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

**PRESENT:**
Doug Bridges, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Kevin Gordon, Commissioner
Tim Moore, County Attorney
Brian Epley, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Marty Gold, Information Technology Director
Jason Falls, Business Development Director
Allison Mauney, Human Resources Director
Katie Swanson, Social Services Director
Scott Bowman, Maintenance Director
Daryl Sando, Electronic Maintenance Director
Lucas Jackson, Finance Director
Martha Thompson, Deputy County Attorney
Perry Davis, Emergency Management Director/Fire Marshal
Chris Martin, Planning Director
Josh Davis, Solid Waste Director
Tommy McNeilly, Emergency Medical Services Director

**CALL TO ORDER**
Chairman Bridges called the meeting to order and announced Vice-Chairman Deb Hardin would be presiding over the meeting. She invited anyone from the audience to lead the Pledge of Allegiance and provide the invocation.

Floyd Queen, Shanghai Volunteer Fire Department, provided the invocation and led the audience in the Pledge of Allegiance.

**AGENDA ADOPTION**

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

**SPECIAL RECOGNITION**

**2021 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. Floyd Queen and Dr. Jack Weller from Cleveland County have been awarded certificates for their outstanding volunteer service. The Commissioners took turns commenting and giving congratulations to the award recipients.

**CITIZEN RECOGNITION**

No one registered to speak.
CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the May 4, 2021 regular meeting, in board members packets.

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

TAX ADMINISTRATION: REFUNDS/RELEASES

The Tax Assessor provided Commissioners with a report regarding pending refunds and releases.

ACTION: Commissioner Gordon made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to approve the Pending Refunds/Releases as submitted by the Tax Assessor.

ENVIRONMENTAL HEALTH: BUDGET AMENDMENT (BNA #061)

ACTION: Commissioner Gordon 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>012.514.350.00</td>
<td></td>
<td>Environmental Health/State Government Grants</td>
<td>$21,423.00</td>
<td></td>
</tr>
<tr>
<td>012.541.5.121.00</td>
<td></td>
<td>Environmental Health/Salary-Regular</td>
<td></td>
<td>$21,423.00</td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget allocation for $21,423 in allocated funds from the North Carolina Department of Health and Human Services to support Food and Lodging activities and programs. These funds will be used to support existing salaries and fringe benefits within the Environmental Health Department.

PLANNING DEPARTMENT: SET PUBLIC HEARING FOR TUESDAY, JULY 6, 2021 FOR CASE 21-10; REQUEST TO CONDITIONALLY REZONE PARCEL 52468 AT 134 KAY ROAD FROM RESIDENTIAL (R) TO LIGHT INDUSTRIAL CONDITIONAL DISTRICT (LI-CD)

Parcel 52468 is a 41.3-acre tract located at 134 Kay Road. The owner, Paul Chambers, has requested to conditionally rezone this parcel from Residential (R) to Light Industrial Conditional Use (LI-CU) to place a small meat processing facility on the property. A site plan accompanying this application shows the proposed
This will include a processing room, corrals and parking lots. The surrounding uses are mostly residential, with some commercial uses in the corridor along Fallston Road. The Land Use Plan calls this area Future Rural Residential. The Cleveland County Unified Development Ordinance classifies slaughterhouses under NAICS 31100, Food Manufacturing. This use is only allowed in Light and Heavy Industrial with the issuance of a zoning permit.

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

**PLANNING DEPARTMENT: SET PUBLIC HEARING FOR TUESDAY, JULY 6, 2021 FOR CASE 21-11; REQUEST TO CONDITIONALLY REZONE PARCEL 59861 AT 110 BATTLEGROUND ROAD FROM LIGHT INDUSTRIAL (LI) TO RESIDENTIAL CONDITIONAL DISTRICT (R-CD)**

The Moser Group, represented by Tom Crouch, is requesting to rezone a 56-acre parcel from Light Industrial (LI) to Residential Conditional Use (R-CU) for the purposes of developing multi-family housing. The project proposes 15 buildings with 360 housing units, landscape screening around the perimeter, parking, and walking trails throughout the property.

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

**ISOTHERMAL PLANNING AND DEVELOPMENT: HOUSING CONSORTIUM RESOLUTION**

Cleveland County completed a housing study in 2019. The purpose of the study was to determine current characteristics of all major housing components within the market and identify housing gaps by tenure and income segment. The study identified high priority in nearly every housing sector. Since that time, based on the growing need for housing across the region, Isothermal Planning, now Foothills Regional Commission, created a housing task force. As a result, this task force identified a potential funding opportunity for its member governments.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to approve the Foothills NC Home Consortium.
The County has owned each of these properties for several years:

<table>
<thead>
<tr>
<th>Parcel #</th>
<th>Year Acquired</th>
<th>Property</th>
<th>Acreage</th>
<th>Tax Value</th>
<th>Offer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel 20706</td>
<td>2017</td>
<td>Vacant Lot</td>
<td>.06 Acres</td>
<td>$1,712</td>
<td>$1,700</td>
</tr>
<tr>
<td>Parcel 27395</td>
<td>2017</td>
<td>Vacant Lot</td>
<td>.25 Acres</td>
<td>$2,625</td>
<td>$2,100</td>
</tr>
<tr>
<td>Parcel 27395</td>
<td>2017</td>
<td>Vacant Lot</td>
<td>.23 Acres</td>
<td>$1,272</td>
<td>$  102</td>
</tr>
<tr>
<td>Parcel 40159</td>
<td>2017</td>
<td>Vacant Lot</td>
<td>.69 Acres</td>
<td>$14,793</td>
<td>$1,500</td>
</tr>
<tr>
<td>Parcel 26934</td>
<td>2012</td>
<td>Vacant Lot</td>
<td>.40 Acres</td>
<td>$11,880</td>
<td>$1,272</td>
</tr>
</tbody>
</table>

North Carolina General Statute § 153A-176 authorizes the County to dispose of property according to the procedures proscribed in Chapter 160A, Article 12 of the General Statutes. One of those procedures is found in

**LEGAL: TAX FORECLOSURE UPSET BID PROCESS FOR PARCELS 20706, 27395, 27398, 40159, 26934**

The County has owned each of these properties for several years:

<table>
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<tr>
<th>Parcel #</th>
<th>Year Acquired</th>
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</table>

North Carolina General Statute § 153A-176 authorizes the County to dispose of property according to the procedures proscribed in Chapter 160A, Article 12 of the General Statutes. One of those procedures is found in
North Carolina General Statute § 160A-269. Under that statute, the County may receive an offer to purchase property and advertise it for upset bids.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to approve the resolution authorizing negotiated offer and upset bid.

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### Resolution

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

WHEREAS, Cleveland County owns certain properties identified as follows:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Location</th>
<th>Offeror</th>
</tr>
</thead>
<tbody>
<tr>
<td>20706</td>
<td>1113 Willows Street, Shelby</td>
<td>Chad Hill</td>
</tr>
<tr>
<td>27705</td>
<td>Carver Street, Shelby</td>
<td>Wendy Jan</td>
</tr>
<tr>
<td>23706</td>
<td>Carver Street, Shelby</td>
<td>Andy Moore</td>
</tr>
<tr>
<td>40159</td>
<td>Evita Drive, Kings Mountain</td>
<td>Sunny Street</td>
</tr>
<tr>
<td>26954</td>
<td>458 E. Rose Grove Road, Shelby</td>
<td>Wendie Jan</td>
</tr>
</tbody>
</table>

and

WHEREAS, N.C.G.S. § 153A-175 and N.C.G.S. § 160A-269 permit the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received offers to purchase the properties described above in the amounts as follows:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Amount Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>20706</td>
<td>$7,700.00</td>
</tr>
<tr>
<td>27705</td>
<td>$102,000.00</td>
</tr>
<tr>
<td>27706</td>
<td>$211,000.00</td>
</tr>
<tr>
<td>40159</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>26954</td>
<td>$932.00</td>
</tr>
</tbody>
</table>

and

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

Therefore, the CLEVELAND COUNTY BOARD OF COMMISSIONERS RESOLVE THAT:

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

2. The County paralegal will notify the offerors of the Commissioners' authorization and the amount required of them for advertising costs to be paid by cash, money order or cashier's check payable to the County and delivered to the County paralegal at 511 E. Marion Street, Suite 121, Shelby, North Carolina 28150.

