

Cleveland County Board of Commissioners
December 12, 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
Deb Hardin, Vice Chairman
Johnny Hutchins, Commissioner
Doug Bridges, Commissioner
Ronnie Whetstine, Commissioner
Martha Thompson, Deputy County Attorney
David Cotton, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Chris Martin, Planning Director
Rebecca Johnson, Interim Social Services Director
Perry Davis, Emergency Management Director/Fire Marshal
Sherry Lavender, Tax Assessor

CALL TO ORDER

Chairman Gordon called the meeting to order. Murphey's Toy Run Organizer Buffy Murphey led the audience in the Pledge of Allegiance and provided the invocation.

Chairman Gordon announced: *"The public hearing for SRI Three, LLC (Small Business Incentive Grant) has been postponed until further notice. The taxpayer has requested to postpone the public hearing due to a discovery bill the county made in October, and he has not paid yet. The Tax Assessor also found a typographical error on the discovery bill that needs to be corrected."*

AGENDA ADOPTION

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

SPECIAL RECOGNITION

MURPHEY'S ANNUAL TOY RUN

Chairman Gordon called Murphy's Toy Run organizers John and Buffy Murphey to the podium to receive a proclamation of appreciation for their service to the community. Murphey's Toy Run was started in 1994 to help people in need during the holidays. The first toy run began with 8 motorcycles, taking toys to the Shriner's Children's Hospital in Greenville, South Carolina. Murphey's Toy Run has grown over the past 29 years, averaging over 500 motorcycle participants; toys are now delivered to the Shrine Hospital, Masonic Home for Children, Cleveland County Sheriff's Office, Kings Mountain Police Department, and various other places throughout the community. Commissioners presented the following proclamation:



Proclamation

11-2023

In Appreciation of Murphey's Toy Run

WHEREAS, in 1994, Murphey's Motorcycle Toy Run was formed to deliver toys to the Shriner's Children's Hospital, while actively promoting a positive image of motorcyclists through community engagement and support; and

Whereas, Cleveland County is proud to be home to Murphey's Toy Run as this group of hard-working volunteers recognizes that many families need assistance in order to ensure a happy holiday season for their children; and

WHEREAS, John and Buffy Murphey have voluntarily served communities and organizations such as Shriner's Hospital, Masonic Home for Children, the Cleveland County Sheriff's Office, the Kings Mountain Police Department, and other families in need across North and South Carolina for many years; and

WHEREAS, these 29 years of service have been marked by their exemplary dedication to the best interests of local and surrounding families and communities, ensuring hundreds of children will have a gift to open on Christmas morning; and

WHEREAS, John and Buffy Murphey, along with their team of volunteers, continually contribute hours and resources to our communities

Now, Therefore, Be It Resolved That the Cleveland County Board of Commissioners hereby commends, and thanks Murphey's Toy Run for their selfless service and dedication to those in need, wishing them and their team continued success.

Adopted this the 12th day of December 2023.


Kevin Gordon, Chairman


Deb Hardin, Vice-Chairman


Johnny Hutchins, Commissioner


J. Ronnie Whetstine, Commissioner


Doug Bridges, Commissioner



SMALL PARK OF THE YEAR AWARD – BROAD RIVER CAMPGROUND

Chairman Gordon recognized one of the Broad River Campground developers, Tyler Watts, for speaking about the campground development and winning the national Small Park of the Year Award. The Board was reminded of the initial concept and groundbreaking of the Broad River Campground that occurred several years ago. The campground is now in the final phases of development. When completed, there will be 56 RV sites, ten cabins, five glamping domes, five campsites, a clubhouse, a pool, a splash pad, and a nature trail.

In November, team members from the Broad River Campground attended a national conference, Outdoor Hospitality Industry (OHI), open to campgrounds nationwide. The Broad River Campground was awarded the prestigious Small Park of the Year Award during the conference. Mr. Watts spoke of the hard work team members at the campground put in daily to make it successful. He thanked Commissioners for their continued support of the Broad River Campground. Commissioners congratulated Mr. Watts and his team for winning Small Park of the Year and thanked the team members for all they do for the campground and the community.

