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

**PRESENT:**
- Kevin Gordon, Chairman
- Deb Hardin, Vice-Chair
- Ronnie Whetstine, Commissioner
- Doug Bridges, Commissioner
- Tim Moore, County Attorney
- Brian Epley, County Manager
- Phyllis Nowlen, Clerk to the Board
- Kerri Melton, Assistant County Manager
- Katie Swanson, Social Services Director
- Martha Thompson, Chief Deputy Attorney
- Allison Mauney, Human Resources Director
- Chris Martin, Planning Director
- Scott Bowman, Maintenance Director

**ABSENT**
- Johnny Hutchins, Commissioner

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

Commissioner Bridges provided the invocation and led the audience in the Pledge of Allegiance.

**AGENDA ADOPTION**

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

**SPECIAL PRESENTATION**

**MINORITY ENTERPRISE DEVELOPMENT (MED) WEEK 2022**

Chairman Gordon recognized Mr. Richard Hooker, Cleveland County Minority Business Development Center Director. Mr. Hooker thanked the Commissioners for their continued support of the Minority Business Sector and of MED Week. Started in 1983 by the Administration of President Reagan, Minority Enterprise Development Week is designed to recognize accomplishments and achievements of minority businesses across the Nation. Mr. Hooker gave an overview of the recent achievements, goals and upcoming events for MED Week. Commissioners presented Mr. Hooker with the following proclamation:
CITIZEN RECOGNITION

No one signed up to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the September 20, 2022 regular Commissioners’ meeting in Board members’ packets.

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

FINANCE DEPARTMENT: MONTHLY MANAGER’S REPORT

- The Finance Department continues working through the audit process for FY22 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 reliability of the financial statement disclosures. This process concludes in October-November with submission to the Local Government Commission for approval. The County was recently awarded a Certificate of Achievement for Excellence in Financial Reporting for FY 21, making the eighth year receiving this prestigious award. The Finance Department is also currently working on an end of year report for FY 22 to be presented to commissioners in October.

- The County received the first of eighteen distributions of funds from the National Opioid Settlement. North Carolina is part of a $26 billion agreement that will help bring desperately needed relief to communities impacted by opioids. These funds will be used to support treatment, recovery, harm reduction, and other life-saving programs and services throughout Cleveland County. The County will receive its second round of dedicated funding this fall.

- The County recently engaged with an I.T. consultant to conduct a comprehensive strategic plan. This level of I.T. review is critical for the County to continue to meet and exceed it’s identified goals. The primary focus areas are automation, security, and customer interface. This process should conclude at the end of the calendar year and will be presented to the Commissioners at your FY 24 work session.

Proclamation

Minority Enterprise Development Week 2022

WHEREAS, Minority Enterprise Development Week is an annual celebration that has been historically proclaimed by the President of the United States since 1983 to highlight the important role and contributions minority business enterprises have made to our national and local economy; and

WHEREAS, this year’s theme, “Enduring 50 Years of Sustainability and Legacy,” reflects a historic milestone for the Cleveland County Business Development Center for its longevity and past achievements while moving forward to help foster greater community engagement, civic leadership and building capacity within our community through education, collaboration and strategic alliances; and

WHEREAS, the annual observance of Minority Enterprise Development Week in Cleveland County will bring together small business owners, educators, faith-based leaders, and other community stakeholders, to honor and celebrate the accomplishments of local entrepreneurs, business leaders and other community partners who help make an invaluable difference in their community; and

WHEREAS, the Cleveland County Business Development Center, in collaboration with the Cleveland Emerging Leaders Academy and other local sponsors has teamed up to promote leadership development, business education, youth leadership and women in business networks to help improve the quality of life for all citizens in Cleveland County; and

WHEREAS, the Annual MED Week Celebration will also be highlighted by the recognition of Legacy Award recipients for their inspiring example of business longevity, noteworthy contributions to overcoming obstacles and a fierce determination for self-sufficiency and building a legacy for the next generation;

NOW, THEREFORE, the Cleveland County Board of Commissioners, do hereby proclaim October 23-29, 2022, as Minority Enterprise Development Week in Cleveland County in recognition of the cooperative efforts of the above-mentioned organizations and individuals to enhance, promote and support the success of minority-owned businesses and community partners.

