

Cleveland County Board of Commissioners
October 15, 2024

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

PRESENT: Kevin Gordon, Chairman
Deb Hardin, Vice-Chair
Johnny Hutchins, Commissioner
Ronnie Whetstine, Commissioner
Doug Bridges, Commissioner
Tim Moore, County Attorney
David Cotton, County Manager
Phyllis Nowlen, Clerk to the Board
Kerri Melton, Assistant County Manager
Courtney Ashley, Economic Development Director
Martha Thompson, Chief Deputy County Attorney
Chris Martin, Planning Director
Betsy Harnage, Register of Deeds
Sandra Orvig, Shooting Range Director
Jamie Bridges, Soil and Water Director
Jason Falls, Business Development Director
Philip Steffen, Finance Director
Rebecca Johnson, Social Services Director

CALL TO ORDER

Chairman Gordon called the meeting to order, and Economic Development Director Courtney Ashley led the audience in the Pledge of Allegiance and provided the invocation.

AGENDA ADOPTION

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

SPECIAL PRESENTATIONS

MINORITY ENTERPRISE DEVELOPMENT WEEK 2024

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:



Proclamation

08-2024

Minority Enterprise Development Week 2024

WHEREAS, Minority Enterprise Development Week has reached a new historic milestone in Cleveland County over the past 25 years in uplifting and celebrating the impact of minority business enterprises and other humanitarian efforts to make our community better; and

WHEREAS, this year's theme, *"The New Wave of Entrepreneurial Leadership"* continues to highlight and recognizes the unique talents, resilience and aspirations of a future generation of business and community leaders who are committed to strengthening our state and local economy; and

WHEREAS, the Cleveland County Business Development Center, in collaboration with the Cleveland Emerging Leaders Academy and other local sponsors, have teamed up for a week dedicated to empowering minority businesses and other community stakeholders to raise awareness, build capacity, encourage self-sufficiency and foster success; and

WHEREAS, the annual observance of Minority Enterprise Development Week in Cleveland County will again bring together a diverse group of small business owners, emerging leaders, non-profit groups, faith-based and community stakeholders with a lineup of engaging workshops, networking events and awards gala to connect, engage and propel future leaders to help make an invaluable difference in our local community

NOW THEREFORE, the Cleveland County Board of Commissioners do hereby proclaim November 9-16, 2024, as "Minority Enterprise Development Week" in Cleveland County in recognition of the cooperative efforts of the above sponsoring organizations and individuals to enhance, promote and support, the success of minority businesses and other community partners.

Adopted this the 15th day of October 2024.


Kevin Gordon, Chairman


Deb Hardin, Vice-Chairman


Johnny Hutchins, Commissioner


J. Ronnie Whetstine, Commissioner


Douglas Bridges, Commissioner



2024 CLEVELAND COUNTY FAIR QUEEN – BELLE WESTBROOK

Chairman Gordon recognized Mary Accor, the Cleveland County Fair Pageant Coordinator, to present the 2024 Cleveland County Fair Queen, Belle Westbrook. Ms. Westbrook, a senior at Burns High School, is active in cheerleading and serves as Senior Captain of her squad. She enjoys competition cheering and has competed at the World Nationals in Orlando twice. Ms. Westbrook is a member of the Beta Club and National Honor Society and an active member of the Future Farmers of America (FFA) club. She enjoys competing in livestock showing and judging, and she is currently ranked fifth in the state in livestock judging. Ms. Westbrook reigned as the 2023 North Carolina Hereford Queen. She was honored to represent her state at Junior Nationals in Wisconsin and at the National American Hereford Convention in Kansas City. She plans to attend North Carolina State University, majoring in Business and Ag Marketing. Commissioners gave congratulations to Ms. Westbrook and presented her with the following proclamation:



METAL MADNESS COMPETITION

Commissioner Hutchins called Shooting Range Director Sandra Orvig to the podium to speak about the recent Metal Madness shooting competition at the Public Foothills Shooting Complex. Ms. Orvig detailed the competition's logistics, including the required weapon/ammo, course layout, and safety procedures. The Board thanked Ms. Orvig for her continued hard work at the range and looked forward to the upcoming shooting matches.

PUBLIC COMMENT

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included Minutes from the September **17, 2024**, regular Commissioners’ 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

Pursuant to North Carolina General Statute §105-350.7, the Tax Collector shall submit to the governing body, at each of its regular meetings, a report to include the amount collected on each year's taxes with which she

is charged, the amount remaining uncollected, and the steps being taken to encourage payment of uncollected taxes. The Tax Collector provided Commissioners with a detailed written report regarding taxes collected during *September 2024*.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and passed unanimously by the Board to, *approve the September 2024 monthly tax report submitted by the Tax Collector.*

TOTAL TAXES COLLECTED SEPTEMBER 2024			
YEAR	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
DEF REV	\$0.00	\$0.00	\$0.00
2024	\$6,169,046.18	\$7,845.69	\$6,176,891.87
2023	\$64,799.62	\$1,834.22	\$66,633.84
2022	\$24,636.69	\$452.95	\$25,089.64
2021	\$17,579.41	\$422.36	\$18,001.77
2020	\$13,638.15	\$123.41	\$13,761.56
2019	\$2,641.12	\$0.00	\$2,641.12
2018	\$2,185.82	\$0.00	\$2,185.82
2017	\$1,203.46	\$0.00	\$1,203.46
2016	\$960.55	\$0.00	\$960.55
2015	\$1,230.22	\$0.00	\$1,230.22
2014	\$1,542.77	\$0.00	\$1,542.77
			\$6,310,142.62
TOTALS	\$6,299,463.99	\$10,678.63	\$6,310,142.62
DISCOUNT	(\$20,485.84)		(\$20,485.84)
INTEREST	\$25,237.84	\$416.46	\$25,654.30
TOLERANCE	\$21.49	(\$0.74)	\$20.75
ADVERTISING	\$382.00	GAP BILL FEES	DEFERRED GAP
GARNISHMEN	\$830.26	\$537.07	\$0.00
NSF/ATTY	\$75.08		
LEGAL FEES	\$471.51		
TOTALS	\$6,305,996.33	\$11,631.42	
MISC FEE	\$0.00		GRAND TOTAL
TAXES COLL	\$6,305,996.33		\$6,317,627.75
	\$0.00		\$0.00
	\$6,305,996.33		\$6,317,627.75

TOTAL TAXES UNCOLLECTED SEPTEMBER 2024			
	AMOUNT-REAL	AMOUNT-GAP	COMBINED AMT
2024	\$48,954,729.14	\$293,546.26	\$49,248,275.40
2023	\$1,628,468.02	\$122,008.22	\$1,750,476.24
2022	\$898,728.33	\$91,241.25	\$989,969.58
2021	\$304,824.82	\$58,020.56	\$362,845.38
2020	\$238,503.03	\$31,595.18	\$270,098.21
2019	\$445,187.49	\$0.00	\$445,187.49
2018	\$209,508.47	\$0.00	\$209,508.47
2017	\$115,365.70	\$0.00	\$115,365.70
2016	\$79,168.99	\$0.00	\$79,168.99
2015	\$85,044.50	\$0.00	\$85,044.50
2014	\$98,833.79	\$0.00	\$98,833.79
		\$0.00	\$0.00
TOTAL UNCOLLECTED	\$53,058,362.28	\$596,411.47	\$53,654,773.75