SPECIAL PRESENTATION

CRISIS RESPONSE CANINES

Commissioner Hardin called Robin Ledford, Jane Williams, and Jane Wood to the podium to present information regarding Crisis Response Canines. Crisis Response Canines (CRC) is a 501(c)(3) non-profit organization that certifies, trains and deploys certified Animal Assisted Therapy (AAT) and Animal Assisted Crisis Response (AACR) teams. CRC's mission is to provide strength, comfort, and emotional support to individuals,

families, communities, and first responders experiencing intense traumatic emotions after critical incidents. CRC team members have various backgrounds, including law enforcement, military, health care, and education. This highly experienced team member complement affords a broad range of peer-to-peer support in virtually any situation. Canine handlers must participate in robust education and training to achieve and maintain certifications from FEMA's National Incident Command Structure Training and Critical Incident Stress Management (CISM) principles. Several members completed the CISM certification of knowledge exam offered through the University of Maryland, Baltimore County, Department of Emergency Health Services, through its Professional and Continuing Education Program (PACE). Other required certifications include Pet First Aid, CPR, and specific courses associated with healthcare, and behavioral health. CRC canines also have extensive training and certifications, including National Therapy Dog Certification, AKC Canine Good Citizen, AKC Canine Good Citizen Advanced, AKC Canine Good Citizen Urban, Crisis Working Dog Certification, and Law Enforcement Defensive Systems Crisis Working Dog. Certification. Commissioners thanked and praised the work CRC does in the community and the country.

PUBLIC COMMENT

Robert Williams, 814 E. Stagecoach Trl, Lawndale – spoke about canceling the real estate purchase agreement on the consent agenda, agreeing with the Commissioners' decision to terminate the economic development project with Project Power. Mr. Williams then spoke against the Justice Center Change Order 4 on the regular agenda, advising by his calculations the project is over budget and will cost billions.

Steve Padgett, 215 Eagle Cove Drive, Cherryville – Small Business Development Director, spoke about the impact COVID-19 had on small businesses. Through continued support and tax incentives from the Commissioners, small businesses in the community have been able to rebuild and stay open for business. Mr. Padgett thanked the Board for their continued support of the Small Business Development Center.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the *November 7, 2023 regular meeting* and the *December 4, 2023, organizational meeting* 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.*

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 *November 2023*.

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

| TOTAL TAXES COLLECTED NOVEMBER 2023 | | | |
|-------------------------------------|----------------|---------------|-----------------------|
| YEAR | AMOUNT-REAL | AMOUNT-GAP | COMBINED AMT |
| DEF REV | \$0.00 | \$0.00 | \$0.00 |
| 2023 | \$2,708,978.83 | \$1,906.26 | \$2,710,885.09 |
| 2022 | \$67,288.56 | \$336.99 | \$67,625.55 |
| 2021 | \$25,179.53 | \$261.11 | \$25,440.64 |
| 2020 | \$100,722.18 | \$796.69 | \$101,518.87 |
| 2019 | \$12,854.32 | \$0.00 | \$12,854.32 |
| 2018 | \$12,102.67 | \$0.00 | \$12,102.67 |
| 2017 | \$22,374.10 | \$0.00 | \$22,374.10 |
| 2016 | \$12,955.49 | \$0.00 | \$12,955.49 |
| 2015 | \$1,708.11 | \$0.00 | \$1,708.11 |
| 2014 | \$831.91 | \$0.00 | \$831.91 |
| 2013 | \$0.00 | \$0.00 | \$0.00 |
| | | | <u>\$2,968,296.75</u> |
| TOTALS | \$2,964,995.70 | \$3,301.05 | \$2,968,296.75 |
| DISCOUNT | (\$22.36) | | (\$22.36) |
| INTEREST | \$61,966.27 | \$289.22 | \$62,255.49 |
| TOLERANCE | (\$4.58) | (\$0.40) | (\$4.98) |
| ADVERTISING | \$282.00 | | |
| GARNISHMEN | \$1,073.41 | GAP BILL FEES | DEFERRED GAP |
| NSF/ATTY | \$0.02 | \$238.72 | \$0.00 |
| LEGAL FEES | \$3,340.44 | | |
| TOTALS | \$3,031,630.90 | \$3,828.59 | |
| MISC FEE | \$0.00 | | GRAND TOTAL |
| TAXES COLL | \$3,031,630.90 | | \$3,035,459.49 |
| DEFRED REV | \$0.00 | | \$0.00 |
| | \$3,031,630.90 | | <u>\$3,035,459.49</u> |

