Cleveland County Board of Commissioners  

February 1, 2022  

The Cleveland County Board of Commissioners meet 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  
Brian Epley, County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Martha Thompson, Deputy County Attorney  
Chris Martin, Planning Director  
Katie Swanson, Social Services Director  
Sherry Lavender, Tax Assessor  
Tiffany Hansen, Health Department Director  
Jason Falls, Business Development Director  
Lucas Jackson, Finance Director  
Scott Bowman, Maintenance Director  
Allison Mauney, Human Resources Director

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

Jason Falls, Business Development Director, provided the invocation and led the audience in the Pledge of Allegiance.

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

CITIZEN RECOGNITION  

Nannette Leonhardt, 2502 Parnell Drive, Shelby – spoke about her concerns regarding Cleveland County Schools and the funding they receive from Cleveland County Government.

CONSENT AGENDA  

APPROVAL OF MINUTES  
The Clerk to the Board included the Minutes from the November 2 and November 16, 2021 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 ADMINISTRATION: ORDER TO ADVERTISE TAX LIENS

Per North Carolina General Statute 105-369, uncollected taxes for the current year that are a lien on real property, must be advertised in a newspaper having general circulation in the taxing unit. Upon receipt of the Tax Collector’s report in February, the governing body must order the Tax Collector to advertise the tax liens.

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and approved unanimously by the Board to, *authorize the tax collector to, during the time frame between March 15, 2022 and March 28, 2022, advertise tax liens on real property that remain unpaid as of March 8, 2022. Advertisement shall be made in the manner provided by North Carolina General Statute 105-369.*

![Table of Assessments](image)

<table>
<thead>
<tr>
<th>Number of Parcels</th>
<th>7,853</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessed Value</td>
<td>$516,252,432</td>
</tr>
<tr>
<td>Base Tax</td>
<td>$4,198,510.55</td>
</tr>
<tr>
<td>Assessments</td>
<td>$217,150.76</td>
</tr>
<tr>
<td>Penalties</td>
<td>$86,076.43</td>
</tr>
<tr>
<td>Interest</td>
<td>$4,850.23</td>
</tr>
<tr>
<td>Flat Fees</td>
<td>$806.05</td>
</tr>
<tr>
<td>Total Taxes</td>
<td>$4,415,861.31</td>
</tr>
<tr>
<td>Total Additional Charges</td>
<td>$91,532.71</td>
</tr>
<tr>
<td>Total Due</td>
<td>$4,507,194.02</td>
</tr>
</tbody>
</table>

**TACC: BUDGET AMENDMENT (BNA #032)**

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.497.4.350.00</td>
<td>Transportation Admin/State Government Grants</td>
<td>$44,088.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010.497.5.700.00</td>
<td>Transportation Admin/Grants</td>
<td>$44,088.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Explanation of Revisions: Budget allocation for $44,088 in additional funds received from the State for the Transportation Administration of Cleveland County (TACC) for FY22 Rural Operating Assistance Program (ROAP).*

**SOIL AND WATER CONSERVATION: BUDGET AMENDMENT (BNA #033)**

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

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Project Code</th>
<th>Department/Account Name</th>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>010.498.4.510.99</td>
<td>Soil Conservation/Farm Equipment Rental</td>
<td>$650.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010.450.5.530.99</td>
<td>Soil Conservation/Farm Equipment Rental</td>
<td>$650.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Explanation of Revisions: Budget allocation for $650 in funds for the repair of farm equipment (tiller).*

**LEGRAND CENTER: BUDGET AMENDMENT (BNA #034)**

**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
010.410.4.351.00 |  | General Revenues/Payment in Lieu of Taxes           | $60,000.00   |   
010.981.5.890.00 |  | Fund Transfers/Interfund Transfers                 | $60,000.00   |   
040.210.4.980.10 |  | Capital Projs-General/Contributions from Primary Fund | $60,000.00   |   
040.210.5.990.00 |  | Capital Projs-General/C-O Other Improve            | $60,000.00   |   

Explanation of Revisions: Budget allocation for $60,000 in lieu of taxes fund for equipment replacement.

