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:**

- Eddie Holbrook, Chairman
- Susan Allen, Vice-Chair
- Johnny Hutchins, Commissioner
- Ronnie Whetstine, Commissioner
- Doug Bridges, Commissioner
- Brian Epley, County Manager
- Elliot Engstrom, Senior Staff Attorney
- Phyllis Nowlen, Clerk to the Board
- Kerrie Melton, Assistant County Manager
- Allison Mauney, Human Resources Director
- Chris Green, Tax Administrator
- Perry Davis, Emergency Management Director/Fire Marshall
- Lorie Poston, E-911 Communications Director
- Betsy Harnage, Register of Deeds

**CALL TO ORDER**

Chairman Holbrook called the meeting to order, provided the invocation and led the audience in the Pledge of Allegiance.

**AGENDA ADOPTION**

**ACTION:** Commissioner Whetstine made the motion, seconded by Commissioner Bridges and unanimously approved by the Board to, approve the agenda.

**SPECIAL PRESENTATION**

**Youth Voice and Youth Leadership Initiatives:** Chairman Holbrook recognized Charlie Godfrey, Extension Agent and the 4-H Youth Development Coordinator for Cleveland County. Mr. Godfrey stated they have an opportunity to send one of the 4-H participants to the Youth Voice and Leadership session which will be held at the North Carolina Association of County Commissioners (NCACC) conference on August 23 – 25, 2018. He called 4-H member, Nicholas Spencer to the podium to speak about his experience in 4-H. Mr. Spencer is 13 years old and has been an active participant of 4-H for the past two years. He is a member of the Sure Shot Shooting Sports Club for Cleveland County, the Mini Gardening & Poultry Club and has participated in several other activities on the county and state level. Mr. Spencer thanked the Board for their continuous support of 4-H and other youth programs throughout the County.

Chairman Holbrook called Keeynan Pharr, Teen Director of the Boys & Girls Club to the podium. Last year the Boys & Girls Club took two participants to the Youth Voice and Leadership Initiative. This year they are able to take three teens. One of the topics at the summit is mental health and the importance of recognizing signs, speaking up and reaching out to those who need help. Mr. Pharr introduced the Boys & Girls Club youth representatives for Cleveland County who will be attending the NCACC conference.
- Keshawn Robinson will be a junior in the fall and enjoys playing basketball, soccer, football and likes math.
- Damajae Rhodes is 14-years old and will be a Freshman when the school year starts. He likes playing basketball and math.
- Antonio Harrison will also be a Junior in the fall and enjoys playing basketball, hanging out with his friends and math.

Antonio Harrison spoke while at the Boys & Girls Club we have learned skills such as leadership and team building. He concluded by thanking the Board for the opportunity to speak and for the teens to be the representatives at the upcoming NCACC conference.

**Broad River Greenway Update:** Chairman Holbrook called Jason Hamrick, Greenway Chairman, to the podium to present the Broad River Greenway update. The Greenway has been open for over 25 years and during that time, the footprint has nearly tripled in size and has had over two million visitors. They have added a new and bigger picnic shelter to accommodate larger groups. The newest project underway is the Paddler’s Access located at the south side of the river. This will allow for much needed areas for paddlers to access the river. This project was mostly funded by a grant received from the Carolina Thread Trail which is a large supporter of the Greenway. A nature center is also in the beginning stages of planning. Staff at the Greenway have recently completed and submitted a grant to Duke Energy which, if approved, will help fund future improvements. Mr. Hamrick closed by thanking the Board for their continued support which contributes to the continuing success of the Broad River Greenway.
Creating new and exciting recreational opportunities

Focused on education

Kicking off summer reading with the Ruby Hunt YMCA Library

We always need books for our lending library!

Our focus is on nature books especially for young readers.

Grant from Carolina Trail Thread: Weaving Communities

Creating the new Puddlers Access

Maintenance and facility improvement are always ongoing!
**Historic Shelby Foundation:** Chairman Holbrook asked Betsy Harnage, Register of Deeds, to come forward and speak about the preservation grant received from the Historic Shelby Foundation. Mrs. Harnage stated many of the record books are in disrepair due to age and the amount of use they receive. Preservation involves taking each book apart, cleaning, repairing and scanning the pages before they are put in archival sleeves & binders. The Register of Deeds Office has begun the preservation process but it is very costly. She reached out to the History Shelby Foundation in April and they responded with a very generous grant. Mrs. Harnage thanked Patrick McMurry, President, Ted Alexander and all of History Shelby Foundation for allowing the preservation of Deed Book 3S.