| TOTAL TAXES UNCOLLECTED NOVEMBER 2023 | | | |
|---------------------------------------|-----------------|--------------|------------------------|
| YEAR | AMOUNT-REAL | AMOUNT-GAP | COMBINED AMT |
| 2023 | \$43,261,806.42 | \$182,852.89 | \$43,444,659.31 |
| 2022 | \$1,360,068.35 | \$103,700.88 | \$1,463,769.23 |
| 2021 | \$488,768.32 | \$68,124.09 | \$556,892.41 |
| 2020 | \$374,390.38 | \$37,307.71 | \$411,698.09 |
| 2019 | \$506,798.89 | \$0.00 | \$506,798.89 |
| 2018 | \$260,830.47 | \$0.00 | \$260,830.47 |
| 2017 | \$150,678.30 | \$0.00 | \$150,678.30 |
| 2016 | \$109,530.94 | \$0.00 | \$109,530.94 |
| 2015 | \$99,600.07 | \$0.00 | \$99,600.07 |
| 2014 | \$109,170.75 | \$0.00 | \$109,170.75 |
| 2013 | \$0.00 | \$0.00 | \$0.00 |
| | | \$0.00 | \$0.00 |
| TOTAL UNCOLLECTED | \$46,721,642.89 | \$391,985.57 | <u>\$47,113,628.46</u> |

TAX ADMINISTRATION: ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *November 2023*. The monthly grand total for tax abatements was listed as (\$103,158.29) and the monthly grand total for tax supplements was listed as \$80,949.17.

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

TAX ADMINISTRATION: LATE APPLICATIONS FOR EXEMPTION/EXCLUSION/DEFERRAL

Per North Carolina General Statute §105-282.1, every owner of property claiming exemption or exclusion from property taxes under the provisions of this Subchapter has the burden of establishing that the property is entitled to it. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the statutory deadlines may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. The Tax Assessor would have approved all of the applications if they had been filed on time.

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 October 12, 2023 through December 1, 2023 is included in Commissioner packets.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, 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 December 12, 2023 Board Meeting
 Time Period Covered : 10/12/2023 thru 12/1/2023
 For Fiscal Year Ending June 30, 2024

