

Cleveland County Board of Commissioners
May 7, 2024

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

PRESENT: Kevin Gordon, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
David Cotton, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Rebecca Johnson, Interim Social Services Director
Philip Steffan, Finance Director
Tiffany Hansen, Health Department Director
Chris Martin, Planning Director
Martha Thompson, Chief Deputy County Attorney
Courtney Ashley, Economic Development Director

CALL TO ORDER

Chairman Gordon called the meeting to order, former Cleveland County Commissioner Mary Accor led the audience in the Pledge of Allegiance and provided the invocation.

AGENDA ADOPTION

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

EARLY BUSINESS

OATH OF OFFICE: SOCIAL SERVICES DIRECTOR

Clerk to the Board Phyllis Nowlen administered the oath to Rebecca Johnson for the office of Social Services Director.

OATH OF OFFICE
SOCIAL SERVICES DIRECTOR

I, Rebecca Johnson, do solemnly and sincerely swear (or affirm) that I will support the Constitution and laws of the United States;

I, Rebecca Johnson, do solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof;


I, Rebecca Johnson, do solemnly and sincerely swear (or affirm) that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability;

I, Rebecca Johnson, do solemnly and sincerely swear (or affirm) that I will faithfully discharge the duties of my office as Director of the Cleveland County Social Services Department, so help me God.


Rebecca Johnson

Subscribed and sworn to before me this the 7th of May 2024.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners


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



SPECIAL RECOGNITION

COUNTY CLERK WEEK 2024

Chairman Gordon spoke about the role and responsibilities of the Clerk to the Board. The position of the Clerk is one of the oldest local governments dating back to Biblical times, and are record keepers of counties, cities, and Council of Governments. The Clerk provides a communication link between citizens and local government and plays a vital role in county government by providing a written record to ensure the Board is accountable to the citizens and other public and private officials. Commissioners thanked Clerk to the Board Phyllis Nowlen for all she does and presented her with the following proclamation:



PUBLIC COMMENT

Robert Williams, 814 E. Stagecoach Trl, Fallston – spoke about the Justice Center project and its costs, citing his concerns about inflation and the project staying within the allotted budget.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included Minutes from the **March 19, March 21, April 2, and April 16, 2024**, regular Commissioners' meetings 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.**