3. Following receipt of payment of the advertising costs by the offeror(s), the Clerk to the Board will cause a notice of the proposed sale to be published. (In the event that one or more offerors decline payment of the advertising cost, the corresponding property will not be advertised.) The notice will contain a general description of the property, the amount and terms of the offer, and a notice that within ten (10) days any person may cause the bid to be less than ten percent (10%) of the first one thousand dollars ($1,000) and five percent (5%) of the remainder.

4. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to Margaret Waggener, paralegal, Cleveland County Administrative Office Building, 511 E. Marion Street, Suite 121, Shelby, NC 28150 for hand delivery or PO Box 1210 Shelby, NC 28151 for mail delivery on or before 3:00 p.m. on or before the 10th day following publication of said notice. Use of the mail or any means of delivery is at the bidder's risk and any bids received after the deadline will not be considered. Any bid with conditions or terms will not be accepted or considered. Use of the mail or any means of delivery is at the bidder's risk and any bids received after the deadline will not be considered. Any bid with conditions or terms will not be accepted or considered.

5. At 3:00 p.m. on said date, the County Attorney/Deputy County Attorney will open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

6. If a qualifying higher bid is received, the County Clerk will cause a new notice of upset bid to be published, and will continue to do so until a 10-day period has passed without any qualifying upset bid having been received.

7. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid and accompanying One Hundred Twenty-Five Dollars ($125.00), or higher in the event of an increase, for advertising costs. This amount may be made in cash, money order, or cashier's check.

8. The County will apply the deposit of the final high bidder first to the costs of the bidding process, including but not limited to the costs of advertising the notice(s) of the proposed sale, then the remaining balances to the purchase price at closing, unless the County withdraws the property from sale, at which time the deposit of the final high bidder will be returned. The County will also refund any deposit, excluding costs, made by bidders other than the final high bidder within two (2) weeks of the delivery of the deed to the final high bidder.

9. The terms of the final sale are that:
   - The Board of Commissioners must review and decide whether or not to approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed,
   - The buyer must pay with cash, money order, or cashier's check at the time of closing, and
   - The County will transfer its interest in the property via quid pro quo deed.

10. The County reserves the right to withdraw any property from sale at any time before the final high bid is accepted and the right to reject at any time any bids. In no event shall the costs of advertising any proposed sale or upset bid be returned to the offeror.

Adopted this 1st day of June, 2021.

Douglas G. Bridges
Chairman
Cleveland County Board of Commissioners

ATTEST:

Phylis Bowser
Clint
Cleveland County Board of Commissioners
Vice-Chairman Hardin recognized County Manager Brian Epley to present the FY 2021 – 2022 County Manager’s Recommended Budget. Mr. Epley reminded the Board at their May 18, 2021, regular meeting they were presented with a very in-depth presentation on the proposed budget and this evening’s presentation will be a review and highlights from the FY 2021 – 2022 recommended budget. The budget has been available as a full document to citizens online for the last two weeks on Cleveland County’s website. This is roughly a 250-page document and included the budget message in a narrative form accompanied by the revenue projection, capital improvement plans along with all the budget details via line items. The proposed budget has also available to multiple libraries around the community for public inspection.

This year’s budget has been a very challenging yet rewarding process. At the same time, it’s been an opportunity to link the pre-covid momentum with all the things learned during Covid-19, from a profit perspective, and trying to synchronize both in a way that maximizes county resources through the next 12-month operating plan which is the budget. It is beneficial to establish how the budget works and the mechanics behind the development process. The FY 2021 – 2022 proposed budget is rethinking high performance, doing more with less and achieving the Commissioners strategic goals which is comprised of five focus areas. Those goals are the guiding compass that helps draft the budget. The goals, measurements and proprieties in areas that are outlined in the strategic plan are ultimately what guides staff for allocated resources. The budget is priority based and those goals drive the budget. The proposed FY 2021 – 2022 is focused on high performance, serving the community and county’s purpose.

The general fund is the county’s primary operating fund and is balanced below revenue neutral at 54.75 cents, equaling a 2.25 cent tax rate reduction. The county worked through a required revaluation process in 2021, which statutorily, the county must calculate the tax rate that would equate to the same amount of revenue with a gross factor built in. The Cleveland County School budget is balanced on a 14-cent tax rate which is a 1 cent tax reduction. The proposed budget was developed from a zero-based perspective and does not include any American Rescue Plan funding. There is also a $1.75MM allocation for future debt service for Phase I of Public Safety Capital which will be tied to the Board’s strategic plan for future public safety capital and anticipates recapturing the majority of prior year revenue loss created by COVID-19 such as occupancy tax, sales tax and permitting. There is no funding from the Catawba Resort Development in the proposed budget and includes a full year of the most recent comprehensive pay study. There is an allowance for a mid-year cost performance index (CPI) adjustment and two additional full-time employees; one in the Register of Deeds Office and the other in Code Enforcement. One of the biggest indicators that will show how the budget looks is tied directly to the economy. There are numerous key indicators that give an outlook and forecast the economy’s performance at a macro level.
The top four indicators include automobile sales, new home sales, retail sales and manufacturing. Mr. Epley reviewed the financial impact of these indicators.

The county has taken the tax base and has grown that incrementality at an adjusted rate of 2% - 3% based on short forms and the county can reasonably project what the tax revenue is going to be off that. Staff is prepared for the requirement from the State Treasury Department for a $400,000 increase in the County’s employee retirement contribution. Mr. Epley reviewed the five-year budget snapshot with Commissioners to include a very moderate investment into the county’s wellness fund which continues to perform at a high level. Those funds and cost savings from health plans ultimately create flexibility in the budget that help achieve other priorities.

There is about a $400,000 increase to the Cleveland Community College. Moving through the community and operating departments needs, there is a $625,000 in general increase in cost for the business, to include contracts, materials, etc. The top three revenue sources continue to be add on ad valorem taxes about 15% restricted intergovernmental, which makes about 20%. That's primarily state grants, federal grants, Health and Human Services, about 30% sales tax, and those will be very common across North Carolina counties similar to Cleveland County. As a reminder, a citizen tax liability is a function of a product two variables. One is the value the assessed value of the property. And the second variable there is the effective tax rate. And so as one goes up, the other can go down. And the equation, whatever the tax liability may be, and in proposed budget with a reduced tax rate of 54.75 cents, the remainder is a lot of internally with a large disproportionate share going to payroll. The goal is to be consistent committed policy direction from Commissioners, currently and in the past, trying to minimize tax burdens on citizens.

As discussed at the May 18, 2021 Commissioners meeting, the Local Government Commission has a statutorily required calculation for what is revenue neutral. Revenue neutral is very different than revenue equal. The purpose of revenue neutral is what rate would be needed to generate tax revenue in a normal year if revaluation never happened to capitalize on prior to growth, but not on the current market adjustment. The rate for Cleveland County would be 55 cents for 2021. The largest three functions of the $125MM budget are allocated to Human Services, Education and Public Safety while focusing on prioritizing and allocating funds based on Commissioner strategic goals. Reflecting on the 2015 budget, about 33% of that budget was allocated to Human Services and only about 19% to Public Safety. Staff has been able to, very strategically, shift those cost centers over the last seven years to be more properly aligned with the county’s peer groups, with the benchmarking, but also with the priorities developed in the Board’s strategic planning work sessions.