TAX ADMINISTRATION: ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during *September 2024*. The monthly grand total for tax abatements was listed as (\$200,900.11), and the monthly grand total for tax supplements was listed as \$9,393,587.44.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and passed unanimously by the Board to, *approve the September 2024 tax abatements and supplements submitted by the Tax Assessor.*

TAX ADMINISTRATION: LATE APPLICATIONS FOR EXEMPTION/EXCLUSION/DEFERRAL

Per North Carolina General Statute §105-282.1, every owner of property claiming exemption or exclusion from property taxes under the provisions of this Subchapter has the burden of establishing that the property is entitled to it. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the statutory deadlines may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to approve the Pending Refunds and Releases as submitted by the Tax Assessor.*

FINANCE DEPARTMENT: BUDGET TRANSFER SUMMARY

As required by North Carolina General Statute §159-15, all internal transfers shall be submitted to the Board of Commissioners. The budget transfer summary from September 23, 2024, through October 3, 2024, is included in Commissioner packets.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Whetstine, and passed unanimously by the Board to, *approve the budget transfer summary as presented.*

County of Cleveland, North Carolina
Manager's Budget Summary
Presented at the October 15, 2024 Board Meeting
Time Period Covered : 9/23/24 thru 10/3/24
For Fiscal Year Ending June 30, 2025

BUDGET TRANSFERS LEGEND: D = DEPARTMENTAL; L = LATERAL

BUD #	BUDGET TYPE	DATE SUBMITTED BY DEPT	DEPT #	DEPT TO NAME	DEPT #	DEPT FROM NAME	EXPLANATION	BUDGET AMOUNT
2102	D	9/23/2024	010.441	Sheriff's Office			Move funds to cover equipment purchase	\$ 39,064.00
2103	D	9/23/2024	025.431	Tax Reval			Move funds to cover contracted services	\$ 5,285.00
2104	D	9/23/2024	012.548	CODAP			Move rev to correct rev acct contracted rev	\$ 8,500.00
2105	D	9/24/2024	010.441	Sheriff's Office			Move funds to cover equipment purchase	\$ 21,570.00
2106	D	9/24/2024	010.423	Human Resources			Move funds to cover contracted services	\$ 55,000.00
2107	D	9/25/2024	497.253	Cap Proj-E911 Call Ctr			Move funds to cover contracted services	\$ 100,351.00
2108	D	9/25/2024	010.421	Information Technology			Move funds to cover capital equip and GASB subscriptions	\$ 14,408.00
2109	L	9/26/2024	040.225	Cap Proj-Comm Partnershi	010.998	Emerg & Contingency	Move funds to cover Commissioner approved contribution to ALWS for Scoreboard @ SHS	\$ 75,000.00
2110	L	9/26/2024	010.411	Commissioners	010.998	Emerg & Contingency	Move funds to cover donation to Rollover Pets for Livermush Festival pet activities/entertainment	\$ 5,000.00
2111	D	10/3/2024	060.651	Property/Liability			Move funds to cover Range General Liab Ins Coverage	\$ 4,686.00
2112	NOT USED							
2113	D	10/3/2024	011.516				Move budgeted revenue to the correct revenue line	\$ 68,000.00
2114	D	10/3/2024	28.452	County Fire			Move funds to cover contracted services	\$ 7,470.00
2115	D	10/3/2024	010.423	Human Resources	010.998	Contingency	Transfer funds to cover HR Director Search contract	\$ 29,348.00

EMERGENCY MEDICAL SERVICES: BUDGET AMENDMENT (BNA #020)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.410.4.991.00		General Revenues/Fund Balance Appropriated	\$691,576	
010.446.5.910.00		EMS/Capital Equipment	\$691,576	
<i>Explanation of Revisions: Budget allocation of \$691,576 in the fund balance for purchasing four (4) ambulances and remount/repair to ambulance #1939.</i>				

LIBRARY: BUDGET AMENDMENT (BNA #021)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
010.611.4.991.00		Library/Fund Balance Appropriated	\$25,445	
010.611.5.790.00		Library/Donations – Spangler	\$25,445	
<i>Explanation of Revisions: Budget allocation of \$25,445 in donation funds from the Spangler Foundation.</i>				

BOARD OF ELECTIONS: BUDGET AMENDMENT (BNA #022)

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

Account Number	Project Code	Department/Account Name	Increase	Decrease
490.244.4.980.10		Cap Proj-BOE/Transfer from General Fund	\$1,049,405	

490.244.5.980.00	Cap Proj-BOE/CO Building	\$1,049,405
490.244.4.980.10	Cap Proj-BOE/Transfer from General Fund	\$274,955
490.244.5.980.10	Cap Proj-BOE/CO Building	\$274,955
010.410.4.991.00	General Revenues/Fund Balance Appropriated	\$1,324,360
010.981.5.890.00	Fund Transfers/Interfund Transfers	\$1,324,360

Explanation of Revisions: Budget remaining reimbursement resolution funds and proceeds from the sale of county parcels for the Board of Elections Capital Project. \$1,049,405 is the remaining reimbursement resolution funds that were available to use on the project. \$274,955 is from the sale of county-owned land for a total funding of \$1,324,360 for the project.

LIBRARY: BUDGET AMENDMENT (BNA #023)

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

<u>Account Number</u>	<u>Project Code</u>	<u>Department/Account Name</u>	<u>Increase</u>	<u>Decrease</u>
010.611.4.810.00		Library/Donations-Contributions	\$2,500	
010.611.5.790.00		Library/Donations-Contributions	\$2,500	

Explanation of Revisions: Budget allocation of \$2,500 in donated funds received from the Cleveland County Community Foundation, an affiliate of the Foundation for the Carolinas. Funds to be used for library program materials.

SHERIFF'S OFFICE: CANINE ODIN RETIREMENT

The Sheriff's Office requests that K-9 Odin, a male Belgian Malinois (county ID# 201741), be retired from the county insurance and inventory because he no longer meets the requirement of a multi-purpose canine. Odin's handler, Deputy Andrew Beal. Deputy Beal has offered to provide a good home and care for Odin for the remainder of his life. Deputy Beal 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 Shaw from active service and assign to handler Deputy Andrew Beal.*

SHERIFF'S OFFICE: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM RECERTIFICATION

Cleveland County has been allocated funding under the Justice Assistance Grant (JAG) Program to assist in local criminal justice/law enforcement initiatives by increasing the number of mental health clinics offered for detainees within the Cleveland County Detention Center from two to two and one-half per week. The Cleveland County Sheriff's Office will manage this allocation grant for the referenced grant program of \$12,769 and expects to utilize the entire award for a procurement contract to add another half-day mental health clinic within the Detention Center. The grant's remaining performance period is one year, and the contract cost will cover one year.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, *to approve the Justice Assistance Grant (JAG) Program recertification.*

