) Perform other agricultural related tasks or duties assigned by the board of
18 commissioners.

19 **Sec. 12-356. Creation of voluntary agricultural districts.**

20 (a) *Implementation.* ~~In order to~~ To implement the purposes stated in section 12-353, this program
21 provides for the creation of voluntary agricultural districts, which must meet the following
22 standards:

23 (1) The district shall contain a minimum of fifty (50) contiguous acres of qualified farmland;
24 or

25 (2) The district shall contain two (2) or more qualified farms which contain a minimum of
26 fifty (50) acres and are located within a mile of each other.

27 (b) *Encouragement formation.* The county may take such action as it deems appropriate through the
28 advisory board or other entities or individuals to encourage the formation of the districts and
29 to further their purpose and objectives, including the implementation of a public information
30 program to reasonably inform landowners of the farmland preservation program.

31 (c) *Display.* The districts shall be marked on county maps displayed for public view in the
32 following offices:

33 (1) Register of deeds.

34 (2) Planning department.

35 (3) Soil and water conservation district.

36 (4) Cooperative extension.

37 (5) County land records.

38 (6) Any other office deemed necessary by the advisory board.

39 (d) *Withdrawal.* ~~In the event that~~ If one (1) or more participants in the district withdraw and the
40 acreage in the district becomes less than the minimum acreage required or results in the
41 remaining land being non-contiguous, a voluntary agricultural district will continue to exist
42 so long as there is one qualifying farm.

43 on forms provided by the advisory board. The application to participate in a district may
44 be filed with the certification for qualifying farmland.

45 (2) An agreement to sustain, encourage, and promote agriculture must be executed by the
landowner and recorded with the advisory board.

(b) *Approval process.*

(1) Upon submission of the application to the advisory board, the advisory board shall meet
within sixty (60) days to approve or disapprove the application. The chairman shall
notify the applicant by first class mail of approval or disapproval of participation in the
district.

(2) Upon receipt of an application the chairman will forward copies immediately to:

a. The county tax assessor's office; and

b. The county soil and water conservation district and the natural resources
conservation service.

The offices shall evaluate, complete and return their copies to the chairman within thirty
(30) days of receipt.

(c) *Appeal.* If an application is denied by the advisory board, the petitioner has thirty (30) days
to appeal the decision to the board of commissioners. Such appeal shall be presented in
writing. The decision of the board of commissioners is final.

20 **Sec. 12-359. Revocation of preservation agreement.**

21 By written notice to the advisory board, a landowner of qualifying farmland may revoke the
22 preservation agreement. ~~or~~ The advisory board may revoke the same preservation agreement
23 based on non-compliance by the landowner, subject to the same provisions as contained in section
24 12-358 for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss
25 of eligibility to participate in a district.

26 **Sec. 12-360. Public hearings.**

27 (a) *Purpose.* Pursuant to N.C.G.S. § 106-740 which provides that no state or local public agency
28 or governmental unit may formally initiate any action to condemn any interest in qualifying
29 farmland within a district until such agency or unit has requested the advisory board to hold
30 a public hearing on the proposed condemnation, this article provides for such hearings.

(b) *Procedure.*

(1) Upon receiving a request, the advisory board shall publish notice describing the
proposed action in the appropriate newspapers of county within five (5) business days
of the request, and it will in the same notice notify the public of a public hearing on the
proposed condemnation, to be held within thirty (30) days of receipt of the request.

(2) The advisory board shall meet to review:

a. If the need for the project has been satisfactorily established by the agency or unit
of government involved, including a review of any fiscal impact analysis conducted
by the agency involved.

b. Alternatives to the proposed action that have less impact and are less disruptive to
the agricultural activities of the district within which the proposed action is to take
place.