Cleveland County Public Schools recommended tax rate is 14-cents with a one cent reduction. The funding is from a cash flow perspective equivalent of the prior year with additional collections from the 14-cent, assuming it will be higher than what the 15-cent tax rate generated this year in additional sales tax that will go into an escrow controlled by the Board of Commissioners. Those funds will be allotted at the time there is satisfactory reporting on teacher supplements and capital programming. It is anticipated the escrow funds will be $1.4MM.
Cleveland Community College’s budget is 90% funded from federal and state apparitions but there is a local contribution both for operational and capital. Currently, there's about $22 million operating budget and included in next year’s budget is year two of the five-year funding ladder that will be intended to make Cleveland County, from the local funding perspective, more competitive. Historically, the local contribution from the county has been lacking, it's not been outside the top 50. The community college has been fruitful in private donations and state grants, but the County wants to be committed to making sure the workforce development and training partner is well funded. Continuing this five-year ladder through 2025 will make Cleveland County a more comparable to competing communities. The fire district has 12 volunteer fire departments in Cleveland County and included in next year’s budget is a tax rate remaining the same at 8.5-cents. That would generate roughly $150,000 in new revenue split equally across all 10 departments in the district at about $15,000 apiece. The funding allocation protocol would help offset the new incurred service, public safety and communication replacement that took place last year.

In summarization from an operational priority perspective, the budget changes over the last six to seven operating years with a percentage change with a heavy focus on public safety but also strategically doing so in areas that make the organization more vertically integrated, more efficient, and more right sized government so the county can move forward in certain key areas that serve the purpose of improving community but in a way that doesn't grow the overall budget. Since 2015, there has only been a 6.15% total budget increase. The public safety strategic plan was a top priority coming out of the Commissioners work session in February 2021, to refresh the volunteer fire five-year strategic plan, to be more comprehensive of all public safety functions including 911, Emergency Management, EMS, Law Enforcement, and Fire. The county wants to stay position as an employer of choice for the 11th straight year, where there'll be no increases on spousal dependent care for health insurance purposes and being able to maintain $1,100 contribution in HSA dollars. In April 2021, the county was very aggressive in fully implementing the market study, which included performance bonus project in this year's budget to manage and continuing to manage with a 7% to 8% total organizational wide turnover rate, something the organization should be proud of with dedicated funding for improving our community health rankings and keeping that in the lens of priority, and then re-engaging with our job creators.

Companies such as Greenheck, KSM and Clearwater Paper are in the community creating tax base, creating jobs and about three years ago, in 2018 – 2019, the project Accelerate Cleveland was created. This project is a paid partnership for interns going through the Community College and are paid an hourly rate to work for the production technician certification. Upon completion, the interns are actively recruited by those job creators. To date, there has been 100% job placement. Other priorities and deliverables include being prepared for electronic timekeeping and the Catawba Resort. All these strategies maintain compliance with the Board of Commissioners fund balance percentage greater than 18%, demonstrating leadership, and COVID to eradicate and move beyond that, in totality.
Staff is planning a Commissioners policy development summer work session to consider the Animal Services ordinance as well as the comprehensive Land Use Plan. For an operational perspective, being cognizant of jail population, remote workplace and having a recession ready budget. The Economic Development staff is continuing to market the sale of Shell Building 3, evaluating the possibility of Shell Building 4 and continue to evaluate the highest and best use for the Dover Mill property. Included the recommended budget is a cultural investment into our organizational workforce that promotes more with less and high performance and rewards bought into organizational wide data points that ultimately generate cost savings and more productivity, but also rewards employees for being part of that solution. The following PowerPoint was presented to the Board.
Community College Funding

Current Cleveland Community College
Federal & State Appropriations: $31,003,600
Current Year Appropriations: $3,179,872
Current Year Capital Appropriation: $1,300,000
Total: $44,483,672

Proposed FY 22 Funding
- Increase Local County Operational Allocation: $275,000
- Increase Local County Capital Allocation: $400,000

Total: $52,183,672

Priority Based Budgeting

<table>
<thead>
<tr>
<th>Department</th>
<th>FY 15</th>
<th>FY 22</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety</td>
<td>$12,682,874</td>
<td>$17,287,484</td>
<td>$4,604,610</td>
<td>36%</td>
</tr>
<tr>
<td>Central Administration</td>
<td>$1,793,639</td>
<td>$4,707,918</td>
<td>$2,914,279</td>
<td>160%</td>
</tr>
<tr>
<td>Health &amp; Human Services</td>
<td>$1,561,520</td>
<td>$1,593,128</td>
<td>$31,608</td>
<td>2%</td>
</tr>
<tr>
<td>All Other Departments</td>
<td>$1,097,219</td>
<td>$1,698,477</td>
<td>$601,258</td>
<td>46%</td>
</tr>
<tr>
<td>Total</td>
<td>$31,483,672</td>
<td>$52,183,672</td>
<td>$20,700,000</td>
<td>66%</td>
</tr>
</tbody>
</table>

Sustaining Momentum

FY 20-21
- Federal & State Appropriations: $31,003,600
- Local County Operational Allocation: $350,000
- Local County Capital Allocation: $1,300,000
- Total: $32,653,600

FY 21-22
- Federal & State Appropriations: $31,003,600
- Local County Operational Allocation: $350,000
- Local County Capital Allocation: $1,300,000
- Total: $32,653,600

Priorities

1. Long Term Public Safety Strategic Plan
2. Implementation of Organizational Capital Plan to include Justice Center Campus
3. Position Cleveland County as an Employer of Choice
4. Identify and implement strategies to Improve Community Health Ranking
5. Re-Engage Accelerate Cleveland & Workforce Development Strategies

Other FY 22 Priorities

- Revitalization Management & Long Term Financial Modeling
- Implementation of Electronic Timekeeping
- Central Revenue Planning and Preparations
- Fiscal Balance Percentage ≤ 50%
- COVID-19 Pandemic and Community Vaccinations
- Community Center & Branding
- Community Engagement & Transparency

FY 21-22 Strategic Plan Focus Areas

Emerging Issues & Projects

- Policy Development
  - Animal Services Ordinance
  - Land Use Plan & Development Standards
- Operations
  - Jail Population Management
  - Remote Workforce
  - Recession-Ready Budget
- Economic Development Management
  - Shell Building Program
  - Accelerate Cleveland Re-Start
  - Dover Mill Property

FY 22 Commissioner’s Top Budget Priorities

Emerging Issues & Projects

Capital Improvement Plan

1. Jail Planning
2. Grant House Planning
3. Brookfield Election Campus
4. E-911 Expansion
5. Health Department and Social Services Co-Location

Technology Planning

- Data Security
- Availability
- Accessibility
- Efficacy
- Security
- Performance
- Transparency
- Privacy
- Efficacy
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Vice-Chairman Hardin opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired about the amount of tax dollars allocated for Cleveland County Schools. Mr. Epley stated the school system receives an additional $10.2MM from the county’s operating system, This is over and above the 14-cents they already receive. Commissioner Bridges asked Mr. Epley to explain the difference in calculation of revenue neutral versus true revenue neutral. Mr. Epley advised, “The Physical Control Act, which is North Carolina General Statute 159, and that governs all procurement and finance related local government regulations. It specifically requires the Board of Commissioners to be presented with a revenue neutral reddit. That revenue neutral revenue formula generated calculation, that includes statutorily five years of average growth experienced in the community. You take the projected tax base post rebound, obviously, this is required as part of the revaluation process, which only happens periodically for Cleveland County. Sale ratios computation is managed by the North Carolina Department of Revenue that evaluates market sales prices compared to tax values. When homes and other real estate transactions are happening well above what the county has the tax base listed at, that creates great disproportion challenges on the sale ratio and requires a revaluation. Revenue neutral doesn’t mean the same amount of money as last year, it doesn’t mean the equivalent of revenue from last year to this year, it means what would revenue be this year had revaluation ever happened. And there would be some natural growth included in that. And that’s insinuated through the average of the previous five years.”