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR THURSDAY, NOVEMBER 14, 2024, FOR CASE 24-13; ZONING DISTRICTS AND FUTURE LAND USE PLAN DESIGNATIONS FOR 1,067 PARCELS IN THE KINGS MOUNTAIN EXTRA-TERRITORIAL JURISDICTION (ETJ)

The Planning Department requests the Board of Commissioners to consider zoning districts for 1,067 properties that will be transferred to the County's planning jurisdiction. In compliance with North Carolina House Bill 909, the City of Kings Mountain has relinquished a portion of its Extra Territory Jurisdiction (ETJ) to

Cleveland County, specific areas extending beyond one mile. The newly adopted ETJ boundary transfers 1,067 parcels to the County's planning and inspection jurisdiction. The County will become responsible for providing planning, building inspections, site plan review, construction plan review, and permitting services to these 1,067 parcels. Staff will need to apply land use designations and zoning districts - and will be responsible for hearing any request to rezone properties in the relinquished area. After a city has relinquished an ETJ area, per North Carolina General Statute §160D-202(h), the city's development regulations remain in effect until the County adopts land use plan designations and land development regulations (zoning districts) for the area or 60 days, whichever comes first. Projects that obtained a development permit from Kings Mountain will continue to be inspected and administered by Kings Mountain until completion.

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

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, NOVEMBER 12, 2024, FOR CASE 24-15; TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) SECTION 12-124

The petitioner, Yates-Metcon, requests to amend the Table of Uses, Section 12-124 of the Cleveland County Development Ordinance (UDO). They are asking to include Non-Residential Building Construction (NAICS 23620) uses in the Heavy Industrial (HI) zoning district as a permitted use. The non-residential building construction uses are described in the NAICS as establishments primarily engaged in constructing commercial and industrial buildings. Examples include offices, parking garages, fire stations, hospitals, schools, shopping malls, etc. The county's UDO permits this use in the General Business (GB) and Light Industrial (LI) zoning districts. The requested Heavy Industrial (HI) zoning district accommodates a range of assembling, fabrication, manufacturing, and support retail and service uses.

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

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, NOVEMBER 12, 2024, FOR CASE 24-16; REQUEST TO REZONE 340 BEAVER DAM CHURCH ROAD FROM RURAL AGRICULTURAL (RA) TO RESIDENTIAL (R)

The petitioner, Caleb Peeler, requests that parcel 54754, located at 340 Beaver Dam Church Road, be rezoned from Rural Agriculture (RA) to Residential (R). This property lies north of Boiling Springs and south of W. Dixon Blvd. Surrounding uses are single-family residential neighborhoods and agriculture on more extensive tracts. Some small businesses are to the south, and Crest Middle School is to the north. The Land Use Plan designates this area as Secondary Growth. The surrounding zoning districts are Rural Agriculture (RA) and Residential (R).

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

PLANNING DEPARTMENT: REQUEST TO SET A PUBLIC HEARING FOR TUESDAY, NOVEMBER 12, 2024, FOR CASE 24-17; REQUEST TO REZONE 205 AND 213 BATTLEGROUND ROAD FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS (GB)


The petitioner, Tom Crouch of Kings Mountain I-85 & Battleground LLC, requests to rezone 205 Battleground Road (parcel 10531) and 213 Battleground Road (parcel 10539) from Light Industrial (LI) to General Business (GB). These vacant properties lie at the southern intersection of I-85 and Battleground Road. Surrounding uses are a mix, including industrial, business, an RV park, residential dwellings on larger tracts, and some large farming and forested tracts of land. The Land Use Plan designates this area as Primary Growth. The surrounding zoning districts are Light Industrial (LI), Residential (R), Residential for Apartments, Restricted Residential (RR), Manufactured Home Parks (MHP), General Business (GB) for an RV Park and a wedding venue with a campground.

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

COUNTY MANAGER’S OFFICE: AMERICA 250 NORTH CAROLINA COMMITTEE

The America 250 NORTH Carolina Local Grants: County Committees grant application is open through November 1, 2024. Grant awards are \$10,000 with no match requirement and will only cover expenses beginning in January 2025. Before submitting a grant application, the Board must designate an Official County Committee.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, *approve the America 250 NC Committee resolution as presented.*



Resolution

19-2024

Resolution Recognizing and Approving of the Cleveland County Official America 250 NC Committee

This is a resolution of Cleveland County, North Carolina, supporting the America250 NC committee for the United States semi-quincentennial (AMERICA250 NC).

WHEREAS, Roy Cooper, Governor of North Carolina, created AMERICA250 NC to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the United States and North Carolina's integral role in that event and the role of its people on the nation's past, present, and future; and

WHEREAS, AMERICA250 NC has a mission to engage ALL North Carolinians and ALL 100 counties through their many signatures and officially recognized programs, projects, and events over the commemoration by inspiring future leaders and celebrating North Carolina's contributions to the nation over the last 250 years; and

WHEREAS, by adoption of America250 NC's mission, Cleveland County Committee is officially formed to achieve the goals of America250 NC.

NOW, THEREFORE, BE IT RESOLVED, that the County of Cleveland hereby endorses AMERICA250 NC and its mission; and

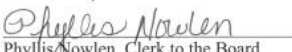
RESOLVED, the County of Cleveland officially establishes an AMERICA250 NC Committee made up of a diverse group of citizens to work with AMERICA250 NC on any and all activities. The participants of the Cleveland County Committee will be strictly voluntary roles and there will be no compensation for participation.

IT IS FURTHER RESOLVED that a copy of this resolution be sent to the Cleveland County legislative delegation and the AMERICA250 NC Committee.

Adopted this the 15th day of October 2024.


Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:



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



LEGAL DEPARTMENT: REVISING CLAIMS HANDLING POLICY

The County has adopted uniform standards to provide for the defense and payment of claims filed in order to maintain a consistent standard for the review and settlement of claims against the County, including asserting governmental immunity whenever available. The Board desires to revise the current resolution to permit greater latitude in settling claims while retaining consistent standards, permitting the payment up to \$5000 of third-party property damage claims resulting from the sole negligence of County employees operating County Vehicles in the course and scope of their employment, which occur from stationary motor vehicle allisions (example: backing into a parked car), regardless of whether the non-negligent third party has uninsured motorist coverage. *(a copy of the policy is on file in the Clerk’s Office, Legal Department, and Finance Department).*

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, ***adopt the revised claims handling policy as presented.***



Resolution

20-2024

RESOLUTION OF THE CLEVELAND COUNTY BOARD OF COMMISSIONERS RELATING TO HANDLING OF CLAIMS AGAINST THE COUNTY, COUNTY OFFICERS AND EMPLOYEES

WHEREAS, Resolution 16-21 established a uniform standard to provide for the defense and payment of claims against the county and county employees pursuant to G.S. §§ 153A-97 and 160A-167, and established a uniform standard to settle all claims against the County; and

WHEREAS, the Board of Commissioners desires to revise the circumstances in which a claim will be settled on behalf of the county and county employees in order to continue to maintain a consistent standard for the review and settlement of claims against the County, by and through the County Manager, with the advice of the County Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Cleveland County that:

I. The County Manager and the County Attorney, or their respective designees, shall determine whether or not a claim or suit filed against an officer or employee appears to meet the requirements specified herein for providing a defense for such officer or employee.