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 |
|-------|-------------|------------------------|---------|--------------------------|---------|----------------|---|---------------|
| 1803 | D | 10/12/2023 | 010.492 | Economic Development | | | Move funds to cover MOU w/Town of Boiling Springs for Hotel Feasibility Study | \$ 6,000.00 |
| 1805 | D | 10/13/2023 | 010.446 | EMS | | | Move funds to cover penalty fees, collections fees; Office365 licenses | \$ 19,481.00 |
| 1806 | D | 10/13/2023 | 040.210 | Capial Projects-Gen | | | Move funds to cover maint contracts | \$ 87,102.00 |
| 1807 | D | 10/13/2023 | 010.542 | Animal Services | | | Move funds to cover notary fees | \$ 200.00 |
| 1808 | D | 10/17/2023 | 012.530 | Health Admin | | | Move funds to cover uniforms/clothing | \$ 910.00 |
| 1808 | D | 10/17/2023 | 012.530 | Health Admin | | | Move revenues to state government grant acct | \$ 149,701.00 |
| 1808 | D | 10/17/2023 | 012.540 | WIC | | | Move funds to cover dues/subscriptions | \$ 210.00 |
| 1808 | D | 10/17/2023 | 012.541 | Environmental Health | | | Move funds to cover uniforms/clothing | \$ 2,601.00 |
| 1808 | D | 10/17/2023 | 012.544 | Dental | | | Move funds to cover dept supply, controlled property, license/permit/cert | \$ 5,637.00 |
| 1808 | D | 10/17/2023 | 012.545 | Nurse Family Partnership | | | Move funds to cover awards/appreciation | \$ 1,000.00 |
| 1808 | D | 10/17/2023 | 012.546 | CODAP | | | Move funds to cover dept supply, advertising | \$ 100.00 |
| 1808 | D | 10/17/2023 | 012.550 | Primary Care | | | Move funds to cover medicine supplies, contracted labor and awards/appreciation | \$ 64,145.00 |
| 1808 | D | 10/17/2023 | 013.660 | Employee Health | | | Move funds to cover postage | \$ 100.00 |
| 1809 | D | 10/18/2023 | 012.541 | Environmental Health | | | Move funds to cover freight on uniforms/clothing | \$ 150.00 |
| 1811 | D | 10/19/2023 | 010.416 | Legal | | | Move funds to cover purch foreclosure prop | \$ 6,154.00 |
| 1812 | D | 10/25/2023 | 010.411 | Commissioners | | | Move funds to cover contracted services | \$ 5,000.00 |
| 1813 | D | 10/25/2023 | 012.537 | Child Health | | | Move funds to cover prescription drugs | \$ 2,000.00 |
| 1814 | D | 10/30/2023 | 010.413 | Finance | | | Move funds to cover contracted labor | \$ 3,000.00 |
| 1815 | D | 10/30/2023 | 010.413 | Finance | | | Move funds to cover bonds | \$ 95.00 |
| 1816 | D | 11/2/2023 | 055.480 | LeGrand Center | | | Move funds to cover dues/subscriptions | \$ 3,368.00 |
| 1817 | D | 11/2/2023 | 010.413 | Finance | | | Move funds to cover dues/subscriptions | \$ 1,700.00 |
| 1818 | D | 11/8/2023 | 011.508 | Income Maint | | | Move funds to cover purchase tables | \$ 365.00 |
| 1819 | L | 11/15/2023 | 010.444 | Detention Ctr | 010.998 | Contingency | Temp transfer funds to cover hospital/dr fees | \$ 178,000.00 |
| 1820 | D | 11/19/2023 | 010.800 | Debt Service | | | Move funds to cover stretcher lease payment | \$ 161,589.00 |
| 1821 | D | 11/21/2023 | 010.449 | Electronic Maint | | | Move funds to cover motor fuels/capital equip | \$ 14,000.00 |
| 1822 | D | 11/21/2023 | 010.413 | Finance | | | Move funds to cover contracted labor | \$ 4,000.00 |
| 1823 | D | 11/15/2023 | 010.426 | Maintenance | | | Move funds to cover postage/professional servs | \$ 671.00 |
| 1824 | L | 11/28/2023 | 010.418 | Board of Elections | 010.998 | Contingency | Transfer funds to cover security camera system | \$ 12,470.00 |
| 1825 | D | 11/29/2023 | 040.210 | Capial Projects-Gen | | | Move funds to cover professional servs (KM Industrial Park site plans) | \$ 4,500.00 |
| 1826 | D | 11/30/2023 | 010.418 | Board of Elections | | | Move funds to cover dues/subscriptions | \$ 1,900.00 |
| 1827 | D | 12/1/2023 | 040.210 | Capial Projects-Gen | | | Move funds to cover professional servs (Foothills Commerce Center) | \$ 10,000.00 |

FINANCE DEPARTMENT: ELECTRONIC PAYMENTS AND PRE-AUDIT

North Carolina General Statute 159-28 requires counties to have an adopted resolution to engage in electronic payments. Staff recommends approving the resolution in Commissioners' packets authorizing the county to engage in electronic payments. The resolution approval will allow the continuance of electronic payments transacted with charge cards, credit cards, debit cards, gas cards, procurement cards, or electronic funds transfers. The electronic approval will also include an exemption from the pre-audit certificate requirements in North Carolina General Statute §159-28.