1 **Sec. 12-357. Certification and qualification of farmland.**

2 (a) *Requirements.*

(1) To secure county certification as qualifying farmland, a farm must be real property that:

a. ~~Be participating in the farm present use valuation taxation program established by~~
G.S. §§ 105-277.2—105-277.7 or is otherwise determined by the county to meet all
the qualifications of this program set forth in G.S. § 105-277.3 is used for bona fide
farm purposes, as that term is defined in N.C.G.S. § 106-743.4(a) and N.C.G.S. §
160D-903;

b. ~~Be certified by the natural resources conservation service of the United States~~
department of agriculture as being a farm on which at least two-thirds (2/3) of the
land is composed of soils that:

1. ~~Are best suited for providing food, seed, fiber, forage, timber, forestry~~
products, horticultural crops and oil seed crops;

2. ~~Have good soil qualities;~~

3. ~~Are favorable for all major crops common to the county where the land is~~
located;

4. ~~Have a favorable growing season; and~~

5. ~~Receive the available moisture needed to produce high yields for an average~~
of eight (8) out of ten (10) years; or

6. ~~Have been actively used in agricultural, horticultural or forestry operations as~~
defined by G.S. § 105-277.2(1, 2, 3) during each of the five (5) previous years;
measured from the date on which the determination must be made as to
whether the land in question qualifies;

b.e. ~~Be managed, if highly erodible land exists on the farm, in accordance with the~~
natural resources conservation service defined erosion control practices that are
addressed to said highly erodible land is managed in accordance with the Soil
Conservation Service defined erosion control practices that are addressed to highly
erodible land; and

c.d. ~~Be the subject of a conservation agreement as defined in G.S. § 121-35 between the~~
county and the owner of such land that prohibits non-farm use or development of
such land for a period of at least ten (10) years, except for the creation of not more
than three (3) lots that meet applicable county regulations is the subject of a
conservation agreement, as defined in N.C.G.S. § 121-35, between the county and
the owner of such land that prohibits nonfarm use or development of such land for
a period of at least 10 years, except for the creation of not more than three lots that
meet applicable county and municipal zoning and subdivision regulations. The form
of the conservation agreement shall be approved by the county's agricultural
advisory board created under N.C.G.S. § 106-739.

3 **Sec. 12-358. Application, approval, and appeal procedure.**

4 (a) *Application procedure.*

(1) A landowner may apply to participate in the program by making application applying to
the chairman of the advisory board or a designated staff person. The application shall be

(3) Land value will not be a factor in the selection between properties under consideration
for the proposed action.

(4) Within ten (10) days after the public hearings, the advisory board shall make a report
containing its findings and recommendations regarding the proposed action. The report
shall be made available at the office of the advisory board for a period of ten (10) days
for public comment prior to its being conveyed to the decision-making body of the
agency proposing acquisition.

(5) Pursuant to G.S. § 106-740, the board of commissioners shall not permit any formal
initiation of condemnation by local agencies while the proposed condemnation is
properly before the advisory board within these time limitations.

(6) Prior to initiating condemnation proceedings which would convert land in a district to
non-farm uses: the county or any other local unit of government shall submit to the
advisory board a statement that the governmental unit has considered alternatives to
condemning farm land in the district.

5 **Sec. 12-361. Public notice.**

6 (a) *Procedure.*

(1) Upon certification of qualifying farmland and designation of real property as a district,
the county geographic informational system shall be changed to include a notice
reasonably calculated to alert a person researching the title of a particular tract that such
tract is located within one-half aerial mile of a voluntary agricultural district one-half
mile of the property line of any tract of land enrolled in a voluntary agricultural district.

(2) The following notice shall be posted in the office of the register of deeds:

"Notice to Real Estate Purchasers in Cleveland County"
Cleveland County Agricultural Districts

Cleveland County has established agricultural districts to protect and preserve
agricultural lands and activities. These districts have been developed and mapped by the
county to inform all purchasers of real property that certain agricultural activities,
including but not limited to pesticide spraying, manure spreading, machinery and truck
operations, livestock operations, sawing, and similar activities may take place in these
districts any time during the day or night. Maps and information on the location and
establishment of these districts can be obtained from the Register of Deeds Office, the
Natural Resource and Conservation Service Office, and the Building Inspector's Office.

