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  
Johnny Hutchins, Commissioner  
Ronnie Whetstine, Commissioner  
Doug Bridges, Commissioner  
Brian Epley, County Manager  
Tim Moore, County Attorney  
Phyllis Nowlen, Clerk to the Board  
Elliot Engstrom, Senior Staff Attorney  
Kerri Melton, Assistant County Manager  
Allison Mauney, Human Resources Director  
Chris Green, Tax Administrator  
Perry Davis, Emergency Management Director/Fire Marshall  
Lorie Poston, E-911Communications Director  
Jason Falls, LeGrand Center Director  
Carol Wilson, Library Director  
Betsy Harnage, Register of Deeds

ABSENT:  Susan Allen, Vice-Chair

CALL TO ORDER
   Chairman Holbrook called the meeting to order and Tax Administrator Chris Green provided the invocation and led the audience in the Pledge of Allegiance.

AGENDA ADOPTION
   ACTION:  Commissioner Hutchins made the motion, seconded by Commissioner Bridges and unanimously approved by the Board to, approve the agenda.

CITIZEN RECOGNITION
   No citizen registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES
   The Clerk to the Board included the Minutes of the August 7, 2018 regular meetings, in Board Members packets.

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

TAX COLLECTOR’S MONTHLY REPORT
   The Tax Collector provided Commissioners with the following detailed written report regarding taxes collected during July 2018.
TAX ABATEMENTS AND SUPPLEMENTS

The Tax Assessor provided Commissioners with a detailed written report regarding tax abatements and supplements during July 2018. The monthly grand total of tax abatements was listed as ($24,922.58) and monthly grand total for tax supplements was listed as $30,070.29.

REGISTER OF DEEDS: BUDGET AMENDMENT (BNA #004)

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.419.4.810.00</td>
<td></td>
<td>Register of Deeds/Contributions-Donations</td>
<td>$1,800.00</td>
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</tr>
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<td>010.419.5.790.00</td>
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<td>Register of Deeds/Contributions-Donations</td>
<td>$1,800.00</td>
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</tbody>
</table>

**Explanation of Revisions:** Budget donation from Historic Shelby Foundation to be used for archival/restoration of ROD books.

PLANNING DEPARTMENT: BUDGET AMENDMENT (BNA #005)

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

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<tr>
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<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.410.4.310.00</td>
<td></td>
<td>Planning &amp; Zoning/Federal Govt Grants</td>
<td>$15,000.00</td>
<td></td>
</tr>
<tr>
<td>010.491.5.490.00</td>
<td></td>
<td>Planning &amp; Zoning/Professional Services</td>
<td>$15,000.00</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget grant award from NC Office of Archive and History. These are federal Historic Preservation Funds that are passed through the state to county. Funds are to be used for Historic Survey Update. Grant award is $15,000 with county match of $10,000 that was already in place in county budget.
HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #006)

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

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</tr>
</thead>
<tbody>
<tr>
<td>012.548.4.310.54</td>
<td></td>
<td>Carolina Access/State Grants</td>
<td>$25,000.00</td>
<td></td>
</tr>
<tr>
<td>012.546.5.490.54</td>
<td></td>
<td>Carolina Access/Salaries</td>
<td>$25,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Explanation of Revisions: To record $25,000 in Community Care of North Carolina grant to support Practice Transformation Network (PTN).

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #007)

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

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<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
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</thead>
<tbody>
<tr>
<td>012.546.4.350.58</td>
<td></td>
<td>Carolina Access/State Grants</td>
<td>$1,800.00</td>
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<tr>
<td>012.546.5.121.00</td>
<td></td>
<td>Carolina Access/Salaries</td>
<td>$1,800.00</td>
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</tr>
</tbody>
</table>

Explanation of Revisions: To record $1,800 Community Care of North Carolina grant from Duke University to be used for salaries/fringe for Sickle Cell.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #008)

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

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<th>Department/Account Name</th>
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<tbody>
<tr>
<td>012.540.4.310.40</td>
<td></td>
<td>WIC/Client Services</td>
<td>$956.00</td>
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<tr>
<td>012.540.5.910.40</td>
<td></td>
<td>WIC/Client Services</td>
<td>$956.00</td>
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Explanation of Revisions: Budget $956 from the North Carolina Department of Health & Human Services and Nutrition Services Branch to record a special time-limited fund to WIC for two new Laser Jet printers.

HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #009)

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

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</thead>
<tbody>
<tr>
<td>012.538.4.350.00</td>
<td></td>
<td>Maternity/State Grants</td>
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<tr>
<td>012.538.5.121.00</td>
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<td>Maternity/Salaries</td>
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<tr>
<td>012.539.4.350.00</td>
<td></td>
<td>Family Planning/State Grants</td>
<td>$13,500.00</td>
<td></td>
</tr>
<tr>
<td>012.539.5.121.00</td>
<td></td>
<td>Family Planning/Salaries</td>
<td>$13,500.00</td>
<td></td>
</tr>
<tr>
<td>012.537.4.350.00</td>
<td></td>
<td>Child Health/State Grants</td>
<td>$13,500.00</td>
<td></td>
</tr>
<tr>
<td>012.537.5.121.00</td>
<td></td>
<td>Child Health/Salaries</td>
<td>$13,500.00</td>
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<tr>
<td>012.538.4.350.00</td>
<td></td>
<td>Maternity/State Grants</td>
<td>$15,000.00</td>
<td></td>
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<tr>
<td>012.538.5.490.00</td>
<td></td>
<td>Maternity/Professional Services</td>
<td>$15,000.00</td>
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</tr>
</tbody>
</table>

Explanation of Revisions: Budget $112,000 to record grant monies received from NC Office of Rural Health, Central Management & Support to be distributed to Alliance for Health for travel and equipment. Also, to be used for Maternity, Family Planning and Child Health for prenatal care existing salaries.

REMOVAL OF SERVICE WEAPON FOR RETIRED LIEUTENANT LAROY SHANE LEDBETTER

Sheriff Alan Norman requested retiring Lieutenant Laroy Shane Ledbetter be presented his departmental service weapon. Lieutenant Ledbetter retired on September 1, 2018, after 26 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-830 and County asset number 201216.
**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to approve the request to remove the service weapon from County inventory and issue to retired Lieutenant Laroy Shane Ledbetter.

**REMOVAL OF SERVICE WEAPON FOR RETIRED LIEUTENANT WILLIAM FREDELL**

Sheriff Alan Norman requested retiring Lieutenant William Fredell be presented his departmental service weapon. Lieutenant Fredell will retire on October 1, 2018, after 23 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-771 and County asset number 201191.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to approve the request to remove the service weapon from County inventory and issue to Lieutenant William Fredell.

**REMOVAL OF SERVICE WEAPON FOR RETIRED LIEUTENANT TRACY O. CURRY**

Sheriff Alan Norman requested retiring Lieutenant Tracy O. Curry be presented his departmental service weapon. Lieutenant Curry will retire on October 1, 2018, after 12 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-905 and County asset number 201180.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to approve the request to remove the service weapon from County inventory and issue to Lieutenant Tracy O. Curry.

**HEALTH DEPARTMENT REVENUE POLICY UPDATE**

After conducting a review and on-site monitoring, the Health Department’s third-party independent consultant has recommended several changes to be made to the Health Department’s Financial Policy. These changes included several Medicaid and Medicare compliance updates made at the federal level which contain Medicaid changes to County Special Family Planning prescription drugs along with overall Medicaid changes to reimbursement rates. The Cleveland County Health Board has reviewed and approved these policy changes. A revised Financial Policy aligns the Health Department with current standards and guidelines for both Medicare and Medicaid compliance.
1.0 Policy:

Fees for Health Department services are authorized under GC General Status 303A.39 provided: (1) they are in accordance with a plan (Medicaid rate plus 25% unless cost is more than Medicaid rate, then cost plus 25%) recommended by the Health Director and approved by the Boards of Health and County Commissioners, and (2) unless they are otherwise prohibited by law.

Public health services are increasingly expensive to provide. The Health Department serves the public interest by ensuring that all legally mandated public health services are made available and by providing as many recommended and requested public health services as possible for those citizens with greatest need. In the past, the concept of public health services has been that they are free to all. However, economic conditions have made it necessary for public health agencies to try to recover some of the costs of services whether it is from the patient or another third-party payer. Fees have become necessary to support the provision of services and maximize Health Department revenue. The total population benefit from the availability of subsidized public health services; therefore, fees are considered appropriate.

Fees charged to an individual for Health Department program services will be charged at an established rate that has been approved by the Health Director, Board of Health and the Board of County Commissioners. Individuals may qualify for a sliding fee schedule based upon income. Services will not be denied based solely on the inability to pay. All staff members involved in collection of fees for service shall conscientiously follow the established guidelines for fee collections through the statements addressed in this document and shall hold all client information confidential.

The Cleveland County Health Department provides services without regard to religion, race, national origins, creed, gender, parity, marital status, age or other preference.

2.0 Programs Affected:

All clinical services should follow these guidelines.

3.0 Definitions:

None

Financial Eligibility Fee Collection Policy

A pregnant woman is counted as two in determining a family size union if it is conflict with the client's culture, religious, moral beliefs. Pregnant women expecting twice can be counted as three.

