The Cleveland County Board of Commissioners met in a regular session on this date, at the hour of 6:00 p.m. at the LeGrand Center located at 1800 E. Marion Street, Shelby.

**PRESENT:**  
Doug Bridges, Chairman  
Deb Hardin, Vice-Chair  
Johnny Hutchins, Commissioner  
Ronnie Whetstine, Commissioner  
Kevin Gordon, Commissioner  
Tim Moore, County Attorney via electronic  
Brian Epley, County Manager  
Phyllis Nowlen, Clerk to the Board  
Kerri Melton, Assistant County Manager  
Tommy McNeilly, Emergency Medical Services Director  
Tiffany Hansen, Health Department Director  
Sherry Lavender, Tax Assessor  
Jason Falls, LeGrand Center Director  
Stori McIntyre, E911 Communications Director  
Perry Davis, Emergency Management Director/Fire Marshal  
Colt, Farrington, Building Inspections Lead  
Martha Thompson, Deputy County Attorney  

**CALL TO ORDER**

Chairman Bridges called the meeting to order and invited anyone from the audience to lead the Pledge of Allegiance and provide the invocation.

Steve Padgett, Small Business Center 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.

**SPECIAL PRESENTATION**

**NATIONAL PUBLIC HEALTH WEEK 2021**

Chairman Bridges called Tiffany Hansen, Health Department Director, to the front to speak about National Public Health Week. Mrs. Hansen stated over the course of the last 150 years, public health has been impacting community health through the country. This year it is important to celebrate public health week’s focus on resiliency and commitment to the community due to the COVID-19 pandemic. Mrs. Hansen was shared the “Healthy NC 2030 Scorecard for Cleveland County,” which was given to each Commissioner. Board members thanked Mrs. Hansen for the information and the continued hard work she and her department continue to due for the citizens of Cleveland County. The following proclamation was presented to Mrs. Hansen.
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK 2021

Chairman Bridges recognized Stori McIntyre, E911 Communications Director, to talk about National Public Safety Telecommunicators Week. The week of April 11 – 17, 2021 is National Public Safety Telecommunicators Week. This is an important week for telecommunicators as they are the unseen first responders. Board members thank Mrs. McIntyre and her staff, who were in attendance, for their dedication and commitment to the safety of Cleveland County’s residents and first responders. The following proclamation was presented to the E911 Communications staff.
CITIZEN RECOGNITION

No one registered to speak.

CONSENT AGENDA

APPROVAL OF MINUTES

The Clerk to the Board included the Minutes from the February 2 and March 16, 2021 regular meeting, 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 ADMINISTRATION: LATE APPLICATIONS FOR EXEMPTION

Per North Carolina General Statute 105-282.1 every owner of property claiming exemption or exclusion from property taxes under the provisions of this Subchapter has the burden of establishing that the property is entitled to it. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the
Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. Applications submitted would have otherwise be eligible for 2021 had they been sent in on time.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the late applications for exemption as submitted by the Tax Assessor.

**SOLID WASTE: BUDGET AMENDMENT (BNA #052)**

**ACTION:** Commissioner Gordon 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>054.474.4.350.00</td>
<td>SW-Manned Sites/State Government Grants</td>
<td>$28,819.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>054.474.5.422.00</td>
<td>SW-Manned Sites/Contracted Labor</td>
<td>$28,819.00</td>
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</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $28,819 for grant funds received from the North Carolina Department of Environmental Quality (NCDEQ) Waste Management Division to be utilized for the Electronic Waste Program to manage discarded computer equipment, televisions and other electronic devices. Funds will be used to offset labor from CVI working on these electronic wastes.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #053)**

