Cleveland County Board of Commissioners
May 3, 2022

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

PRESENT: Kevin Gordon, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Chris Martin, Planning Director
Martha Thompson, Chief Deputy Attorney
Sherry Lavender, Tax Assessor
Tiffany Hansen, Health Department Director
Perry Davis, Emergency Management Director/Fire Marshal
Sandra Orvig, Shooting Range Director
Scott Bowman, Maintenance Director
Allison Mauney, Human Resources Director
Tommy McNeilly, Emergency Medical Services Director
Lucas Jackson, Finance Director
Jason Falls, Business Development Director
Colt Farrington, Building Codes Administrator

CALL TO ORDER

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

Business Development Director Jason Falls provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION

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

Item 7a. Shelby Recycling Site Closure

SPECIAL RECOGNITION

2022 NORTH CAROLINA GOVERNOR’S VOLUNTEER SERVICE AWARD

The Governor’s Volunteer Service Awards program was created by the Office of the Governor in 1979 to recognize North Carolina’s most dedicated volunteers. Through the years, the award has been bestowed on thousands of North Carolinians who have shown concern and compassion for their neighbors by volunteering in their local communities. Glen Lashbrook, Brownie Plaster and the Kingstown Community Organization for Citizens Concerns from Cleveland County have been awarded certificates for their outstanding volunteer service. The Commissioners took turns commenting and giving congratulations to the award recipients.
Chairman Gordon recognized Commissioner Whetstine who spoke about Motorcycle Awareness Month and the importance of being observant and sharing the road with all motorists. He also pleaded for residents not to blow their grass clippings into the roadway. The clippings cause extremely dangerous road conditions for
motorcycle riders. When a rider drives over grass left in the roadway it is equivalent to a car driving over a patch of black ice. Commissioner Whetstine thanked members of the Concerned Biker’s Association of Cleveland County who were present to receive the following proclamation which was read by the Clerk:

SCHOOL NURSE DAY 2022

Chairman Gordon recognized School Health Nursing Supervisor Heather Voyles to speak about School Nurse Day 2022. National School Nurse Day is observed on the Wednesday during National Nurses Week in May to recognize the field of school nursing. This event honors the daily efforts of school nurses to ensure all students’ well-being, safety, and academic ability. Commissioners thanked Ms. Voyles and other Health Department staff who were present to receive the following proclamation which was read by the Clerk:
CITIZEN RECOGNITION

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from April 5 and April 19, 2022 regular meetings in Board members’ packets.

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

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #055)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, 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>012.545.4.540.97</td>
<td>CODAP/Contracted Revenue-COVID19 Relief</td>
<td>$101,417.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>012.548.5.121.00</td>
<td>CODAP/Salaries-FT Reg</td>
<td>$6,991.00</td>
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<td></td>
</tr>
<tr>
<td>012.548.5.310.97</td>
<td>CODAP/Travel-Training-COVID19 Relief</td>
<td>$1,180.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>012.548.5.311.97</td>
<td>CODAP/Educational-Training-COVID19 Relief</td>
<td>$2,855.00</td>
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<td></td>
</tr>
<tr>
<td>012.548.5.370.97</td>
<td>CODAP/Advertising-Promo-COVID19 Relief</td>
<td>$25,459.00</td>
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<td></td>
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<tr>
<td>012.548.5.581.97</td>
<td>CODAP/Awards-Appreciation-COVID19 Relief</td>
<td>$7,446.00</td>
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<td></td>
</tr>
<tr>
<td>012.548.5.700.97</td>
<td>CODAP/Grants Expense-COVID19 Relief</td>
<td>$57,486.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $101,417 in additional COVID-19 relief funds from Partners Behavioral Health Management Services for program enhancements of Youth & Parent Education and Environmental Strategies for substance abuse. Funds will be used for advertising, travel and educational expenses.
SOCIAL SERVICES: BUDGET AMENDMENT (BNA #056)

ACTION: Commissioner Hardin made a motion, seconded by Commissioner Hutchins, 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>
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<tr>
<td>011.519.4.310.00</td>
<td></td>
<td>Public Assistance/Federal Govt Grants</td>
<td>$62,332.00</td>
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<tr>
<td>011.519.5.512.08</td>
<td></td>
<td>Public Assistance/Public Asst-LIEAP</td>
<td></td>
<td>$62,332.00</td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $62,332 in a one-time Low Income Energy Assistance Program (LIEAP) Supplemental funds. The supplement will be a flat rate of $224 per household that received a LIEAP payment during FY 2021 - 2022.

PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, JUNE 7, 2022 FOR CASE 22-13: REQUEST TO REZONE PROPERTY AT 1318 STONY POINT ROAD FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL (R)

Parcel 47196 is 15.16 acres, located at 1318 Stony Point Road, and is currently zoned Restricted Residential (RR). The applicant, Dexter Williams, is asking to rezone this to Residential (R). Surrounding zoning is a mix of General Business (GB) along Stony Point, Restricted Residential (RR) to the south, west across Stony Point, and north up to Mary’s Grove Church Road. There is also Residential (R) to the immediate west. Surrounding uses are a mix of businesses and residences along Stony Point Road, single-family dwellings to the south along Lizzie Lane and Bottom Road, and mostly vacant tracts to the immediate north along Mary’s Grove Church Road. The Land Use Plan calls this area both Future Primary and Future Secondary Growth Area. Residential uses are compatible with surrounding uses.

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

FINANCE DEPARTMENT: 2022 AUDIT CONTRACT

North Carolina General Statute §159-34 requires each unit of local government in North Carolina to have its accounts audited at the close of each fiscal year by a certified public accounting firm. The audit evaluates the performance of a unit of local government regarding compliance with applicable federal and state laws as well as the accuracy and reliance of the financial statement disclosures. Each year Cleveland County’s audit contract must be approved first by the County Board of Commissioners and then the North Carolina Local Government Commission. The Finance Department is recommending the renewal of the contract with Thompson, Price, Scott, Adams & Co, P.A. for the 2020-2021 fiscal year audit.

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to approve the audit contract with Thompson, Price, Scott, Adams & Co, P.A. for the 2021-2022 fiscal year audit. (a full copy of the audit contract is on file in the Clerk’s Office and the Finance Department).
LEGAL DEPARTMENT: LAND TRANSFER – PARCEL 60406

North Carolina General Statute § 160A-274 authorizes the County to convey property to other governmental units any property that the County owns, with or without consideration. Cleveland Community College has requested that the County transfer parcel 60406, located at 831 N. Post Road in Shelby, which the County currently leases to the Community College to use for training purposes.

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, adopt the resolution authorizing the land transfer of parcel 60406 to Cleveland Community College.
Burke County has requested Cleveland County allow the Cleveland County line that adjoins with Burke County to be surveyed and re-established to identify and resolve an ambiguous or uncertain boundary. In the past, with outdated paper maps and constantly changing property lines by deed, will, plat or survey, the county line may have become ambiguous. With the prevalence in recent years of better-computerized GIS and tax mapping techniques, staff can be more accurate in assessing property within county jurisdiction. To date, no major discrepancies have been found. If approved, this action would re-establish current county lines and reduce possible future clerical errors regarding properties that may be assessed in multiple jurisdictions.

The North Carolina Geodetic Survey, designated and funded by the North Carolina General Assembly can complete the survey at the invitation of the counties involved at no cost to either local government. Burke County Commissioners have already approved a similar resolution upon the request of former Burke County Tax Administrator, Danny Isenhour, at their February 16, 2021 regular agenda meeting. A re-established county line would ensure that property is being assessed for ad valorem tax purposes by the proper jurisdiction.

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, **adopt the resolution authorizing county line surveying.**
Chairman Gordon called Planning Director Chris Martin to the podium to present Planning Case 22-11: request to rezone property at 132 Jim Patterson Road from Residential Manufactured Home and Parks (RMH) to General Business – Conditional Use (GB-CU) for a Wedding Venue and Campground. Parcels 10557, 10558 and 10559 are a combined 12.24 acres, located at 132 Jim Patterson Road, and are currently zoned Residential Manufactured Homes and Parks (RMH). The applicants, Ray and Kelli Little, with A Little Southern Stay, LLC, are requesting to rezone these three parcels, which they intend to combine, to General-Business Conditional Use (GB-CU) for a wedding/event venue and a campground. Both of those uses are allowed in the General Business (GB) zoning district. Surrounding zoning is a mix of Residential Manufactured Homes and Parks (RMH), Residential (R), Restricted Residential (RR), General Business (GB) and Light and Heavy Industrial (LI & HI) along south I-85 and Battleground Avenue. Surrounding uses are a mix of single-family residences and a manufactured home park north on Jim Patterson Road. The Land Use Plan calls this area Future Primary Growth Area, and the proposed use is compatible with surrounding uses.