A foster child assigned by the Department of Social Services is a family of one with income to be computed as part of the foster parent for the child.

Definition of a New Patient

A new patient is a patient who has not received any professional services from a physician or qualified health care professional in the Health Department within the past 3 years for a condition that visit that includes a test, or evaluation and management service code defined as a preventive service using 99315-99375 or 99315,99375, or an evaluation and management service using 99201-99205 and 99213-99215. If the patient's only visit to the Health Department is WIC or immunizations without one of the above codes, it does not affect the designation of the item as a new client - the client can still be WNY.

Identification Requirements - All state HIPAA Privacy Procedural for Verification of Identification, Merging Records and Name Change:

Each patient should establish identity by providing a form of identification such as a birth certificate, social security card, driver's license, military identification, passport, visa, green card, etc.

Residency Requirements

Residency requirements may vary according to the type of service provided and the program criteria. In determining residency, the interviewer should consider where the patient, or parent of a minor patient, resides at the time of services and whether they intend to make their permanent home.

Program Residency Criteria:

General Clinic, Immunization, Sexually Transmitted Diseases, Tuberculosis, Pharmacy, Family Planning, Communicable Disease, Breast and Cervical Cancer Control Program (BCCCP), HIV/AIDS: No residency requirement.

Eye Clinic, Diabetic Clinic, Gynecology/Obstetrics Screening, Care Coordination for Children, Pregnancy Counseling, Postpartum & Newborn Home Visits:

must be Cleveland County resident.

Maternal Health Clinic, Dental Clinic, Child Health Clinic, Women, Infants and Children's Program: must be resident of North Carolina.

Documentation of Income

Patients will be asked to provide documentation of income. WIC and BCCCP patients will be required, per program guideline, to provide documentation of income prior to receiving services. WIC Clinics and WIC Counseling will assess patients and determine eligibility. If WIC patient does not meet income requirements, patient will need to provide documentation of income to establish eligibility for services. No

4.0 Procedure:

PROGRAM GUIDELINES

Specific program guidelines should always be used to determine residency, income requirements, counseling, the scale of services, patient charges and other program eligibility requirements. Health department staff should always be aware regarding changes in program guidelines.

FINANCIAL ELIGIBILITY

The financial eligibility determination process is designed to assess the patient's ability to pay for services rendered by the Cleveland County Health Department. By having a written policy, screening procedures are consistent and standardized for all interviewers. Eligibility for services is determined by residency, family size and income verification. Financial eligibility must be determined prior to or at the time the patient receives new services and should be updated routinely or when there is a change.

Definition of Family

There are two different methods to determine a family unit: Pursuant of Care and Economic Unit.

The Pursuit of Care method must be used in the Breast and Cervical Cancer Control Program. Pursuant of Care defines the family unit in one or more of the following criteria:

- Related to the patient by blood, marriage or adoption
- Live in the same household with the patient
- Share a common source of income

The Cleveland County Health Department uses the Economic Unit to define a family. A family is defined as a group of related or unrelated individuals who live together as one economic unit. Individuals are considered members of a single family or economic unit when their production of income and consumption of goods are related. Also, groups of individuals living in the same house with other individuals may be considered as separate Economic Units (Example: Some patients live in a setting with a number of family members, sometimes distantly related that make up the household. If they share a commonly expense such as food, rent, utilities, etc. they constitute one Economic Unit. If the patient indicates that they share the expenses, and if confidentiality is not a factor, then the members of the Economic Unit would be considered as family members.) Financially dependent relatives under the age of 19 who do not live in the patient's household may also be counted as family members. Persons living in the household for 18 years and older that are self-supporting should be considered as a family of one.

Test and others seeking "confidential services", regardless of age and depending on the criteria for the confidential visit (i.e., parents are not aware of visit, domestic violence, etc.) should be considered as a family unit or income determination on the basis of the patient's resources alone.

3.0 OTHER PATIENTS

Other patients will be referred to services when presenting for care based on lack of documentation; however, if documentation is not provided, the patient should be informed (Disclosure of Income-Attachment) to the time of service delivery when they are responsible for the full amount of the fees for services rendered. The patient will be allowed to provide documentation within five business days in order to head the previous 100% charge to a sliding fee. If no documentation is provided, then the charge rates are 100% for that visit. Family Planning patients who choose not to provide documentation of income must sign a release stating that they are choosing not to participate and agree that they will be charged the full fee for services if information is not provided within five business days. Once income is documented, it may be used for multiple programs.