Resolution

25-2023

Resolution Authorizing Cleveland County to Engage in Electronic Payments

WHEREAS, it is the desire of the Board of Commissioners that Cleveland County is authorized to engage in electronic payments as defined by North Carolina General Statute §159-28 or §115C-441; and

WHEREAS, it is the responsibility of the Finance Officer, to create a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by North Carolina Administrative Code 20 NCAC 03 .0409; and

WHEREAS, it is the responsibility of the Finance Officer to create a written policy outlining procedures for disbursing public funds by electronic transaction as required by North Carolina Administrative Code 20 NCAC 03 .0410;

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

Section 1. Authorizes Cleveland County to engage in electronic payments as defined by North Carolina General Statute §159-28 or by North Carolina General Statute §115C-441; and

Section 2. Authorizes the Finance Officer to create a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by North Carolina Administrative Code 20 NCAC 03 .0409; and

Section 3. Authorizes the Finance Officer to create a written policy outlining procedures for disbursing public funds by electronic transaction as required by North Carolina Administrative Code 20 NCAC 03 .0410; and

Section 4. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Deb Hardin, and seconded by Commissioner Bonnie Whetstine, the foregoing

The Resolution was passed by the following vote:

Ayes: Chairman Kevin Gordon, Commissioners: Deb Hardin, Johnny Hutchins, Bonnie Whetstine, Doug Bridges
Nays: None

Abstentions: None*****

Adopted this the 12th day of December 2023.

Kevin Gordon, Chairman
Cleveland County Board of Commissioners

I, Phyllis Nowlen, Clerk to the Board of Commissioners for Cleveland County, North Carolina, do hereby certify that the foregoing resolution is a true and exact copy of the "Resolution authorizing Cleveland County to engage in electronic payments as defined by North Carolina General Statute §159-28 or North Carolina General Statute §115C-441 duly adopted by the Board of County Commissioners at their regular meeting thereof" duly called and held on December 12, 2023, a quorum being present.

WITNESS my hand in Cleveland County, North Carolina, this 12th day of December 2023

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



ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and passed unanimously by the Board to, adopt the resolution authorizing Cleveland County to engage in electronic payments.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #028)

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

Table with 5 columns: Account Number, Project Code, Department/Account Name, Increase, Decrease. Rows include Health Promotions/Local Other Grants and Health Promotions/Department Supply.

Explanation of Revisions: Budget allocation of \$2,500 in grant monies awarded from Healthy Together of Cleveland. These funds will be used towards cost of marketing and branding of the MedSouth Program.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #029)

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

Table with 5 columns: Account Number, Project Code, Department/Account Name, Increase, Decrease. Rows include CODAP/Contracted Revenue, CODAP/Salaries-Wages, CODAP/Social Security Taxes, CODAP/Retirement, CODAP/Dental Insurance, CODAP/Employer 401K, CODAP/Medicare Taxes, CODAP/Departmental Supply, CODAP/Controlled Property, CODAP/Prescription Drugs, CODAP/Travel-Training.

Explanation of Revisions: Budget allocation of \$18,145 in additional funding from Partners Behavioral Health. Funds will support youth education, professional/community development, and training to support youth substance

abuse programs. Funds will also be used to purchase nicotine replacement therapy medication to aid in tobacco use reduction in the community.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #030)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, 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> |
|-----------------------|---------------------|--|-----------------|-----------------|
| 010.410.4.991.00 | | General Revenues/Fund Balance Appropriated | \$301,000.00 | |
| 010.444.5.513.00 | | General Revenues/Hospital-Dr Fees | \$301,000.00 | |

Explanation of Revisions: Budget allocation of \$301,000 for increased inmate doctor and hospital fees.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #031)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, 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> |
|-----------------------|---------------------|-------------------------------------|-----------------|-----------------|
| 010.441.4.540.00 | | Sheriff’s Office/Contracted Revenue | \$20,225.00 | |
| 010.441.5.121.00 | | Sheriff’s Office/Salaries-Wages-Reg | \$17,375.00 | |
| 010.441.5.1220.00 | | Sheriff’s Office/ Salaries-Wages-PT | \$2,850.00 | |

Explanation of Revisions: Budget allocation for \$20,225 in funds received from the Cleveland County Fair to reimburse fair duty pay for hours worked during the 2023 fair.

SOCIAL SERVICES: BUDGET AMENDMENT (BNA #032)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, 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> |
|-----------------------|---------------------|--------------------------------------|-----------------|-----------------|
| 010.467.4.350.00 | 08300-P432 | TACC/State Govt Grants | \$80,509.00 | |
| 010.497.5.700.00 | 08300-P432 | TACC/Grants | \$80,509.00 | |
| 010.508.4.350.00 | 08300-P432 | Income Maintenance/State Govt Grants | \$30,126.00 | |
| 011.508.5.700.00 | 08300-P432 | Income Maintenance/Grants | \$30,216.00 | |

Explanation of Revisions: Budget allocation for \$80,509 in additional funds from the North Carolina Department of Transportation for FY24 ROAP (Rural Operating Assistance Program) funds.