Commissioner Whetstine asked for further explanation on the American Rescue Plan. Mr. Epley responded, “The Treasury Department is giving intermittent guidance regarding the American Rescue Plan. It is a one-time money distribution and Cleveland County is expecting to receive an estimated $19 million dollars. The spending compliance and the allowable cost is still uncertain. The spending packet from the federal government is relatively guaranteed and staff thinks the most appropriate use of those dollars will be a onetime major. And we want to be
more reliant on the scrutiny and the direction from the Treasury on how the monies can be spent. Staff would then put together a plan for spending for items such as capital projects and strategic priorities and present that to Commissioners for consideration at that time.”

Commissioner Bridges inquired about employee retention within the organization, factoring in compensation and performance bonus pay. Mr. Epley advised, “The executive leadership team talks about this issue regularly and recently concluded an organizational wide survey, to assist in evaluating how the organization is operating and changes could be made to better improve services and what is currently working. The performance bonus program is working exceptionally well. The county’s turnover rate for the last eight months is above 92%; Cleveland County is competitive with other peer counties and the ability to recruit has significantly improved over the last three months.”

Commissioner Hutchins questioned the increase to the county’s Human Resources Department. Mr. Epley explained. “The Human Resources Department budget was previously around $450,000 dollars and now it’s about $1.2 million dollars. Their allocation has increased three times in the last seven years, although the total budget for the organization hasn’t. Central Administration, Human Resources, and Information Technology are the spine of the organization. The county is focusing on being lean, vertically integrated, quick and efficient. Those functions need to be appropriately staffed and funded, along with risk management strategies, as well as training and development. There’s a variety of things that go into making sure the organization is programmed the right way, the specific change this year from last year, and that is supporting that concept of vertical integration. Although it looks like Human Resources may have increased, other departments have seen an offsetting decrease to cover right size and program resources centrally to more strategic.”

Vice-Chairman Hardin opened the public hearing at 6:52 pm for anyone wanting to speak for or against the FY 2021 – 2022 County Manager’s Recommended Budget. (Legal Notice was published in the Shelby Star on Friday, May 21, 2021 and Friday, May 28, 2021). Hearing no comments, Vice-Chairman Hardin closed the Public Hearing at 6:53 pm.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, **approve the FY 2021 – 2022 County Manager’s Recommended Budget.**
SECTION I. FUND ESTIMATED REVENUES. It is estimated that the revenues and fund balances of the funds and departments as listed below will be available during the fiscal year beginning July 1, 2021, and ending June 30, 2022, to meet the functional appropriations as set forth in Section II. All fees, commissions, and other sums paid to or collected by any County Officer, or agent in their capacity, shall accrue to the benefit of the County and become County funds.

<table>
<thead>
<tr>
<th>Description</th>
<th>Current Year</th>
<th>(In Millions of Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary</strong></td>
<td></td>
<td>$152,829.578（16,218,234)</td>
</tr>
<tr>
<td>Ad Valorem Tax</td>
<td>Current Year</td>
<td>$87,963.809（2,343,709）</td>
</tr>
<tr>
<td></td>
<td>(Per 0.75 Cents per $100 value) X (Taxable value X 0.75% collection)</td>
<td>$55,164,144</td>
</tr>
<tr>
<td></td>
<td>(Property/Parcels)</td>
<td>$635,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$200,000</td>
</tr>
<tr>
<td><strong>Other Taxes:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales Tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 Cent (Article 59)</td>
<td>$6,900,000</td>
</tr>
<tr>
<td></td>
<td>2 Cents (Art 40 &amp; 42)</td>
<td>$5,940,000</td>
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<tr>
<td></td>
<td></td>
<td>$12,840,000</td>
</tr>
<tr>
<td>Occupancy Tax</td>
<td></td>
<td>$375,000</td>
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<tr>
<td>Heavy Equip Tax</td>
<td></td>
<td>$20,000</td>
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<tr>
<td>Vehicle License Tax</td>
<td></td>
<td>$50,000</td>
</tr>
<tr>
<td>Excise Stamps Tax</td>
<td></td>
<td>$285,000</td>
</tr>
<tr>
<td><strong>Intercommemal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO Telecommunications Surcharge</td>
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<td>$250,000</td>
</tr>
<tr>
<td>NO Grants-Third Party (Pass-Through)</td>
<td></td>
<td>$113,261</td>
</tr>
<tr>
<td>NO Grants-Third Party (Pass-Through) LEVS</td>
<td></td>
<td>$22,000</td>
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<tr>
<td>NO Grants-Third Party (Pass-Through) CSPS</td>
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<td>$156,627</td>
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<tr>
<td>NO Grants-J.C.P.C. Admin.</td>
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<td>$2,000</td>
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<tr>
<td>NO Court Annex Fees-Sheriff</td>
<td></td>
<td>$20,000</td>
</tr>
<tr>
<td>NO Portability Property-Sheriff</td>
<td></td>
<td>$20,000</td>
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<tr>
<td>NO Housing of State Prisoners-Sheriff</td>
<td></td>
<td>$150,000</td>
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<tr>
<td>NO Housing Inmates - SSA</td>
<td></td>
<td>$8,000</td>
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<tr>
<td>NO Court Fees-Jail</td>
<td></td>
<td>$70,000</td>
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<tr>
<td>NO License Revocation-Jail</td>
<td></td>
<td>$6,000</td>
</tr>
<tr>
<td>NO DOT Grant (Pass-Through) to TACO</td>
<td></td>
<td>$175,000</td>
</tr>
<tr>
<td>NO Grants-Soil Conservation Match</td>
<td></td>
<td>$20,000</td>
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<tr>
<td>NO Grants-State Aid to Libraries</td>
<td></td>
<td>$140,000</td>
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<tr>
<td>Keep It!—County Library System</td>
<td></td>
<td>$8,000</td>
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<tr>
<td>JPCG Grant—Cleveland County Schools (Pass-Through)</td>
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<td>JPCG Grant—Community in Schools (Pass-Through)</td>
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<tr>
<td>School: School Resource Officers</td>
<td></td>
<td>$75,000</td>
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<tr>
<td>Sheriff: Payment In Lieu of Taxes</td>
<td></td>
<td>$11,000</td>
</tr>
<tr>
<td>Sheriff: Shared Economic Development</td>
<td></td>
<td>$358,106</td>
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<tr>
<td>Other Various Sources</td>
<td></td>
<td>$131,800</td>
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<tr>
<td><strong>Fees:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Register of Deeds</td>
<td></td>
<td>$425,000</td>
</tr>
<tr>
<td>Sheriff</td>
<td></td>
<td>$250,000</td>
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<tr>
<td>Inspections</td>
<td></td>
<td>$225,000</td>
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<tr>
<td>Planning &amp; Zoning</td>
<td></td>
<td>$20,900</td>
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<tr>
<td><strong>Sales &amp; Services:</strong></td>
<td></td>
<td></td>
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<tr>
<td>Retail Sales</td>
<td></td>
<td>$3,172,210</td>
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<tr>
<td>Municipal Tax Collection</td>
<td></td>
<td>$400,000</td>
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<tr>
<td>Municipal Elections</td>
<td></td>
<td>$120,200</td>
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<tr>
<td><strong>Sales &amp; Services:</strong></td>
<td></td>
<td></td>
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<tr>
<td>Local Fees &amp; Medicaid</td>
<td></td>
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</tr>
<tr>
<td>Emergency Med Serv</td>
<td></td>
<td>$3,458,322</td>
</tr>
<tr>
<td>Volunteer Rescue</td>
<td></td>
<td>$1,000</td>
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<tr>
<td>Electronic Maintenance</td>
<td></td>
<td>$80,000</td>
</tr>
<tr>
<td>Travel &amp; Tourism</td>
<td></td>
<td>$50,000</td>
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<tr>
<td>Animal Control</td>
<td></td>
<td>$152,400</td>
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<tr>
<td>Cooperative Extension</td>
<td></td>
<td>$20,200</td>
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<tr>
<td>County Library System</td>
<td></td>
<td>$16,000</td>
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<tr>
<td>Public Parking</td>
<td></td>
<td>$300,000</td>
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<tr>
<td>Solid Waste</td>
<td></td>
<td>$55,000</td>
</tr>
<tr>
<td>Interest:</td>
<td></td>
<td>$350,000</td>
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</tbody>
</table>