Acceptable forms of income documentation are:

- Paycheck stub
- W2 form, copy of complete tax return and attachments from the most recent calendar year
- A written statement from the patient's employer when no other documentation is available.

Bank Statement

When documentation of income has been verified the interviewer should enter the information on the Household FAX in the Pregancy Electronic Health Record (EHR). Pregnancy income history can be viewed on the Sliding Fee FAX in the Declaration of Income Area.

Patients that may have applied for Medicaid should also be included in the event that Medicaid is not approved. They should be informed at the time of the visit what changes they will be responsible for if Medicaid is not approved. If the Medicaid application is approved and is consistent to the date of service, charges will be changed from unpaid to Medicaid and will be billed.

Documentation of income will not be required for mandated services such as Sexually Transmitted Disease, Tuberculosis, Communicable Disease and state supplied immunizations once it is a change to the patient for those services, or for School Based Health center services since they are covered under a contract with the school system.

The Employment Security Commission documents may be used to verify income of applicants.

Determination of Gross Income

Gross income is the total of all cash income before deductions for income taxes, employer's social security taxes, insurance premiums, bonds, etc. For self-employed employers (both form I and O filing) this means net income after business expenses. In general, gross income includes:

- All wages and wages including overtime pay, commissions, fees and tips
- Earnings from self-employment
- Public Assistance money
- Unemployment compensation
Laboratory Fees

When laboratory specimens are sent out to a reference lab for analysis, the reference lab should be given information for the purpose of billing the third-party Medicare and Commercial insurance will be billed at our negotiated rates with reference lab, and the billing fee will be used where required.

Vacations provided by the time to local health experiments for administration shall be administrated at no cost to the patient (NC General Statutes 150A-206). However, fees for other provisions requested, but not required, such as vacation for foreign work or royals will be charged to the patient along with an administration fee to cover costs of supplies used and staff time. If a patient has any form of third-party reimbursement, the paper must be billed, unless confidentiality is a barrier. Medicaid will be billed as the insurance carrier.

Vacations that are required for employment of Cleveland County employees will be charged to County departments based on cost of their vacation. No administration fee will be assessed to the departments.

Medicaid Period Two - Age and Policy Procedures to Receive/Obtain Patient Information

In accordance with the NC General Statutes 94-411, a charge to cover cost incurred for searching, handwriting, copying, and rendering records to the patient or the patient's designate representative may be administered. The maximum fee for such request shall be seventy-five cents per page for the first 25 pages, and fifty cents per page for pages 26 through 100, and twenty-five cents per page in excess of 100 pages, provided that the health care provider may impose a reasonable fee of up to 40 cents a page. A fee shall not be imposed for request of copies of medical records made on behalf of an applicant of Medicaid or Supplemental Security Income Disability. The policy of the Cleveland County Health Department is not to impose a record fee for copies of computerized data. The medical record fee may be adjusted according to a change in legislation.

Returned Check Fee

As allowed by North Carolina General Statutes 25-5-500, if a check is returned for insufficient funds (NSF) at $30.00 service charge will be assessed. Notification of the returned check will be made by personal telephone call or certified mail. The patient's original account will be converted to full collection status for the remaining check and NSF. Payment should be made by cash or money order. Once the NSF has been paid, the original check will be returned to the patient. If payment is not received in 30 days, the patient will be required to sign a Financial Eligibility Declaration of Income Form (Attachment 4) and also that the financial information supplied to the interview is true and accurate. This statement will also include an authorization giving the Cleveland County Health Department the right to verify this information and any payment of benefits to Cleveland County Health Department. A Financial Eligibility Declaration of Income Form should be completed at each income screening. The Financial Eligibility form should be completed at the time of the patient anddated by the patient and initialed by the Financial Eligibility Declaration of Income Form will become part of the patient's record.

Note: If any additional charge is incurred, it will be documented in the Patient Health record.
It's a Family Planning patient consent to bill insurance, the doctor should explain that as a follow-up, the patient will be sent to the address listed in the insurance company, and the hospital's policy will be to follow-up. Informed Consent from, Family Planning patients will not be charged more in expenses, deductions, or other fees than they would pay according to the sliding scale.

Medicaid

Medicaid recipients who resign or seek care are exempt from insurance eligibility guidelines. However, all Medicaid patients will be referred to the eligibility specialist for
evaluation and documentation. Medicaid patients that are not carded or determined to have Primary Eligibility for Medicaid, will have Medicaid coverage for approximately two months (depending upon when they are screened during the month). Patients should be informed that if they do not officially apply for Medicaid at the Department of Social Services, they will be responsible for any changes after Primary Eligibility ends. However, patients are not required to apply for Medicaid.