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 May 7, 2024 Board Meeting
 Time Period Covered : 4/5/24 thru 4/25/24
 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
1927	D	4/9/2024	060.650	Workers Comp			Move funds to cover professional services	\$ 39,675.00
1928	D	4/10/2024	060.651	Property/Liability			Move funds to cover professional servs/ins claims-auto	\$ 19,407.00
1929	D	4/11/2024	010.542	Animal Services			Move funds to cover auto supplies and licenses	\$ 3,032.00
1930	D	4/13/2024	010.415	Tax Admin			Move funds to cover departmental supplies	\$ 2,000.00
1931	L	4/16/2024	012.530	Health Admin	010.426	Maintenance	Transfer funds to hlth dept sal/frgs as employee is being charged to FD12 instead of FD10 where bud	\$ 53,220.00
1932	D	4/16/2024	010.422	Travel & Tourism			Move funds to cover laptop purchase	\$ 1,822.00
1933	D	4/17/2024	010.800	Debt Service			Move funds appropriate account to cover ambulance lease pymt	\$ 524,059.00
1934	D	4/17/2024	010.444	Detention Ctr			Move funds to cover uniforms	\$ 3,000.00
1935	L	4/17/2024	010.612	Recreation	010.998	Contingency	Transfer funds to cover BRGW Ranger salary/fringes	\$ 7,914.00
1936	D	4/19/2024	054.473	SW Landfill			Move funds to cover trash compactor	\$ 1,128,892.00
1937	D	4/18/2024	010.444	Detention Ctr			Move funds to cover booking camera	\$ 2,600.00
1938	D	4/19/2024	010.419	Register of Deeds			Move funds to cover pension and repairs on equipment	\$ 3,171.00
1939	D	4/19/2024	010.443	State Forfeiture			Move funds to cover dept supplies / investigations	\$ 116.00
1940	D	4/19/2024	010.611	Library			Move funds to cover library books	\$ 1,000.00
1941	D	4/19/2024	010.412	Manager's Office			Move funds to cover contracted services	\$ 1,000.00
1942	D	4/19/2024	010.446	EMS			Move funds to cover travel/training	\$ 4,000.00
1943	L	4/22/2024	010.497	TACC	011.508	Income Maint	Transfer unused DSS ROAP pass thru funds to TACC	\$ 30,216.00
1944	L	4/22/2024	VAR	DSS	VAR	DSS	Transfer funds among DSS depts to cover accts thru year end	\$ 827,345.00
1945	D	4/24/2024	012.550	Primary Care			Move funds to cover accounts thru year end	\$ 505,949.00
1946	D	4/25/2024	012.540	WIC			Move funds to cover supplies, trainings	\$ 1,660.00
1947	D	4/25/2024	012.541	Env Health			Move funds to cover uniforms	\$ 612.00
1947	D	4/25/2024	012.547	CC4C-PCM			Move funds to cover advertising	\$ 100.00
1947	D	4/25/2024	013.660	Employee Wellness			Move funds to cover controlled property exp	\$ 848.00
1947	D	4/25/2024	012.530	Health Admin			Move funds to cover postage	\$ 500.00
1947	D	4/25/2024	012.534	School Health			Move funds to cover awards/appreciation	\$ 100.00
1948	D	4/25/2024	010.440	SRO			Move funds to cover motor fuels	\$ 600.00
1949	D	4/25/2024	010.444	Detention Ctr			Move funds to cover motor fuels	\$ 1,200.00
1950	D	4/25/2024	010.441	Sheriff's Office			Move funds to cover controlled property exp	\$ 5,287.00

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #061)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.445.4.409.00		Emergency Management/Local Revenues	\$49,200.00	
010.445.5.910.00		Emergency Management/Capital Equipment	\$49,200.00	

Explanation of Revisions: Budget allocation of \$49,200 in additional funds received from Duke Energy to purchase a fire extinguisher simulator for the Catawba Nuclear Station.

REGISTER OF DEEDS: BUDGET AMENDMENT (BNA #062)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.419.4.810.00		Register of Deeds/Donations-Contributions	\$100.00	
010.419.5.790.00		Register of Deeds/Donations-Contributions	\$100.00	

Explanation of Revisions: Budget allocation of \$100 in donated funds received from a citizen to be used towards lunch for the Register of Deeds staff.

LEGAL DEPARTMENT: PROPERTY TRANSFER PARCEL 33012

The Town of Polkville acquired parcel 33012 through a Parks and Recreation Trust Fund (PARTF) grant fund. The property was acquired with State financial assistance from the North Carolina Parks and Recreation Trust Fund, and according to a contractual requirement, this property may not be converted to use other than public recreation, whether by transfer, sale or in any other manner. The Town of Polkville moved the property to Cleveland County on April 15, 2010, with the intention of building a large sports complex on it. Over the years, it

has come to the Town of Polkville's attention that the sports complex will not materialize, and the town would like the land to be reinstated back to the Town of Polkville. The Town of Polkville would like to begin maintenance on some walking trails and re-establishing a greater area for the residents and those visiting the park. The county may exchange property by private negotiation pursuant to North Carolina General Statute §160A-274.