**ACTION:** Commissioner Gordon 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>
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</thead>
<tbody>
<tr>
<td>012.533.4.310.85</td>
<td>Adult Health/Fed Govt Grant-BCCCP-SCR</td>
<td>$8,125.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>012.533.5.490.00</td>
<td>Adult Health/Salaries-Wages Reg</td>
<td>$8,125.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $8,125 due to the North Carolina Department of Health and Human Services (NCDHHS) allocating these additional funds to increase screenings available to program eligible women. The funds will be used in professional services to cover doctor visits, labs, etc. in the Adult Health Department.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #054)**

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

<table>
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<th>Account Number</th>
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<th>Increase</th>
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<tr>
<td>012.533.4.310.20</td>
<td>Adult Health/Fed Govt COVID19 Vaccination</td>
<td>$274,252.00</td>
<td></td>
<td></td>
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<tr>
<td>012.533.5.121.00</td>
<td>Adult Health/Salaries-Wages Reg</td>
<td>$274,252.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $274,252 in additional funds received from the North Carolina Department of Health and Human Services (NC DHHS) to assist local health departments to administer COVID-
19 mass vaccination clinics. These funds will be utilized to cover salary/fringe for staff that are assisting with drive-thru clinics to enhance support of COVID-19 vaccination administration to the community.

**HEALTH DEPARTMENT: BUDGET AMENDMENT (BNA #055)**

**ACTION:** Commissioner Gordon 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>
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<tbody>
<tr>
<td>012.543.4.410.00</td>
<td></td>
<td>Health Dept Grants/Local Grants-Revenue</td>
<td>$52,772.00</td>
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<tr>
<td>012.543.5.121.00</td>
<td></td>
<td>Health Dept Grants/Salary-Regular</td>
<td>$19,440.00</td>
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<tr>
<td>012.543.5.210.00</td>
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<td>Health Dept Grants/Departmental Supplies</td>
<td>$250.00</td>
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<tr>
<td>012.543.5.211.00</td>
<td></td>
<td>Health Dept Grants/Controlled Property</td>
<td>$1,549.00</td>
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<tr>
<td>012.543.5.370.00</td>
<td></td>
<td>Health Dept Grants/Advertising-Promotions</td>
<td>$17,084.00</td>
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<tr>
<td>012.543.5.910.00</td>
<td></td>
<td>Health Dept Grants/Capital Equipment</td>
<td>$14,449.00</td>
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</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $52,772 in additional grant funds received through the Hospice Foundation. The grant monies will be used for a comprehensive community education campaign for promotion of vaccine clinics and the importance of vaccines to residents of Cleveland County and will include development of billboards, signage, banners, incentives, podcasts and utility trailer.

**REGISTER OF DEEDS: BUDGET AMENDMENT (BNA #056)**

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

<table>
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<th>Department/Account Name</th>
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</thead>
<tbody>
<tr>
<td>010.419.4.810.00</td>
<td></td>
<td>Register of Deeds/Donations- Contribution</td>
<td>$30.00</td>
<td></td>
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<tr>
<td>010.419.5.790.00</td>
<td></td>
<td>Register of Deeds/Donations- Contribution</td>
<td>$30.00</td>
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</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $30 in donations received by the Register of Deeds office. Funds will be used towards a luncheon for the Register of Deeds staff.

**EMERGENCY MANAGEMENT: BUDGET AMENDMENT (BNA #057)**

**ACTION:** Commissioner Gordon 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>010.495.4.410.00</td>
<td></td>
<td>Cooperative Extension/Local &amp; Other Grants</td>
<td>$6,100.00</td>
<td></td>
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<tr>
<td>010.495.5.460.00</td>
<td></td>
<td>Cooperative Extension/Dues-Subscriptions</td>
<td>$3,600.00</td>
<td></td>
</tr>
<tr>
<td>010.495.5.700.00</td>
<td></td>
<td>Cooperative Extension/Grants</td>
<td>$2,500.00</td>
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</tr>
</tbody>
</table>

**Explanation of Revisions:** Budget allocation for $6,100 in grant funding from the Foothills Farmers Market for Visit NC Farm application and received from the Isothermal Planning and Development Commission for the Broad River Grandparents Raising Grandchildren and Kinship Program.