**CITIZEN RECOGNITION**

**Julie Waseman, Mountainside Drive, Kings Mountain** – spoke about the County’s road paving assessment policy. Mrs. Waseman initially learned about the policy in April 2018 from Dan Gurly, a transportation policy advisor for Speaker of the House Tim Moore. Mrs. Waseman then spoke with County Manager Brian Epley who advised the policy requires 75% of the abutting property owners to sign the petition in order to qualify for the road paving assessment. She advised Mr. Epley that contact had already been made with a NCDOT representative and six reasonable bids had been received. These bids were in accordance with NCDOT’s regulations and specifications so that Mountainside Drive could be added to the State’s system. For several months after that, Mrs. Waseman had been in contact with the Planning Department. She received the road paving petition and policy on July 18, 2018. The current policy states 75% of the abutting property owners must sign the petition for the road improvement per N.C.G.S 153-205 and North Carolina Administrative Code SR-19. The policy on the agenda for this evening would require 85% of the property owners abutting the road to sign the petition for the County to finance the cost of the road improvement. Mrs. Waseman asked for consideration to grandfather in the Mountainside Drive Petition to require only 75% participation.
Chairman Holbrook thanked Mrs. Waseman for her due diligence and thoroughness concerning this matter. He confirmed that the Mountainside Drive Road Paving Assessment Policy would be grandfathered in.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes of the July 17, 2018 regular meetings, in Board Members packets.

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

MANAGER’S MONTHLY REPORT

E. Cleveland County, North Carolina
Monthly Financials & Manager’s Report

EXECUTIVE SUMMARY

- The County earned approx. $700,000 in Investment Income for the year-ended June 30, 2018. This is compared to $485,000 earned year-ended June 30, 2017.
- EMS Belwood Station – The new modular unit has been completed and is ready for delivery the week of August 13, 2018. Work will begin in the coming weeks to complete the setup and installation of the unit along with the site preparation.
- The ERP-Keystone conversion and implementation process has been a tremendous success thus far. The County Central Finance Department, DSS Finance, and Health Department Finance officially went live July 1, 2018. The County HR and Payroll departments will go live August 15th, with the first Payroll run. This is the first major County-wide software update since 1989.
- The County’s new audit firm, Thompson, Price, Scott and Adams, Co. completed interim and preliminary work on-site the week of June 4, 2018. Extensive work was performed both in Finance and at DSS. Internal Controls, Cash Receipts and Disbursements were testing along with all major programs for the June 30, 2018 audit. This marks the first change in audit firms since 2004.
- See attached for lateral and departmental line item transfers between 5/26/18 – 6/30/18.
TAX COLLECTOR’S SETTLEMENT

EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #002)

ACTION: Commissioner Allen made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to approve the following budget amendment:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>040.243.4.409.00</td>
<td>Cap Proj-Am Red Cross/Local Revenues</td>
<td>$42,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>040.243.5.990.00</td>
<td>Cap Proj-Am Red Cross/CO – Other Improve</td>
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<td></td>
</tr>
<tr>
<td>010.445.4.409.00</td>
<td>Emergency Mgmt/Local Revenues</td>
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<tr>
<td>010.445.5.210.00</td>
<td>Emergency Mgmt/Departmental Supplies</td>
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<tr>
<td>010.445.5.310.00</td>
<td>Emergency Mgmt/Travel-Training</td>
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<tr>
<td>010.445.5.321.00</td>
<td>Emergency Mgmt/Telecommunications</td>
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<tr>
<td>010.445.5.421.00</td>
<td>Emergency Mgmt/Maint Contracts-Equip</td>
<td>$1,800.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: Budget $49,200 for FY2019, Duke Power Grant Funds rec’d. Part of the funds are being placed in the Capital Project account for new equipment needed at the American Red Cross Building for EOC operations. The remainder will go into the Emergency Management operational department to cover supplies, travel/training, telecommunications needs and data link equipment.