II. The County will not pay punitive or treble damages; or any claims, awards, or judgments based upon evidence of gross negligence or willful indifference to the rights of another person; or any claims, awards or judgments based upon evidence which would have disqualified the officer or employee from being provided a defense had those facts been known by the County Manager or County Attorney prior to the time defense of the action was authorized. Defense by the County may be withdrawn upon discovery of such facts.

III. This Resolution shall not be interpreted in any way to relieve any insurance company of its obligation under any insurance policy to protect the interests of any insured under said policy, or to reduce or eliminate the rights of any officer or employee of the County against any other party. Further, except as expressly stated herein, this Resolution is not to be interpreted as a waiver of any rights or defenses the County has against anyone.

- IV. Procedures for handling liability claims and lawsuits against the County and its officers and employees are to include the following:

A. The attorneys for the County, its officers and employees shall invoke governmental or sovereign immunity in all claims against the County, officers and employees where such defense exists.

B. The County Manager shall have the authority to settle all claims, up to Thirty Thousand and No/100 Dollars (\$30,000.00) with at least 48-hours’ notice to the Board of Commissioners, against the County when governmental or sovereign immunity does not apply, and claims on behalf of county employees where appropriate under this and the prior or subsequent resolutions of the Board of Commissioners.

C. The County shall pay claims only where the county employee, officer or appointed official acted in a purely negligent manner, where there has been no determination that immunity is applicable barring a claimant’s recovery.

D. The County shall only pay claims which are reasonable in amount and are not covered, or would not be covered if filed, by insurance, including insurance of the County, employee, or claimant; however, motor vehicle property damage claims up to \$5000 may be paid, through the procedures established under subsection H herein, under the following circumstances: third-party property damage claims resulting from the sole negligence of County employees operating County Vehicles in the course and scope of their employment, which occur from stationary motor vehicle allisions (Example: backing into a parked car).

E. A release and waiver of claims or an accord and satisfaction shall be obtained before or at the time of payment of any claim.

F. The term "employee" shall include a county employee, officer, or official.

G. If the County’s Attorneys determine the defense of governmental immunity does not apply to specific claims, then the claims will be evaluated, settled, defended, based upon traditionally applied evaluation methods utilized by the County in making such evaluations.


H. All other procedures for handling liability claims and lawsuits against the County and its officers and employees shall be established by the County Manager and the County Attorney, or their respective designees.
- V. Adoption of this Resolution shall not be construed to waive the defense of governmental immunity or any other defense available to Cleveland County or any officer or employee. A copy of this Resolution shall be maintained in the office of the Clerk to the Board of Commissioners for public inspection during normal business hours, as provided by law.
- VI. Resolution #16-21 adopted by the Board of Commissioners on September 24, 2021, and referenced above, shall continue in full force and effect, except as hereby modified.

Adopted this the 15th of October 2024.



Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:



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



PUBLIC HEARINGS


PLANNING DEPARTMENT CASE 24-16: REQUEST TO REZONE PARCEL 59918 FROM RESIDENTIAL (R) TO RURAL RESIDENTIAL (RU)

Chairman Gordon recognized Planning Director Chris Martin to present Planning Case 24-16, a request to rezone parcel 59918 from Residential (R) to Rural Residential (RU). Property owners David and Jennifer Bowman request to rezone parcel 59918, containing 2.938 acres, located at 863 Stony Point Road, from Residential (R) to Rural Residential (RU). This property lies north of Oak Grove Road between Moss Lake and the City of Kings Mountain. Residential (R) zoning accommodates multi-family and low-density dwellings at ½ acre per lot, while Rural Residential (RU) accommodates low-density single-family dwellings at 1 acre per lot. Agriculture and rural character supporting commercial uses are also promoted in Rural Residential (RU) districts.


Surrounding uses are single-family residential on larger tracts. The Woodbridge neighborhood and golf course are nearby. The surrounding zoning districts are Residential (R) and Restricted Residential (RR) to the north and some General Business (GB) to the south at the intersection of Stony Point Road and Oak Grove Road in Kings Mountain. The Land Use Plan designates this property and the immediate surrounding area as Primary Growth with more intense and dense development expected. The Secondary Growth area lies just east of the property and expects less intense, more sparse residential development in the future.

The Planning Board voted unanimously to recommend approval of the zoning map amendment. The Board noted that the property is in a transitional zone between the Primary Growth and Secondary Growth areas of the Land Use Plan, and it fits with the Land Use Plan. The property is mostly in a floodplain, which limits development on the property, so this will allow the owner to use the property fully. The following information and PowerPoint were presented to the Commissioners.

Re-zoning Case 24-12
863 Stony Point Rd.



Property Description




- Parcel 59918
- 863 Stony Point Road
- Owners – David Bowman and Jenifer Bowman
- Acreage – 2.9 acres
- Current Zoning – Residential
- Requested Zoning – Rural Residential


Zoning District Comparison

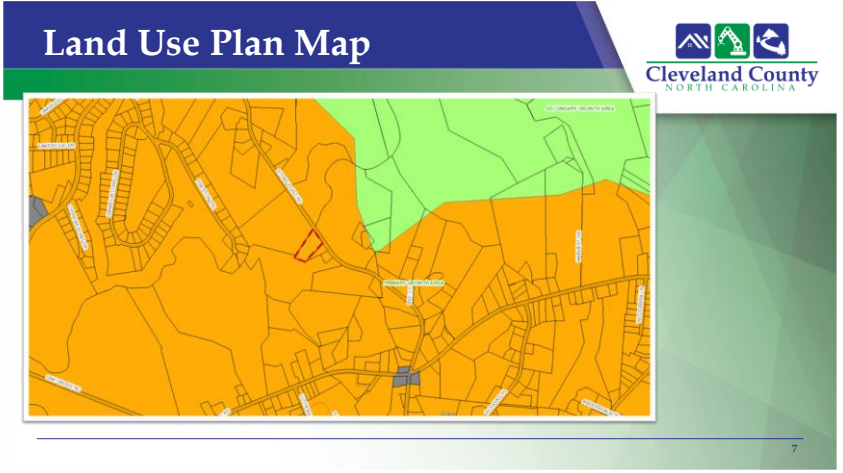
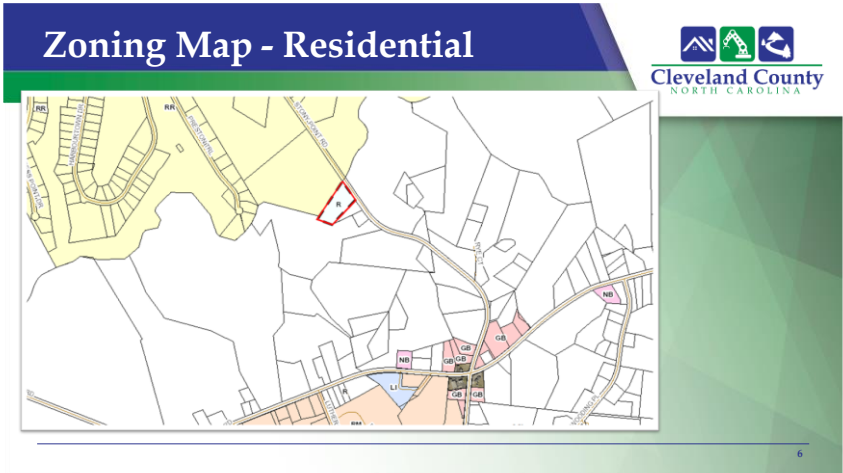


- **Current Zoning District: Residential**
 - Accommodates low-density dwellings at ½ acre per lot.
 - Stick Built, Modulares, Manufactured Homes, and Multi-family is compliant as well.
- **Requested Zoning District: Rural Residential**
 - Accommodates low-density single-family dwellings at 1 acre per lot.
 - Agriculture and rural character supporting commercial uses are promoted.

