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.
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 taken 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.
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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.437.4.350.00</td>
<td>93889-SMAT323</td>
<td>Public Safety Grants/State Government Grants</td>
<td>$7,500.00</td>
<td></td>
</tr>
<tr>
<td>010.437.5.910.00</td>
<td>93889-SMAT323</td>
<td>Public Safety Grants/Capital Equipment</td>
<td>$7,500.00</td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
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<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.441.4.800.41</td>
<td></td>
<td>Sheriff’s Office/Misc-Security Fees</td>
<td>$5,000.00</td>
<td></td>
</tr>
<tr>
<td>010.441.5.910.00</td>
<td></td>
<td>Sheriff’s Office/Capital Equipment</td>
<td>$5,000.00</td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
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</tr>
</thead>
<tbody>
<tr>
<td>010.446.4.991.00</td>
<td></td>
<td>EMS/Fund Balance Appropriated</td>
<td>$19,100.00</td>
<td></td>
</tr>
<tr>
<td>010.446.4.409.00</td>
<td></td>
<td>EMS/Local Revenues</td>
<td>$16,850.00</td>
<td></td>
</tr>
<tr>
<td>010.446.5.910.00</td>
<td></td>
<td>EMS/Capital Equipment</td>
<td>$35,950.00</td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
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</tr>
</thead>
<tbody>
<tr>
<td>011.504.4.410.00</td>
<td></td>
<td>Title XX/Local &amp; Other Grants</td>
<td>$10,000.00</td>
<td></td>
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<tr>
<td>011.504.5.700.00</td>
<td></td>
<td>Title XX/Grants</td>
<td>$10,000.00</td>
<td></td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>027.434.4.310.00</td>
<td>ARPA/Federal Govt Grants</td>
<td>$9,512,529.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>027.434.5.891.00</td>
<td>ARPA/Emerg &amp; Contingency</td>
<td>$9,462,529.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>027.434.5.910.00</td>
<td>ARPA/Capital Equipment</td>
<td>$50,000.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

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

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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
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</tr>
</thead>
<tbody>
<tr>
<td>012.533.4.310.85</td>
<td>Adult Health/Federal Govt Grants-BCCCP SCR</td>
<td>$13,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>012.533.5.420.00</td>
<td>Adult Health/Contracted Services</td>
<td>$13,000.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

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

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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>012.539.4.310.84</td>
<td>012.539.5.230.01</td>
<td>Family Planning/Federal Govt Grant</td>
<td>$1,872.00</td>
<td>$1,872.00</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>486.245.4.350.00</td>
<td>486.245.5.991.00</td>
<td>Capital Proj-Clev Co Fair/State Govt Grants</td>
<td>$1,000,000.00</td>
<td>$1,000,000.00</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>493.250.4.350.00</td>
<td>493.250.5.991.00</td>
<td>Capital Proj-Justice Center/State Govt Grants</td>
<td>$6,000,000.00</td>
<td>$6,000,000.00</td>
</tr>
</tbody>
</table>

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

March 21, 2023

Our Energy Transition: NCUC Order on the Carbon Plan

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

- More solar, energy storage and transmission bringing fuels online
- Planning for new natural gas
- Coal retirements, nuclear re-licensing
- Explore pumped wind
- Studying and initial activities for long-term wind, solar, and batteries

Duke Energy in Cleveland County

- 335 employees & retirees
- 33,141 electric customers
- 195,000 charitable giving since 2018
- $84 million annual property taxes

Our Locations
- Rogers Energy Complex:Odessa
- Kings Mountain Nuclear Training Center
- Charlotte Operations Center
- Broad River Solar Facility
- Shady Grove Solar Facility
- Shady Grove Solar Facility

Renewable Energy

Barnard Solar Facility
50 MW with 950 acres

Modernizing the Grid to support Cleveland’s businesses and homes

Technology & Innovation: A smart-thinking grid

New Transmission Projects in Cleveland County

- Upper Cleveland: replaced transmission line and converted from 44,000 volts to 100,000 volts
- Construction new Whale Creek Substation at 150 KV to replace the 44 KV

- Washington Substation: added new 13kV to handle industrial, commercial and residential load growth
- Oak Grove Substation: added a new 13 kV transformer at the 'Oak Grove' substation

Approximately $200 million in facility improvements

Distribution Projects in Cleveland County

- Increase feeder capacity now to handle more load
- Non-feeder lines to facilitate alternate feeds
- Additional surfacing networks
- Converting lines to double circuit
- Focus on vegetation management

Examples
- Hay St./East between Station Road and Mountview Road
- Upgrades to Christopher Road 1291 & 1301 – Tow of East
- Upgrades to Patterson Springs 1256 & 1258 – Light Oak, Fair Oaks, etc. west of White Oak
- Penney Road - Frontiers – Grovemeadow (2020)
- Bealewood Road – Elliott Road – Boiling Springs (2022)

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

- Renaming the problems associated with the loss of farmland, in 1965, 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

- In August of 2002, 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.