CLEVELAND COMMUNITY COLLEGE: BUDGET AMENDMENT (BNA #003)

ACTION: Commissioner Allen made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to approve the following budget amendment:
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<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
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</tr>
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<tbody>
<tr>
<td>010.410.4.991.00</td>
<td></td>
<td>General Revenues/Fund Bal Appropriated</td>
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<tr>
<td>010.604.5.700.00</td>
<td></td>
<td>Cleveland Comm College/Grants</td>
<td>$2,000.00</td>
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</tbody>
</table>

Explanation of Revisions: To budget $2,000 in requested match to Cleveland Community College Foundation for NC Dept Commerce Grant - Cleveland Community College Foundation requested the County contribute $2,000 of the requested $9,250 match.

**REMOVAL OF SERVICE WEAPON FOR RETIRED DEPUTY WILLIAM CHAPMAN**

Sheriff Alan Norman requested retiring Deputy William Scott Chapman be presented his departmental service weapon. Deputy Chapman retired on December 31, 2017, after 30 years of full time law enforcement service with the Cleveland County Sheriff’s Office. The service weapon requested to be removed from inventory is a Glock 9mm, Model 17, serial number BDKT-832 and County asset number 201170.

**ACTION:** Commissioner Allen made the motion, seconded by Commissioner Bridges, and unanimously adopted by the Board, to approve the request to remove the service weapon from County inventory and issue to retired Deputy William Scott Chapman.

**REGULAR AGENDA**

**ROAD PAVING ASSESSMENT POLICY**

Chairman Holbrook recognized Senior Planner Chris Martin to present the Road Paving Assessment Policy. Mr. Martin stated at the July 18, 2018 Commissioners Meeting, the Board had some questions and concerns regarding the Road Paving Assessment Policy that was presented that evening. Staff has since revised the policy to bring back before the Board for approval. North Carolina General Statute §153A-205 allows counties to finance the cost of improvements by assessment of property owners which are intended for unpaved roads to help them meet NCDOT standards. The County has had a policy in place for over 20 years which follows statute requiring 75% of abutting home homeowners to sign the petition. It has been over ten years since last project was approved and completed. Recently, there has been several requests from County citizens for help to improve their private road which has allowed staff to evaluate the policy and determine the best avenues of funding and managing the projects. Several new recommendations are:

- Require 85% of the land owners abutting the project to sign the petition.
- The cost of the project must not exceed the total assessed tax value of the properties abutting the street.
- Staff would only handle projects when there is available funding which would allow for improved management of the budget from year to year.
- In the event there is more than one petition at a given time, the Planning Board would evaluate and prioritize the petitions to determine which project should be first.

Chairman Holbrook opened the floor to the Board for questions and discussion. Commissioner Hutchins stated the 85% requirement from the homeowners was a good compromise. He continued by stating the cost of completing all the roads at one time would be millions of dollars; the new revisions would allow for better management and prioritization. Commissioner Whetstone also felt more comfortable with the new revisions. The road paving assessment policy will help the homeowners on the private roads be able to finance and complete the
necessary road pavings without deflating the County’s budget. Chairman Holbrook stated, the County Manager was asked for due diligence regarding the assessment policy with regards to not only this fiscal year’s budget, but budgetarily doing projects moving forward. The Board thanked Staff and the Finance Department for the work and presentations which allowed Commissioners to see options available to proceed forward in an organized and systematic manner.

**ASSESSMENT POLICY**

Cleveland County may finance the costs of improvements made under the supervision of NCDOT to streets in the unincorporated areas of the county, which are not a part of the state maintenance system. These streets which were approved and recorded with the Register of Deeds after September 10, 1975, shall be improved to meet the standards of the Secondary Roads Council and therefore be accepted for state maintenance. No project may commence under G.S.13A-205 prior to approval by NCDOT. In addition, $1.00 per linear foot is charged to the project to cover administrative cost. Funding for road improvement projects shall not exceed money available in the Road Paving Capital Reserve Fund. In the event where there are multiple petitioners, the Planning Board shall prioritize the petitions.

**Project Summary:**

The following must be complete:

- Property owners submit a completed petition to the Planning Office.
- NCDOT must approve the petition and proposed project.
- Right-of-way must be dedicated to the public. (For projects under 00151A-005b)
- Parking plans for design/build.
- Commissioners hold Public Hearing, adopt the Assessment Resolution and award the bid.

Planning Department is responsible for managing the project throughout the notification and hearing process, and also ensuring the improvements to the road meets the requirements to be maintained by the NCDOT.

NCDOT accepts the road into the State Road System.

- Commissioners hold a second Public Hearing to adopt the Final Assessment Roll.