Adopted this the 4th day of October 2022.

[Signatures]

[Date]
• Schematic Drawings for the Justice Center have been completed and the team is moving into design development. Prequalification activities are proceeding on the demolition and asbestos early bid package. This work is scheduled to be completed in mid-January. Construction of the 911 center will be included as a change order on this project. The kick-off meeting will be held on October 5, 2022.

• On September 1, 2022, Cleveland County was awarded $5,036,595 in grant funding from the NC 911 Board FY 2023 Grant Cycle for a Cleveland County 911 Facility Project grant applications. This award was 75% of the total amount requested in the grant application as shown in the below funding table that was submitted as part of the grant application.

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>$8,481,378</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Funds Provided by the PSAP Applicant(s)</td>
<td>$1,140,000</td>
</tr>
<tr>
<td>911 Fund Balance to be Applied to this Project (911 Eligible Expenses)</td>
<td>$625,918</td>
</tr>
<tr>
<td>911 Annual Distribution to be Applied to this Project (911 Eligible Expenses)</td>
<td>$0</td>
</tr>
<tr>
<td>Potential Amount via Funding Reconsideration (911 Eligible Expenses)</td>
<td>$0</td>
</tr>
<tr>
<td>Amount Requested via 2022 PSAP Grant Application (Non-Eligible Expenses)</td>
<td>$6,715,460</td>
</tr>
<tr>
<td>Balance Remaining (Should be Zero)</td>
<td>$0</td>
</tr>
</tbody>
</table>

**PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, NOVEMBER 1, 2022 FOR CASE 22-27; REQUEST TO AMEND SECTION 12-161 OF THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE**

Allison Domonoske is requesting to amend the Cleveland County Unified Development Ordinance (UDO), specifically Section 12-161 to add language requiring a one-mile separation between RV Parks. The requirement of a one-mile separation was included in the RV ordinance adopted by the Board in 2020. The separation requirement was eliminated from the ordinance after the Board limited RV Parks to only the Business zoning districts in 2021. Ms. Domonoske is requesting to reapply the one-mile separation as a standard of the RV Park ordinance. The Planning Board will review the proposal during their October 2022 meeting.

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve scheduling the public hearing as presented.
LEGAL DEPARTMENT: ARPA RECORDS RETENTION SCHEDULE

The American Rescue Plan Act of 2021 Coronavirus State and Local Recovery Funds (ARP/CSLFRF) allows local governments to spend their allocations on certain eligible projects. Local governments must maintain records and financial documents sufficient to evidence compliance with the ARP/CSLFRF and all applicable regulations. The resolution adopts the applicable records retention requirements for Cleveland County Government.

**ACTION:** Commissioner Whetstone made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, **adopt the ARPA Records Retention resolution.**

Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award

**Retention of Records:** The Coronavirus Local Fiscal Recovery Funds (“CSLFRF”) Award Terms and Conditions and the Compliance and Reporting Guidance set forth the U.S. Department of Treasury’s (“Treasury”) record retention requirements for the ARP/CSLFRF award. It is the policy of Cleveland County to follow Treasury’s record retention requirements as it expends CSLFRF pursuant to the ARP/CSLFRF award. Accordingly, Cleveland County agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CSLFRF funds have been expended or retained to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 604(c) of the Social Security Act “ARP,” Treasury’s regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the five-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

**Covered Records:** For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or maintained as evidence of Cleveland County’s expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:
- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of obtaining a substantial expenditure of CSLFRF (e.g., expenditures constituting a general government service);
- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subrecipient agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.316-316 and 200.325;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports, and
- Influent cost rate proposals.

Storage: Cleveland County’s records must be stored in a safe, secure, and accessible manner. Where practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

**Departmental Responsibilities:** Any department award of Cleveland County, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject Cleveland County to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

**The Finance Director, in cooperation with the Legal Department, is responsible for identifying the documents that Cleveland County must or should retain and make available for proper storage and retrieval of records.** The Finance Director, in cooperation with the Legal Department, shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

**Reporting Policy Violations:** Cleveland County is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee’s supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Finance Director. Cleveland County prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of improper conduct of any kind, pursuant any record destruction claim, or cooperating in internal investigations.