**FINANCE DEPARTMENT: BUDGET AMENDMENT (BNA #035)**

**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
491.248.4.400.00 |  | Cap Proj-Shell Bldg 4/Loan Proceeds               | $8,500,000.00 |   
491.248.5.490.00 |  | Cap Proj-Shell Bldg 4/Professional Serv          | $100,000.00  |   
497.248.5.992.00 |  | Cap Proj-Shell Bldg 4/Joint Venture Construct    | $8,400,000.00 |   

Explanation of Revisions: Budget allocation for $8,500,000 in loan proceeds for funding of Shell Building #4 joint project with the City of Shelby.

**PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, MARCH 15, 2022 FOR CASE 22-02: TEXT AMENDMENT TO SECTION 12-157, MANUFACTURED HOME PARKS, OF THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE**

The Planning Department is requesting a text amendment to the Manufactured Home Park ordinance, specifically Section 12-157 of the Cleveland County Unified Development Ordinance (UDO). At the Board of Commissioners September work session, the Board directed staff to continue evaluating the county’s development ordinances for any needed updates, specifically the Manufactured Home Park ordinance. It has been several years since the last mobile home park ordinance update. Regular review ensures ordinances are up to date, promote compatibility of uses, and are consistent with the Land Use Plan.

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

**PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, MARCH 15, 2022 FOR CASE 22-03: TEXT AMENDMENT TO SECTION 12-161, RECREATIONAL VEHICLE PARKS OF THE CLEVELAND COUNTY UNIFIED DEVELOPMENT ORDINANCE**

The Planning Department is requesting a text amendment to the Recreational Vehicle Park ordinance, specifically Section 12-161. At the Board of Commissioners September work session, the Board directed staff to continue evaluating our development ordinances for any needed updates, specifically the Recreational Vehicle Park ordinance. Regular review ensures ordinances are up to date, promotes compatibility of uses, and are consistent with the Land Use Plan.

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

**PLANNING DEPARTMENT: REQUEST TO SET PUBLIC HEARING FOR TUESDAY, MARCH 15, 2022 FOR CASE 22-06: REZONING REQUEST AT 513 BORDERS ROAD FROM RESTRICTED RESIDENTIAL (RR) TO RESIDENTIAL MANUFACTURED HOME PARKS (RMV)**

Parcel 21939 is a 1.96-acre tract belonging to Dustin and Amber Smith located at 513 Borders Road. The applicants are requesting to rezone the parcel from Restricted Residential (RR) to Residential Manufactured Home Parks (RMV). Surrounding zoning is a mixture of Restricted Residential (RR), Residential (R), Residential...
Manufactured Home Parks (RMV) and General Business (GB) along Oak Grove Road. Surrounding uses are mostly single-family dwelling residential uses with a manufactured home park across Borders Road. The Land Use Plan defines this area as Future Primary Growth, which does support single family residential development. The allowable uses in the proposed zoning district are compatible with surrounding existing uses and the rezoning request is in line with the Land Use Plan.

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

**LEGAL DEPARTMENT: SALE OF COUNTY OWNED PROPERTY – PARCELS 51976 & 26693**

Parcel 51976 is located at 202 Blazer Street in Shelby and has no residential structures on the property. Cleveland County acquired this property from the United States Marshal in 1998 and has incurred no cost in the acquisition of this property.

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Amount Offered</th>
<th>Tax Value</th>
<th>Year Acquired</th>
<th>County Cost</th>
<th>Net To County</th>
</tr>
</thead>
<tbody>
<tr>
<td>51976</td>
<td>$2,500.00</td>
<td>$4,725.00</td>
<td>1998</td>
<td>0</td>
<td>$2,500.00</td>
</tr>
</tbody>
</table>

Parcel 26693 is located on Country Club Road in Shelby and has no residential structures on the property. Cleveland County acquired this property through foreclosure proceedings in 2014 and has incurred costs in the amount of $15,645.00 for taxes and interest, attorneys’ fees, court cost and advertisement fees.