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Bridges, and passed unanimously by the Board to, ***approve the reinstatement of parcel 33012 to the Town of Polkville and authorize the Board Chair to sign a deed of conveyance through adoption of a resolution.***



Resolution

09-2024

Resolution Approving Conveyance of Property to Another Unit of Government in North Carolina Pursuant to N.C.G.S. 160A-274

WHEREAS, Cleveland County (the "County") owns a 53-acre tract of land, known as parcel 33012, described in Book 1594 Page 1332 of the Cleveland County Registry, located at Park Drive, Polkville; and

WHEREAS, the property (parcel # 33012) of 53 acres, was originally part of the Guy Comer Estate and was purchased through a grant of \$70,563.00 and the Town of Polkville paying an additional \$70,563.00. The Town realized the expense of the complex itself would greatly exceed what the town could afford and with the intention of residents of upper Cleveland County using the complex, the Town turned the land over to the county requesting the County create a Sports Complex; and

WHEREAS, the property was acquired by the Town with State financial assistance from the N.C. Parks and Recreation Trust Fund; and pursuant to a contractual requirement this property may not be converted to other than public recreation use (whether by transfer, sale or in any other manner); and

WHEREAS, since the construction of sports complex has not been constructed, the Town has requested the land be reinstated to the Town of Polkville, so it may begin maintenance on some of the walking trails, re-establishing a greater area for the residents and those visiting the park; and

WHEREAS, the County deems it wise to convey the property back to the Town of Polkville to honor its request; and

WHEREAS, North Carolina General statute, section 160A- 274 authorizes the County to make such a conveyance, if authorized by the Commissioners by Resolution adopted at a regular meeting of the Board.


THEREFORE, the Board of Commissioners of Cleveland County resolves that:

1. The reinstatement of property located at Park Drive, Polkville, Parcel number 33012 described above is authorized.
2. The Chair of the Board of Commissioners is authorized to sign the deed drafted by the County's attorneys.

Adopted this the 7th day of May 2024.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:


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



 RECORDING FEE \$200 REVENUES

Doc No: 200100104
Recorded: 05/08/2024 08:34:39 AM
Fee Amt: \$26.00 Page 1 of 2
Transfer Tax: \$0.00
Cleveland County North Carolina
Betsy S. Harnage, Register of Deeds
BK 1920 PG 2202 - 2203 (2)

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ _____
Parcel Identifier No. 33012. Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: _____

This instrument was prepared by: Martha R. Thompson, Deputy County Attorney, PO Box 1210, Shelby, NC 28151-1210

Brief description for the Index: _____

THIS DEED made this 8th day of May, 2024 by and between

GRANTOR	GRANTEE
<p>CLEVELAND COUNTY, NORTH CAROLINA, a political subdivision of the State of North Carolina 311 E. Marion Street, Suite 121 Shelby, NC 28150</p>	<p>TOWN OF POLKVILLE, a municipal corporation of County of Cleveland and State of North Carolina Post Office Box 146 Polkville, NC 28136</p>

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration, has and by these presents do remise, release, grant, bargain, and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Polkville, Cleveland County, North Carolina and more particularly described as follows:

Lying just East of the village of Polkville and being South of the Polkville-Lawndale Highway, but not touching the same, and being a part of what was originally the George Greene property and the Powell property, and being bound on the North by the lands of Ross, McMurry, Shytle and others, and on the West by the Greene property, now Shytle, and on the South by the Hicks lands, on the East by the Powell property, and escribed by metes and bounds as follows:

BEGINNING at a stake in the old line, being the John Powell corner, and running thence a new line through the 17 1/2 acre tract, South 82 deg. 30 min. West 20 3/4 poles to a stake near the Corn Mill; thence another new line South 86 deg. 30 min. West 21 7/8

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Printed by Agreement with the NC Bar Association