**Questions About the Policy:** Any questions about this policy should be referred to Lucas Jackson (573-330-443; l.jackson@ncregionalintermediary.gov), who is in charge of administering, enforcing, and updating this policy.

Adopted this __________ day of __________, 2022.

[Signature]
Chairman
Board of Commissioners

LEGAL DEPARTMENT: REPEAL OF ANIMAL LICENSING FEES (1ST READING)

At their September 2022 work session, the Board of Commissioners directed staff to repeal the fees for the registration of animals enacted by the Board at its February 2022 work session. The proposed ordinance would accomplish the repeal.

**ACTION:** Commissioner Hardin made a motion, seconded by Commissioner Whetstone, and unanimously adopted by the Board to, **approve the first reading of the repeal of animal licensing fees.**

**AN ORDINANCE REPEALING THE FEE PROVISIONS OF CLEVELAND COUNTY’S REGISTRATION REQUIREMENTS FOR COMPANION ANIMALS**

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

The following changes are hereby made to Chapter 3 of the Cleveland County Code of Ordinances. These changes shall be considered effective on the date that this ordinance is approved by the Cleveland County Board of Commissioners. Additions are indicated by **underlined blue text**, and deletions are indicated by strike-through blue text. All changes throughout this County staff are also directed to update the County’s fee schedule to reflect the repeal of the registration fees enacted herein.
The following definitions apply in this section:

1. **Adoption center** is the Cleveland County Animal Services Adoption Center.
2. **Board** is the Cleveland County Board of Commissioners.
3. **Companion animals** are tamed and domesticated dogs and cats that are kept by a person for company and enjoyment.
4. **Director** is the Director of Cleveland County Animal Services.
5. **Department** is the Cleveland County Animal Services Department.
6. **Nonresident** means visiting animal owners who remain temporarily within Cleveland County for a period of thirty (30) days or less who do not intend to reside within the County permanently.
7. **Registration fee** or **registration fee** means annual privilege license tax, as authorized by G.S. § 153A-153. **Reserved**.
8. **Registration tags** are tags obtained from Cleveland County for the purpose of companion animal identification.

**Sec. 3-136. Definitions.**

- Any owner who owns or keeps, in Cleveland County, a dog or cat four (4) months of age or older shall have such dog or cat registered by and in Cleveland County and shall obtain and keep a current registration tag. Each owner of a dog or cat shall obtain a Cleveland County registration tag within thirty (30) days after the dog or cat has been vaccinated against rabies. A separate registration tag shall be issued for each dog or cat. Failure to obtain the registration tag within the time frame provided herein shall be a violation of this article, and the owner of the dog or cat shall be subject to civil citation as described in section 3-29(a)(1).

- It shall be a violation of this chapter for any person to remove the tag of any registered dog or cat within Cleveland County within thirty (30) days after arrival.

- The board shall include the registration fees to be charged for registration tags on its schedule of fees adopted pursuant to section 3-87. Registration fees collected that exceed the cost to maintain the registration program shall be deposited in the animal services trust fund to be used for sterilization and other life-saving programs, as determined by the director. **Reserved**.

- The cost of an animal’s first registration tag will be included in the adoption fee for animals adopted from the adoption center. **Reserved**.

- In the event a registration tag is lost, stolen, or destroyed, a replacement tag shall be issued by the director or designee upon presentation of the corresponding registration license and payment of the appropriate fee.

- The Cleveland County registration tag shall be worn by the dog or cat at all times, subject to the exceptions in this subsection (g).

- It shall be a violation of this chapter for any person to remove the tag of any registered dog or cat within Cleveland County except:
  1. When the dog or cat is participating in an organized exhibition, field trial, or competition, or is in training for these events, or is engaged in a legal sport under supervision of its owner, or is undergoing grooming; or
  2. When the dog or cat is confined in a licensed kennel, grooming facility, or a veterinary hospital, in which case the registration tag number shall be recorded and readily identifiable with the dog or cat to which it belongs. If the animal is not registered, the facility shall clearly indicate such on its records; or
  3. When a licensed veterinarian orders in writing that the registration tag, collar, or harness be removed for the dog's or cat's health, in which case the dog or cat shall be confined in a building, kennel, or secure enclosure until the veterinarian permits the collar, harness, or registration tag to be placed on the dog or cat; or
  4. When an outdoor cat has a microchip that is registered through the microchip manufacturer and the department indicating the owner's current name, address, and phone number.