Aerial Map







Recommendation

- **Planning Board Recommendation: Approval**
 - The Board noted that the property is in a transitional zone between Primary Growth and Secondary Growth areas of the Land Use Plan and therefore it fits with the Land Use Plan.
 - The property is mostly in a floodplain which limits development on the property so this will allow the owner to fully use of the property.

Requested Board Action

- Open Public Hearing
- Approve
- Deny

Chairman Gordon opened the Public Hearing at 6:32 p.m. for anyone wanting to speak for or against Planning Department Case 24-16, a request to rezone parcel 59918 from Residential (R) to Rural Residential (RU). (Legal Notice was published in the Shelby Star on Friday, October 4, 2024, and Friday, October 11, 2024).

Hearing no comments, Chairman Gordon closed the Public Hearing at 6:33 pm.

ACTION: Commissioner Bridges made a motion, seconded by Commissioner Hutchins, and unanimously approved by the Board to, *approve the rezoning of parcel 59918, located at 863 Stony Point Road, from Residential (R) to Rural Residential (RU), citing compatibility with the Land Use Plan.*

2 RECORDING FEE \$ 26.00
* PHYLLIS NOWLEN

Doc No: 200107710
Recorded: 12/04/2024 03:42:38 PM
Fee Amt: \$26.00 Page 1 of 2
Cleveland County North Carolina
Betsy S. Harnage, Registrar of Deeds
BK 1934 PG 2349 - 2350 (2)

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF CLEVELAND COUNTY

Residential to Rural Residential
863 Stony Point Rd.
Case 24-12

- Parcel 59918– Owners: David Bowman and Jenifer Bowman – Deed Book 1899, Page 1963, containing 2.938 acres as shown on Plat Book 30, Page 146, Lot 3

WHEREAS, Article Two of Chapter 160D of the North Carolina General Statutes provides for the planning and regulation of development within the territorial jurisdiction of the county; and

WHEREAS, the Cleveland County Planning Board recommended to approve the zoning map amendment August 27, 2024; and

WHEREAS, said rezoning will promote the health, safety, and welfare of the citizens of Cleveland County, the public interest would be furthered, and said amendment would be reasonable and beneficial to the orderly growth of Cleveland County; and

WHEREAS, notice of the Public Hearing was published in the Shelby Star on October 4, 2024 and October 11, 2024, and notices were mailed to adjoining property owners on October 1, 2024 and a sign posted at the property on October 1, 2024; and

WHEREAS, all requirements of the North Carolina General Statutes have been met prior to any action by The Cleveland County Board of Commissioners to amend the official zoning map following a public hearing on October 15, 2024;

NOW THEREFORE BE IT ORDAINED by the Cleveland County Board of Commissioners that the Cleveland County Zoning Map, as described in Section 12-147 of the Cleveland County Unified Development Ordinance, be amended to change the classification of Parcel 59918, described more fully in Deed Book 1899, Page 1963, and as shown on as the 2.938-acre lot on Plat Book 30, Page 146, Lot 3, from Residential to Rural Residential.

This Ordinance shall become effective upon adoption and approval.

Adopted this fifteenth day of October, 2024.

ATTEST:

Kevin Gordon, Chairman
Cleveland County Board of Commissioners

Phyllis Nowlen, Clerk
Cleveland County Board of Commissioners

Residential to Rural Residential
863 Stony Point Rd.
Case 24-12

- Parcel 59918– Owners: David Bowman and Jenifer Bowman – Deed Book 1899, Page 1963, containing 2.938 acres as shown on Plat Book 30, Page 146, Lot 3

BK 30 pg 146

Site

2.938 Acres

863 Stony Point Rd.

Parcel 59918

Deed Book 1899, Page 1963

Plat Book 30, Page 146, Lot 3

Scale: 1" = 100'

North Arrow

Survey Date: 10/15/2024

Surveyor: [Name]

Recorded: 12/04/2024

Fee: \$26.00

Page 1 of 2

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

PROJECT GUI

Chairman Gordon called Economic Development Director Courtney Ashley to the podium to present Project Gui. Project Gui represents a Fortune 500 company looking to locate a new operation in Cleveland County by purchasing the Job Ready Shell Building #4. Cleveland County owns approximately 31.021 acres located at 2215 Randolph Road in Shelby. The county acquired the property in 2022 for economic development. The property has been actively marketed for economic development, and Project GUI has agreed to buy the property and all appurtenant rights for the fair market value of the Property for \$10,000,000. The purchase price is supported by a market analysis of the property prepared by Scott W. Hadley of Lee & Associates Raleigh Durham LLC.

Upon purchasing the property, the company plans to use Shell Building #4, an industrial facility, as a manufacturing facility. The company anticipates its total new capital investment will be approximately \$286,506,000 over five years. This project would be the second largest manufacturing investment in the county’s history. Cleveland County Economic Development Partnership (CCEDP) recommends entering into a contract to sell the job-ready shell building #4 for a purchase price of \$10,000,000. This sales price is in a reasonable, fair market value range based on current market conditions and vacant rates based on due diligence done by CCEDP. Additionally, CCEDP recommends supporting the company through annual cash grants over five years, with the total grants not exceeding \$1,050,000. Each annual grant will be supported by ad valorem tax revenue from Project Gui from new investment in real property and personal property related to the Facility to be located at the site.

The new capital investment that Project GUI will make in Cleveland County will generate new tax revenue, create jobs at substantially higher wages than the county average of \$45,515, and positively impact the local tax base. The National Association of Manufacturers calculates that, including indirect and induced effects, for every \$1.00 spent in manufacturing, there is a projected total impact of approximately \$2.60 on the overall economy. Because manufacturing has so many substantial links with so many other sectors throughout the economy, its output stimulates more economic activity across society than any other sector. While the jobs that this company is creating are important, the company’s true impact on the community will be much broader and more dynamic.

YEARS	NEW JOBS	NEW INVESTMENT (Cumulative)	20% of the \$0.5475 tax rate for 5 years
1	19	\$ 34,136,000.00	\$ 37,378.92
2	27	\$ 117,247,000.00	\$ 128,385.47
3	16	\$ 221,895,000.00	\$ 242,975.03
4	38	\$ 286,506,000.00	\$ 313,724.07
5	13	\$ 286,506,000.00	\$ 313,724.07
TOTAL	113	\$ 286,506,000.00	\$ 1,036,187.55

North Carolina General Statute §158-7.1 states local governments may acquire and develop real property for economic development. Local governments are required to approve the sale of real estate acquired for economic development purposes pursuant to N.C.G.S. § 158-7.1(d), which includes a requirement that the Board determine:

(1) average hourly wage to be paid to workers by the business to be located at the Property and (2) the fair market value of the interest, subject to whatever covenants, conditions, and restrictions the Board proposes to subject it to.

