Cleveland County Board of Commissioners
December 17, 2019

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:
Susan Allen, Chairman
Ronnie Whetstine, Vice-Chair
Johnny Hutchins, Commissioner
Doug Bridges, Commissioner
Deb Hardin, Commissioner
Brian Epley, County Manager
Tim Moore, County Attorney
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Chris Green, Tax Administrator
Elliot Engstrom, Deputy County Attorney
Allison Mauney, Human Resources Director
Clifton Philbeck, Board of Elections Director
Lori Poston, E-911 Communications Director
Katie Swanson, Social Services Director
Ryan Wilmoth, Emergency Medical Services Director
Lucas Jackson, Finance Director
Scott Bowman, Maintenance Director
Paul Ezell, Inspections Director
Tony Adair, Animal Services Director
Dorothea Wyant, Health Department Director
Alan Norman, Sheriff

CALL TO ORDER

Chairman Allen called the meeting to order and 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 Hutchins and unanimously approved by the Board to, approve the agenda as presented.

SPECIAL PRESENTATION

Earl Scruggs Center (ESC) Update: Chairman Allen called Mary Beth Martin, ESC Executive Director, to the podium to present the Earl Scruggs Annual update. Ms. Martin reviewed highlights from the past year’s events at the Earl Scruggs Center. 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.

CITIZEN RECOGNITION

Robert Williams, 814 E. Stage Coach Trl., Lawndale – spoke about his concerns in several areas of the county such as the Earl Scruggs Center, the confederate monument and the Accelerate Cleveland program.

Wayne Johnson – 102 Highland Pines, Shelby – read the following letter to the Commissioners:

“Thank you for giving me this opportunity to address the commissioners today. I have served at Gardner-Webb University for nearly 30 years and am retiring from my current position in January to accept employment in the corporate world. In all my years, I have had the opportunity to work quite closely with many county
employees. As GWU has locations across the state, I have also had a great deal of interaction with departments and employees in many other jurisdictions. I am pleased to say that Cleveland County is simply put...BETTER!

In all of my experience, I must state without reservation, that working with the people of Cleveland County has always been a pleasure. My responsibilities required close interaction with the Emergency Management, Planning, Building Inspection and Health Department teams. The managers of these areas, while highly professional, also exhibit a great deal of interest in being of service. In this age, the theme of public service has been lost from many governmental interactions, but not in Cleveland County. Our leaders and servants have a genuine attitude of service and demonstrate a willingness to be of help. This work climate makes living and working in Cleveland County a true pleasure.

In particular, the leadership of Perry Davis, Bobby Horton, Paul Ezell, Colt Farrington, Chris Martin, Lori Poston, Dorothea Wyatt and Sherry Yocum and all of the individuals who serve in these areas has been critical in the successes and challenges that I have personally endured over the past 3 decades. I applaud their service and thank you as commissioners for creating a climate where they have the authority, time and support to serve as they have done. I ask that as you plan for our future, that you continue to provide for these services in like manner so that our public servants have the time and support to continue this tradition of caring and excellence. Thank you for your time.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the November 19, 2019 and December 3, 2019 regular meeting, in board members packets.

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

TAX COLLECTOR’S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during November 2019.

<table>
<thead>
<tr>
<th>TOTAL TAXES COLLECTED NOVEMBER 2019</th>
<th>AMOUNT-REAL</th>
<th>AMOUNT-VEH</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 $2,302,025.07</td>
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<td>$0.00</td>
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TAX COLLECTOR’S MONTHLY REPORT

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<tr>
<th>TAXES COLLECTED TOTALS: $2,302,025.07</th>
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<tr>
<td>MISC FEE: $0.00</td>
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CONSENT AGENDA

APPROVAL OF MINUTES

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

TAX COLLECTOR’S MONTHLY REPORT

The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during November 2019.
The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during November 2019. The monthly grand total of tax abatements was listed as ($2,955.57) and monthly grand total for tax supplements was listed as $1,289,298.00.

**TAX ASSESSOR RE-APPOINTMENT**

Counties in North Carolina must, at all times, have an appointed assessor (or acting assessor). Per N.C.G.S. 105-294, the Board of County Commissioners of each county shall appoint a County Assessor to serve a term of no less than two and no more than four years. To be eligible for re-appointment, a County Assessor must satisfy specific continuing education requirements for recertification by the N.C. Department of Revenue. The Tax Administrator position includes functions that are in addition to that of assessor and is not defined by statute. The current term of Cleveland County Assessor, Chris Green, will expire December 31, 2019. He has submitted a request for re-appointment.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to re-appointment Chris Green as the County Tax Assessor for a term of four years set to expire December 31, 2023.
COMMUNITIES IN SCHOOLS: BUDGET AMENDMENT (BNA #024)