Interest: Interest on Investments
### Miscellaneous
- ABC Par Benefit & Profit Distribution: 125,000
- Sale of Used Assets: 26,500
- Vending/Phonographic Commissions: 158,000
- Contributions & Donations (Library): 1,507
- Other Miscellaneous: 122,850

### Other Sources
- SW LawFund Fund (Transfer): 1,348,289
- School Capital Reserve Fund (Transfer): 755,000
- Social Service Fund (Transfer): 91,500
- Health Trust Fund (Transfer): 190,000
- Fund Balance Appropriated: 3,956,713
- Mental Health Appropriation: 81,000

### Social Services & Public Assistance
- Grants-Federal and State Grants
  - Less Transfers In: 20,002,619
    - Local Fees: 12,660,305
    - Primary Fund (Transfer): 7,541,907
    - (13,234,815)
- Public Health
  - Grants-Federal and State Grants: 1,828,418
  - Local Fees & Medicaid: 5,315,276
  - Primary Fund (Transfer): 2,506,729
  - Other Funds (Transfer): 109,809
  - Fund Balance Appropriated: 1,694,914
  - (8,540,206)

### Employees Wellness
- Local Fees: 141,709
  - Health Insurance Fund (Transfer): 1,313,235
  - (1,454,944)

### Court Facilities
- Departmental Fees: 144,020
  - Primary Fund (Transfer): 269,558
  - (423,588)

### School Property Taxes
- Ad Valorem Tax, Current Year (14.06 mil. at $100 value) X ($10,333,939,597 total value) X (97.5% collection): 14,169,003
- Sales Tax: 3,777,703

### LaGrand Conference Center
- Fees, Beverage Sales: 201,269
  - Primary Fund (Transfer): 624,563
  - (825,830)

### Workers’ Compensation / Property & Liability Insurance
- Interest on Investments/Other: 125,503
  - Primary Fund (Transfer): 1,077,364
  - Social Insurance Fund (Transfer): 117,653
  - Other Funds (Transfer): 207,021
  - (1,617,685)

### Health / Dental Insurance
- Fund Balance Appropriated: 744,165
  - Primary Fund (Transfer): 144,753
  - Dental Premiums: 210,000
  - Health Premiums: 19,260,000
  - (11,154,100)

### Total
- Total: $87,580,839
  - (87,580,839)
### D. SPECIAL REVENUE FUND ESTIMATED REVENUES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Telephone</td>
<td>4,762,124</td>
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<tr>
<td>E911: Subscriber Fees</td>
<td>163,272</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>10,000</td>
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<tr>
<td>Fund Balance Appropriated</td>
<td>131,752</td>
</tr>
<tr>
<td>County Fire Service District</td>
<td></td>
</tr>
<tr>
<td>Ad Valorem Tax: Current Year (5.75 Cents per $100 value) ( \times ($6,400,000,000 \text{ total value}) \times (67.5% \text{ collection}) )</td>
<td>3,749,663</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>4,455,100</td>
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<tr>
<td>Total</td>
<td>8,204,764</td>
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### C. DEBT SERVICE FUND ESTIMATED REVENUES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Transfers In</td>
<td>9,983,743</td>
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<tr>
<td>(1,782,604)</td>
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### D. CAPITAL PROJECT FUND ESTIMATED REVENUES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Less Transfers In</td>
<td>17,206,604</td>
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<td>(6,297,775)</td>
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### E. ENTERPRISE FUND ESTIMATED REVENUES

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Less Transfers In</td>
<td>11,986,616</td>
</tr>
<tr>
<td>(11,986,616)</td>
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### SECTION I: TOTAL (TOTAL FUND ESTIMATED REVENUES)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Transfers In</td>
<td>195,645,414</td>
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<tr>
<td>(30,462,812)</td>
<td></td>
</tr>
<tr>
<td>(165,182,136)</td>
<td></td>
</tr>
</tbody>
</table>
### Economic & Physical Development
- 10.491 Planning & Zoning: 400,631
- 10.492 Economic Development/Development: 4,725,631
- 10.496 Cooperative Extension: 371,668
- 10.497 Forestry Management: 64,879
- 10.498 Soil Conservation: 154,858

### Transportation
- 10.497 Transportation Admin. of Cleveland: 223,965

### Human Services
- 10.560 Mental Health: 642,398
- 10.591 Veterans' Services Officer: 138,416
- 10.617 Council on Aging (Senior Center): 168,333
- 10.622 Social Services: 20,306,819
- 11.000 Transfers Out To Other Funds: 406,196
- 12.000 Public Health: 10,688,928
- 12.000 Transfers Out To Other Funds: 180,600

### Education
- 10.600 Cleveland County Schools: 10,250,000
  - Current Expense: 1,400,000
  - Capital Outlay: 200,000
  - Capital Outlay - Special Allocation: 40,000
- 10.608 Cleveland Community Colleges: 74,000
  - Current Expense: 2,270,872
  - School Capital Reserve (Transfer): 653,476

### Cultural
- 10.611 Libraries: 3,158,117
  - County Library System: 1,236,262
  - Other Libraries: 85,800
- 10.612 Recreation: 123,000
- 10.614 Historical Artifacts: 92,400
- 10.670 Public Shooting Range: 724,102
- 10.671 Great Point: 65,500
- 55.460 LeGrand Center: 620,845

### Debt Service (less large purchase agreements)
- 10.800 Debt Service: 700,000

### Special Revenue Fund Appropriations
- Public Safety
  - 26.454 Emergency Telephone: 307,024
  - 28.452 Volunteer Fire Districts: 4,405,600

### Debt Service
- 20.800 Debt Service: 9,053,743
### A. GENERAL FUND APPROPRIATIONS

**Less Transfers Out:**

<table>
<thead>
<tr>
<th>General Government</th>
<th>152,024,529</th>
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<tbody>
<tr>
<td></td>
<td>(21,904,927)</td>
</tr>
<tr>
<td></td>
<td>130,119,602</td>
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<tr>
<td></td>
<td>(20,899,308)</td>
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<tr>
<td></td>
<td>109,220,304</td>
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</tbody>
</table>

**Public Safety**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>10.40 School Resource Officers</td>
<td>927,718</td>
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<tr>
<td>10.41 Sheriff</td>
<td>10,115,340</td>
</tr>
<tr>
<td>10.433 Forfeited Property - State</td>
<td>50,954</td>
</tr>
<tr>
<td>10.441 Detention: Canvass List</td>
<td>7,422,056</td>
</tr>
<tr>
<td>10.446 Emergency Management</td>
<td>2,889,296</td>
</tr>
<tr>
<td>10.448 Emergency Medical Services</td>
<td>3,043,591</td>
</tr>
<tr>
<td>10.47 Volunteer: Rescue</td>
<td>21,904,927</td>
</tr>
<tr>
<td>10.478 Communications</td>
<td>1,931,926</td>
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<tr>
<td>10.479 Electronic Surveillance</td>
<td>1,750,000</td>
</tr>
<tr>
<td>10.48 Building Inspections</td>
<td>3,428,056</td>
</tr>
<tr>
<td>10.452 Coroner</td>
<td>8,090,477</td>
</tr>
<tr>
<td>10.453 Hazardous Materials</td>
<td>12,946</td>
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<tr>
<td>10.454 Animal Services</td>
<td>1,244,827</td>
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**Total:** 30,753,478