Purpose of Voluntary Farmland Preservation Program

To promote agricultural values and the general welfare of the county by:
- Increasing civic pride in the agricultural community and its way of life.
- Encourage the economic and financial health of agriculture.
- To increase protection from non-agricultural development and other negative impacts on property values.

Location of Agricultural Districts Within the County

Enrolled Farms

Cleveland County Agricultural Advisory Board has conservation agreements with:
- 104 different landowners
- Establishing 24 Agricultural Districts
- Which include over 18,000 acres of farmland.

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.
- Decrease risk of future land values.
- Preserves productive farmland for the future generations.

Where information can be located

- Farmland Preservation Maps can be found at several locations throughout the county.
- The Advisory Board’s office can provide an illustrated map of all the agricultural districts.
- Maps can be ordered:
  - Office of the Register of Deeds
  - Newland 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.

Ordnance Updates

- In 2022, the North Carolina General Assembly passed Senate Bill 94, which makes technical changes to the statute governing the Voluntary Farmland Preservation Program.
- The Cleveland County Agricultural Advisory Board, with input from the County Agriculture Office, is recommending that we seek out Federal Preservation Program assistance to reflect these changes.
- The majority of changes are minor grammatical, stylistic, and technical changes.
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.
decision, or determination of the agricultural advisory board, the concurrence vote of a majority of all members of the advisory board shall be necessary.

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

(i) District. The advisory board shall:

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

(2) Conduct public hearings;

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

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

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

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

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

(a) Requirements. To secure county certification as qualifying farmland, a farm must be and qualify that:

be the participating in the program present one or more of the following:

(1) A participating in the program present one or more of the following: A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z.

(b) Procedure. To apply for certification as qualifying farmland, an application shall be submitted to the county treasurer or to the county auditor, who shall:

(1) Prepare a report containing the findings and recommendations regarding the proposed action.

(2) Approve or disapprove the proposed action.

(3) If disapproved, the application shall be denied.

(4) If approved, the application shall be granted.

(c) Appeal. If an application is denied, the applicant may appeal to the county auditor's board within thirty (30) days from the date of the decision.

Sec. 12-359. Reexamination of agreement provision.

By written notice to the advisory board, a landowner of qualifying farmland may revoke the agreement provision on an agreement which may revoke the same agreement provision on a basis of non-compliance by the landowner, subject to the same provisions as contained in section 12-358 for appeal of denial. Such reexamination shall result in loss of the agreement provision and loss of eligibility to participate in a district.

Sec. 12-360. Public hearings.

(a) Purpose. Pursuant to N.C.G.S. § 106-740 which provides for the development of a local government plan, the advisory board upon receipt of any application to amend or rescind an agreement, or to make any other change to an agreement, shall hold a public hearing on the proposed amendment, or to make any other change to an agreement, shall notify the owner of the land and the county auditor of the proposed amendment or any other change to an agreement.

(b) Notice. The notice of the public hearing shall be published in the county newspaper at least ten (10) days before the hearing.

(c) Notice by mail. Notice by mail shall be sent to the county auditor of the proposed amendment or any other change to an agreement.

(d) Right to speak. Any person shall be permitted to speak at the public hearing on the proposed amendment or any other change to an agreement.

(e) Notice of action. A notice of action shall be filed with the county auditor of the proposed amendment or any other change to an agreement.

Sec. 12-362. Subdivision ordinances and zoning ordinance review.

Developers of major subdivisions or plans/real estate developments shall designate an examination of the development plan. The existence of the district within the city limits of the proposed development plan. The existence of the district within the city limits of the proposed development shall not be required to be notified to the county auditor or any other public body.
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:
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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Qty</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preconstruction Personnel &amp; Deliverables</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programmatic Phase</td>
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<td>weeks</td>
</tr>
<tr>
<td>General Project Services (May 2022 - September 2022, 17 Months)</td>
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<td>weeks</td>
</tr>
<tr>
<td>Site/Field Design Estimates, Reconciliation</td>
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<td></td>
</tr>
<tr>
<td>Site/Field Design Estimates, Reconciliation &amp; VE if needed</td>
<td>1</td>
<td>weeks</td>
</tr>
<tr>
<td>90% Construction Documents Estimates, Reconciliation &amp; VE if needed</td>
<td>1</td>
<td>weeks</td>
</tr>
<tr>
<td>90%-100% Construction Documents Estimates, Reconciliation &amp; VE if needed</td>
<td>1</td>
<td>weeks</td>
</tr>
<tr>
<td>Building Phase Prep, Building &amp; Reconciliation after Bids and Draft OMP</td>
<td>1</td>
<td>weeks</td>
</tr>
</tbody>
</table>

**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