For those patients who have both private insurance and Medicaid, the private insurance is considered to be primary. After receipt of the explanation of benefits and payment from the insurance carrier, the balance may be billed to Medicaid payment.

Medicaid eligible patients will not be responsible for charges not covered by Medicaid payments.

Claims

Some claims are designed to pay for specific fees such as medical and dental fees. When patients need for the grant, the amount may be transferred from the grant receiver to cover the fees charged to the patient.

COLLECTIONS

The policy of the Cleveland County Health Department is to comply with North Carolina Governor's Executive Order and North Carolina Court Order 124, which requires that if a claim is not paid, the client must be billed and expected to pay for the services billed. If the patient refuses to pay, the account will be transferred to the client for payment.

The policy of the Cleveland County Health Department is to comply with North Carolina Governor's Executive Order and North Carolina Court Order 124, which requires that if a claim is not paid, the client must be billed and expected to pay for the services billed. If the patient refuses to pay, the account will be transferred to the client for payment.

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If the patient refuses to pay, the account will be transferred to the client for payment.
ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to approve the Health Department Revenue Policy Update.

AMENDMENT TO T5 AT KINGS MOUNTAIN VII INCENTIVE AGREEMENT

The T5 at Kings Mountain VII Incentive Agreement was approved by the Board of Commissioners in July, 2015. Since that time, the property where this building is located has been subdivided. The current address for the building is now 121 Riverside Court. T5 is asking this administrative change be made to clarify the correct address.

ACTION: Commissioner Hutchins made the motion, seconded by Commissioner Whetstine, and unanimously adopted by the Board, to approve the amendment to T5 at Kings Mountain VII Incentive Agreement.
REGULAR AGENDA

SALE OF COUNTY OWNED PROPERTY POLICY AND GUIDELINES

Chairman Holbrook recognized Elliot Engstrom, Senior Staff Attorney to present the sale of County owned property policy and guidelines. Mr. Engstrom explained, most of the properties the County has acquired have been through foreclosures where the taxes have not been paid on those properties. The County Attorney’s office and Tax Administrator have developed a new policy for the sale of county-owned properties. The new policy will provide greater flexibility to the County in disposing of county-owned property than its predecessor. The previous policy limited the County to selling foreclosed properties by sealed bid. The new policy allows the County to use any statutorily-authorized process to dispose of County property. This includes sale by sealed bid, public auction, negotiated offer, and exchange of property.

Two Items

- New proposed policy for sale of County-owned properties
- Proposed resolution authorizing an auction sale of certain County properties on October 10th
First Item – New Policy for Sale of County-Owned Properties

State statute on sale of County-owned properties (G.S. 160A-266)
- Offers many options including...
  - Sale by sealed bid
  - Negotiated offer and upset bid
  - Public auction
  - More options listed in General Statutes

Current County Policy – Two Issues
- Issue #1: Current policy says that County will only use sealed bid process to sell properties obtained through tax foreclosure.
- Solution #1: Provide that the County may use any statutorily-authorized process to sell County properties.

- Issue #2: Says that to be accepted, a bid must total more than the County’s investment in the property.
- Solution #2: Place no minimum on what bid amount the County may accept.
  - Remember, County can still reject the high bid at the end of a bidding process.

Recommended New Policy
- Clarifies that County may use any statutorily-authorized process to sell property.
- Places no limit on bids County must accept/reject (under statute, County is still always free to reject the high bid).
- Provides a simplified sealed bid process for when the County decides to sell property by sealed bid.

Questions about new policy?

Action Requested
- Adopt the new Cleveland County Policy and Guidelines for Sale of County-Owned Property

Chairman Holbrook opened the floor to the Board for questions and discussion. Commissioner Hutchins stated this was a good policy and felt it was time to revise the current policy in place. Commissioner Whetstine
inquired about the advertisement requirements. Mr. Engstrom explained the statutes regarding advertisement;
stating the County must advertise any time there is to be a sale of County owned property.

**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Whetstone and unanimously approved by the Board to, approve the sale of County owned property policy.

CLEVELAND COUNTY POLICY AND GUIDELINES FOR SALE OF COUNTY OWNED PROPERTY.

**Purpose:** The purpose of this policy is to establish a system that will promote a fair and effective means for anyone to buy real or personal property owned by Cleveland County. This policy supersedes any past policy for the sale of county-owned properties.

**Authority:** Cleveland County hereby adopts this policy under the authority granted by N.C.G.S. § 125A-176.

**Severability:** Any provision of this policy found to conflict with state law will be considered void, with the rest of the policy remaining in force.

Cleveland County reserves the right to use any statute/authoritatively-authorized process to dispose of County property. The following sealed bid policy applies only when the County chooses to dispose of property using the sealed bid process pursuant to N.C.G.S. §10A-6-260.1 and N.C.G.S. §10A-6-248.