### SECTION II. FUND APPROPRIATIONS

#### D. CAPITAL PROJECT FUND APPROPRIATIONS

**Less Transfers Out:**

<table>
<thead>
<tr>
<th>Capital Projects</th>
<th>17,290,064</th>
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<tbody>
<tr>
<td></td>
<td>(5,790,207)</td>
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<tr>
<td></td>
<td>11,499,857</td>
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<table>
<thead>
<tr>
<th>County Capital Projects</th>
<th>2,932,000</th>
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<tbody>
<tr>
<td>County Cache Reserves (Transferred)</td>
<td>2,889,056</td>
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<tr>
<td>County Capital Reserve - Capital Plan</td>
<td>1,750,000</td>
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<tr>
<td>School Local Option Sales Taxes (Transfer)</td>
<td>3,428,056</td>
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<tr>
<td>Public School Capital Reserves</td>
<td>1,750,000</td>
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<tr>
<td>County Capital Fund (Transfer)</td>
<td>1,750,000</td>
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</table>

**Total:** 11,499,857

### E. ENTERPRISE FUND APPROPRIATIONS

**Less Transfers Out:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>54.473 Solid Waste Disposal</td>
<td>7,099,477</td>
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<tr>
<td>54.473 Transfers To Other Funds</td>
<td>1,742,401</td>
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<tr>
<td>54.474 Solid Waste Collections</td>
<td>3,155,661</td>
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</table>

**Total:** 19,844,344

### SECTION III. PROPERTY TAX RATES

The Countywide property tax rate shall be 54.75 cents per $100 valuation for purposes of the General Fund and 14 cents per $100 valuation for purposes of the Special Property Taxes Fund. Thus, the combined County-wide property tax rate shall be 68.75 cents per $100 valuation. Further, the property tax rates for the County Fire Service District shall be 8.75 cents per $100 valuation and dollar revenues shall be used to benefit volunteer fire departments in the district. In addition, the bond issue for the Special Fire Districts shall be 6.75 cents per $100 valuation.

### SECTION IV. BUDGET CARRY FORWARDS

The County Manager shall have the authority to make budget changes between any and all operating funds and departments as long as the total Fund Estimated Revenues and Total Fund Appropriations remain at the level, including all subsequent amendments, approved and adopted by the County Board of Commissioners, except as provided below.

### SECTION VI. POSTION/STAFFING

Inclusion in the 2021-2022 budget are two (2) new positions which include (1) Deputy Register of Deeds and (1) Code Enforcement Officer.
Vice-Chairman Hardin called Planning Director Chris Martin to the podium to present Case 21-03; Updates to the Cleveland County Unified Development Ordinance (UDO). The North Carolina General Assembly has mandated changes to local development ordinances to comply with North Carolina General Statute 160D. They have combined portions of statutes 160A and 153A into the new 160D, which now governs land development laws for both counties and municipalities in North Carolina. The state legislature has stated that local governments must have changes to local ordinances in place by July 1, 2021. The changes in 160D have been divided into two categories; required amendments and optional amendments. To streamline the process so adoption deadlines can be met, Planning staff will review the required amendments first, to meet the July 1 adoption date, then work with the Planning Board to evaluate any applicable optional amendments. The required changes include terminology changes, adding conflict of interest statements for boards and staff, and ensuring that procedures for minimum housing and the board of adjustment are in line with statutory requirements.

North Carolina General Statute 160D is the new land use statutory law for cities and counties. It was developed and passed by the North Carolina Bar Association in 2019. In North Carolina, cities and counties pertaining to planning and development ordinances, have worked off two separate general statutes, 153A for counties and 160A for cities. Chapter 160D consolidates both of those into one chapter to provide for simplicity, organization, and language clarification throughout that chapter. It will modernize and clarify terminologies and procedures without making major policy changes. Organizations have until July 1, 2021 to comply with the new 160D chapter. The proposed changes will not have any affect on Cleveland County residents.

Mr. Martin called Henry Earl, Zoning Administrator, to the front to present the specific changes and impacts implemented with North Carolina General Statute 160D. Modifications include language, terminology and procedural changes that must be applied by July 1, 2021. Chapter 160D has references to Chapter 153A and 160A. Cleveland County’s UDO contains references to 153A and 160A, which, after July 1, 2021, those references will no longer exist. A specific term that is addressed is “conditional.” The county has two functions for conditional; the first is Conditional Use Permit (CUP) and the second is Conditional Use District Zoning. Although very similar, these two definitions serve very different functions.

The Board of Adjustment (BOA) has a process called CUP. Chapter 160D will change those into Special Use Permits. The BOA will not change its process, it is simply a permit name change. Conditional Use District rezoning will be changing to Conditional Zoning and Conditional Rezoning. The third term to change is Historic Preservation Standards. Currently, when the Historic Preservation Commission is processing certificates of appropriateness, they have guidelines to follow. The State wants to strengthen that term, they have eliminated the term guidelines and replaced it with time stamp.
There are several procedural changes included with Chapter 160D. The first is a BOA procedure. This change requires if there is an objection to inclusion of administrative material, that goes before the BOA, if there's an objection to that, that the Board Chair rules on that objection. If there is an appeal to that, then it goes to the entire BOA for their decision. Currently, it goes to the BOA. Another modified item is missing timeframe for multi-phase development. There are large development projects that require long periods of time for completion such as a large-scale subdivision. The first project step is zoning approval. Until now, the UDO states Cleveland County can give the developer up to two years vested right for their development. Chapter 160D states that if it is a multi-phase development over 25-acres in size, the developer can request up to seven years of vested rights.

The final procedure change is conflict of interest statements. Chapter 160D states any board the Planning Department oversees must have conflict of interest statement; this also includes Planning staff. If a board member stands to gain monetarily from the outcome of a decision, then that board member must recuse themselves from the case. Secondly, if the applicant has a close familial relationship with one of the board members, such as a child or sibling, that board member needs to recuse themselves from the decision. Planning staff’s conflict of interest is very similar to that of the board members. If a staff member will make financial gain or if it's a close family member, it will need to be given to a supervisor or another staff member. Staff is requesting the Commissioners to approve the required changes to allow Cleveland County’s UDO will coalesce with Chapter 160D on July 1, 2021.

The following information and PowerPoint were presented to the Board.
Vice-Chairman Hardin opened the floor to the Board for questions and discussion. Commissioner Bridges thanked staff for the information as this becomes law on July 1, 2021. Mr. Earl stated Chapter 160D will be more streamlined across the state and Cleveland County’s UDO is already similarly written to the new guidelines and procedures.

Vice-Chairman Hardin opened public comment at 7:05 pm for anyone wanting to speak for or against Case 21-03; Updates to the Cleveland County Unified Development Ordinance (Original Legal Notice was published in the Shelby Star on Friday, May 21 and Friday, May 28, 2021).

Hearing no comments, Vice-Chairman Hardin closed the public hearing at 7:06 pm.

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, approve the updates to the Cleveland County Unified Development Ordinance to align with North Carolina General Statute 160D. (a full copy of the Cleveland County Unified Development Ordinance is on file in the Planning Department and the Clerk’s Office).