(b) *Limit of liability.* In no event shall the county or any of its officers, employees, or agents be
held liable in damages for any misfeasance, malfeasance or nonfeasance occurring in good
faith in connection with the duties or obligations imposed by this article.

(c) *No cause of action.* In no event shall any cause of action arise out of the failure of a person
researching the title of a particular tract to report to any person the proximity of the tract to a
qualifying farm or voluntary agricultural district as defined in this article.

6 **Sec. 12-362. Subdivision ordinance and zoning ordinance review.**

Developers of major subdivision or planned unit developments shall designate on preliminary
development plans, the existence of the districts within one-half (1/2) aerial mile of the proposed
development.

1
2 **Sec. 12-363. Waiver of water and sewer assessments.**
3
4 (a) *No assessment.* A landowner belonging to the district shall not be assessed for or required to
5 connect water and/or sewer systems.
6 (b) *Abeyance.* Water and sewer assessments will be held in abeyance, without interest, for farms,
7 whether inside or outside of a district until improvements on such property are connected to
8 the water or sewer system for which the assessment was made.
9 (c) *Termination of abeyance.* When the period of abeyance ends, the assessment is payable in
10 accordance with the terms set out in the assessment resolution.
11 (d) *Suspension of statute of limitations.* Statutes of limitations are suspended during the time that
12 any assessment is held in abeyance without interest.
13 (e) *Other statutory abeyance procedures.* Nothing in this section is intended to diminish the
14 authority of the county to hold assessment in abeyance under [N.C.G.S. § 153A-201](#).
15
16 **Sec. 12-364. Consultation authority.**
17
18 The advisory board may consult with the cooperative extension office, the county soil and
19 water conservation district, natural resources conservation service office, the state department of
20 agriculture and consumer services, the county farm bureau, the state farm bureau, the county board
21 of commissioners, and any other such agency the advisory board deems necessary to properly
22 conduct its business.
23
24 **Sec. 12-365. State agency notification.**
25
26 *Record annually with the state department of agriculture and consumer services.* A record of this
27 article shall be recorded with the state commissioner of agriculture's office after adoption. At least
28 once a year the county shall submit a written report to the commissioner of agriculture concerning
29 the status, progress, and activities of the county's farmland preservation program, including district
30 information regarding:
31 (1) Number of landowners enrolled.
32 (2) Number of acres applied.
33 (3) Number of acres certified.
34 (4) Number of acres denied.
35 (5) Date certified.
36
37 **Secs. 12- 66—12-399. Reserved.**
38
39 --END OF CHANGES--

JUSTICE CENTER CAMPUS UPDATE

Chairman Gordon called Yates/Metcon Project Executive Rusty Setzer to the podium to present the Justice Center Campus update. Commissioners were reminded of the schedule for this project since it was released for preconstruction. The schedule update anticipates the following:

- Released for Preconstruction June 2022
- Conceptual Estimate August 2022
- Schematic Estimate October 2022
- Received Bids-Demolition November 2022
- 50% Design Development Overview December 2022
- Issue Subcontract for Demolition January 2023
- Demolition Start February 2023
- 100% Design Development February 2023
- Early Site & Utility Relocation Design February 2023

Upcoming activities include:

- 100% Design Development Budget March 2023
- Receive Bids-Early Site & Utility Relocation March 28, 2023
- MEP Equipment Package(Long Lead) April 18 2023
- Structural Steel Design April 28 2023
- Foundation Design May 9 2023
- Receive Bids-Foundations June 16 2023
- Receive Bids-Long Lead MEP June 9 2023
- Construction Documents June 23 2023
- Receive Bids-Structural Steel June 27, 2023
- Building GMP November 7 2023

Mr. Setzer then presented the process for review and approval which involves the:

- Advertise and Receive Bids for Packages
- Evaluate Bids and Scopes
- Prepare GMP
- Submit to Cleveland County
- County Commissioners to Review/Approve
- Issue Subcontract(s)
- Establish Notice to Proceed