- It shall be a violation of this chapter for any person to use or possess a stolen, counterfeit, or forged registration tag, rabies vaccination certificate, or any other documentation required by or issued pursuant to this section.

- It shall be a violation of this chapter for owners to fail to register an implanted microchip with the manufacturer and the department. The owner shall have thirty (30) days to cure and register the microchip without penalty after notice by the Department.

- Unless otherwise provided, any provision of this subsection shall be punishable by civil citation as described in section 3-29(a)(1).

- The requirements of this article shall take effect on January 1, 2023.

**PUBLIC HEARING**

**PLANNING DEPARTMENT: CASE 22-25 REQUEST TO REZONE PROPERTY AT 435 RANGE ROAD FROM RESIDENTIAL (R) TO RESIDENTIAL MANUFACTURED HOMES AND PARKS (RMH)**

Chairman Gordon called Planning Director Chris Martin to the podium to present Planning Department case 22-25; a request to rezone property at 435 Range Road from Residential (R) to Residential Manufactured Homes...
Parcel 10111 is approximately 6.4 acres, located at 435 Range Road in Shelby. The property is currently owned by James Camp who is requesting to rezone it from Residential (R) to Residential Manufactured Homes and Parks (RMH). The parcel is currently in the Residential (R) zoning district, with Restricted Residential (RR) to the south, and Residential (R) to the north. The surrounding area consists of mostly residential uses with a subdivision directly south across Range Road. The Land Use Plan (LUP) designates this area as a Future Secondary growth area and suggests larger lots be used for manufactured home parks. Parcel 10111 meets the minimum lot size of five acres, per the county’s ordinance for that use. The property currently has a single manufactured home on it and its previous use, before 2010, was a mobile home park that had 10-12 sites. There are several septic systems are still on site.

The Planning Board did not have a quorum as only 3 of the and was unable to provide Commissioners with a formal recommendation, but several Planning Board members did comment on the lack of harmony in the area while another stated since it was a mobile home park previously, it would be compatible with the current use of the property.

Chairman Gordon opened the floor to the Board for questions and comments. Commissioner Bridges asked, “Are mobile homes not allowed in the current Residential zoning district?” Mr. Martin replied, “Mobile homes as single-use parcels are allowed, and the property can be subdivided into .50 acres minimum 5 times to be considered a minor subdivision.” Commissioner Bridges further asked if this would be spot zoning if approved; Mr. Martin stated it would be spot zoning. Commissioner Hardin inquired about the number of mobile homes that would be allowed in Residential (R) zoning and Residential Manufactured Homes and Parks (RMH). Mr. Martin explained if the property were to be subdivided into .50 acres lots zoned for Residential Manufactured Homes and Parks (RMH), Mr. Camp could have up to 12 mobile homes but if he were to exceed 6 mobile homes, that would change design standards and development, costing the applicant more money. These standards would remain the same for Residential (R) zoning. Chairman Gordon questioned if this case could go back to the Planning Board for a formal recommendation with a quorum. Mr. Martin advised that this could be an option if the Commissioners choose to do so.
Case # 22-25 Zoning Map
435 Range Road
Parcel 10111 6.4 acres

Case # 22-25 Aerial Map
435 Range Road
Parcel 10111 6.4 acres
Chairman Gordon opened the Public Hearing at 6:19 pm for anyone wanting to speak for or against Planning Department case 22-25; a request to rezone property at 435 Range Road from Residential (R) to Residential Manufactured Homes and Parks (RMH) (Legal Notice was published in the Shelby Star on Friday, September 23, 2022 and Friday, September 30, 2022).

Angela Leinweber, 420 Range Road, Shelby – spoke in opposition to the rezoning request. She stated that she and her family have been in this community since 1968, enjoying the peace and quiet. She spoke of the previous mobile homes that were on parcel 10111 and the problems that occurred with that mobile home park ranging from drugs, crime, transients, etc. Ms. Leinweber expressed the lack of harmony a mobile home park would bring to the neighborhood.