<table>
<thead>
<tr>
<th>160D Updates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Update</strong></td>
</tr>
<tr>
<td>Reference changes from 153A and 160A to 160D</td>
</tr>
<tr>
<td>Terminology: Change Conditional Use Permits to Special Use Permits</td>
</tr>
<tr>
<td>Terminology: Change Conditional Use District Zoning to Conditional Zoning</td>
</tr>
<tr>
<td>Terminology: Change Historical Preservation Guidelines to Standards</td>
</tr>
<tr>
<td>Procedure: Require that Board of Adjustment Chair rule on objections to inclusion or exclusion of administrative material. Appeal of that decision will go to the full board</td>
</tr>
<tr>
<td>Procedure: Must follow standard procedure for housing code enforcement to determine owner’s abandonment of intent to repair and need for demolition.</td>
</tr>
<tr>
<td>Procedure: Must recognize multi-phase developments of over 25 acres, with vesting rights up to seven years.</td>
</tr>
<tr>
<td>Procedure: Must conform subdivision performance guarantee requirements with statutory standards</td>
</tr>
<tr>
<td>Conflict of Interest Statement for Boards and Staff</td>
</tr>
</tbody>
</table>
Planning Director Chris Martin remained at the podium to present Planning Department Case 21-06; Request to rezone property at 120 Oveda Drive from Heavy Industrial (HI) to General Business (GB). The Planning Department has received a request from Allison and Chad Domonoske who have applied for a zoning map amendment to rezone a vacant 63-acre portion of the 200-acre tract on parcel 10613 from Heavy Industrial (HI) to General Business (GB). This parcel is located at 120 Oveda Drive, between Grover and Kings Mountain along South Battleground Avenue. The surrounding zoning districts are a mix of Heavy Industrial (HI), Residential (R) and Manufactured Home Parks (MH). The property was originally zoned Residential (R) and 10 years ago, the property owner at the time asked to rezone the full 200 acres to Heavy Industrial (HI). Since that time, parcel 10613 has acquired new owners who have potential buyers of the 63-acres who are asking for the General Business (GB) rezoning request. The Planning Board voted unanimously to recommend approval of the rezoning request. The General Business (GB) zoning district is different than the Heavy Industrial (HI) zoning district since it allows less intense uses in the industrial district.

Vice-Chairman Hardin opened the floor to the Board for questions and discussion. Commissioner Bridges inquired if there was a public road to the property. Mr. Martin responded there is a public road that is maintained by the North Carolina Department of Transportation to the property line. There is a gate that accesses that property and continues along the private road.

Vice-Chairman Hardin opened public comment at 7:09 pm for anyone wanting to speak for or against Planning Department Case 21-06; Request to rezone property at 120 Oveda Drive from Heavy Industrial (HI) to General Business (GB) (Original Legal Notice was published in the Shelby Star on Friday, May 21 and Friday, May 28, 2021).

Wayne Yarborough, 1824 Shelby Road, Kings Mountain – spoke neither for nor against the rezoning request, he advised the tract of land is not vacant.

Matt Bale, 207 Dixon School Road, Kings Mountain – spoke neither for nor against the rezoning request and stated he owns property next to parcel 10613. He asked for whatever is developed on that piece of property to mindful of the surrounding area and neighbors as they will be impacted by the new growth.

Hearing no further comments, Vice-Chairman Hardin closed the public hearing at 7:12 pm.

Vice-Chairman Hardin opened the floor to the Board for questions and discussion. She asked Mr. Martin to explain the difference between Heavy Industrial (HI) and General Business (GB) as it pertains to noise and area impacts. Mr. Martin stated Heavy Industrial (HI) zoning is more intense and has uses like manufacturing and fabrication type uses. General Business (GB) zoning allows for uses that are more commercial in nature, less automated manufacturing category and more into the commercial businesses such as office or retail uses.
**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, approve the request to rezone property at 120 Oveda Drive from Heavy Industrial (HI) to General Business (GB) although inconsistent with the Land Use Plan, would be in the public’s interest.
Planning Director Chris Martin remained at the podium to present Planning Department Case 21-09: Request to rezone property along Fallston Road and Hendrick Lake Road from Rural Agriculture (RA) to Residential (R). The Planning Department received a request from Ray Ledford who is requesting to rezone an area including 31 adjoining parcels from Rural Agriculture (RA) to Residential (R). This area is located along Highway 18 (Fallston Road) and Hendrick Lake Road. There are a total of 31 parcels covering an area of approximately 29.5 acres. Of the 31 parcels, 29 have owner signature or e-mail in support on the petition which comes to 90% support rate by parcel number. The surrounding uses are primarily single-family dwellings with a repair garage and a convenience store located along Highway 18 on the southern portion of the proposed boundary. The surrounding zoning districts are primarily Rural Agriculture (RA) with an existing Residential (R) district on the south side of the proposed area. The Land Use Plan shows this area as future commercial, so Rural Agriculture (RA) or Residential (R) zoning would be consistent with the plan. The differences between the two zoning districts are Rural Agriculture (RA) the minimum lot size is 3-acres, and it also allows for some rural commercial leases. Residential (R) minimum lot size is 1-acre without the rural commercial uses. The Planning Board voted unanimously to recommend approval of the rezoning request noting the current use of these properties was consistent with residential zoning district. They also noted the proposed map connects to the existing residence district as an extension of that zoning district.

Vice-Chairman Hardin opened the floor to the Board for questions and discussion. She asked what the lot sizes of the proposed rezoning request? Mr. Martin advised the lot sizes range from half acre to three acres with the majority in the Residential (R) district. Commissioner Hutchins inquired about the rezoning that occurred in the 1990’s and any surrounding properties not in compliance with the Land Use Plan. Mr. Martin explained, “The Rural Agriculture (RA) zoning district was the result of a citizen driven zoning district created by the citizens back in the late 1990s that covered about 14,000 acres in this Fallston Waco area. Within that zoning district when it was created, there were some areas that some of these neighborhoods were smaller, were swallowed up in that bigger area. this neighborhood was one of those areas.” Commissioner Hutchins asked if the rezoning occurred before the Land Use Plan was created. Mr. Martin stated, “That is correct. It took place prior to the year 2000 which was when the county wide zoning was adopted.”

Vice-Chairman Hardin opened public comment at 7:18pm for anyone wanting to speak for or against Planning Case 21-09; Request to rezone property along Fallston Road and Hendrick Lake Road from Rural Agriculture (RA) to Residential (R). (Original Legal Notice was published in the Shelby Star on Friday, May 21 and Friday, May 28, 2021).
Danny Blanton, 1827 Creek Ridge Road, Shelby – spoke in support of the rezoning request on behalf of Ray and Margaret Lanford. The Ledfords are needing to divide their property for several reasons such as their health and finances. Mr. Blanton thanked the Board and Planning staff for their hard work and consideration.

Hearing no further comments, Vice-Chairman Hardin closed the public hearing at 7:20pm.

Vice-Chairman Hardin opened the floor to the Board for questions and discussion. Commissioner Hutchins asked, for clarification, if the rezoning was approved, would it help the Ledfords? Mr. Martin responded, “Possibly. If approved, the lot size would be 1-acre. To separate a tract of land into two parcels, both would need to be calculated out to 1-acre depending on the size of the Ledford’s property.” Commissioners had an open discussion regarding possible challenges the Ledfords may face even if the request is approved such as property setbacks and meeting the 3-acre minimum standard. Mr. Martin advised the property in total is not 3-acres.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Bridges and unanimously adopted by the Board to, **approve the request to rezone property along Fallston Road and Hendrick Lake Road from Rural Agriculture (RA) to Residential (R).**
REGULAR AGENDA

SOLID WASTE FRANCHISE HAULER

Vice-Chairman Hardin called County Manager Brian Epley to the podium to present the Solid Waste Franchise Hauler. There have been many conversations over the past two years regarding the county’s exclusive single franchise hauler ordinance. A franchise hauler was recently bid out in 2017 and had only one response which was from Republic Services. The agreement between the County and Republic Services expires June 30, 2022. The contract allows for a non-compete for the unincorporated areas in Cleveland County for commercial industrial hauling and that right was given to Republic Services with no set parameters on rate of services. In exchange for that, the consideration that the county received is guaranteed curbside pickup in all parts of the county, but specifically to reach areas with low population density. The Commissioners set the rate Republic Services can charge the citizens of Cleveland County.

The presented question revolves around market equity, and competitiveness, or lack thereof in commercial waste handling in Cleveland County. As time progresses and there’s changes in leadership, legislation and requirements that, after time, could create confusion and costs money. The Solid Waste Franchise in the county dates to 1972 according to the Minutes found from the Solid Waste Advisory Board. In the 1990’s there was a franchise however it was not exclusive, there were multiple haulers and franchises that were issued. In 2007, the county transitioned into an exclusive single franchise hauler ordinance in non-incorporated parts of the county. The general consistency dating back to 1972 through now still holds the purpose of that franchise has been so that the Board of Commissioners can ensure comprehensive coverage for residents’ curbside municipal solid waste pickup, control the rate and consideration for those control mechanisms that exclusivity was given on the commercial side.