Chairman Gordon opened the Public Hearing at 6:35 p.m. for anyone wanting to speak for or against Project Gui. (Legal Notice was published in the Shelby Star on Friday, October 4, 2024, and Friday, October 11, 2024).

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

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins commented on the positive impacts this project could have on Cleveland County.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and unanimously approved by the Board to, *adopt the resolution authorizing the Economic Development Incentive, adopt the resolution authorizing the sale of property located at 2215 Randolph Road in Shelby to Project GUI, with determinations that (1) that the probable average hourly wage to be paid to worker shall be \$29.80; and (2) the sales price constitutes a sale at fair market value of the property; (b) Authorize Staff to negotiate and prepare a Purchase and Sales Agreement; and Authorize the Chairman of the Board of Commissioners to sign the PSA for the Commission.*



Resolution

21-2024

Resolution Authorizing Economic Development Incentive for Project GUI

WHEREAS, North Carolina General Statute 158-7.1 authorizes a county to undertake an economic development project by extending assistance to a company in order to cause the company to locate or expand its operations within the county; and

WHEREAS, the Board of Commissioners has held a public hearing to consider whether to offer a cash grant to Project GUI (the "Company") to reimburse the Company a total sum not to exceed \$1,050,000 over a five-year period to offset the costs of building upfit and personal property to be placed in service in connection with the Project; and

WHEREAS, the Project is expected to result in \$286,506,000 of new capital investment and is estimated to create 113 new jobs in the County over a five-year period; and

WHEREAS, this economic development project will stimulate, diversify, and stabilize the local economy, promote business in the County, and result in the creation of a substantial number of jobs in the County; and

WHEREAS, the Board of Commissioners of Cleveland County has adopted an amendment to the County's budget ordinance appropriating the funds necessary to the project;

THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY THEREFORE RESOLVES THAT:


- The county is authorized to expend up to \$1,050,000 of County funds for a grant to Project GUI.
- The County Manager and County Attorney shall negotiate and prepare an incentive agreement consistent with the terms of this resolution for execution by the Chairman of the Board of Commissioners on behalf of the Cleveland County Board of Commissioners.

Adopted this the 15th of October 2024.



Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:



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





Resolution

22-2024

Resolution Authorizing Sale of Real Property for Economic Development

WHEREAS, North Carolina General Statute 158-7.1 authorizes a county to undertake an economic development project by conveying property to a company in order to cause the company to locate or expand its operations within that county; and

WHEREAS, Cleveland County is the owner of that certain property located at 2215 Randolph Road, Shelby, North Carolina and consisting of approximately 31.021 acres as described at Deed Book 1863, Page 2801, Cleveland County Registry (for further reference see Cleveland County Tax Parcel Number 65586, PIN 6-92 1 119) (the "Property"); and

WHEREAS, Cleveland County and Project GUI have engaged in private negotiations for the conveyance of the Property, to the end that Project GUI may purchase Cleveland County Shell Building #4, and have reached tentative agreement on the basic terms term of conveyance; and

WHEREAS, the Board of Commissioners of Cleveland County has held a public hearing to consider whether to approve conveyance of the tract to Project GUI;

THEREFORE, THE BOARD OF COMMISSONERS OF CLEVELAND COUNTY RESOLVES THAT:

- The chairman of the Board of Commissioners is authorized to execute the necessary documents to convey the Property to Project GUI.
- The conveyance of the Property to Project GUI will stimulate the local economy, promote business, and result in the creation of a substantial number of jobs in Cleveland County. The probable average hourly wage at the facility to be constructed by Project GUI is \$29.80, which is above the current median hourly Cleveland County. This determination of the probable average hourly wage at the facility is based upon materials provided to the County by the Economic Development Partnership of North Carolina who procured the information from Project GUI.
- The fair market value of the Property is \$10,000,000. This determination of fair market value is based upon a market analysis of the Property prepared by Scott W. Hadley of Lee & Associates Raleigh Durham LLC, a copy of which is on file in the Office of the County Manager. This determination of fair market value is based upon the sales prices of comparable tracts of land

in Cleveland County, as reported to the Board of Commissioners and is also reflected as the value reached in am's length negotiations between the parties.

4. As consideration for the conveyance of the Property, Project GUI has agreed to pay fair market value for the Property, for the industrial facility for the manufacturing of \$10,000,000.

5. A Real Estate Purchase Agreement is to be entered into between the parties. The consideration for the conveyance of the Property is not less than the fair market value of the Property.

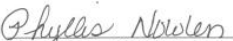
6. The County Manager and County Attorney shall negotiate and prepare a Real Estate Purchase agreement consistent with the terms of this resolution for execution by the Chairman of the Board of Commissioners on behalf of the Cleveland County Board of Commissioners.

Adopted this the 15th of October 2024.



Kevin Gordon, Chairman
Cleveland County Board of Commissioners

ATTEST:



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



REGULAR AGENDA

STREAMFLOW REHABILITATION ASSISTANCE PROGRAM

Chairman Gordon recognized Soil and Water Director Jamie Bridges to present the Streamflow Rehabilitation Assistance Program. The Streamflow Rehabilitation Assistance Program (StRAP) is a State funded program administered through the North Carolina Division of Soil and Water that provides funds to organizations working on projects that help reduce flooding, restore streams, and protect the integrity of drainage infrastructure across North Carolina's waterways. The Cleveland County Soil and Water Conservation District would like to secure funding to clear vegetative debris that has created blockages on a section of The First Broad River above Highway 10 and on a section of Hinton Creek above Highway 226. These blockages are causing severe stream bank erosion as water tries to find new paths around the obstructions, and they are causing an increased potential for flooding. The Soil and Water Conservation District Board has requested and been approved to receive a grant in the amount of \$101,020.00 through the North Carolina Division of Soil and Water's Streamflow Rehabilitation Assistance Program to clear the worst of these blockages.

In 2023, the Cleveland County Soil and Water Conservation Office was contacted regarding vegetative debris creating two major blockages on the First Broad River above Highway 10. These blockages are causing severe stream bank erosion as the water tries to find new paths around the obstructions. The office was also contacted about a section of Hinton Creek where downed trees are causing an increase in stream bank erosion and increasing the potential for flooding. At that time, no funding was available to remove this vegetative debris. In 2024 the North Carolina General Assembly funded the Streamflow Rehabilitation Assistance Program (StRAP), which provides grants to projects that help reduce flooding by protecting and restoring the drainage infrastructure of North Carolina's waterways. The Cleveland Soil and Water Conservation District requested \$514,000.00 to clear vegetative debris from the 1st Broad River and Hinton Creek sections. They were awarded \$101,020.00. This money will clear the worst blockages on these two stream sections. The state has provided a contract for this funding. The following information and PowerPoint were presented to the Commissioners.



