The Cleveland County Board of Commissioners meet 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  
Kevin Gordon, Commissioner  
Tim Moore, County Attorney  
Brian Epley, County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Scott Bowman, Maintenance Director  
Tiffany Hansen, Health Department Director  
Allison Mauney, Human Resources Director  
Perry Davis, Emergency Management Director/Fire Marshal

**ABSENT:** Ronnie Whetstine, Commissioner

**CALL TO ORDER**

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

Perry Davis, Emergency Management Director/Fire Marshal, provided the invocation and led the audience in the Pledge of Allegiance.

**AGENDA ADOPTION**

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

**CITIZEN RECOGNITION**

Robert Johnson, 1502 Lackey Street, Shelby – spoke about fighting homelessness in Cleveland County and the possibility of reopening a men’s shelter by winter of 2021.

Gary Leigh, 922 Surry Drive, Shelby – echoed Mr. Johnson’s comments about homelessness in the community and possible opportunities to help those in need.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

The Clerk to the Board included the Minutes from the *June 15, 2021* 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.

**MONTHLY MANAGER’S REPORT**

- The Finance Department continues working though the audit process for FY21 with our external audit firm Thompson Price Scott & Adam’s. The audit evaluates the performance of a unit of local government with regard to compliance with applicable federal and state laws as well as the accuracy and reliance of the financial statement disclosures. This process concludes in October-November with submission to the Local Government Commission for approval.
The County received the first of two distributions of funds from the American Rescue Plan Act. These federal funds were allocated for the purpose of COVID-19 relief and economic recovery. The U.S. Treasury recently issued its Interim Final Rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act. This latest update outlines allowable uses of these funds and the applicable reporting requirements. Management continues to follow updates from the U.S. Treasury and is working with the NC Pandemic Recovery Office to best support the urgent COVID-19 response needs throughout our community.

The County reached 5 out of 6 of its Performance Bonus Measurement Goals during the first measurement date on September 15, 2021. All full time employees are set to receive a performance bonus payment equal to 1.25 percent of the employee’s current annual salary. The next Performance Bonus Measurement date will be on March 15, 2022.

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

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**TAX COLLECTOR’S MONTHLY REPORT**

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during August 2021.
TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during August 2021. The monthly grand total of tax abatements was listed as ($91,482.92) and monthly grand total for tax supplements was listed as $22,219.24.

PLANNING DEPARTMENT: SET PUBLIC HEARING FOR TUESDAY, OCTOBER 5, 2021 FOR CODE TEXT AMENDMENT ON WATERSHEDS

Request to set a public hearing on Tuesday, October 5, 2021 to consider changes to Cleveland County’s watershed districts.

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

ANIMAL SERVICES: CHAPTER 3 TEXT CODE CHANGES

The Board of County Commissioners were first presented text code changes to the county’s animal service ordinance at their August 27th policy work session. Board members approved technical changes to Chapter 3 of the Cleveland County Code of Ordinance, which governs animal services. The Board subsequently authorized staff to draft language making several substantive changes to this chapter.

The change to the animal services licensing ordinance right now is to delay its implementation to January 1, 2023. Staff has not yet proposed the substantive changes to the licensing ordinance yet and is in the process of putting proposed substantive changes into ordinance form. (a full copy of the Chapter 3 Text Code changes can be found in the Clerk’s Office, Legal Department and Animal Services).

<table>
<thead>
<tr>
<th>TOTAL TAXES COLLECTED AUGUST 2021</th>
<th>AMOUNT-REAL</th>
<th>AMOUNT-VEHI.</th>
<th>AMOUNT-GAP</th>
<th>COMBINED AMT</th>
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| TOTALS                             | ($218,018.49) | $194.47 | ($8,239.22) | $43,730,802.63 |
| DISCOUNT                          | $18,415.13    | $156.94  | $54.70      |
| INTEREST                          | $312.23       | $0.00    | ($9.30)     |
| TOLERANCE                         | $444.00       | $52.00   | $37.91      |
| ADVERTISING                      | $1,206.50     | $0.00    | $0.00       |
| GARNISHMENT                       | $118.61       | $0.00    | $0.00       |
| LEGAL FEES                        | $0.00         | $0.00    | $0.00       |
| MISCELLANEOUS FEES                | $1,020.59     | $403.41  | $5,331.53   |
| TAXES COLlected                  | $43,529,967.40 | $0.00    | $0.00       |

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<th>TOTAL TAXES UNCOLLECTED AUGUST 2021</th>
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<th>AMOUNT-GAP</th>
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</table>

[$45,585,276.42 | $180,954.64 | $152,615.12 | $45,620,845.18]
**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to approve the Animal Services Chapter 3 Text Code changes.