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, approve the following budget amendment:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.432.4.350.00</td>
<td>03700-PMED</td>
<td>3rd Party Pass Thru/St Govt Grants</td>
<td>$8,500.00</td>
<td></td>
</tr>
<tr>
<td>010.432.5.700.00</td>
<td>03700-PMED</td>
<td>3rd Party Pass Thru/Grants</td>
<td>$8,500.00</td>
<td></td>
</tr>
<tr>
<td>010.432.4.350.00</td>
<td>03700-PAYF</td>
<td>3rd Party Pass Thru/St Govt Grants</td>
<td>$9,167.00</td>
<td></td>
</tr>
<tr>
<td>010.432.5.700.00</td>
<td>03700-PAYF</td>
<td>3rd Party Pass Thru/Grants</td>
<td>$9,167.00</td>
<td></td>
</tr>
<tr>
<td>010.613.4.350.00</td>
<td>03700-PTCT</td>
<td>Communities in Schls/St Govt Grants</td>
<td>$21,996.00</td>
<td></td>
</tr>
<tr>
<td>010.613.5.700.00</td>
<td>03700-PTCT</td>
<td>Communities in Schls/Grants</td>
<td>$21,996.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for additional $39,663 in funds received from the North Carolina Department of Public Safety to allow programs to provide services to youths based on the Juvenile Justice Reinvestment Act which allows for most 16 and 17-year olds to be serve in juvenile justice instead of serving as adults.

SHERIFF’S OFFICE: BUDGET AMENDMENT (BNA #025)

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, approve the following budget amendment:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.441.4.810.15</td>
<td></td>
<td>Sheriff’s Office/Donations K9</td>
<td>$11,625.00</td>
<td></td>
</tr>
<tr>
<td>010.441.5.790.15</td>
<td></td>
<td>Sheriff’s Office/Donations K9</td>
<td>$11,625.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $11,625 in donations received for the Sheriff’s Office K-9 unit for the purchase of a new multi-purpose K9 and training expenses.

CANINE RETIREMENT

Request to remove K-9 Bolo (county ID# 200856) from the K-9 program. The Sheriff’s Office is requesting to remove K-9 Bolo from county insurance and inventory and assign to Deputy Jonathon Spiering who has offered to provide a good home and care for him until the remainder of his life. Deputy Spiering assumes complete custody, control and liability of the canine.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the request to retire K-9 Bolo from active service and assign to handler Deputy Jonathon Spiering.

LEGAL: B&D ENTERPRISES EASEMENT AGREEMENT

B & D Enterprises, Inc., has requested that the County grant an easement to access its land located adjacent to the Oak Grove Road Recycling Center, which is located at 1127 Oak Grove Road, Kings Mountain, NC 28086. B & D Enterprises previously conveyed to the County nearby land, for entry/exit access which allowed the County to facilitate the operation of this recycling center, see Deed Book 1565, Page 2258 of the Cleveland County Registry. The proposed easement would not permit B & D Enterprises to build any structure thereon and would further be subject to a previously existing waterline easement granted by the County to the City of Kings Mountain. The easement they are requesting is on property the county does not use.

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, approve the B&D Enterprises Easement Agreement.
EASEMENT AGREEMENT

Prepared by Elliott M. Eagleton, Deputy County Attorney, P.O. Box 1210, Shelby, NC 28150-1210

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND

THIS DEED OF EASEMENT is made this 17th day of October, 2019, between CLEVELAND COUNTY, NORTH CAROLINA, a political subdivision of the State of North Carolina (hereinafter referred to as "GRANTOR") and B&D ENTERPRISES, INC., 736 Stony Point Road, Kings Mountain, NC 28086-8007 (hereinafter referred to as "GRANTEE").

The designation GRANTOR and GRANTEE as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neutral as required by context.

WITNESSETH:

WHEREAS, said GRANTOR owns a certain tract of land ("Tract") in the County of Cleveland, North Carolina, the same being the land conveyed to GRANTOR by deed recorded in Deed Book 1128 at Page 99, in the office of the Register of Deeds of Cleveland County;

NOW, THEREFORE, said GRANTOR, in consideration of One Dollar ($1.00) to be paid by GRANTEE, has bargained and sold, and by these presents does bargain, sell, and convey to said GRANTEE and its successors, Permanent Easement: a non-exclusive, perpetual easement ("Permanent Easement"), near the City of Kings Mountain, North Carolina, lying between other property owned by GRANTEE and Oak Grove Road and described as follows:

BEGINNINGS at an iron pin located under the pavement, 75 feet north of the centerline of Oak Grove Road (SR 2013) and running thence with the centerline of Oak Grove Road N 77°24'58" E 67.2 feet; thence continuing with the centerline of Oak Grove Road N 78°36'54" E 21.44 feet to a point; thence a new line S 59°15'23" E 211.95 feet; thence S 40°54'44" E 60.85 feet to an unmarked point; thence a new line S 40°03'16" W 60 feet to a reber set in the boundary line between Cleveland County (Deed Book 1120, Page 99) and B&D Enterprises, Inc. (Deed Book 1139, Page 1631), thence with the common boundary line N 40°54'44" W 60 feet to a reber, corner with Cleveland County, B&D Enterprises, Inc. and George W. Hamann (Deed Book 1150, Page 3646), thence with the Easement Ext N 59°35'23" W passing a mug nail set on line on the south edge of the pavement of Oak Grove Road at 250.35 feet for a total of 369.59 feet to the point and place of BEGINNINGS.

Subject to a waterline easement within the boundary of the easement described herein, said waterline easement being granted to the City of Kings Mountain by Cleveland County, North Carolina. See Deed Book 1667, Page 1593, Cleveland County Registry.

And being a part of that property conveyed to Cleveland County, North Carolina by Howard J. Champion and wife, Barbara A. Champion by deed dated October 20, 1992 and recorded October 22, 1992 in Book 1120, Page 99, Cleveland County Registry.

The Permanent Easement is further shown on a survey attached hereto as "Exhibit A."

GRANTOR has conveyed herein and does hereby grant unto the GRANTEE, its successors and assigns, the right of ingress, egress, and regress over and upon the above-described land as access between Oak Grove Road and property owned by GRANTEE identified as parcel number 78170.

It is further understood that the GRANTOR shall create no permanent structure of any kind over or across this Permanent Easement. For purposes of this document, permanent structure includes, but is not limited to, buildings, trees, concrete, and swimming pools. Neither may water be drained or impounded over or across said Permanent Easement.

GRANTOR, its successors and assigns, hereby conveys to and with the GRANTEE that GRANTOR is the owner of the hereinafter-described property, and that GRANTOR has the right to convey this Permanent Easement, subject to a waterline easement within the boundary of the easement described herein, and waterline easement being granted to the City of Kings Mountain by GRANTOR. See Deed Book 1667, Page 1593, Cleveland County Registry. GRANTOR further conveys this Deed of Easement subject to any other encumbrances or easements of record.

TO HAVE AND TO HOLD the land herebefore described unto the GRANTEE, its successors and assigns, for the aforesaid uses and purposes and none other.

CLEVELAND COUNTY

By: [Signature]

Sarah A. Allen, Chair
Cleveland County Board of Commissioners

ATT: Phyllis Nix, Clerk to the Board
LEGAL: ANIMAL SERVICES ADVISORY AND APPEALS BOARD EXTENSION RESOLUTION

As part of the creation of a standalone Animal Services Department, the Board of Commissioners created an Animal Services Advisory and Appeals Board. This board is charged with both advising the Board of Commissioners on animal services issues and hearing dangerous dog appeals as required by N.C.G.S. § 67-4.1(c). The terms of this board’s initial members are set to expire on December 31, 2019. Additional time is requested to recruit members to serve on this board, meaning that the terms of the initial members would be extended.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, approve the Animal Services and Appeals Board extension resolution.
APPROVAL OF 2020 COMMISSIONER REGULAR MEETING SCHEDULE

The Clerk to the Board included the 2020 Commissioner Regular Meeting Schedule, in Board Members packets.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, approve the 2020 Commissioner Regular Meeting Schedule.
Chairman Allen recognized Perry Davis, Emergency Management Director/Fire Marshal, to present an update on the Volunteer Fire Department (VFD) Strategic Plan. Mr. Davis commended the continued hard work and dedication of the volunteer firefighters in Cleveland County. He then introduced Dave Summey, Inspection Supervisor for the North Carolina Department of Insurance and the State Fire Marshal. Mr. Summey thanked all the Volunteer Fire Departments for their efforts of improving their rating grade. Rating grades are based on several factors such as locations of water hydrants and the amount of water supplies. Mr. Summey concluded by congratulating all the departments on their hard work in the improved rating inspections.

Mr. Davis presented a PowerPoint updating the Board on the status of the Volunteer Fire Department (VFD) Strategic Goals. The VFD’s have been able to get every household within a five-mile radius of their fire station a lower insurance grade which will go into effect on February 1, 2020. The actual economic change will save homeowners fifteen dollars per month after insurance and taxes. This is a substantial amount of savings to the citizens of Cleveland County.