poles crossing the old line of the 17.5 acre tract and to a stake near a light pole; thence South 6 East 12 poles to a stake in the center of the gully near a pine on the East side of the said gully; thence South 50 deg. East 13 3/4 poles to a pine in the old line of the 17.5 acre tract; thence with the old line South 26 deg. East 80 poles, more or less, to an old Maple corner, being a corner of the 17.5 acre tract and the 38.5 acre tract; thence with the old Hicks line and up the branch as follows: thence South 62 deg. East 20 poles; thence North 87 deg. 30 min. East 6.64 poles; thence North 38 deg 30 min. East 5.08 poles; thence South 84 deg. East 17.48 poles; thence North 69 deg. East 12 poles; thence South 55 deg. 10 min. East 4 poles; thence South 79 deg. 30 min. East 4 poles; thence South 87 deg. 45 min. East 9.96 poles; thence South 75 deg. East 8 poles; thence North 88 deg. East 4 poles; thence South 79 deg. East 20 poles; thence South 86 deg. 15 min. East 10.28 poles; thence North 19 deg. 30 min. East 8 poles; thence North 59 deg. 30 min. East 11.04 poles; thence leaving the branch North 25 deg. 45 min. East 10.24 poles to a poplar, an old corner; thence North 29 deg. East 9.80 poles to a Holly Bush, an old corner in the Ross line; thence with the Ross line North 72 deg. West 138.8 poles to a stake in the Ross line; thence with the Ross line North 72 deg. West 138.8 poles to a stake in the 17.5 acre tract; thence with that line North 5 deg. 30 min. East 30 poles, more or less, to a stake in an old corner; thence with the old line North 82 deg. 30 min. West 13 poles to the place of BEGINNING, containing 53.5 acres, more or less.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1594 page 1332.
Map: 198, Block: 1, Lot: 54.

This property was acquired with State financial assistance from the N.C. Parks and Recreation Trust Fund, and pursuant to a contractual requirement this property may not be converted to other than public recreation use (whether by transfer, sale or in any other manner).

This conveyance is made pursuant to N.C.G.S. 160A-274.

NO TITLE SEARCH WAS REQUESTED OR PERFORMED

All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Rights of way and Easements of record

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

CLERK TO THE BOARD:

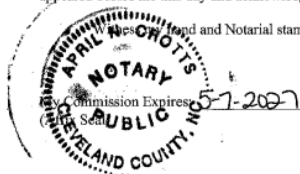
 (SEAL)
ATTEST:

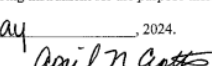
 (SEAL)
Kevin Gordon, Chair
Board of Commissioners

State of North Carolina- County of Cleveland

I, the undersigned Notary Public of the County of Cleveland and State aforesaid, certify that Kevin Gordon personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

Witness my hand and Notarial stamp or seal, this 8th day of May, 2024.




April N Crofts
Notary Public
(Notary's Printed or Typed Name)

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, JUNE 4, 2024, FOR CASE 24-08; REQUEST TO REZONE PARCEL 3093 FROM RESIDENTIAL MANUFACTURED HOMES AND PARKS (RMH) TO GENERAL BUSINESS – CONDITIONAL USE (NB-CU) FOR AN EXPANSION OF THE PREGNANCY RESOURCE CENTER

Matthew Holland requests to rezone parcel 3093 from Residential Manufactured Homes and Parks (RMH) to General Business Conditional Use (GB-CU) to expand the Pregnancy Resource Center. The vacant parcel contains 3.2 acres and is located on Troutman Lane, near Earl Road and South Post Road, south of the City of Shelby. Mr. Holland would like to construct a second facility for the Pregnancy Resource Center. A site plan outlining the facility's dimensions, parking, and setbacks has been submitted to the Planning Department.

The surrounding zoning is General Business (GB) to the east along South Post Road and Residential Manufactured Homes and Parks (RMP) to the east, west, and south. The Residential (R) zoning district is north of Troutman Lane, and the Highway Corridor Overlay also follows South Post Road. Surrounding uses vary. The pregnancy resource center is along South Post Road and a convenience store. Further south is a manufactured home park. Uses along Troutman Lane are primarily single-family homes with a warehouse on parcel 3090. The Land Use Plan designates this area as Secondary Growth. The Land Use Plan states that small-scale convenience retail and services are typically clustered around major rural crossroads.