**LEGAL: SALE OF COUNTY OWNED PROPERTY**

Parcel 26934 located at 416 East Ross Grove Road in Shelby was acquired by the County in 2012 and was previously approved for upset bid process. The bid was rejected as an insufficient bid now. Since then, the county received a new higher final bid. The County currently has $1,983.35 invested into this property with taxes owed and fees and has received a bid of $3,250. Staff recommends approving the offer made on parcel 26934 and authorize county staff to prepare a deed to sell that parcel to the offeree, for the agreed upon price.

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to approve the offer made on parcel 26934 and authorize county staff to prepare a deed to sell that parcel to the offeree, for the agreed upon price.
FOOTHILLS WORKFORCE DEVELOPMENT: RESOLUTION IN SUPPORT OF NAME CHANGE

The Foothills Regional Work Force seeks adoption of a joint resolution between Cleveland, McDowell, Polk, and Rutherford to authorize the official name change of the Region C Workforce Development Board to the Foothills Workforce Development Board.

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to approve the joint resolution to authorize the official name change of the Region C Workforce Development Board to the Foothills Workforce Development Board.
Chairman Bridges recognized Assistant County Manager Kerri Melton to present the Cleveland County Planning Board and Board of Adjustment Revisions. The Board was reminded, at their August 27, 2021 policy work session, they adopted a policy governing appointed boards and commissions. Commissioners appoint over 100 citizens to 17 advisory boards. The adopted policy ensures all boards are subject to quality controls and ethical standards. Included in the policy are rules of procedure including quorums, minutes, appointment of Chairman, code of conduct and conflicts of interest. Other items included in the policy are membership and purpose requirements for specific boards.

Several provisions of the policy pertain to the Board of Adjustment, Planning Board, and Historic Preservation Commission. Pursuant to Chapter 160D of the North Carolina General Statutes, the County’s rules governing these boards must be enacted by ordinance following a public hearing that has been duly noticed. Staff has drafted an ordinance that aligns the County’s code of ordinances with the recently enacted policy.

Chairman Bridges opened the Public Hearing at 6:16 pm for anyone wanting to speak for or against Cleveland County Planning Board and Board of Adjustment Revisions. (Legal Notice was published in the Shelby Star on Friday, August 28, 2021 and Friday, September 3, 2021).

Hearing no comments, Chairman Bridges closed the Public Hearing at 6:17 pm.

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins commented on the benefits and positive affects the new policy will have on citizen advisory boards.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board, to approve the Cleveland County Planning Board and Board of Adjustment Revisions.

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**AN ORDINANCE EFFECTUATING PROVISIONS OF THE CLEVELAND COUNTY POLICY GOVERNING APPOINTED BOARDS & COMMISSIONS**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLEVELAND IN REGULAR SESSION ASSEMBLED:

WHEREAS, N.C.G.S. §§ 153A-76 and 153A-77 authorize the Board of Commissioners to organize County government, which includes creating and governing the County’s various commissioners and advisory boards;

WHEREAS, N.C.G.S. §§ 160D-301, 160D-302, and 160D-305 authorize the Board of Commissioners to provide for the appointment of a planning board, board of adjustment, and historic preservation commission, respectively;

WHEREAS, at its August 27, 2021 work session, the Board of Commissioners adopted the Cleveland County Policy Governing Appointed Boards & Commissions (the “Policy”);

WHEREAS, this Policy contains provisions related to the Cleveland County Board of Adjustment, Cleveland County Planning Board, and Cleveland County Historic Preservation Commission; and

WHEREAS, the Policy’s provisions regarding these boards must be effectuated by ordinance; NOW, THEREFORE:

The Cleveland County Board of Commissioners enact the following ordinance.

**Section 1:** Amendment to Chapter R Article II of the Cleveland County Code of Ordinances.

Additions are underlined in blue, and deletions are struck through in red.

Sec. 8-26. Appointment and terms of planning board members.

(a) There shall be a planning board consisting of seven (7) members. The board of commissioners shall endeavor to appoint a representative from diverse areas of the planning jurisdiction. Each seat on the planning board shall meet the following qualifications:

1. Seat 1 – A real estate developer, a licensed general contractor, or a subcontractor who frequently works for general contractors.
2. Seat 2 – A person who is engaged in the production of agricultural products.

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Chairman Bridges recognized County Manager Brian Epley to present the sale of county owned property for parcels 10462 and 10490. To sell county owned property, the county must go through an upset bid process. Most properties are inherited through tax foreclosures and other tax liens; parcels 10462 and 10490 do not fall into that category.
category. North Carolina General Statute 158-7 is the Local Development Act which was originally passed by the General Assembly in 1925. This statute allows counties and municipal governments in North Carolina to speculatively purchase land for the purpose of industrial development, job creation and tax base creation. These properties were purchased for that purpose. The county has been highly successful for the last decade and continues to be with economic development.