A total of eighteen objectives were identified in the strategic plan and are prioritized in to three categories:

- Severe
  - Distribution of Funds
  - Career Status
  - Building Infrastructure
  - General Fund Support
  - Volunteer Staffing
The Board has already addressed all five of the severe objections. Examples include each fire station now having two paid staff members on duty Monday through Friday from 8:00am to 5:00pm and having their workman’s comp premiums and retirement paid. The following PowerPoint was present to the Board.
Chairman Allen opened the floor to the Board for questions and comments. Commissioners Bridges reminded the public that although the fire tax was increased, through the implementation of the strategic plan, taxpayers will be able to see a reduction in insurance premiums in February 2020. Meeting the objections of the VFD strategic goals has allowed fire departments to become more efficient and has decreased the response time from eight minutes to four minutes. Each board member thanked Mr. Davis and those first responders in attendance for their ongoing dedication, hard work and commitment to the safety of the citizens of Cleveland County.

**BOARD APPOINTMENTS**

**CLEVELAND COUNTY ADULT HOME CARE ADVISORY BOARD**

**ACTION:** Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to appoint Janet Torgeson to serve as a member of this board, for a period of one-year, scheduled to conclude December 31, 2020.

**CLEVELAND COUNTY AGRICULTURE ADVISORY BOARD**

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to appoint Gary Gold, Richard Shook and Mallory Robbins to serve as members of this board for a period of three-years, scheduled to conclude December 31, 2022.
CLEVELAND COUNTY BOARD OF ADJUSTMENT

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to re-appoint Bobby Watson and Doug Lawing to serve as members of this board, for a period of three-years, scheduled to conclude December 31, 2022.

CLEVELAND COUNTY BOARD OF HEALTH

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to re-appoint Dr. Sara Karner, D.D.S and Dr. Cameron Hamrick, O.D. and appoint Patti Alexander and Dr. Mark Heiner, M.D. to serve as members of this board, for a period of three-years, scheduled to conclude December 31, 2022.

CLEVELAND COUNTY COMMISSION FOR WOMEN

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges and unanimously adopted by the Board, to appoint Linda Martin and Tanzy Wallace to serve as members of this board, for a period of three-years, scheduled to conclude December 31, 2022.

CLEVELAND COUNTY HISTORIC PRESERVATION BOARD

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to re-appoint Lucas Shires and Robin Brackett to serve as members of this board, for a period of four-years, scheduled to conclude December 31, 2023.

CLEVELAND COUNTY NURSING HOME ADVISORY BOARD

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Bridges and unanimously adopted by the Board, to appoint Reverend Maggie Andre to serve as a member of this board, for a period of one-year, scheduled to conclude December 31, 2020 and re-appoint Ginger Poteat to serve as a member of this board, for a period of three-years, scheduled to conclude December 31, 2022.

CLEVELAND COUNTY PLANNING BOARD

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and adopted by a majority of the Board 4 – 1 (Commissioner Hutchins opposed), to re-appoint Charles Christenbury and appoint Leon Martin, D. Leon Leonhardt and Daniel Lattimore to serve as members of this board, for a period of three-years, scheduled to conclude December 31, 2022.

CLEVELAND COUNTY VETERAN’S ADVISORY BOARD

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to appoint Noah Saldo to serve as a member of this board, for a period of three-years, scheduled to conclude December 31, 2022.
REGION C WORKFORCE DEVELOPMENT BOARD

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to re-appoint Tim Blackwell to serve as a member of this board, for a period of three-years, scheduled to conclude January 1, 2022.

KINGS MOUNTAIN PLANNING AND ZONING BOARD

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to re-appoint Donald Adkins to serve as a member of this board, for a period of three-years, scheduled to conclude December 31, 2022.

COMMISSIONER REPRESENTATIVE APPOINTMENTS

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to appoint Commissioner Hardin to serve as the Airport Commission Liaison.

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to re-appoint Commissioner Whetstine to serve on the Commission for Women Board.

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to appoint Commissioner Bridges to serve on the Isothermal Board of Directors.

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to re-appoint Chairman Allen to serve on the Rural Fire Commission.

COMMISSIONER REPORTS

Commissioner Bridges – commented on the amount of work and projects that have been completed this year. He thanked the other board members and staff for making the accomplishments possible and looks forward to another successful year in Cleveland County.

Commissioner Hutchins – gave an update on the Metropolitan Planning Organization (MPO) projects in the county.

Commissioner Whetstine – attended several events in the community such as the ribbon cutting for the T-Hanger at the airport and unveiling of the new Emergency Medical Services ambulance.

County Manager Brian Epley – announced Dorothea Wyant, Health Department Director, will be retiring on January 15, 2020 and DeShay Oliver will serve as the interim Health Director through the process of recruiting and hiring a new Health Department Director.
ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to adjourn the meeting. The next meeting of the Commission is scheduled for Tuesday, January 21, 2020 at 6:00 p.m. in the Commissioners Chamber.

________________________________________
Susan Allen, Chairman
Cleveland County Board of Commissioners

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