COMMISSIONERS: 2024 COMMISSIONER MEETING SCHEDULE

The Clerk to the Board included the ***2024 Commissioner Regular Meeting Schedule***, in Board Members’ packets.

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Whetstine, and unanimously approved by the Board to, ***approve the 2024 Commissioner Regular Meeting Schedule.***

2024 Cleveland County Board of Commissioners Meeting Schedule

January 16
 February 6
 March 14 & 15 – Work Session
 March 19
 April 2
 April 16
 May 7
 May 21
 June 4
 June 18
 July 9
 August 6
 September 3
 September 17
 October 11 – Annual Health Department Work Session
 October 15
 November 12
 December 2 – Organizational Meeting
 December 3

LEGAL DEPARTMENT: SALE OF COUNTY OWNED PROPERTY – PARCEL 26535

Parcel 26535, located on Carver Street, Shelby, was acquired by Cleveland County from foreclosure proceedings in 1990. Cleveland County became the last and highest bidder at Nine Hundred Twenty-Five and 00/100 Dollars (\$925.00). This parcel of land has no residential structures, and the current tax value is \$1,435. The county received an opening bid of \$1,000 from Bobby G. Hunt, II, to acquire parcel 26535. Staff recommend approval of the offer made on parcel 26535 and authorize county staff to advertise and open the upset bid process through resolution adoption.



Resolution

27-2023

Resolution Authorizing Negotiated Offer and Upset Bid Process (G.S. 160A-269) for Parcel 26535

WHEREAS, Cleveland County owns the following identified property:

| Parcel Number | Location | Offeror |
|---------------|-----------------------|---------------------|
| 26535 | CARVER STREET, SHELBY | Bobby Gene Hunt, II |

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 qualifiers for bids on County-owned property to have a rational basis to the tax value and to seek final bids that cover the amount of the costs incurred, when reasonable; the bid on parcel 26535 is the sole bid(s) that covers the outstanding indebtedness on the property, but is under the current tax value of \$1,435.00.

WHEREAS, the sale of this parcel will generate future property tax revenue; and

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

| Parcel Number | Amount Offered |
|---------------|----------------|
| 26535 | \$1,000.00 |

and

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

THEREFORE, THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

- The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of N.C.G.S. § 160A-269.

- The County paralegal will notify the offeror 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.
- Following receipt of payment of the advertising cost by the offeror, the Clerk to the Board will cause a notice of the proposed sale to be published. (In the event offeror declines prepayment of the advertising cost, the 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.
- 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 receipt of 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.
- At 3:00 p.m. on said date (or the next following business date if the 10th day is a weekend or holiday), 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.
- 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.
- A qualifying higher bid must also be accompanied by a deposit in the amount of EITHER the higher of
 - a minimum of Seven Hundred Fifty Dollars (\$750.00); or
 - 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. The greater amount of either (a) or (b) may be made in cash, money order, or cashier's check.
- 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 of advertising the notice 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:

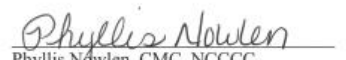
- The Board of Commissioners must review and decide whether or not to approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed,
- The buyer must pay with cash, money order, or cashier's check at the time of closing, and
- 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 12th day of December 2023.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:


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



ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***approve the offer made on parcel 26535 and authorize county staff to advertise and open the upset bid process.***

LEGAL DEPARTMENT: REAL ESTATE PURCHASE AGREEMENT CANCELTION

Cleveland County entered into a Real Estate Purchase Agreement effective August 17, 2023, with Project Sunrise. Both parties had, as a condition, precedent to their obligations under the purchase agreement, that the parties reach an agreement with respect to incentives from the county to the company. After negotiations with Project Sunrise, the county has not been able to agree with the company regarding incentives. The county sent a draft incentive agreement to the Company and its representatives on August 30, 2023. The company did not substantively respond to the incentive offer until October 2, 2023, at which time the company requested various changes, including a reduction in the anticipated amount of capital investment. The company also requested that another related company be allowed to join the incentive agreement and that the jobs it creates at the site be counted towards its job creation requirements under the incentive agreement. Legal recommends the cancellation of the real estate purchase agreement with Project Sunrise.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, ***approve the cancelation of the Real Estate Purchase Agreement with Project Sunrise.***