The Planning Board voted unanimously to recommend approval of the rezoning request. The Board felt that this requested change was low impact and was compatible with existing uses. They also felt the requested zoning district of General Business (GB) was in conformity with the Land Use Plan’s designation of Future Primary Growth Area.

Chairman Gordon opened the Public Hearing at 6:35 pm for anyone wanting to speak for or against Planning Case 22-11: request to rezone property at 132 Jim Patterson Road from Residential Manufactured Home and Parks (RMH) to General Business – Conditional Use (GB-CU) for a Wedding Venue and Campground. (Legal Notice was published in the Shelby Star on Friday, April 22 and Friday, April 29, 2022).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:36 pm.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, approve the request to rezone property at 132 Jim Patterson Road from Residential Manufactured Home and Parks (RMH) to General Business – Conditional Use (GB-CU) for a Wedding Venue and Campground as it is consistent with the Land Use Plan and compatible with existing surrounding uses.
REGULAR AGENDA

BUILDING INSPECTIONS UPDATE

Chairman Gordon recognized Building Codes Administrator Colt Farrington to present a Building
Inspections Update. Mr. Farrington gave a progress report on the 2021 building permits issued in the county, rising
costs of construction and the potential for more development growth. The following information and PowerPoint
were presented to Commissioners.
The Board thanked Mr. Farrington for the information and the hard work he and his department does.

**SHELBY COLLECTION SITE CLOSURE**

Chairman Gordon recognized County Manager Brian Epley to present the Shelby Collection Site closure update. The Board was reminded at their February 2022 work session. After much discussion, evaluation and analyzing data, the Commissioners took action to close the Shelby Recycling Center. This site is the only one located in a municipal jurisdiction. The Board gave direction to staff to accomplish site closure by April 1, 2022. The action also included the option for the City of Shelby the opportunity to take over the operations of the recycling site.

Mr. Epley explained contact was made to City of Shelby management advising them of the Board’s decision in the weeks following the work session. Cleveland County worked to try and achieve the April 1, 2022 deadline however due to budget season and other factors, that deadline was not met. County staff requested and was granted a 30-day extension from Commissioners. Mr. Epley again reached out to City of Shelby management advising them of the imminent deadline and offered the same previous options of either permanent closure with reallocation of county resources or for the city to assume operation of the site.

Closure of the recycling site began fundamentally because it is the only county resource within a municipal jurisdiction and is an underutilized asset. The City of Shelby owns the land where the site is located which stemmed from a non-written agreement from several years ago for the county to operate the site on city property. The county has moved forward with closure of the site. The following information and PowerPoint were reviewed to Commissioners.
Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired about fees to county residents. Mr. Epley reviewed the services, costs and fees associated with recycling centers and solid waste pick up. Chairman Gordon stated, for clarification, “The Landfill and its operations are an enterprise fund, paid totally by user fees, regardless of the type of fee. There is not one county general fund tax that goes to the operation of the landfill. Regardless of where a county resident lives, all citizens are treated equally in relationship to county tax and the operation of the landfill and any of the convenience sites associated with that.” Mr. Epley advised that was correct. Staff regularly works with an engineering company to ensure the county is charging adequately to properly maintain and dispose of waste while keeping the fees fair and equitable.

Chairman Gordon asked Mr. Epley, “Is it true multiple conversations were had with City of Shelby Management regarding the closure of the recycling site and timeline after the decision was made at the February 2022 Commissioners’ work session?” Mr. Epley replied, “Nothing formal was given to the city, but there were several conversations with City of Shelby leadership regarding the intent of site closure and the opportunity to take over operation of the recycling site at an approximate cost of $50,000 annually. There was more than one conversation.”