**Petition Requirements**

Please read the following instructions before signing the petition.

- The petition must be signed by eighty-five (85%) percent of the landowners abutting the street.
- Property owners who own more than one property abutting the street must sign the petition for each of their properties within the project area.
- If the property is deeded in the name of one owner or spouse, then only that person’s signature is required for the petition.
- If the property is deeded in the name of multiple parties, then all owners’ signatures are required at they are recorded on the property deed.
- This petition is valid for 90 days from the date specified on the petition.
- If the petition is withdrawn by the property owners at any time during the process, the Board of Commissioners may assess each property owner for all cost incurred by the County, such as but not limited to: surveying fees, engineering fees, permits, legal fees, advertising, and administration cost.

- The cost of the project must not exceed the total assessed value of the properties abutting the street.

**Assessment Payment**

All assessments, including interest and collection costs, are due in full within five (5) years after confirmation of the assessment roll.

Each Assessment is a lien on the property assessed of the same nature and to the same extent as the lien for county or city property taxes, under the provisions set out in G.S. 13A-200. Any portion of an assessment that is not paid within 30 days after the day that notice of confirmation of the assessment roll is published shall, until paid, bear interest at a rate to be fixed in the assessment resolution. The first installment with interest is due 60 days after the date that the assessment roll is confirmed, and one installment with interest is due on that same day in each successive year until the assessment is paid in full. A county may foreclose assessment liens under any procedure provided by law for the foreclosure of property taxes, except that (i) lien due certificates are not required and (ii) lien foreclosed are may be begun at any time after 30 days after the due date.

Policy Adopted: 10-24-95
Rested: 7-06-93, 8-03-93, 2-20-96, 2-21-97, 6-20-2014 (HB 1134), 8-7-2018

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Whetstine and unanimously approved by the Board to, approve the revised road paving assessment policy.

**PUBLIC RECORDS POLICY AND RETENTION SCHEDULE**

Chairman Holbrook called Elliot Engstrom, Senior Staff Attorney, to the podium for presentation of the Public Records Policy and Retention Schedule. The public records policy has both internal and external uses. Internally it will provide clarity to County employees as to how to handle public records requests. When an employee receives a public records request, that request will be forwarded to public.information@clevelandcounty.com which sends the request to the records review team which includes Mr. Engstrom, Public Information Officer Janet Hart and the Clerk to the Board Phyllis Nowlen. Externally, the policy will help the public understand how and where requests
should be submitted. Citizens are asked to submit their request to the public information email. Other items included in the public records policy are:

- **Information on fees charged for public records.**
- **Clarity as to how the County will handle large requests for electronic records like emails and text messages.**
- **Authorization of the use of voluntary mediation to resolve disputes prior to there being a lawsuit.**
CLEVELAND COUNTY PUBLIC RECORDS POLICY

I. Scope, Purpose, and Severability

This public records policy is intended to ensure that all agencies of Cleveland County Government subject to the supervision of the Cleveland County Board of Commissioners ("BOC") comply with the North Carolina Public Records Act ("NCPRA"). To the extent that any portion of this policy conflicts with the NCPRA, that portion will be considered void, with the rest of the policy remaining in force. This is the County’s sole public records policy, intended for both external and internal use.

II. Procedure For Making a Public Records Request

The County requests that members of the public request records by contacting:

Public Information Officer
Cleveland County
P.O. Box 1210, Shelby, NC 28151
Public information@cleavelandcounty.com

Members of the public can use the attached public records request form to request records. If the actual form is not used, the County requests that members of the public include all of the information from the form, as this will help expedite the request.

III. Procedure Upon Receiving a Public Records Request

Upon receiving a public records request, a County employee should immediately forward the request to the Public Information Officer (PIO) at the email address listed above. County employees should always forward public records requests to the PIO. County employees should not attempt to fulfill records requests until they have been told to do so by the PIO or County Attorney. The County may arrange for alternative methods of fulfilling public records requests that involve documents that are routinely produced and need not be reviewed each time they are requested.

IV. Scope of the County’s Custodial Duties

The NCPRA provides that a “custodian” of records must provide access to “any record in the custodian’s custody.”[1] This “custodian” is defined by statute as “the public official in charge of an office having public records.”[2] This statute designates “a particular person as an officer as being the designated custodian for that officer’s public records.”