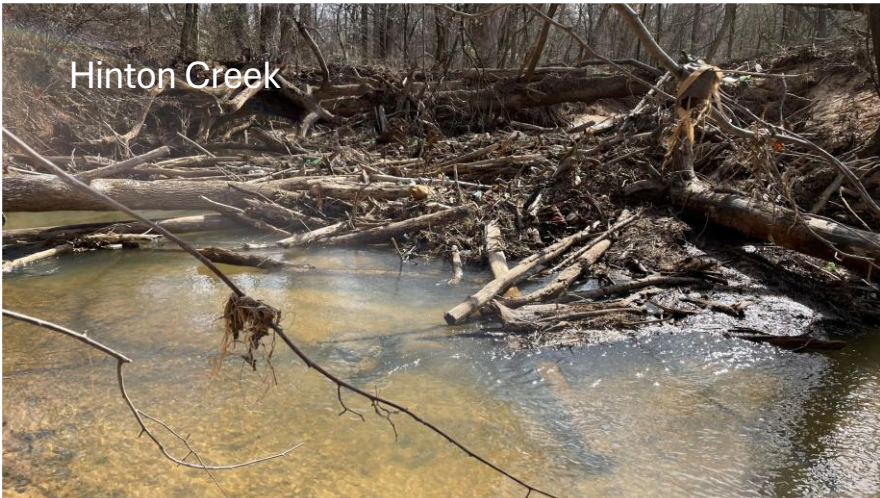
Cleveland County Soil and
Water Conservation District



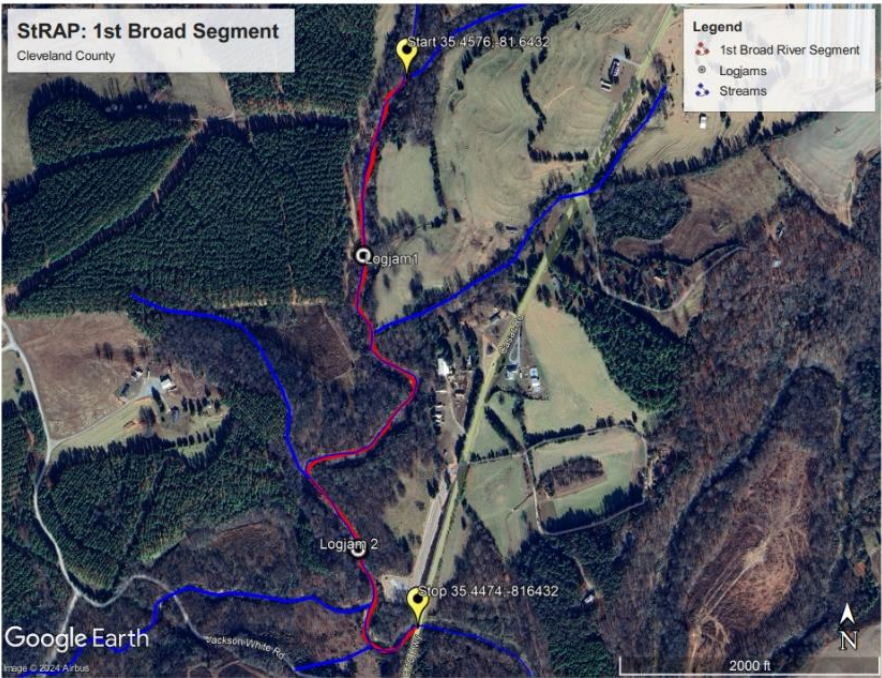
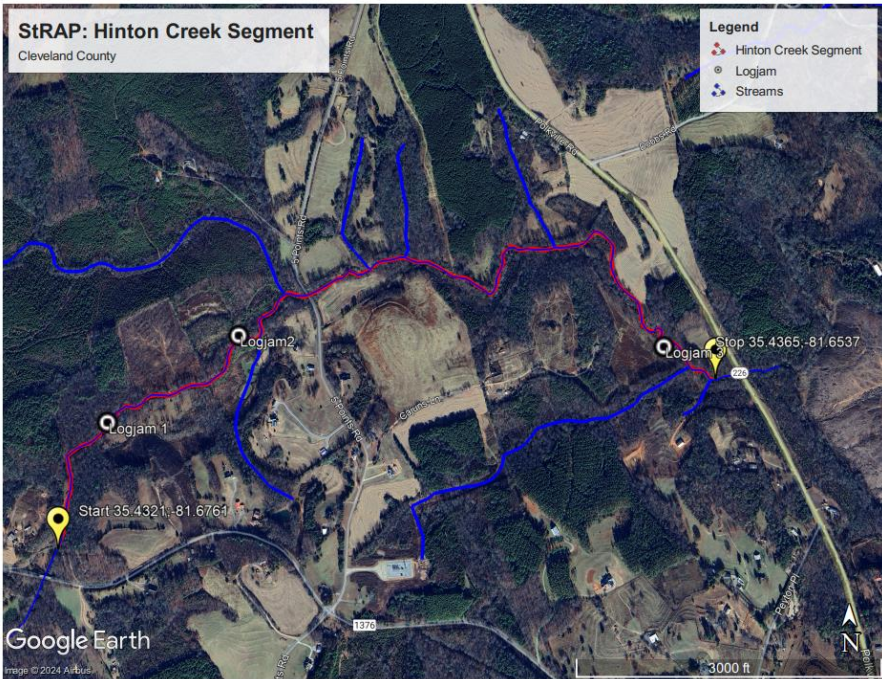
- The Streamflow Rehabilitation Assistance Program (StRAP) is a State funded program administered through the North Carolina Division of Soil and Water that provides funds to organizations working on projects that help reduce flooding, restore streams, and protect the integrity of drainage infrastructure across North Carolina's waterways.



- In 2023 the Cleveland County Soil and Water Conservation Office was contacted regarding vegetative debris creating two major blockages on the First Broad River above highway 10, as well a section of Hinton Creek where downed trees are causing an increase in stream bank erosion as well as increasing the potential for flooding.



- The Cleveland Soil and Water Conservation District requested \$514,000.00 to clear vegetative debris from sections of the 1st Broad River and Hinton Creek. We were awarded \$101,020.00.
- This money will be used to clear the worst blockages on these two stream sections.



- The Cleveland Soil and Water Conservation District request the Cleveland County Board of Commissioners to approve theStRAP contract in the amount of \$101,020.00 to be used for clearing vegetative debris from segments of the First Broad River and Hinton Creek.

Chairman Gordon opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired if FEMA would help clean the waterways since some damage was caused by Hurricane Helene. Mr.

Bridges advised that he was unsure if FEMA would help; however, the USDA Natural Resource Conservation Service has a program called the Emergency Watershed Protection Program, EWP, and one of its primary purposes is to remove debris from stream channels, as well as the extreme state stabilization for those significant areas of erosion, as well as stream restoration work if that's needed, and it especially works in areas where the erosion and flooding are going to affect infrastructure. Commissioner Whetstine asked if Hidden Creek is on privately owned land. Mr. Bridges stated that both water segments have multiple landowners, which was considered when staff were evaluating stream segments and whether the property owners allow clean-up staff to come out with the necessary heavy equipment to work. Some areas must have roads cut in to accommodate the debris removal. The contract states that debris must be removed from the 100-year flood plane, which can be moved and piled off-site.