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

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, JUNE 4, 2024, FOR CASE 24-09; REQUEST TO REZONE PARCELS 62822 AND 62877 FROM NEIGHBORHOOD BUSINESS – CONDITIONAL US (NB-CU) TO RESIDENTIAL (R)

Johnson Land and Farm Holdings, LLC, requests to rezone parcels 62877 and 62822, containing 9.9 acres, from Neighborhood Business – Conditional Use (NB-CU) for a Telecommunication Tower to Residential (R). The vacant parcel is located on Kingston Road, just east of Kingstown. In July 2014, the parcels were rezoned to Neighborhood Business – Conditional Use (NB-CU) to construct a cell tower. The tower was developed on the property, and the applicants requested the property be rezoned to Residential (R).

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

PUBLIC HEARING

PLANNING CASE 24-07; REQUEST TO REZONE PARCEL 66507, LOCATED AT 646 DIXON ROAD FROM RESIDENTIAL (R) TO RURAL RESIDENTIAL (RU)


Chairman Gordon recognized Planning Director Chris Martin to present Planning Case 24-07, a request to rezone Parcel 66507, located at 646 Dixon School Road, from Residential (R) to Rural Residential (RU). The petitioners, Adam and Katie Kates, requested to rezone parcel 66507, which contains four acres of vacant land, from Residential (R) to Rural Residential (RU). The property is located at Dixon School Road and Early Road, south of the City of Kings Mountain. Surrounding zoning districts include Residential (R) and Restrict Residential (RR), while surrounding uses are primarily single-family dwellings and more extensive tracts of land. The Land

Use Plan designates this area as Primary Growth. The traditional Residential (R) zoning district allows almost all housing types, such as site-built, modular, and manufactured homes. The Rural Residential (RU) also allows that type of housing and supports commercial and non-residential uses such as wineries, veterinary offices, and lawn/garden supply stores. The Rural Residential (RU) zoning district requires a one-acre minimum lot size, while Residential (R) zoning requires a half-acre lot size.


Parcel 66507 is in a rural area of Cleveland County south of Interstate 85 and the highway corridor, near the North and South Carolina state lines. This area also contains several state parks, including South Carolina’s Crowders Mountain State Park. Mr. Martin reviewed the county’s Land Use Plan (LUP) with the Board, identifying the most intense uses to develop over the next 10 to 20 years and the Rural Preservation plan for the county's most rural areas and uses. Regarding development, this area falls into the Primary Growth of intense uses to develop.

The Planning Board voted unanimously to recommend approval of the rezoning request. The Board commented that the new zoning district was inconsistent with the Land Use Plan’s designation of Primary Growth but compatible with surrounding uses. The Planning Board also suggested that the Board of Commissioners consider evaluating the Future Land Use Plan’s designation in the area surrounding this parcel. The following information and PowerPoint were presented to the Commissioners.

Rezoning Case 24-07 632 Dixon School Road


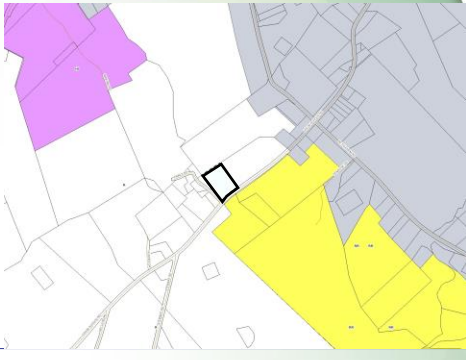


Rezoning Request





- **Current Zoning District: Residential**
 - Permits site-built homes, modular homes and manufactured homes.
 - Multifamily uses like apartments and duplexes.
- **Requested Zoning District: Rural Residential**
 - Permits site-built homes, modular homes and manufactured homes.
 - Supports some commercial uses that help preserve rural character of the area.