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Amount Offered</th>
<th>Tax Value</th>
<th>Year Acquired</th>
<th>County Cost</th>
<th>Net To County</th>
</tr>
</thead>
<tbody>
<tr>
<td>26693</td>
<td>$17,000.00</td>
<td>$35,595.00</td>
<td>2014</td>
<td>$15,645.00</td>
<td>$1,355.00</td>
</tr>
</tbody>
</table>

North Carolina General Statute § 153A-176 authorizes the County to dispose of property according to the procedures proscribed in Chapter 160A, Article 12 of the General Statutes. North Carolina General Statute § 160A-269 states the County may receive an offer to purchase property and advertise it for upset bids.

**ACTION:** Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, **approve the offer made on parcel 51976 and parcel 26693 and authorize County staff to advertise and open the upset bid(s) process.**
BOARD OF EQUALIZATION AND REVIEW

North Carolina General Statute § 105-322 authorizes the Board of Commissioners to appoint a Special Board of Equalization and Review to examine and review the listings and valuations assigned to property located in Cleveland County, hear property owners’ appeals concerning property listings, valuations and make adjustments and necessary changes to ensure that valuations meet standards established by State law. In appointing such a special board, the Board of Commissioners must provide for its membership, qualifications, terms of office, and the filling of vacancies on that board.

Members must be residents of Cleveland County who are familiar with the powers and duties of the Board of Equalization and Review as set forth in North Carolina General Statute § 105-322(g). Each County Commissioner
will nominate one member of the special board, however, a majority of the Board of Commissioners may reject the nomination of any one member of the Board of Commissioners and nominate a substitute. Appointment of members of the special board, as well as designations of the chairperson, will take place no later than the first scheduled meeting of the Board of Commissioners in March. Vacancies will be filled by the Board of Commissioners, and an individual appointed to fill a vacancy will serve until the end of the un-expired term. There is no limit on the number of terms that an individual can serve as a board member or alternate.

6. APPOINTMENT OF ALTERNATE MEMBERS
   a. Prior to adjournment of the Special Board’s first meeting of each calendar year, its members shall, by majority vote of all members, select two additional individuals meeting the qualifications provided in Section 3, above, and shall then submit the names of those individuals to the Clerk to the Board.
   b. The Clerk to the Board of Commissioners shall, at the next available meeting of the Board of Commissioners, present the names of the nominated alternate members to the Board, who shall then either appoint one of both individuals as alternates, or request the Special Board provide the name(s) of different individual(s) for their consideration and appointment as alternates. The Board of Commissioners may at any time disregard or overrule the nominations of the Special Board and select the alternates to the Special Board.

7. VACANCIES
   a. Vacancies shall be filled by the Board of Commissioners, with individuals qualified as described in Section 3, above. An individual appointed to fill a vacancy shall serve until the end of the un-expired term.
   b. Any member appointed by the Board of Commissioners, other than a sitting commissioner, may be removed from the Special Board by the Board of Commissioners with or without cause. A vacancy caused by such removal shall be filled as set forth above.
   c. Any Commissioner serving as a member of the Special Board may vacate his/her seat by requesting that the Board of Commissioners appoint a replacement. Such Commissioner shall continue in service as the Special Board until such time as a qualified individual can be appointed by the Board of Commissioners to fill the vacancy caused by the Commissioner’s resignation, as set forth above.
   d. Vacancies among alternate members shall be filled in the manner described in Paragraph 6, above, with the Special Board making its appointment under subsection (a) at its first meeting following the occurrence of a vacant seat for an alternate member. An individual appointed to fill such a vacancy shall serve until the end of the un-expired term.

b. Two alternate members shall also be appointed, either or both of which may serve at the chairperson’s request in the place of any regular member during such regular member’s absence.

c. There (3) members shall constitute a quorum.

3. QUALIFICATIONS
   Each member of the Special Board shall:
   a. Be a resident of Cleveland County;
   b. Be familiar with the powers and duties of the Board of Equalization and Review as set forth in N.C.G.S. § 105-322(g).

4. TERM OF OFFICE
   a. The term of office for each regular member of the Special Board shall be one (1) year.
   b. The term of office for each alternate member of the Special Board shall be one (1) year.