**COMMISSIONERS: CALL BEFORE YOU DIG PROCLAMATION**

Proclamation in support for "April Safe Digging Month." NC811 is trying to get the message out to the community to Call 811 before you dig as more and more utilities are going into the ground every day.
LEGAL: BUILDING INSPECTOR’S JOINT RESOLUTION

There is a 16 acres area of land that has been put in trust with a proposed building inside a project site and the surrounding property in the Kings Mountain ETJ. It will be the responsibility of Cleveland County to provide services in that area including building inspections. Under normal circumstances, Cleveland County would inspect the area inside while the City of Kings Mountain would inspect the area outside. Because this will be one building with the majority being inside of our jurisdiction, county staff has worked with city staff and determined that it would make more sense for Cleveland County to inspect the entire building. Kings Mountain City Council approved the joint resolution at their March 30, 2021 meeting.

ACTION: Commissioner Gordon made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the building inspector’s joint resolution with the City of Kings Mountain.
LEGAL: EMS FRANCHISE AGREEMENT AMENDMENTS

Cleveland County grants franchises to local rescue squads that authorize them to provide ambulance services in the County. Staff are currently working with each of the local rescue squads to update the existing franchise agreements. While this process is underway, staff propose executing an amendment to the franchise agreements.

The proposed amendment clarifies that the rescue squads are authorized to provide Advanced Life Support (ALS) level care. The amendment will expire on December 31, 2021 before which the County and the rescue squads expect to have new franchise agreements in place. (copy found on page(s) __________, Minute Book_________).

 ACTION: Commissioner Gordon made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to approve the Emergency Medical Services franchise agreement amendments.

PUBLIC HEARINGS

PLANNING DEPARTMENT: CASE 20-08; REZONE MULTIPLE PARCELS FROM RESIDENTIAL (R) TO RESTRICTED RESIDENTIAL (RR) CONTINUATION

Chairman Bridges called Chris Martin, Senior Planner, to the podium to present Planning Case 20-08; Rezone multiple parcels from Residential (R) to Restricted Residential (RR) continuation from the December 15, 2020 regular Commissioners meeting. Mr. Martin reintroduced a request Planning staff received to rezone multiple...
parcels, totaling 2,200 acres, from Residential (R) to Restricted Residential (RR). The petitioner is asking the Board of County Commissioners to consider rezoning 176 continuous parcels totaling 2,200 acres to Restricted Residential (RR). This area is located in Riverhill Road, between Burke Road and Buck Ford Road. The petition contains 131 parcels signing the request, for a 74% signature rate. At the December 15, 2020 Commissioner meeting, the Board was reminded they heard Planning staff’s presentation, held a public hearing for landowner’s comments and voted to continue the hearing until the April 6, 2021 Commissioner meeting so the petition could be more thoroughly evaluated. North Carolina General Statute 153A-341 requires that local government boards adopt a consistency statement showing that the decision it makes fits in with the land use plan or if not, is reasonable and has a public interest.

The surrounding uses are mostly single-family dwellings. The zoning district in this area is mostly Residential (R) with Restricted Residential (RR) abutting the northeast section of the requested parcels. The Land Use Plan calls this area Future Residential. Restricted Residential allows for stick built and modular homes, as well as some other nonresidential uses like churches. Residents have expressed an interest in keeping this area for single family residential uses.

- Acreage of those who signed: 1,796 acres, 82% of total
- Stick Built Homes: 65, 53 owned by those who signed, 82% total
- Manufactured Homes: 5, all owned by non-supporters
- Vacant Land: 113 total parcels, 88 signed, 78% of total
- Restricted Residential (RR) uses reflect the current land use of the area
- Rezoning to Restricted Residential allows the landowners to maintain the area’s use as single family residential.