Zoning Map


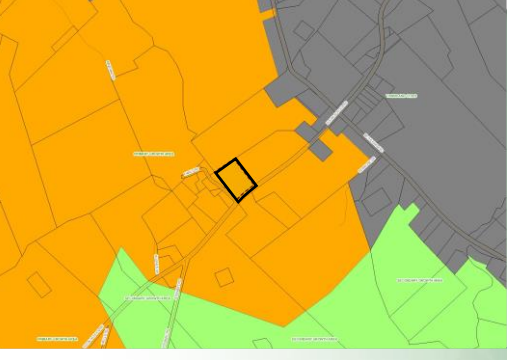
Aerial Map

Land Use Map



Land Use Map

Planning Board Recommendation



- The Planning Board voted unanimously to recommend approval of the rezoning request.
- Commented that although the rezoning request does not comply with the Land Use Plan it was compatible with surrounding uses.

8

Requested Board Action



- Public Hearing
- Approve
- Deny

9

Chairman Gordon opened the Public Hearing at 6:20 pm for anyone wanting to speak for or against Planning Case 24-07, a request to rezone Parcel 66507, located at 646 Dixon School Road, from Residential (R) to Rural Residential (RU). (*Legal Notice was published in the Shelby Star on Friday, April 26, 2024, and Friday, May 3, 2024.*)

Robert Williams, 814 E. Stagecoach Trl., Fallston – spoke in opposition to the rezoning request because it did not indicate the intended use. He suggested keeping the zoning as it is.

Katie Kates, 646 Dixon School Road, Kings Mountain – is the petitioner and spoke in favor of the rezoning request. She told Commissioners the requested rezoning is to protect the rural integrity of the area.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:24 pm.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins asked Mr. Martin for clarification, saying that Commissioners do not have to ask petitioners what their intended use of the property is. Mr. Martin stated that was correct. The Board directed the Planning Board to begin reviewing and evaluating the LUP and future designations for this area of Cleveland County.

ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, *approve the request to rezone parcel 66507 from Residential (R) to Rural Residential (RU), stating that although it is inconsistent with the Land Use Plan's designation of Primary Growth, it is compatible with surrounding uses.*

REGULAR AGENDA

JUSTICE CENTER GUARANTEED MAXIMUM PRICE (GMP) CONTRACT

Chairman Gordon recognized County Manager David Cotton to present the Justice Center Guaranteed Maximum Price (GMP) contract. Mr. Cotton presented the Justice Center's guaranteed maximum price (GMP). The amount of the proposed contract is \$169,174,412. This total price includes constructing the 300,000-square-foot state-of-the-art building, which will house the courthouse, the Clerk of Superior Court, the Register of Deeds, the district attorney, the public defender, magistrate judges, the Sheriff's Office, and the Detention Center.

The substantial completion date is October 14, 2026. To date, Cleveland County has \$105MM of state proceeds in hand to fund this project. The county has also dedicated \$17MM in American Rescue Plan Act (ARPA) funds towards the Justice Center project. With these two funding sources, a small percentage of funding is

still needed for project completion. Staff is in multiple discussions with the county's financial advisors and the Local Government Commission. The approved strategy of paying down the project entails holding some funding until the county contacts the LGC for a limited obligation bond. Mr. Cotton also recommended the GMP with Yates-Metcon on the joint venture as the Construction Manager At-Risk (CMAR), being awarded the \$69,174,400 contract.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioners thanked staff and those involved in the project for the hard work and dedication that continues to go into this project.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *approve the Justice Center Guaranteed Maximum Price (GMP) contract as presented.*

CLOSED SESSION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, *to go into closed session per North Carolina General Statute §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee and pursuant to North Carolina General Statute §143-318.11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. (Copy of closed session Minutes are sealed and found in the Closed Session Minute Book).*

RECONVENE IN REGULAR SESSION

Chairman Gordon stated, *"The Board is in open session. During the closed session regarding North Carolina General Statute §143-318.11(a)(6), the Board considered a personnel matter and directed staff. Regarding North Carolina General Statute §143-318.11 (a)(3), the Board consulted with legal council on multiple matters. No action was taken."*

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, *to adjourn.* The next meeting of the Commission is scheduled for *Tuesday, May 21, 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