5. APPOINTMENT OF MEMBERS
   a. Each County Commissioner shall have the opportunity to nominate one (1) member of the Special Board.
   b. A majority of the Board of Commissioners may reject the nomination of any one member thereof and nominate a substitute.
   c. Appointment of members and designation of the chairperson of the Special Board shall be made by the Board of Commissioners from the list of nominees presented by the Clerk to the Board of Commissioners no later than the first scheduled meeting of the Board of Commissioners in March.
   d. A Commissioner shall serve as a member of the Special Board by either submitting his/her own name in lieu of some other qualified individual, by failing to submit the name and address of a qualified nominee to the Clerk to the Board prior to the meeting at which the Board of Commissioners appoints members to the Special Board, or by having his or her nominee rejected by a majority of the Board of Commissioners.
Chairman Gordon recognized Planning Director Chris Martin to present Planning Case 22-01; request to rezone parcel 10480 at 1572 Long Branch from Light Industrial (LI) to Heavy Industrial (HI). Parcel 10480 is a 41.94-acre tract, belonging to McCree Holding Company, LLC. The applicant is asking to rezone the parcel from Light Industrial to Heavy Industrial (HI). A Heavy Industrial (HI) zoning accommodates assembling uses, fabrications and manufacturing uses; Light Industrial (LI) zoning is for general businesses and some textile uses. The surrounding zoning is a mixture of Heavy Industrial (HI), Light Industrial (LI), General Business (GB), Residential (R) and Manufactured Home Parks (MH). The Land Use Plan defines this area as Future Primary Growth Area, which would support high intensity industrial uses. This rezoning request is in line with the Land Use Plan.

The Planning Board voted unanimously to approve the proposed rezoning request from Light Industrial (LI) to Heavy Industrial (HI). The Board felt the requested amendment was consistent with the Land Use Plan’s designation of Future Primary Growth Area and Heavy Industrial (HI) uses will be compatible with the surrounding area.

Chairman Gordon opened the Public Hearing at 6:15 pm for anyone wanting to speak for or against Planning Case 22-01; request to rezone parcel 10480 at 1572 Long Branch from Light Industrial (LI) to Heavy Industrial (HI). (Legal Notice was published in the Shelby Star on Friday, January 21 and Friday, January 28, 2022).

Michael Aho, 101 Bryant Street, Belmont – is a McCree Holding Company representative and spoke in favor of the rezoning request.

Hearing no further comments, Chairman Gordon closed the Public Hearing at 6:17 pm.

Chairman Gordon opened the floor to the Board for discussion and questions. Commissioner Bridges commented, “there appears to be no opposition from surrounding neighbors and businesses.”

**ACTION:** Commissioner Bridges made a motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, **approve the request to rezone parcel 10480 at 1572 Long Branch from Light Industrial (LI) to Heavy Industrial (HI). The amendment is consistent with the Land Use Plan’s designation of Future Primary Growth Area and Heavy Industrial (HI) uses will be compatible with the surrounding area.**
REGULAR AGENDA

HEALTH DEPARTMENT AND SOCIAL SERVICES CO-LOCATION AND FINANCING AWARD

Chairman Gordon called Assistant County Manager Kerri Melton to the podium to present information on the Health Department and Social Services co-location and financing award. Mrs. Melton reviewed, to the Board, the project vision, pre-construction planning, the construction bids, completion timeline and financing. Mrs.
Melton stated she would be requesting two items of action. The following information and PowerPoint were presented to Commissioners.
ACTION: Commissioner Whetstine made a motion, seconded by Commissioner Bridges, and unanimously adopted by the Board to, approve awarding the construction bid to Beam Construction in the amount of $2,382,000.00.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Hardin, and unanimously approved by the Board to, adopt the financing contract with Capital One Public Financing.

CLOSING REMARKS

Tiffany Hansen, Health Department Director, gave a brief update to the Board regarding COVID-19 cases in Cleveland County.
ADJOURN

There being no further business to come before the Board at this time, Commissioner Hardin made a motion, seconded by Commissioner Whetstone and unanimously adopted by the Board, to adjourn. The next meeting of the Commission is scheduled for Thursday, February 24, 2022 at 12:30 p.m. at the Cleveland County Health Department located at 200 S. Post Road, Shelby for a Commissioners Work Session.

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

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Kevin Gordon, Chairman  
Cleveland County Board of Commissioners