The Cleveland County Planning Board voted 4-1 to recommend approving the rezoning request from Residential (R) to Restricted Residential (RR). The Board felt that the proposed rezoning would be an extension of an already existing zone and the proposed rezoning was compatible with existing property uses in the area.
Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hutchins asked, “How many parcels in the rezoning request would be out of zoning compliance if approved?” Mr. Martin advised there were not very many. Commissioner Hardin asked Mr. Martin to explain the differences in zoning restrictions between Residential (R) and Restricted Residential (RR). The following information was reviewed to the Board.
Commissioner Gordon stated, for clarification, that RV Parks and Mobile Home Parks were not allowed in Restricted Residential (RR) areas; Mr. Martin replied that was correct, they are not. Commissioner Gordon continued by asking, “are RV Parks and Mobile Home Parks are allowed in Residential (R) districts as long as there is an approved Conditional Use Permit (CUP) issued by the Board of Adjustment?” Mr. Martin stated, “that was also correct. Any additional rezoning such as changing a district to an RV Parks and Mobile Home Parks would need approval from the Board of Adjustment.”

Commissioner Gordon continued, “the BOA is a quasi-judicial board where cases presented are black or white, they are a judiciary type board, there is no political opinions or hypothetical proposals; they only hear facts about a case.” Mr. Martin responded, “that was correct. The BOA is a quasi-judicial board and they are given criteria from a state guideline on what they can base their decisions on. They have to hear comments and facts about a proposed request and they can only base their decision on what evidence they’ve heard and seen in that hearing.”

Chairman Bridges opened public comment at 6:30 pm for anyone wanting to continue to speak for or against Planning Case 20-08; Rezone multiple parcels from Residential (R) to Restricted Residential (RR) (Original Legal Notice was published in the Shelby Star on Friday, December 4 and Friday, December 11, 2020).

Peggy Baker, 1624 Riverhill Drive, Shelby – spoke in support of rezoning request. She and her family have lived in the area her entire life. She voiced her concerns regarding the preservation and safety of the
community if a mobile home park were to be built in the neighborhood. Ms. Baker stated there are 22 people from
the neighborhood in attendance to show their support for the rezoning request.

Phil Piercy, no address given – spoke in support of the rezoning request. He stated there has been much
discussion in the community about this rezoning request. The request is not to target any one individual but to
preserve the community they live in. The neighbors do not want businesses or an RV park in the neighborhood.

Chris Turner, 1419 Mount Zion Church Rd., Shelby – spoke in support of the rezoning petition. He
stated he likes the community the way it is and echoed the previous comments of those in support of rezoning the
area to Restricted Residential (RR). He thanked Commissioners for listening to everyone’s opinion concerning the
rezoning case and the work they do to preserve the county.

Hearing no further comments, Chairman Bridges closed the Public Hearing at 6:42 pm.

Chairman Bridges opened the floor to the Board for questions and discussion. Commissioner Hardin asked
Mr. Martin to review the standards of what is and isn’t allowed in mobile home parks. Mr. Martin explained the
County has in place a Manufactured Home Ordnance and any CUPs for a mobile home park would be issued by
the BOA and do require a public hearing. There are also development standards for mobile home parks such as
access in and out of the park and only three mobile homes are allowed on a one-acre parcel of land. Cleveland
County also has a Minimum Housing Ordinance that would address any home, whether it be a stick built or mobile
home, on dilapidations conditions or safety concerns. If a permit is granted for a mobile home park, the owner
would then have to have proper permits issued and inspections completed before any homes go on site. Once a
home is placed on the property, the owner must keep the dwelling up to minimum housing codes.

Chairman Bridges asked about mobile homes that are over 25 years old. Mr. Martin stated as long as the
home meets the Minimum Housing Code and passing building inspections, they would be allowed. Each home has
standards that must be met and kept. If there is a home that is older than 25 years and is being lived in, that home
is “grandfathered” in, the ordinance allows those homes to be relocated as long as they are being occupied. If a
home is older than 25 years and is abandoned for more than 180 days, the owner loses the “grand-father” status.
Commissioner Whetstine commented on the non-conforming units that are already in the rezoning request area
who are “grandfathered” in. Commissioners continued their discussion regarding the various permits, guidelines
and standards that are required for a mobile home to be placed on a piece of property.