**Sealed Bid Policy (N.C.G.S. §10A-6-248)**

I. Overview of Bid Process

1. Cleveland County (the “County”) may choose to advertise for sealed bids on real property which the County has obtained through a property tax foreclosure proceeding and which are identified by a parcel identification number.

2. Bids may be submitted at any time after the Board of Commissioners receives its advertisement for sealed bids. However, the advertisement shall begin not less than 10 days before the date fixed for opening bids.

3. All bids must be submitted to the County probate, and the bidder will be required to pay to the County a bid deposit in the amount of five percent (5%) of the proposed bid.

4. All bids will be date and time stamped upon receipt by the County probate.

5. The property shall be advertised in a newspaper of general circulation as a “Public Notice for Sale of County Property.” Such notices shall state that sealed bids are being accepted and at the end of thirty (30) days either (1) the highest responsible, responsible bidder will be awarded the property or (2) the County will not reject all bids. If more than one high bid in the same amount is received, the County will either accept the first bid received or reject all bids. All funds for closing must be paid in cash or certified funds.

6. The successful high bidder will be responsible for all advertisement fees. Should the successful bidder fail to complete said transactions, the cost of advertising shall be deducted from the bidder’s deposit amount prior to the issuance of a refund of the bid deposit.

7. The County reserves the right to withdraw property from sale at any time prior to the approval of a bid by the Board of Commissioners.

8. The County reserves the right to reject all bids at any time.

9. The County shall open all bids on the first business day following the thirty (30th) day of the sealed bid period.

10. The highest bid shall go before the Board of Commissioners for acceptance of the offer and authorization of sale within thirty (30) days of identifying the high bid.

11. Upon approval of sale by the Board of Commissioners, the bidder shall pay his or her bid to the County in its entirety, including the cost of advertisement, recording fees, and excise tax (if any). All deposits must be in the form of certified funds or cash and must accompany the offer.

12. After the bidder has made payment to the County for the entire amount of his or her bid, advertisement cost, recording fees, and excise tax (if any), the County shall have recorded and delivered to the bidder a Quicksand Deed.

II. Responsibilities of Parties

1. It is the bidder’s responsibility to take a title search completed prior to placing his or her bid.

2. After obtaining the parcel identification number, the bidder shall submit his or her bid to the County probate. The bidder must meet the property by the parcel identification number.

3. The bidder shall submit at the time of offer funds for deposit. Such funds shall consist of a bid deposit in the amount of five percent (5%) of the bid. All deposits must be in the form of certified funds.

4. All bids must be submitted within thirty (30) days from the date of publication of the initial bid.

5. A bid will only be considered when submitted as provided in paragraphs one (1) through six (6) of this section.

6. Following the advertisement and opening of bids, the highest bid from a responsible bidder shall go before the Board of Commissioners for acceptance and authorization of sale. If the Board accepts the bid and approves the sale, the bidder shall be required to pay the entire bid price, recording fees, escrow amounts (if any), and advertisement cost.
RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY BY PUBLIC AUCTION

Mr. Engstrom continued with the resolution authorizing the sale of county owned property by public auction.

The resolution will allow the County to dispose of properties that the County currently owns but from which it derives no value. Public auction is a statutorily-authorized method of disposing of such properties. By disposing of the properties together in a single public auction, the County will limit its advertising fees. Staff proposes the auction be held in the Commissioners’ Chambers on October 10, 2018. This will allow County staff sufficient time to advertise the public auction as required by statute.

Item # 2: Resolution Authorizing Sale by Public Auction (G.S. 160A-270)

Why sell by auction?
- Certain properties have little to no value except to a small number of people.
- Sealed bid process for such properties is cumbersome and expensive.
- Auction best utilizes County resources to dispose of several properties at once.

Timeline
- County publishes notice of auction sometime before September 10.
- Auction conducted at 10 a.m. on Wednesday, October 10 in the Commissioners’ Chambers.
- High bid for each parcel will be reported to this Board at its October 16 meeting.
- Board will then vote on whether to accept/reject the high bid for each parcel.

Action Requested
- Pass the resolution authorizing sale of the listed properties by public auction on October 10.

Chairman Holbrook opened the floor to the Board for questions and discussion. Commissioner Bridges inquired if upset bids will be used during the auction. Mr. Engstrom clarified participants will be able to outbid each other however when the auction has concluded there will be no upset bidding.