Commissioner Whetstine further inquired why it is not the responsibility of the landowners to take care of the property. Mr. Bridges explained that the waters are in the state's jurisdiction, and they reason that there's a benefit for counties to clean the debris out, not just for flood protection but also for sedimentation control. Sedimentation and mud run down the river, eventually getting into Cleveland County Water's intake system and will need to be cleaned out, which is expensive. This is one of the reasons why the State feels that this is not just a benefit for those landowners but also for the whole community. Commissioner Whetstine continued asking about the unfunded mandate regarding the waterways. Mr. Bridges explained that this is a funding item to be presented to the North Carolina General Assembly for further questions, consideration, and funding.

Commissioner Hardin asked if more funding would be coming through to help with Hurricane Helene clean up. Mr. Bridges stated it was unknown if further funding would come through the StRAP program; however, the North Carolina Soil Water Commission has called a meeting for October 16, 2024, to discuss the response to the storm. There may be a talk about more money for projects like this. From the federal side, through the EWP, the Natural Resource Conservation Service is now looking to get approved in the counties that have been declared disasters, including Cleveland County.

Chairman Gordon reminded the Board that the StRAP program is state-funded and involves zero county dollars. The county is simply accepting the \$101,020 for clearing vegetative debris from segments of the First Broad River and Hinton Creek.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, which was unanimously passed by the Board to ***approve the StRAP contract in the amount of \$101,020 to be used for clearing vegetative debris from segments of the First Broad River and Hinton Creek. (a full copy of the contract is on file in the Clerk's Office and the Soil and Water Department).***



CONTRACT & FINANCIAL DOCUMENTS

INSTRUCTIONS: Please read and fill in the required information to the right of each field where applicable. Signatures must match the Contract signatures. In the event the affixed signature(s) are no longer valid, a revised form must be submitted prior to processing any contractual documents or submitting "Request for Payments" or any other financial documents. If more than two people will sign for the organization, this form may be duplicated.

SECTION I.	
Date:	10/15/24
Legal Applicant Organization/Agency Name:	Cleveland County Government
Federal Tax Identification Number:	56-6000288
SECTION II.	
Certification: By affixing my signature below, I certify that person(s) identified are designated having legal authorization to sign on behalf of the organization named in Section I., above, for purposes of executing contractual documents and preparing, approving and executing all financial documents; including "Requests for Payments." I understand the legal implications of any and all misrepresentation, which include but are not limited to defrauding the State of North Carolina, and certify that the person signing below has full authority to execute this Agreement on behalf of the named organization.	
NON-GOVERNMENTAL ORGANIZATIONS ONLY (Must match Contract signature)	
Board Chair, Executive Director, etc.	Financial Representative, Treasurer, etc.
Print Name & Title:	Print Name & Title:
Signature:	Signature:
GOVERNMENTAL ENTITIES (Must match Contract signature)	
Authorized Governmental Official	Chief Fiscal Officer
Print Name & Title:	Print Name & Title:
Signature:	Signature:

- c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 2. (a) (b) of this certification.
- d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default.
- e) Agree to include a term or condition in lower tier covered transactions requiring lower tier participants to comply with subpart C of the OMB guidance in 2 CFR part 180, as supplemented by subpart C of Part 417.

Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this certification.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 2 CFR Part 182, Subparts B, and C, for grantees:

The applicant certifies that it will:

- a) Make a good faith effort, on a continuing basis, to maintain a drug-free workplace. You must agree to do so as a condition for receiving any award covered by this part.
- b) Publish a drug-free workplace statement and establish a drug-free awareness program for your employees (see Sections 182.205 through 182.220); and
- c) Take actions concerning employees who are convicted of violating drug statutes in the workplace (see Section 182.225), including notification to any Federal agency on whose award the convicted employee was working and within 30 days take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended; or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.
- d) You must identify all known workplaces under your Federal awards (see Section 182.230).

The grantee must provide the location site(s) for the performance of work done in connection with the specific grant.

Place(s) of Performance (Street address, city, county, state, zip code)

_____	_____
_____	_____
_____	_____

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 2 CFR Part 182:

- A. As a condition of the grant, I certify that I will comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of part 421, which adopts the Government-wide implementation (2 CFR part 182) of sec. 5152-5158 of the Drug Free Workplace Act of 1988 (Pub.L.100-690, Title V, Subtitle D; 41 U.S.C. 701-707).

BOARD APPOINTMENT

CLEVELAND COUNTY PLANNING BOARD

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Bridges, and

unanimously adopted by the Board, *to remove Denise Wright from the Cleveland County Board of Adjustment*

and appoint her to serve as a member of the Cleveland County Planning Board, to serve Noah Saldo’s remaining

term scheduled to conclude on June 30, 2026.

CLOSED SESSION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins and unanimously

CERTIFICATIONS REGARDING LOBBYING, NONPROCUREMENT, DEBARMENT, SUSPENSION AND DRUG-FREE WORKPLACE

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Signature of this form provides for compliance with certification requirements under 2 CFR, Subtitle B, Chapter IV, Part 417, "Nonprocurement Debarment and Suspension," Part 418, "New Restrictions on Lobbying," and Part 421, "Requirements for Drug-Free Workplace (Financial Assistance)," and 2 CFR Part 180. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Agriculture & Consumer Services determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by authority: 31 U.S.C. 1352 and U.S.C. 301 and implemented at 2 CFR Part 180, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 2 CFR Section 418.110, the applicant certifies that to the best of their knowledge and belief, that:

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal contract, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

2. NONPROCUREMENT DEBARMENT AND SUSPENSION

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 180 and 2CFR Part 417, for prospective participants in primary covered transactions, as defined at 2 CFR 180.435 and Subpart C, 417.332, the applicant certifies that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- B. I agree to notify the agency as required by 2 CFR 182.300(b) of any conviction for a criminal drug offense within ten days.

Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the Grantee, I hereby certify and state to the best of my knowledge and belief, that the Grantee will comply with the above certifications.

Cleveland County Government	
Grantee Organization Name	
Signature of Authorized Representative	Date
Kevin Gordon	Chairman
Printed Name of Authorized Representative	Title

adopted by the Board, *to go into closed session per North Carolina General Statute §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.* (A copy of the closed session Minutes is sealed and found in the Closed Session Minute Book.)

RECONVENE IN REGULAR SESSION

Chairman Gordon stated, “*The Board is in open session. During the closed session, the Board consulted with staff. No action was taken.*”

ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Hutchins and unanimously adopted by the Board, *to adjourn.* The next meeting of the Commission is scheduled for *Tuesday, November 12, 2024, at 6:00 pm* in the Commissioners’ Chambers.

*Kevin Gordon, Chairman
Cleveland County Board of Commissioners*

*Phyllis Nowlen, CMC, NCCCC
Clerk to the Board
Cleveland County Board of Commissioners*