The County often receives public records requests addressed to agencies of which the Board of Commissioners is not “in charge.” Such agencies may include Cleveland Community College.

V. Time Frame for Responding to Requests

The NCPRA provides that public agencies must respond to requests for records “as promptly as possible.” Unlike the Federal Freedom of Information Act, the NCPRA does not provide for specific timelines for responding to requests. In the absence of other guidance, the County will use its best discretion in responding to records requests “as promptly as possible.” As a general rule, the County will respond to requests in the order they are received. However, a request might be fulfilled sooner than a complete request, even if the complete request was received first. The County further maintains its discretion in how it manages multiple requests by a single person or entity in order to not delay requests by others.

VI. Requests for Email, Text Messages, and Other Forms of Electronic Media

The NCPRA requires that the County allow records within its custody to be inspected and/or copied. When the County has the ability to allow a given record to be inspected, it will do so. However, the County does not have a method by which employee emails, text messages, and other electronic media can be inspected by a records requester, and the NCPRA does not require it to create one. Requests for electronic media made to the County will therefore be treated as requests for copies of said records, and extensive requests may be subject to special service fees.[7]

VII. Use of Voluntary Mediation

The General Statutes authorize the parties to a public records dispute to voluntarily mediate their disagreement.[8] The County Manager, County Attorney, Senior Staff Attorney, and Public Information Officer are each authorized to mediate disputes as agents of the County.

VIII. Fees

The fees that the County may charge for public records are those listed on the attached form.

IX. Adoption

This public records policy was approved by the Cleveland County Board of Commissioners at its August 7, 2018 meeting. [Draft note: as of this writing approval is still pending]

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Bridges and unanimously approved by the Board to, approve the Public Records Policy.
Mr. Engstrom continued with the Public Records Retention Schedule. The Records Retention and Disposition Schedule for County Management allows the County to dispose of records according to a state-approved schedule published by the North Carolina Department of Natural and Cultural Resources (DNCR). The schedule must be approved in order to be valid. The retention schedule has been approved in the past, but should be approved again to include all the current amendments. It also allows the County to dispose of certain records once their administrative value ends, and it allows the County to decide what that timeframe is. Staff has deemed the administrative value of most records that are not otherwise provided for by DNCR, ends after 30 days.

Chairman Holbrook opened the floor to the Board for questions and discussion. Commissioner Hutchins asked if text messages and emails are included in the retention schedule. Mr. Engstrom said they were included. Commissioner Bridges stated, for clarification, the retention schedule is already set and mandated by the State. Mr. Engstrom replied that was correct and adopting the retention schedule will allow the County to have a standard process and policy of record maintenance and disposal. Commissioner Whetstine inquired if approving this, will show the County is in compliance should a request for records be submitted and the County no longer has that particular record? Mr. Engstrom answered yes it would. The entire schedule and guidelines can be read on-line at www.ncdcr.gov.

ACTION: Commissioner Bridges made the motion, seconded by Commissioner Allen and unanimously approved by the Board to, approve the County Management Public Records Retention Schedule.

BOARD APPOINTMENTS

PARTNERS BOARD OF DIRECTORS

ACTION: Commissioner Allen made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to appoint Alex Bell to serve as a member of this board, for a period of three-years, scheduled to conclude June 30, 2021.

COMMISSIONER REPORTS

Commissioner Bridges – advised the Shelby Cleveland County airport will reopen Saturday morning. It has been closed due to construction. He attended the library’s end of the summer celebration which had a great turn out of students and parents.
Commissioner Whetstine – stated the litter bug poster contest winners are up on the billboards. The Planning Board is working on a cell tower ordinance that will be brought to the Commissioners when it is ready for approval.

Commissioner Hutchins – talked about several events held in the County such as the Commission for Women Annual Gala and spoke about some of the improvements planned for the Foothills Shooting Complex.

Commissioner Allen – attended an Opioid Task Force Summit last week. She also visited Washington Outreach Ministry in Waco. They have a program which feeds about 300 people twice a month.

Chairman Holbrook – spoke about the American Legion World Series games, events and special guests who will be in attendance.

**ADJOURN**

There being no further business to come before the Board at this time, Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to adjourn the meeting. The next meeting of the Commission is scheduled for Tuesday, September 4, 2018 at 6:00 p.m. in the Commissioners Chamber.

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Eddie Holbrook, Chairman
Cleveland County Board of Commissioners

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