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins and unanimously approved by the Board to, approve the resolution authoring the sale of County owned property by public auction.
Resolution
Number 11-2018

Resolution Authorizing Auction Sale Pursuant to N.C.G.S. § 160A-270

WHEREAS, Cleveland County owns 30 parcels of land indicated on Attachment A that are surplus to its needs; and

WHEREAS, N.C.G.S. § 160A-270 permits the County to sell real property at public auction upon approval of the Board of Commissioners and after publication of a notice announcing the auction; and

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

1. The Board of Commissioners authorizes the sale at public auction of the 30 parcels of land indicated on Attachment A.

2. The auction will be conducted at 10:00 A.M., Wednesday, October 10, 2018, in the Commissioners’ Chambers at the Cleveland County Administrative Building, located at 311 E. Marion Street, Shelby, NC 28150.

3. The terms of the sale are that the buyer must present at the auction a bid deposit of five percent (5%) of the amount of the bid, either in cash or with a certified check. This deposit will be held by the County until either the Board of Commissioners rejects the high bid for the property or, if the Board of Commissioners accepts the high bid, the closing of the sale. The deposit will be forfeited to the County if the high bidder refuses to close the sale after the bid has been approved by the Board of Commissioners.

4. After the auction, the high bid for each parcel shall be reported to the Board of Commissioners. The council will accept or reject the bid within 30 days after the bid is reported to it. No sale may be completed until the Board of Commissioners has approved the high bid.

ATTACHMENT A
Parcels Available for Public Auction

<table>
<thead>
<tr>
<th>PARCEL#</th>
<th>LOCATION</th>
</tr>
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<tbody>
<tr>
<td>18744</td>
<td>501 Oldham Dr., Shelby</td>
</tr>
<tr>
<td>22652</td>
<td>281 Light Oak Circle</td>
</tr>
<tr>
<td>22600</td>
<td>101 St. Hubert Dr</td>
</tr>
<tr>
<td>26555</td>
<td>Carver St., Shelby</td>
</tr>
<tr>
<td>26550</td>
<td>Lincoln Drive, Shelby</td>
</tr>
<tr>
<td>8895</td>
<td>Off Wilson St., Kings Mountain</td>
</tr>
<tr>
<td>7954</td>
<td>CAMPGROVE ST, Kings Mountain</td>
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<tr>
<td>11857</td>
<td>1206 S. Battleground, Kings Mountain</td>
</tr>
<tr>
<td>20924</td>
<td>4499 Hunter Valley Rd, Shelby</td>
</tr>
<tr>
<td>13347</td>
<td>105 Myers St, Kings Mountain</td>
</tr>
<tr>
<td>8460</td>
<td>107 Myers St., Kings Mountain</td>
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<tr>
<td>4493</td>
<td>108 Myers St., Kings Mountain</td>
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<tr>
<td>44095</td>
<td>109 Myers St, Kings Mountain</td>
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<tr>
<td>71305</td>
<td>509 Oldham Dr., Shelby</td>
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<tr>
<td>27305</td>
<td>Carver St., Shelby</td>
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<tr>
<td>27298</td>
<td>Carver St., Shelby</td>
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<tr>
<td>27609</td>
<td>E 11 Lily St., Shelby</td>
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<tr>
<td>19956</td>
<td>1021 Toms St, Shelby</td>
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<tr>
<td>20706</td>
<td>1113 Wilson St, Shelby</td>
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<tr>
<td>71069</td>
<td>Pinecone Ln</td>
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</table>

\(^1\) Property can be viewed by Parcel ID number at [https://www.webgis.nc.gov/NC/Cleveland](https://www.webgis.nc.gov/NC/Cleveland) or at the Cleveland County Mapping Department, located at 311 E. Marion Street, Shelby, NC 28150.

CLEVELAND COUNTY LIBRARY

Chairman Holbrook called Carol Wilson, Library Director to the podium to present the library’s annual report and a resolution naming the Cleveland County Library System. She stated the library is currently being remodeled thanks to grants and endowments received. In 2017 a new, smaller eight seat meeting room was refashioned from an old computer storage room at the library.
The Cleveland County Memorial Library, Spangler Branch Library and the Outreach Program reach over 43,000 citizens of Cleveland County.

The Library System provided 286,157 items for check out from our in-house collections and 94,772 checkouts from our digital resources.

140,137 people visited our libraries in the last year. 10,295 came to the libraries for Main Library sponsored meetings were held in our three meeting rooms at the main library and 3,689 people attended those meetings.