The property has two parcels totaling about 60 acres. The county bought those two pieces of property in 2009 and 2012 for the purpose of industrial development. Over the last seven years, staff has been working on prepping the property for an industrial development site. Geotechnical reports, delineation and environmental reports have been completed on the property. The typography towards the back half of the property, which was the most attractive side, is exceptionally steep and would create a tremendous amount of work to build a pad suitable for industrial development, which is typically 100,000 square feet building expandable to 200,000 square feet.

A conceptual plan was designed using those dimensions. The county was able to get those dimensions, but on 60-acres, only having one building is a low utilization rate for acreage utilization and turnout. After due diligence was completed, staff was not sure this property is best suitable for industrial development. With the Board’s approval, staff has marketed the property more broadly and has received a bid for $1.1MM. The next step would for the Board to authorize staff to begin the upset bid process. The county will advertise this bid to the public for a period of at least 10 days gathering bids that may be higher as North Carolina General Statute requires a 10% or higher upset bid. Staff would bring that back to the Board, whether an offer higher is received or not for consideration.

The county paid approximately $784,000 for the property. The $1.1MM offer represents about a 40% return on investment. The tax value, in recognizing a revaluation was completed January 1, 2021, is $942,000. Staff looked at some comparable parcels around the property. There's an adjacent property that was recently rezoned by the Commissioners which sold for $7,000 an acre. Staff looked around at several other parcels that would be considered favorable comps and found the average price for an acre is between $5,000 and $9,000. The proposed bid is $18,000 per acre. It seems to be an advantageous offer. The proposed request is simply to recognize the offer and begin the upset bid process allowing staff to solicit a possible higher offer. The following PowerPoint was presented to Commissioners.

Land Sell – Negotiated Offer & Upset Bid

DUE DILIGENCE

- 10462.....54.47 acres
- 10490.....5.81 acres

- Geotechnical Report
- Delineation
- Phase 1 Report
Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins echoed Mr. Epley’s comments regarding industrial development and future best uses for the property.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the authorization of staff to begin the upset bid process.

**COVID-19 MEDICAL UPDATE**

Chairman Bridges called Health Department Director Tiffany Hansen to the podium to present the COVID-19 Medical Update. Cleveland County has a low vaccination rate based on the county’s total population. Although the vaccination rate is low, Health Department staff are continuing to see an increase in the amount of people getting vaccinated. Mrs. Hansen detailed information regarding COVID-19 variants, testing resources and prevention strategies. The following information and PowerPoint were presented to Board members.
Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hardin inquired what the treatment plan is for citizens, including children, who test positive for COVID-19 to stay out of the hospital. Mrs. Hansen advised, “There is not a number of preventative measures clinicians can prescribe for the treatment of COVID-19, they can only treat the symptoms patients are having. It is up to that individual’s provider on what their treatment plan will be. There are many tools in the clinician’s toolbox for them to use, such as monoclonal antibodies, to treat their patients.” Commissioner Hardin asked about vaccines and hospitalizations for the youth in the community. Mrs. Hansen replied, there have been no youth hospitalizations to date. Chairman Bridges questioned if there is a plan in place to administer vaccines in the schools. Mrs. Hansen stated, “In school
vaccinations started today at Crest High School and Crest Middle School. Health Department staff will be visiting all the middle and high schools in the county starting this week and continuing into next.”

Commissioner Hardin inquired, “If an individual is fully vaccinated but still contracts COVID-19, how contagious is that person compared to a nonvaccinated individual?” Mrs. Hansen responded, “Research shows people who are vaccinated and catch COVID again do have a lower level of transmission that it is substantially less than an unvaccinated person.” County Attorney Tim Moore asked how many medical providers in Cleveland County are providing the monoclonal antibodies treatment and are citizens aware this treatment is available? Mrs. Hansen responded, at this time, there are two providers who offer the treatment. Staff is sharing with people the resources available to them regarding the monoclonal antibodies treatment facilities. She also reviewed the best strategies to mitigate and reduce the spread of COVID-19. Commissioners thanked Mrs. Hansen for the information and for the ongoing hard work and dedication the Health Department staff continues to do through the pandemic and vaccination distribution.

BOARD APPOINTMENTS

GASTON COMMUNITY ACTION BOARD OF DIRECTORS

ACTION: Commissioner Gordon made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to appoint Phyllis Williams to serve as a member of this board, for a period of three-years, scheduled to conclude June 30, 2024.

RECESS TO RECONVENE

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 recess to reconvene until Friday, September 24, 2021 at 9:00am at the American Red Cross Building located at 1333 Fallston Road, Shelby for a Commissioners Work Session.

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Doug Bridges, Chairman
Cleveland County Board of Commissioners

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