**JUSTICE CENTER CONSTRUCTION MANAGER AT RISK**

County Manager Brian Epley remained at the podium to present the Justice Center Construction Manager at Risk (CMAR). Chairman Gordon and Commissioner Whetstine worked with staff through CMAR selection for the project. This is the first time in history in Cleveland County, that the county will follow this procurement method.
North Carolina General Statute 143 governs all construction activity in North Carolina, outlining multiple models. The construction manager at-risk model is a different model that brings on a construction consultant early in the process to work with the design team. It is a cost-plus spending model that will aid in offsetting some of the supply chain and labor shortages. The design-bid-build model previously used often requires contractors to submit a bid when it's too expensive, at a significant premium to cover the risk that they're ensuring by promising cost at maybe two or three years out.

The Justice Center will be about 400,000 square foot facility with a centrally co-located 450-bed jail, which helps cut down transportation costs and increases security. The projected total project budget is estimated at $140MM with $59MM of the funds from a state grant. Mr. Epley reviewed the background, budget, schedule, conceptual plans and the CMAR evaluation process to Board members. The following information and PowerPoint were presented to Commissioners.
CMAR Selection

- The County must determine that CMAR services are in the best interest of the project, G.S. 143-128.3(a).
- The County must make a good faith effort to solicit minority participation, historically underutilized businesses, and small business entities – G.S. 143-128.1(b); 143-64.31(a).
- The County must announce all requirements for CMAR contracts to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information – G.S. 143-64.31(a).
- After identifying the best qualified firm, the County must negotiate a contract for CMAR services with that firm at a fair and reasonable fee – G.S. 143-64.31(a).

CMAR Evaluation Process

- If the County cannot negotiate a contract with the best qualified firm, negotiations with that firm shall be terminated, and the County must initiate negotiations with the next best qualified firm – G.S. 143-64.31(a). (This is why it is important that the firms be RANKED).
- Statute does not authorize the County to give preference to firms located in the County – G.S. 143-64.31(a).
- No work product or design may be solicited, submitted, or considered; no cost information other than unit price may be solicited, submitted, or considered – G.S. 143-64.31(f).
- Examples of prior work may be solicited, submitted, and considered when determining demonstrated competence and qualification of CMAR services, and discussion of concepts or approaches to the project, including impact on project schedules, is encouraged – G.S. 143-64.31(f).
Chairman Gordon opened the floor to the Board for questions and discussion. He and Commissioner Whetstine spoke positively about the selection process.

**ACTION:** Commissioner Bridges made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, approve the selection of Yates/Metcon as the CMAR for the Justice Center Campus Project and authorize the Board Chair and County Manager to negotiate and finalize all documents with CMAR retainment.

**EMS TRANSITION PLAN**

County Manager Brian Epley remained at the podium to present the Emergency Medical Services (EMS) Transition Plan. About a year ago, the county engaged in a public safety strategic plan. At the February 2022 work session Commissioners heard recommendations on how to enhance the existing system which included a centrally administered EMS system for Cleveland County. After Commissioners made the decision to move to a centrally administered EMS system, staff was tasked to begin a transition plan with a phased approach with a focus on improving patient care, response time and training. Mr. Epley reviewed the background, phased transition and operational enhancements to Commissioners focusing on the transition plan with the implementation of the following phases:

- **Phase 1 – Communication:** all Boards were notified of the transition, communicated the message of a commitment to hire eligible rescue squad personnel and the intent to purchase needed capital and partnership for a seamless transition.
• Phase II – Personnel: four separate hiring events were held in March and April 2022 at the American Red Cross Building. All employees of the rescue squads were invited, and those employees hired by Cleveland County received equivalent or higher pay.

• Phase III – Capital and Equipment: the county is working with Upper Cleveland and Kings Mountain rescue squads to conduct a market analysis on their capital and equipment. The county has worked with Shelby Rescue Squad to determine an agreed upon price for capital equipment. The current negotiated price is $1,250,000. The purchase will need to be approved by Commissioners.

• Phase IV – System Enhancement: the county is committed to coverage with peak shaving units anticipated to begin in the summer or fall of 2022 and will complete ongoing system analysis.