New Service to Students

- Mango Languages – Learn to speak – even Pirate!
- BookFLIX
- World Book Web
- World Book Encyclopedia
- Tutor.Com
- NC LIVE
- Pinnacle Academy will also become available.
- Outreach Program reach over 43,000 citizens of Cleveland County.
- NC LIVE
- Pinnacle Academy
- Outreach Program

What still needs to be done…

- The Plaster Meeting Room needs a complete makeover, but new appliances have already been placed in the adjoining kitchen.
- Handicapped access needs to be added to the doors to the children's room.
- Handicapped access needs to be improved at the main entrance.
- To date the refurbishment of the Main Library has cost the county only $7,000 plus the time of the Maintenance Department. The rest of the money is from gifts.
- The Cleveland County Schools to provide all of the digital content available at the Cleveland County Library System and Mauney Memorial Library to all students and staff.
- The Cleveland County Library System and Mauney Memorial Library to all students and staff.
- Students can use their Student IDs or Lunch numbers to gain access.

Resources available:
- NC LIVE – 47 databases on all subjects
- NC LIVE – Thousands of children's books
- World Book Encyclopedia
- Tutor.Com
- NC LIVE – Interactive books with Print to PDF feature
- HandsOn – Interactive books with Print to PDF feature
- Mango Languages – Learn to speak – even Pirate!
- PhotoShop – ACT, CDR, ASCII, etc.

Improvements already made…

- 2016 New Carpet
- New Chairs
- New Meeting Room
- Seats 8
- New Children's Furniture
- New Service to Students

BLANTON ENDOWMENT

- The yearly income from this endowment provided the equipment to separate our public and staff computers into two networks.
- This will make the County's infrastructure more secure and will allow needed software to be available to the public.

“Thank You”

County Commissioners
Administration
for your continuing support!

Fiscal Year 2017-2018

- Main Library is now the first stop on the West End free transportation route that helps those in need get to and from important sites around the county such as the Human Services Campus.
- Workforce Development classes were held twice a week from June 2017 to April 2018. Taught by instructor from Community College.
- New Service to Students

Working in the Community
Chairman Holbrook opened the floor to the Board for questions and discussion. Commissioner Hutchins inquired if there was a precaution in place to prevent any misuse of the library computers and Wi-Fi. Ms. Wilson advised there are multiple measures and firewalls in place.

The County added the Library as a County department in 2005. Prior to that, the library was a nonprofit corporation named the Cleveland County Memorial Library. The library has frequently been referred to by other names (Cleveland County Library System, Cleveland Memorial Library System, etc.), but the County has never formally recognized a name change. Currently the Libraries are operated as County Departments- the Cleveland Memorial Library in Shelby and the Spangler Branch in Lawndale. The Library Board has recommended designating the name as the **Cleveland County Library System**. Recognizing Cleveland County’s library department as a library system will provide clarity to County employees, members of the public, and potential supporters as to the organization of Cleveland County’s library. Specifically, naming the overall system the Cleveland County Library System will clarify that the County’s library has multiple branches, those being the Cleveland County Memorial Library and the Cleveland County Library – Spangler Branch.

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**Resolution**

Resolution Naming the Cleveland County Library System

WHEREAS, the General Assembly has found that the availability of library services is a proper concern of local governments; and

WHEREAS, Cleveland County operates a public library system to collect and preserve knowledge; and

WHEREAS, prior to the County’s taking over of the library, the library was a nonprofit corporation named the Cleveland County Memorial Library (EIN # 0029978), and

WHEREAS, Cleveland County’s library system now occupies more than one physical location or branch; and

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

1. The department of Cleveland County that operates the county’s library system shall henceforth be known as the “Cleveland County Library System”;
2. The branch of the Cleveland County Library System located at 104 Hoyme Drive, Shelby, NC 28150 shall be known as “Cleveland County Memorial Library”;
3. The branch of the Cleveland County Library System located at 112 Piedmont Drive, Lawndale, NC shall be known as “Cleveland County Library System – Spangler Branch.”

Adopted this 4th day of September 2018.

ATTEST:  
Phyllis Maiden, Clerk  
Cleveland County Board of Commissioners
**ACTION:** Commissioner Bridges made the motion, seconded by Commissioner Hutchins and unanimously approved by the Board to, approve the Resolution Naming the Cleveland County Library System.

**COMMISSIONER REPORTS**

Commissioner Bridges – talked about solutions to help with the littering in the County.

Commissioner Whetstine – attended an ASR Grains summit and reviewed some of the farming information that was given during the seminar.

Commissioner Hutchins – spoke about the North Carolina Association of County Commissioners (NCACC) conference that was held last week in Hickory.

Chairman Holbrook – has attended several economic development meetings over the last several weeks and advised there may be several big projects coming to Cleveland County.

**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 18, 2018 at 6:00 p.m. in the Commissioners Chamber.**

________________________________________
Eddie Holbrook, Chairman
Cleveland County Board of Commissioners

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