Resolution

26-2023

Resolution Regarding Incentive for Project Sunrise

WHEREAS, Cleveland County entered into a Real Estate Purchase Agreement (the "PSA") with an effective date of August 17, 2023 with "Project Sunrise" (the "Company");

WHEREAS, the Company and the County were unable to complete negotiations regarding incentives prior to the execution of the PSA because, according to the Company, it needed to quickly complete the PSA to meet the requirements of a foreign jurisdiction so that the Company could seek financing;

WHEREAS, both the Company and the County had as a condition precedent to their obligations under the PSA that the parties agree on incentives to the Company;

WHEREAS, the County sent an incentive agreement to the Company on August 30, 2023;

WHEREAS, the Company did not substantively respond to the draft incentive agreement until October 2, 2023;

WHEREAS, the Company requested various changes in the October 2, 2023, e-mail, including a reduction in the amount of required capital investment, and a few days later also requested that another, related company be included in the incentive agreement so that the Company could meet its job creation requirements; and

WHEREAS, several issues have arisen during the course of discussions with the Company that cause the County to question the organization, professionalism, and reliability of the Company.

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

1. The Commissioners are unwilling to agree to the changes to the draft incentive agreement requested by the Company.
2. The Commissioners do not believe that further discussions with the Company are in the best interests of the County or its citizens.
3. The Commissioners do not believe based upon the course of dealings with the Company to date that any incentive given by the County to the Company will be likely "to increase the population, taxable property, agricultural industries, employment,

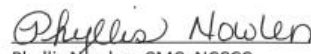
industrial output, or business prospects of the . . . county" as required by N.C. Gen. Stat. §158-7.1(a).

4. The County Manager and County Attorney are hereby instructed to take such as action as is necessary to inform the Company that the parties have failed to reach an agreement upon incentives and that the County exercises its option to terminate the PSA.
5. The County Manager and County Attorneys are instructed to take necessary action to terminate the PSA.

Adopted this the 12th day of December 2023.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:


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



PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING ON TUESDAY, JANUARY 16, 2024, FOR CASE 23-26, REQUEST TO REZONE PARCELS 45127, 63557, 63556, 44626, 62579, 62578 AND 43955 FROM GENERAL BUSINESS AND RESIDENTIAL (GB-R) TO LIGHT INDUSTRIAL (LI)

Property owners Barry Beaver, Michael Melton, and Vickie Melton are requesting rezone parcels 45127, 63557, 63556, 44626, 62579, 62578, 43955, containing 58 acres total, from General Business and Residential (GB & R) to Light Industrial (LI). The six parcels lie along Plato Lee Road and Artee Road and contain existing uses, including metal fabrication, electric motor repair, and warehousing. The surrounding zoning districts are a mixture of Residential (R), Restricted Residential (RR) to the North, Residential Manufactured Homes & Parks (RMP) to the south, and General Business (GB) to the east and west. The Land Use Plan designates this area as Secondary Growth. There are areas designated as Primary Growth along Washburn Switch Road.

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

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING ON TUESDAY, JANUARY 16, 2024, FOR CASE 23-27, REQUEST TO REZONE PARCEL 35828 FROM RURAL AGRICULTURE (RA) TO RESIDENTIAL (R)

Nicole Helms requests to rezone parcel 35828, containing 1.08 acres, from Rural Agriculture (RA) to Residential (R). The vacant parcel lies along Fallston Road (Hwy 18) at the intersection with Dick Spangler Road, between Shelby and Fallston. Highway 18 is considered an arterial road with the highway corridor protection overlay. Surrounding zoning districts include Rural Agriculture (RA) and Residential (R) to the east and south. The uses surrounding the property are mixed, including residential uses, two convenience/gas stations, an auto repair shop, and car sales. The Land Use Plan designates this area as Secondary Growth.