Charlie Sites, 415 Range Road, Shelby – spoke in opposition to the rezoning request. He echoed Ms. Leinweber’s concerns citing the lack of harmony and possible decreases to the neighboring home values.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:25 pm.

**ACTION:** Commissioner Bridges made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board to, *deny the request to rezone property at 435 Range Road from Residential (R) to Residential Manufactured Homes and Parks (RMH).*

**REGULAR AGENDA**

**EARL SCRUGGS CENTER**

Chairman Gordon recognized Earl Scruggs Center Executive Director Mary Beth Martin to give an update on the events and activities at the Earl Scruggs Center (ESC). Ms. Martin reviewed highlights from the past year’s
events at the ESC. Several high points include Coffee with the Curator, special exhibits, concerts and programs offered through the center. The Board thanked Ms. Martin for her hard work, dedication and enthusiasm in making the ESC a continued success.

- **Bluegrass Ambassadors**
  - In April, programs were offered for 1,100 students in Cleveland County
  - Students learned about the roots and history of Cleveland County’s music – including bluegrass, country, and blues

- **Center Stage Concert Series**
  - Concert Series included 7 concerts from February through August
  - Featured multiple International Bluegrass Music Association Award Winners, Grammy nominees, and a Grammy winner
  - 4 sold out shows in the series, many out-of-town attendees

- **Cleveland County – Focused Exhibits in the Community**
  - Bound by Faith: Bibles of Cleveland County
  - Collaboration between ESC and Gardner Webb University’s Dover Library
  - Locations: Tucker Student Center & Kings Mountain Historical Museum
  - Redefining Builders: African American Communities of Cleveland County
    - Co-curated by Zach Dressel and ESC Board Member Chavis Gash
    - Locations: Eugenia Young Memorial Library, Cleveland County Chamber, Holly Oak Park, High Schools

- **Special Exhibit – Cleveland County in Focus: Photography of Ellis Studio**
  - Shows a picture of life in Cleveland County in the 1950s and includes iconic images of Uptown Shelby, the Cleveland County Fair, athletics, and more
  - Opens at the ESC on October 11
  - Reception on October 19, 10:30 am

- **4th Grade Field Trips**
  - Beginning on October 5, hosting all Cleveland County 4th graders on field trips to the ESC
  - Include an exhibit scavenger hunt and a special program from artists such as Darin Aldridge, local storyteller Clyde Buckner, and the Foreign Landers

**PERFORMANCE MEASUREMENT SYSTEMS**

Chairman Gordon called Strategic Initiatives Manager Jeff Sedleck to the podium to present the county’s performance measurement systems. Mr. Sedleck reviewed the purpose, timeline, models and long-term plans to keep Cleveland County a high-performing organization. Several purposes of why performance management is important are to keep industry best practices, create the organization’s narrative and allow for real-time reporting. Other areas of performance management include dedicated investment, organizational culture and systems investments. The following information and PowerPoint were presented to the Commissioners.
BOARD APPOINTMENTS

CLEVELAND COUNTY ANIMAL SERVICES ADVISORY BOARD

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to appoint Greg Traywick as the North Carolina Cooperative Extension representative and Margaret Watson as the animal rescue representative to serve as members of this board, for a period of three years, scheduled to conclude December 31, 2025.

CLEVELAND COUNTY NURSING HOME ADVISORY COMMITTEE

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to appoint Linda Putnam and Donna Buiyes to serve as members of this board, for an initial one-year term, scheduled to conclude June 30, 2023.
**RUBY C HUNT YMCA LIBRARY BOARD**

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to re-appoint Ashley Francis to serve as a member of this board, whose term is scheduled to conclude on December 31, 2023.

**RECESS TO RECONVENE**

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to recess to reconvene. The next meeting of the Commission is scheduled for Thursday, October 13, 2022 at 7:30 a.m. at the Cleveland County Public Health Department located at 200 S. Post Road, Shelby for a Commissioners’ discussion regarding the Board’s role as the Board of Health.

________________________
Kevin Gordon, Chairman
Cleveland County Board of Commissioners

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