There are roughly 43,000 households in Cleveland County with 18,000 of those households primarily in the incorporated areas of Boiling Springs, Shelby and Kings Mountain. The county has about 25,000 households in the unincorporated area and 14%, or 3,500 households, have a contract with Republic Services. Looking at solid waste handling options, county consumers have three options to choose from. If a customer lives in the incorporated area, they pay the recycling fee, which all 43,000 households pay, and allows for consumers to take trash to the landfill. If the trash is coming from waste and is non-commercial, there is no fee. Shelby municipal taxes are slightly over $12 equating $545 a year. If a consumer lives in that municipal tax area, they are paying roughly $167 per year.

When comparing this to the other 86% of nonincorporated consumers that pay $22.08, the cost of using the convenience sites is roughly $51.53 per year with a total cost of $73. Those 14% of citizens who are paying about $21.21 a month to Republic, equates to roughly $254 in their costs for handling waste annually. Cleveland County has a wide spectrum of waste handling costs.

The Board was reminded at their February 19, 2021 work session; staff proposed four options for consideration. Several of those options included keeping the current ordinance in place, having a completely open market and open markets with county wide curbside pick-up. The Board gave feed back and direction to staff to go
back and better understand the priorities and provide other options. Staff went back and worked through a possible fifth option that would align with a competitive open market for all commercial and industrial haulers. Vendors would register with the county to ensure professional standards such as waste handling procedures, safety, etc. The following information and PowerPoint were presented to the Board.

According to SWEAB minutes, the solid waste franchise holding contract was first established around 1972, from Eric Zehrer (Cleveland Container Service). Franchise language has been present in all of the versions of the Solid Waste Ordinance up to the last 1985's. There may be older versions, but staff has been unable to locate them.

At one point in the mid 1990's there was at least 2 "franchised haulers" for residential services. To the best of our knowledge, residential collection was and has always been available to citizens through the franchise agreement.

- Current:
  - Cleveland County has exclusive single franchise hauler agreement in non-incorporated areas of the County

2007 - Current:

The primary concern of the franchise agreement has always been to control cost and to ensure that all citizens are provided with residential curbside service.

### Purpose Evaluation

**Purpose**

- Why we do it

**Outcomes**

**Goal**

- What do we do

### Current Household Options

<table>
<thead>
<tr>
<th></th>
<th>Incorporated Retail Hib 1 (2,800)</th>
<th>Un-Incorporated HH &amp; Non-Retail Pol, 9 P.</th>
<th>Un-Incorporated HH 1 with Rep. Contract, 1,000 P.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Retail Fee</strong></td>
<td>$20.00</td>
<td>$22.00</td>
<td>$22.00</td>
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<tr>
<td><strong>Household Fee</strong></td>
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<tr>
<td><strong>Republic Fee</strong></td>
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<td>$0</td>
<td>$35.50</td>
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<tr>
<td><strong>Municipal Taxes</strong></td>
<td>$185.51</td>
<td>$185.51</td>
<td>$185.51</td>
</tr>
<tr>
<td><strong>Total Annual</strong></td>
<td>$227.66</td>
<td>$259.46</td>
<td>$267.00</td>
</tr>
</tbody>
</table>

### Consumer Mix

- Approximately 14% (5,500 households) of non-incorporated household value report for industrial pickup
  - Current rate is $21.21 per month

- Approximately 30% commercial services
  - Precisely for services on off-outside campus

### Meeting Objectives

- Purpose & History of Solid Waste Franchise
- Identify Critical Operational & Fiscal Goals
- Review Previously Discussed Policy Options
- Discuss Alternative Open Market Considerations
- Questions & Board Direction
Previous Policy Considerations

- Affordable
- Consumer choice
- Commercial
- Residential

Policy Impact Considerations

- Solid Waste Operations
  - Allowed through the Commercial Management - Local
  - Closeout Plan for Commercial
  - Available Start and Proper Planned Handoff
  - Long-Term Financial Sustainability

- Corporate Citizenship
  - Responsible and environmental-friendly operations

- Residential Citizen Service Delivery
  - Resident Text
  - Monthly Volume Delivery in Closest Neighborhood

- Environmental Process
  - Business Enterprise Investment & Job Creation

Cell Summary

- C & D
  - 24 Hour & Material Cells
  - 12 & 14 hour runs
  - C&D Cell (300 GPM)

- C & Q
  - C & Q Plant Cell
  - Closure Cell
  - 424 GPM
  - 24 Hour & Material Cells
  - Closure Cell

- Cell Waste
  - Closure Cell
  - 300 GPM

- C & D
  - Pre-Construction
  - Closure Cell

- C & Q
  - Closure Cell
  - 300 GPM

- C & D
  - Closure Cell
  - 300 GPM

Annual Waste Handling

<table>
<thead>
<tr>
<th>2019-2020 Tonnage</th>
<th>MSW Cell Management</th>
<th>MSW Cell Management</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

MSW Cell Life Management

DENR Financial Assurance Test

Updated Policy Option

Option 5 - Amendment to Ordinance

- Comprehensive Open Market - Commercial & Industrial
- Implementation of Commercial Vendor Registration Points
- Easement for curbside pick-up
- Insurance required for new EIS
- Operational support to Solid Waste Department
- Measure data 7/1/21 - 12/31/21 on
- Linear Volume
- Material limits or MSW
- Number of potential vendors
Vice-Chairman Hardin opened the floor to the Board for questions and discussion. Commissioner Hutchins commented on the solutions that are available to keep the life of the landfill. Vice-Chairman Hardin stated she was glad to see the option for free markets and spoke about giving small businesses a chance to grow and develop instead of having a single franchise. Commissioner Bridges strongly agreed with the free-market system citing it would be citizen’s financial benefit to keep outside county trash from being dumped into Cleveland County’s convenience sites. He asked Mr. Epley to review the citizen recognition system program that is in place at the convenience sites.

Mr. Epley explained the citizen recognition system has nothing to do with the franchise ordinance, it’s a program modeled after Lincoln and Catawba County involving a window cling recognition system. A window cling system identifies county taxpaying citizens using the county’s convenience sites. The program was created to protect the integrity of the landfill. Several of the county’s convenience sites are located near surrounding county boundaries and with no fee to use them causing the landfill to artificially fill up with trash from people who are not paying to use the site. The tax bills are scheduled to be mailed out to the 43,000 households in the county in mid-July which will include the cling decals with instructions. An educational campaign will begin between July and October, and then begin enforcing the program October 1, 2021.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Whetstine and unanimously adopted by the Board to, *direct staff to move forward with implementation of Option 5 – amendment to the single franchise hauler ordinance.*
COMMISSIONER REPORTS

Commissioner Gordon – thanked staff for the hard work and time they take to complete the many projects that are happening in Cleveland County including the budget.

Vice-Chairman Hardin – attended the drive-thru Employee Recognition event at the LeGrand. She commented on the great work that is done by all County employees.

Commissioner Hutchins – attended several other board meetings in which he serves on and spoke about places and events starting to open more for events.

Commissioner Whetstine – spoke about numerous volunteers in Cleveland County and how to nominate someone for the upcoming Commission for Women’s Distinguished Woman Banquet. He also attended several Memorial Day events in the community.

Commissioner Bridges – echoed previous Commissioners comments thanked staff across the organization for the hard work they do including the budget and its process.

County Manager Brian Epley – updated the Board on Cleveland County being named the winner of the Business Journal’s 2021 healthiest employers in the Greater Charlotte area.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Gordon made a motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, to adjourn the meeting. The next meeting of the Commission is scheduled for Tuesday, June 15, 2021 at 6:00 p.m. in the Commissioners Chambers.

__________________________
Doug Bridges, Chairman
Cleveland County Board of Commissioners

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