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

REGULAR AGENDA

JUSTICE CENTER CHANGE ORDER 4

Chairman Gordon recognized County Manager David Cotton to present Change Order 4 for the Justice Center Project. Mr. Cotton presented the foundation package for the Justice Center construction project. The package was sent out for bids, and the county received three sealed bid responses. The lowest responsible bidder was Vance Construction. The total bid amount, including Metcon’s construction management fee, is \$6,128,240 for 111 calendar days to complete that work immediately following the installation of the piers.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Whetstine asked for clarification that the foundation would be completed after the piers are installed, but the foundation package can be approved now. Mr. Cotton stated that was correct; the bid is only good for 60 days, and approval would guarantee pricing and contract terms. *(a full copy of the Justice Center Change Order 4 with addendums is on file in the Clerk’s Office).*

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously approved by the Board to, ***approve the Justice Center Change Order 4 as presented.***

AIA Document G701

Change Order

| | | | |
|---|---------------------------------|---|--|
| PROJECT: Cleveland County Justice Center | CHANGE ORDER NUMBER: 004 | DATE: 11/2/2023 | OWNER: <input type="checkbox"/> |
| | | | ARCHITECT: <input type="checkbox"/> |
| TO CONTRACTOR: Yates-Metcon, a Joint Venture 1870 The Exchange SE Suite 100 Atlanta, GA 30339 | ARCHITECT'S PROJECT NO: | CONTRACTOR: <input type="checkbox"/> | FIELD: <input type="checkbox"/> |
| | CONTRACT DATE: 1/25/2023 | | OTHER: <input type="checkbox"/> |
| | FOR: Construction | | |

THE CONTRACT IS CHANGED AS FOLLOWS:

| | |
|--|-----------------------|
| The original Contract Sum was | \$2,040,113.06 |
| The net change by previously authorized Change Orders | <u>\$6,861,751.00</u> |
| The Contract Sum prior to this Change Order was | \$8,901,864.06 |
| The Contract Sum will be increased by this Change Order in the amount of | <u>\$6,128,240.00</u> |
| The new Contract Sum including the Change Orders will be | \$15,030,104.06 |

| Change Order Summary: | | |
|------------------------------|--|-----------------------|
| 1 | Concrete Foundations | \$6,128,240.00 |
| | | |
| | TOTAL AMOUNT OF THIS CHANGE ORDER | \$6,128,240.00 |

The Contract Time will be increased by one hundred and eleven (111) calendar days.
The date of the Substantial Completion for construction services as of the date of this Change Order therefore is May 15, 2024.

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE CONTRACTOR AND OWNER.

| | |
|---|--|
| Yates-Metcon, a Joint Venture | Cleveland County |
| CONTRACTOR (Firm name) | OWNER (Firm name) |
| 1870 The Exchange SE Suite 100 Atlanta, GA 30339 | 311 E. Marion St. Shelby, NC 29150 |
| ADDRESS | ADDRESS |
|  |  |
| BY (Signature) | BY (Signature) |
| Scott Jerald - VP/Division Manager WG Yates & Sons Construction Co. | Kevin S. Gordon |
| (Typed name) | (Typed name) |
| 12/7/23 | 12/12/2023 |
| DATE | DATE |

BOARD APPOINTMENTS

AGRICULTURAL ADVISORY BOARD

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, *to appoint Wayne Yarbo and Matt Bell* to serve as members of this board *for a three-year term, scheduled to conclude December 31, 2026.*

ANIMAL SERVICES ADVISORY BOARD

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to appoint Max Turner* to serve as a member of this board *for an initial one-year term, scheduled to conclude December 31, 2024.*

CLEVELAND COUNTY BOARD OF ADJUSTMENT

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to appoint Bobby Watson and Thomas Fletcher* to serve as members of this board and appoint Paul Aulbach to serve as an alternate member of this board *for a three-year term, scheduled to conclude December 31, 2026.*

CLEVELAND COUNTY PLANNING BOARD

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, *to re-appoint Matthew Hord, Eddie Kee, and Jay Carpenter* to serve as members of this board *for a three-year term, scheduled to conclude December 31, 2026.*

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, January 16, 2024, at 6:00 pm* in the Commissioners' Chambers.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

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