A project of this size and magnitude requires clear and consistent communication between all parties involved. To ensure there is no oversight in communications, staff has:

- Weekly Schedule Overview
- Weekly Owner/Architect/Construction Manager (OAC) Meetings
- Weekly Subcontractor Coordination Meetings
- Working Sessions with the Project Team (OAC) as needed
- Meetings with City of Shelby Utilities, Zoning and Building Inspections

Chairman Gordon opened the floor to the Board for questions and comments. Commissioner Hutchins commented on the deconstruction of the current courthouse. He asked if there are any salvageable materials that could be used for other smaller projects within the county to help with cost savings. Commissioner Whetstine inquired if the cost of construction materials has started to decrease, and will there be a price-lock on materials once they are ordered? Mr. Setzer stated those cost concerns are why the team is looking into ordering the materials soon and at a good rate, considering the ongoing rise and fluctuation of interest rates and materials.

CMAR CONTRACT CHANGE ORDER: PRE-CONSTRUCTION SERVICES FOR E-911 COMMUNICATIONS AND EMERGENCY OPERATION CENTER

Chairman Gordon recognized Interim County Manager Todd Carpenter to present a CMAR (Construction Manager at Risk) contract change order for pre-construction services for the E-911 Communications and Emergency Operations Center. Cleveland County entered into a pre-construction contract with Yates/Metcon in August 2022 for the Justice Center Project. Located in the existing courthouse is the E-911 Communications Center. As part of the overall Justice Center Project, the existing courthouse will be demolished. Because of this, a new 911 Center will need to be constructed. The location of the center will be 1333 Fallston Road in Shelby. The new Emergency Operations Center will also be constructed on this site.

The new E-911 Call Center and Emergency Operations Center will need pre-construction services. The lump sum cost will be \$50,000 for a 5-month period starting February 24, 2023. Services will be billed in five equal installments. Preconstruction includes the following:

Description	Qty	Unit
PRECONSTRUCTION PERSONNEL & DELIVERABLES		
Programmatic Phase		0 Weeks
Subtotal		
General Precon Services (May 2022 - September 2023, 17 Months)		0 Weeks
Subtotal		
Schematic Design Estimate, Reconciliation.		1 Weeks
Subtotal		
Design Development Document Estimate, Reconciliation & VE if needed.		1 Weeks
Subtotal		
60% Construction Documents Estimate, Reconciliation & VE if needed.		0 Weeks
Subtotal		
90%-100% Construction Documents Estimate, Reconciliation & VE if needed.		1 Weeks
Subtotal		
Bidding Phase Prep, Bidding & Reconciliation after Bids and Draft GMP		1 Weeks
Subtotal		
Guaranteed Maximum Price Proposal		1 Weeks
Subtotal		

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve change order 1 to add services for pre-construction related to the construction of new communications and emergency operations centers. The total amount of the change order is \$50,000.*

BOARD APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to re-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, 2024.

SHOOTING RANGE ADVISORY BOARD

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to reappoint Donald Costner and Trey Lowe and appoint Darryl Blanton, Brian Lambert and Emanuel Hunt Jr. to serve as members of this board*, for a three-year term, scheduled to conclude on June 30, 2026.

CLOSING REMARKS

Chairman Gordon announced Commissioners have been actively engaged in a nationwide search for the next County Manager for over a month. The recruitment firm has asked to send out two surveys, one for county employees and the other for county citizens for opinions on what qualities the next County Manager should have. Employees will receive an email with a link to the survey. Citizens can access the survey through the County's website and social media outlets. Survey responses will go directly to the recruiters. The survey will be available until April 3, 2023 but that date may be extended. Employees and citizens will be kept informed of the next steps in the search.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Whetstine and unanimously adopted by the Board, *to adjourn*. The next meeting of the Commission is scheduled for *Tuesday, April 4, 2023 at 6:00pm* in the Commissioners' Chambers.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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