Regarding phase IV, Mr. Epley spoke about the data and proposed plans that were presented at the Commissioner’s February 2022 work session noting a top concern identified is that only about 75% of Cleveland County is reachable from current EMS base locations within the best practice of an eight-minute response time. Staff is working on improving that number to 90%. The county is starting to shift towards peak shaving 12-hour daytime coverage and other areas for improvement. The county will measure the levels of effectiveness and implementation to achieve the Board’s goals for EMS which will have a significant impact on response time and coverage. This transition will be cost-neutral to taxpayers. The following information and PowerPoint were presented to Board members.
Transition Goals

1. Continued service to Cleveland County citizens
2. Communicate transition partnership with rescue squads
3. Hire 12 FTE for interfacility transports
4. Acquire needed capital for additional staffing
5. Begin system enhancement

Phase I
COMMUNICATION

• Personally notified all boards of the transition
  • Official press release issued - March 30, 2022

• Communicated Message:
  • Commitment to hiring eligible personnel
  • Intent to purchase needed capital
  • Partnership for seamless transition

Phase II
PERSONNEL

• Held at American Red Cross building
• All employees of squads invited
• Employees hired received equivalent or more pay when hired by Cleveland County

<table>
<thead>
<tr>
<th>Squad</th>
<th>Hiring Event</th>
<th>Full-Time</th>
<th>Part-Time</th>
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<tr>
<td>Upper Cleveland</td>
<td>3/29/2022</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Shelby Rescue</td>
<td>4/1/2022 &amp; 4/8/2022</td>
<td>11</td>
<td>9</td>
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<tr>
<td>Kings Mountain</td>
<td>4/15/2022</td>
<td>1</td>
<td>5</td>
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<tr>
<td><strong>Total Staff</strong></td>
<td><strong>18</strong></td>
<td><strong>9</strong></td>
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Phase III
CAPITAL

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<th>Quantity</th>
<th>Value</th>
<th>Negotiated Price</th>
<th>Value %</th>
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<td>Building &amp; Land</td>
<td>1</td>
<td>$968,250</td>
<td>96%</td>
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</tr>
<tr>
<td>Ambulances</td>
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<td>$626,000</td>
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<tr>
<td>Radios</td>
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<tr>
<td>Sirens</td>
<td>7</td>
<td>$304,500</td>
<td>14%</td>
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</tr>
<tr>
<td>Life-packs</td>
<td>12</td>
<td>$260,000</td>
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<tr>
<td>Other Equipment</td>
<td>2</td>
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<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$2,290,950</td>
<td>&lt; = 1,250,000</td>
<td>55%</td>
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Upper Cleveland & Kings Mountain: Conducting Market Analysis

Phase IV
SYSTEM ENHANCEMENT

• Commitment to coverage
  • Casar Base
  • Full transport unit
  • Lavendale Base
    • Open mid May, 2022
  • QRV

• Peak Shaving Units
  • Anticipated Summer/Fall 2022

• System Analysis
  • Ongoing

Transition Goals
PHASES II & III

1. Continued service to Cleveland County citizens ✔
2. Communicate transition partnership with rescue squads ✔
3. Hire 12 FTE for interfacility transports ✔
4. Acquire needed capital for additional staffing ✔
5. Begin system enhancement ✔

Action

Finalize all transaction and closing documents at an amount equal to or less than $1,250,000.
Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hardin asked Mr. Epley to review the different types of response vehicles. Mr. Epley outlined the different models which include:

- full transport – advanced life saving (ALS) ambulance with two paramedics
- difficult transport – only one paramedic
- unable to transport – fully equipped SUV or Pickup Truck with an EMS Administrator (paramedic)

Commissioners discussed with Mr. Epley and EMS Director Tommy McNeilly base station plans, patient care, and time frame for the upper area of the county. Mr. Epley advised the Board over the weekend that the two remaining rescue squads, Shelby Rescue and Kings Mountain Rescue, did not staff any of their ambulances so Cleveland County EMS handled the entire system seamlessly. Commissioners thanked staff for the work and due diligence that continues to go into this project.

**ACTION:** Commissioner Bridges made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, **finalize all transaction and closing documents with Shelby Rescue Squad in an amount equal to or less than $1,250,000.**

**BOARD APPOINTMENTS**

**CLEVELAND COUNTY HISTORIC PRESERVATION**

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to **appoint David Stone to serve as a member of this board,** for a period of four years, scheduled to conclude June 30, 2026.
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 17, 2022 at 6:00 p.m. in the Commissioners Chambers.

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Kevin Gordon, Chairman
Cleveland County Board of Commissioners

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