ACTION: Commissioner Hutchins made a motion, seconded by Commissioner Whetstine, and passed (4 -1,
Commissioner Gordon opposed) by the Board to, deny the request to rezone multiple parcels from Residential (R)
to Restricted Residential (RR).

REGULAR AGENDA

CASAR ELEMENTARY LEASE

Chairman Bridges called Tommy McNeilley, Emergency Medical Services Director, to the podium to present
the Casar Elementary Lease. Cleveland County Schools has proposed to lease property to Cleveland County near
Casar Elementary School for use as an Emergency Medical Services (EMS) base. Pursuant to the agreement, the County would lease property for such a base from the schools for one dollar per year for an initial term of ten years. At the end of this initial term, if the lease is not terminated, it will automatically renew for periods of one year. Either party can terminate the lease at any time on 90 days’ prior notice to the other party. The lease contains a number of standard terms found in most leases of similar real property, but the main point is that the County would be able to use the property for an EMS base. This lease is authorized by North Carolina General Statute §160A-274, which allows counties, public schools, and other units of North Carolina government to lease property to one another on terms that they deem wise. The following information and PowerPoint were present to the Board.

**Cleveland County EMS Casar Base**

**Why Casar?**
- 5.5 miles south of North Carolina line
- Located on the grounds of Casar Elementary School
- Easy access to I-85

**Project Details....**
- No additional budget funding
- $46,275.00 building/delivery/installation (80%)
- $19,400.00 architectural services/survey/furniture (20%)
- $5,000.00 vehicle parts/signal
- Estimated total: $70,675.00

**The Structure**
- 24'x44' modular structure like current Polkville Base
- External restroom w/ shower

**Board Considerations**
- 1) Approve or deny Casar EMS Capital Expansion Project
- 2) Approve or deny location on Casar Elementary and proposed operating lease with CCS.

**ACTION:** Commissioner Hutchins made the motion, seconded by Commissioner Gordon, and unanimously adopted by the Board to, approve the Casar EMS Capital Expansion Project.

**ACTION:** Commissioner Gordon made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board to, approve the location on Casar Elementary and proposed operating lease with Cleveland County Schools. (copy found on page(s) __________, Minute Book________).
BOARD APPOINTMENTS

CLEVELAND COUNTY VETERAN’S ADVISORY BOARD

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to appoint Brandon Ruppe to serve as a member of this board, filling the unexpired term of Noah Saldo whose term is set to conclude December 31, 2022.

REGION C WORKFORCE DEVELOPMENT BOARD

ACTION: Commissioner Gordon made the motion, seconded by Commissioner Hardin, and unanimously adopted by the Board, to appoint Brandon Ruppe to serve as a member of this board, for a period of three-years, scheduled to conclude July 1, 2024.

CLOSED SESSION

ACTION: Commissioner Whetstine made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board, to go into closed session per North Carolina General Statute § 143-318.11(a)(3) to preserve the attorney-client privilege to discuss the lawsuits of Kline versus Cleveland County and Winter versus Norman with its attorneys. (Copy of closed session minutes are sealed and found in Closed Session Minute Book).

RECONVENE IN REGULAR SESSION

ACTION: Commissioner Hardin made the motion, seconded by Commissioner Hutchins, and unanimously adopted by the Board to, reconvene in open session.

Chairman Bridges stated the following, “the Board has conferred with its attorneys as to the litigation matters of Kline versus Cleveland County and Winter versus Norman and the Board has provided instructions to its attorneys.”

ADJOURN

There being no further business to come before the Board at this time, Commissioner Gordon made a 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, April 20, 2021 at 6:00 p.m. in the Commissioners Chambers.

________________________
Doug Bridges, Chairman
Cleveland County Board of Commissioners

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